Form CP51

Federal Court (Criminal Proceedings) Rule 9.09

Evidence Act 1995 section 97(1)

Notice of intention to adduce tendency evidence

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 97(1) of the *Evidence Act 1995*, that I intend to adduce evidence of character, reputation, conduct or tendency to prove that [full name of person who it is alleged has, or had, the tendency] has, or had, a tendency to act in a particular way, or to have a particular state of mind.

**Evidence of tendency**

The following particulars are required by regulation 6(2) of the Evidence Regulations 1995:

1. [(a) the substance of the evidence of the kind referred to in section 97(1) of the Evidence Act 1995 that the party giving the notice intends to adduce; and]
2. [(b) if that evidence consists of, or includes, evidence of the conduct of a person, particulars of: (i) the date, time, place and circumstances at or in which the conduct occurred; and (ii) the names of each person who saw, heard or otherwise perceived the conduct ...so far as they are known to the notifying party].

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 a person named in a notice referred to in section 97(1) of the *Evidence Act 1995*.