

Affidavit

Family Law Rules 2021 – RULE 8.15
General Federal Law Rules 2021 – RULE 4.04

COURT USE ONLY

Filed in:

- Federal Circuit and Family Court of Australia
 Family Court of Western Australia
 Other (specify)

Type of proceedings:

- Family law proceedings
 Migration proceedings
 General federal law proceedings
 Other (specify)

Filed on behalf of:

Full name: Kim-Ly Geun

Client ID _____

File number _____

Filed at _____

Filed on _____

Court location _____

Court date _____

Name of person swearing/affirming this affidavit (SEE PART C)

Kim-Ly Geun

Date of swearing/affirming 24/01/20XX

Part A About the parties

APPLICANT 1

Family name (as used now)/ Title/Organisation

Geun

Given names (as required)

Kim-Ly

RESPONDENT 1

Family name (as used now)/ Title/Organisation

Tasty Food Pty Ltd

Given names(as required)

APPLICANT 2

Family name (as used now)/ Title/Organisation

Given names (as required)

RESPONDENT 2

Family name (as used now)/ Title/Organisation

Given names (as required)

What is the contact address (address for service) in Australia for the party filing this affidavit?

You do not have to give your residential address. You may give another address at which you are satisfied that you will receive documents. If you give a lawyer's address, include the name of the law firm. You **must** also give an email address.

12 Lane Street Oldtown

State NSW Postcode 2111

Phone 0512 888 XXX

Lawyer's code _____

Email kim@coldmail.com

Part B About the independent children's lawyer (if appointed)

Independent children's lawyer family name

Given names

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Firm name

--

Part C About you (the deponent)

What is your family name used now?

Your given names?

Geun

Kim-Ly

Gender

Male

Female

X

Usual occupation

Waiter

What is your address?

You do not have to give your residential address if you are concerned about your safety. You may give another address at which you are satisfied that you will receive documents.

12 Lane Street Oldtown

State **NSW**

Postcode **2111**

Part D Evidence

- Set out the facts divided into consecutively numbered paragraphs. Each paragraph should be confined to a distinct part of the subject matter.
- Attach extra page(s) if you need more space. Make sure that the page containing Part E is always the last page of the form. You and the witness to your affidavit must sign the bottom of each additional page.

1. **I am the applicant.**

2. **On or around 17 May 2010 I responded to an advertisement on the website Seek for a job as a waitress. I responded by calling the telephone number provided in the advertisement. I do not remember the telephone number. I spoke to a man named Franklin Mount and we arranged for me to come in and see him for an interview on 18 May 2010 at the respondent's business address.**

3. **On 18 May 2010, I went to 233 New Street, Surry Hills. I spoke to a man who introduced himself as Franklin Mount.**

4. **He said words to the effect: "Can you tell me what experience you've had?"**

I said: "I have worked in restaurants for two years. I have worked as a kitchen hand and as a dishwasher and I have done some waitressing".

K Geun

Signature of person making this affidavit (deponent)

Ray Lawman

Signature of witness

He said: "Why don't we give you a trial for a month and see how you work out?"

I said: "Okay. I can start in two weeks. Is that okay?"

He said: "That's fine. You will be employed under the Restaurant Industry Award. That has all the details about your pay and conditions. I'll send out a letter of offer and you just need to make sure it is returned to me by the 1st of June. I'll put you down for your first shift on the 2nd of June. You will work 3pm to 11.30pm, Monday to Thursdays, and 3pm to 12am Fridays, with a one hour meal break for each shift."

5. Annexed and marked "A" is a copy of the Restaurant Industry Award 2010.
6. On 25 May 2010 I received a letter of offer from the respondent.
7. On 1 June 2010 I returned the letter of offer, signed and dated, to Franklin Mount at the respondent's address, in person. Annexed and marked "B" is a copy of the signed letter of offer dated 1 June 2010.
8. On 2 June 2010 I began working with the respondent.
9. On 2 July 2010 Franklin Mount said to me words to the effect: "You've completed your trial. We'd like to keep you on."
10. On 22 December 2011 I was at work and Franklin Mount said to me words to the effect: "We've decided to close over the Christmas break for three weeks because I, and the chef, want to go on holidays. You won't be able to work over this period."
I said: "Are you going to pay me holiday pay?"
He said: "No we don't have to, because you're not the one asking for the time off. But don't worry, you can take holidays at another time."
11. I returned to work on 8 January 2012. I was not paid for the period I was not at work.
12. On 5 June 2012 I took four weeks leave. I returned on 4 July 2012. I was paid annual leave and 17.5% leave loading.
13. On 23 December 2012 I took three weeks leave. I was paid annual leave and 17.5% leave loading.
14. On 13 June 2013, at the respondent's address, Franklin Mount said to me words to the effect: "We don't need you anymore Kim. We've decided to make you redundant. Your last day will be in two weeks."
I said: "Why? What have I done wrong?"
He said: "No it's nothing like that, it's just that business has been really quiet and we just don't need you anymore."
I said: "That's really disappointing."

K Geun

Signature of person making this affidavit (deponent)

Ray Lawman

Signature of witness

He said: "I'll make sure I give you a real good reference. You won't have any problem finding work. You're a great worker."

15. On 27 June 2013 I worked my last day with the respondent. At the end of my shift, Franklin Mount said to me words to the effect:
"Thanks for all your hard work. Here is your reference and final pay slip."
16. Annexed and marked "C" is a reference letter from the respondent dated 27 June 2013.
17. Annexed and marked "D" is my final pay slip dated 27 June 2013.
18. Annexed and marked "E" is a copy of my bank statement for the period 1 June 2013 to 30 July 2013.
19. I have never received a letter of termination from the respondent.

K Geun

Signature of person making this affidavit (deponent)

Ray Lawman

Signature of witness

Part E Signature

I ~~swear~~ /affirm* the contents of this affidavit are true

K Geun
Signature of Deponent

Place **Newtown** Date **08/08/20XX**

RAY LAWMAN
Before me (signature of witness)

Ray John Lawman
Full name of witness (please print)

- Justice of the Peace
- Notary public
- Lawyer

* delete whichever is inapplicable

This affidavit was prepared / settled by deponent/s
 lawyer

PRINT NAME AND LAWYER'S CODE

Part F

Alternative jurat for non-English speaking affidavit

Use this alternative jurat for the swearing/affirming of the affidavit and the translator's certificate. See Rule 8.17 of the Family Law Rules or Rule 15.14 of the General Federal Law Rules.

Interpreter/translator's certification

I certify that I understand the English language and the language, and that I have truly interpreted to the deponent (named in Part C) the contents of this affidavit and the oath or affirmation which was administered.

Signature of interpreter

Date / /

Sworn*/affirmed* by the deponent through the interpretation of:

Interpreter's full name

Address

Language

Signature of Deponent

Place

Date / /

Before me (signature of witness)

Full name of witness (please print)

- Justice of the Peace
- Notary public
- Lawyer

* delete whichever is inapplicable

This affidavit was prepared / settled by deponent/s
 lawyer

PRINT NAME AND LAWYER'S CODE