# Before the Fair Work Commission

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| **Case number:**  | [Insert case number] |
| **Case name:**  | [Insert name of case] |
| **Date:**  | [Insert date statement signed] |
| **Name of witness:**  | [Insert full name] |
| **Occupation:**  | [Insert occupation or job title] |

## Witness statement of [name of witness]

I, [full name of witness], of [insert address] make the following statement to the best of my knowledge and belief:

## Background

1. [Describe your position and role, how long you have been working etc].

## Evidence

**[Topic subheading if relevant]**

1. [State your evidence. Use numbered paragraphs]

The above Statement is true to the best of my knowledge and belief. This is the evidence I am prepared to give before the Fair Work Commission.

* [Sign and date your witness statement]
* [Signature]
* [Full name]
* [Date]

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| This template is designed to help you prepare for a hearing or conference at the Fair Work Commission. You do not have to use this template. Information provided with this template is general in nature and should not be considered legal advice.  |

## Tips for completing your witness statement

* Start by saying who you are and explaining your relationship to the case.
* Stick to the facts of what you personally saw, heard, said and did.
* Set out events in chronological order (describe what happened in the order that it occurred).
* Be specific about times, places, people, and actions.
* If you are not sure of the exact date something occurred, use the phrase ‘on or about’. **Example**: *On or about 5 June 2025, Joan came into my office.*
* Write conversations in the first person.
**Example**: *I said ‘I'll email you the details’.*
* If you are unsure of the exact words said, use the phrase ‘words to the effect of’. **Example**: *- She said words to the effect of ‘Don’t worry, I quit’.*
* Attach documents that you mention in the statement, or that support what you are saying. Explain what the document is and label it with a letter.
**Example**: *- On 1 March 2025, I received an email from Jan Smith. A copy of that email is attached and marked ‘A’.*
* Don’t include:
	1. hearsay (what other people heard) or workplace gossip
	2. assumptions or speculation. If you don’t remember something, say so.
	3. personal opinions or character references
	4. statements about legal principles or why the case should be decided in your favour (these belong in your submissions not your witness statement)
* Make your witness statement easy to read:
	1. use numbered paragraphs
	2. use sub-headings if your statement deals with more than one topic or event
	3. keep it concise and to the point - longer is not better!
	4. proofread – fix spelling mistakes, punctuation etc.
* Make sure you sign and date your witness statement when completed.

## Legal advice

The Commission cannot provide legal advice.

Parties may choose to get their own independent legal advice if they wish.

Eligible employees and small business employers may be able to get up to 1 hour of free legal advice through our [Workplace Advice Service](https://www.fwc.gov.au/apply-or-lodge/legal-help-and-representation/legal-advice-workplace-advice-service).

 Other options may include:

* [Community legal centres](https://clcs.org.au/) in your area.
* the law institute or law society in your state or territory, who can refer you to a lawyer who specialises in workplace law.
* Your union or employer organisation, who may be able to help you.

For more options visit [www.fwc.gov.au/legal-help](http://www.fwc.gov.au/legal-help)

## Other useful resources

* [Preparing for a Hearing online module](http://Learn.fwc.gov.au/hearings)
* [Preparing for a hearing guide](http://www.fwc.gov.au/documents/resources/hearing-guide.pdf)
* [Outline of submissions template](http://www.fwc.gov.au/documents/resources/outline-of-submissions-template.docx)
* [Document list template & filing checklist](http://www.fwc.gov.au/documents/resources/document-list-template-filing-checklist.docx)
* [Case law Benchbooks](http://www.fwc.gov.au/benchbooks)