Form CP50

Federal Court (Criminal Proceedings) Rule 9.08

Evidence Act 1995 section 67(1)

Notice of intention to adduce evidence of previous representation

No.       of 20

Federal Court of Australia

District Registry: [State]

Division: General

**Commonwealth Director of Public Prosecutions[or other as appropriate]**Prosecutor

**[Name of Accused]**Accused

[Change title for summary criminal proceedings (Form CP2) or criminal appeal proceedings (Form CP3)]

To [name of other party]

I, [party giving notice], give notice, under section 67(1) of the *Evidence Act 1995*, that I intend to adduce evidence of a previous representation and to argue that the hearsay rule does not apply to the evidence, in reliance on section 65(2) / 65(3) / 65(8)] of that Act.

**Evidence of previous representation**

The following particulars are required by regulation 5(2) of the Evidence Regulations 1995:

1. [(a) the substance of evidence of a previous representation that the notifying party intends to adduce. Note that regulation 5(6) applies if a previous representation is in writing].
2. [(b) the substance of all other relevant representations made by the person who made that previous representation, so far as they are known to the notifying party]
3. [(c) particulars of: (i) the date, time, place and circumstances at or in which each of the representations mentioned in paragraph (a) or (b) was made; and(ii) the names of the persons by whom, and the persons to whom, each of those representations was made... so far as they are known to the notifying party]

[Insert if applicable or delete]**Affidavit attached**

The attached affidavit sets out evidence of the previous representation.

Delete this section if previous representation was not in writing]**Attached document containing previous representation in writing**

As required by regulation 5(5) of the Evidence Regulations 1995:

* a copy of the document, or of the relevant portion of the document, containing the representation is attached to this notice;
* [if the identity of the document attached is not apparent on the face of the copy]the document is [identify document];
* [specify the representation evidence of which the notifying party intends to adduce unless that is specified in the document attached to this notice: see regulation 5(6)].

**Person not available to testify**

Particulars of the facts on the basis of which it is alleged that the person who made the representation is not available to testify concerning the fact to be proved by the evidence of the representation are:

[State particulars of the facts]

Date: [eg 19 June 20..]

|  |
| --- |
| Signed by [Name]  [Insert capacity eg For Commonwealth Director of Public Prosecutions / Accused / Lawyer for the Accused] |

*Note*

On the application of a party in a criminal proceeding, the court may make an order, on the terms it considers appropriate, directing the notifying party to disclose the address of any person named in a notice of previous representation. (Evidence Regulations 1995; regulation 5)