Form 62

Rule 30.29(a)

Notice of intention to adduce evidence of previous representation

No.       of 20

Federal Court of Australia

District Registry: [State]

Division: [Division]

**[Name of First Applicant]** [if 2 or more add "and another" or "and others"]

Applicant[s]

**[Name of First Respondent]** [if 2 or more add "and another" or "and others"]

Respondent[s]

To: [full name of each other party]

I, [full name of party giving notice], give notice, under section 67 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 [\*either]subsection 63(2) [\*or]subsection 64(2) of that Act.

**Evidence of representations**

[As required by subregulation 5(2) of the Evidence Regulations, state: (a) the substance of (i) the evidence of the previous representation that is intended to be adduced; and (ii) any other relevant representation made by the person who made the previous representation, so far as it is known to the party giving the notice; and (b) so far as it is known: (i) the date, time, place and circumstances at or in which each representation mentioned in subparagraph (a)(i) or (ii) was made; and (ii) the name of each person by whom, each person to whom, the representation was made; and (iii) in a civil proceeding – the address of each person mentioned in subparagraph (ii).]

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 of previous representation.

[This requirement may be satisfied, in whole or in part, by referring to the relevant paragraph, or part of a paragraph, of an affidavit, in which case a copy of the affidavit must be attached.]

[\*Complete if you are relying on paragraph 63(2)(a) or (b) of the Evidence Act 1995. If not, delete this section.]
**Person not available to testify**

Particulars of the facts on the basis of which I allege 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]

[\*Complete if you are relying on paragraph 64(2)(a) or (b) of the Evidence Act 1995. If not, delete this section.]
**Claim of undue expense or delay or impractical**

[\*]It would cause [\*]undue expense [\*]undue delay

[\*]It would not be reasonably practicable to call the person who made the representation to give evidence

and particulars of the facts on which I will rely to establish [\*]that ground [/\*]those grounds are:

[state particulars of the facts].

Date: [eg 19 June 20..]

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| Signed by [Name][Insert capacity eg Respondent / Lawyer for the Respondent] |

[\* Delete if inapplicable]