Form 65

Rule 30.32

Notice of intention to adduce coincidence evidence

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 subsection 98(1) of the *Evidence Act 1995*, that I intend to adduce evidence of the occurrence of 2 or more related events to prove that, because of the improbability of the events occurring coincidentally, [full name of the person who it is alleged did a particular act, or had a particular state of mind], did a particular act or had a particular state of mind.

**Evidence required**

[As required by regulation 6 of the Evidence Regulations, state: (a) the substance of the evidence of the occurrence of 2 or more related events that the party giving the notice intends to adduce; and (b) so far as it is known:(i) the date, time, place and circumstances at or in which each event occurred; and (ii) the name of each person who saw, heard or otherwise perceived each event; 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 referred to in subsection 98(1) of the *Evidence Act 1995.*

**Evidence to establish improbability**

1. [Specify the substance of any evidence in addition to the evidence given above to be relied on to establish the improbability of 2 or more related events having occurred coincidentally.]
2. [Specify the particular act, or state of mind, sought to be proved by the evidence.]

Date: [eg 19 June 20..]

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