

Sample Affidavit

This is a sample. It is important to complete this form with your own details and based on your own circumstances. If you need more help get legal advice.

FEDERAL CIRCUIT COURT OF AUSTRALIA

REGISTRY: SYDNEY

File number: **(P)SYG001/2013**

COURT USE ONLY

Court
Location

Court date

Court time

Erich Johansson
Applicant

Steelrod Pty Ltd
Respondent

AFFIDAVIT

Name of deponent: Erich Johansson

Date sworn / affirmed: 8 August 2013

I, Erich Johansson of Unit 12/5 Example Street, Redfern, NSW 2016 and Storeperson affirm:

1. I am the applicant.
2. On 6 September 2012 I was offered a job by Rod Steel, the director of the respondent, as a storeperson, working for the respondent.
3. On 10 September 2012 I signed a contract of employment ("the contract") with the respondent. Annexed and marked "A" is a copy of the contract.
4. On 11 January 2013, I had a conversation with Rod Steel. He said words to the effect of: "Erich,

Filed on behalf of The applicant

Prepared by Erich Johansson

Lawyer's code _____

Name of law firm _____

Address for service in Australia Unit 12, 5 Example Street, Redfern

State NSW

Postcode 2106

Email ej@emailaddress.com.au

DX _____

Tel 02 9111 0000

Fax _____

Attention _____

Sample only. This is not legal advice.

can you work tomorrow?"

5. I understood Rod Steel's reference to "tomorrow" to mean Saturday 12 January 2013.
6. I said: "No problem."
7. On Saturday 12 January 2013 I attended and worked for 8 hours.
8. On 17 January 2013, the respondent deposited my pay for the preceding two weeks into my bank account.
9. On the same day I checked my pay slip. My payslip indicated that I had been paid at my normal hourly rate for Saturday 12 January 2013. Annexed and marked "B" is a copy of the pay slip.
10. On 17 January 2013 I had a conversation with my supervisor Gary Irons. I said words to the effect: "Gary, I wasn't paid enough for the work I did on Saturday. I thought I was entitled to be paid at the rate of one and a half my normal hourly rate. I was only paid at my normal rate."
11. He said words to the effect: "That doesn't sound right. You should get extra for working Saturdays. Let me check it out and get back to you."
12. On 18 January 2013, I arrived for work at 8am. At about 9am, Gary Irons and I had a conversation. He said words to the effect of: "I'm sorry Erich, but we have to let you go."
13. I said: "Why, what did I do wrong?"
14. Gary Irons said words to the effect of: "You shouldn't have complained about being underpaid. Everyone else who works on Saturdays just accepts the normal pay rate. But you complained and the boss told me to get rid of you. You have to collect your things and leave today."
15. I understood Gary Irons reference to "the boss" to mean Rod Steel, the director of Steelrod Pty Ltd.

Affirmed by the deponent

at (place) **Newtown**

on (date) **8 August 2013**

Erich Johansson

Signature of deponent

Before me:

Ray Lawman

Signature of witness

Full name of witness: **Ray John Lawman**

Qualification of witness: **Solicitor**