

## Supreme Court Rules 1937—Form 1.1B

(see o 1AB r 1)

### Notice of intention to adduce evidence of previous representation

In the Supreme Court of the Australian Capital Territory

\*[Criminal jurisdiction]

No \_\_\_\_\_ of (year)

(for civil matters)

(name/s)

Plaintiff[s]\*

(name/s)

Defendant[s]\*

(for criminal matters)

The Queen

and

(name of accused person)

To (name) of (address)

Under the *Evidence Act 1995* (Cwlth), section 67 (1), I, (name) give notice that I intend to adduce evidence of a previous representation.

I intend to rely on the *Evidence Act 1995* (Cwlth), section (specify particular provisions of division 2 relied on) in arguing that the hearsay rule does not apply to the evidence.

The substance of the evidence of a previous representation that I intend to adduce is as follows:

*(substance of that evidence—note that it is sufficient compliance to refer to an accompanying affidavit)*

*(if a copy of a document, or of a portion of a document, is attached to this notice, it is sufficient compliance to specify in the notice, or in the copy of the document or portion of the document attached to the notice, the representation evidence intended to be adduced—see the Evidence Regulations (Cwlth), reg 5 (6))*

The substance of all other relevant representations made by the person who made that previous representation, so far as they are known to me, is as follows:

*(substance of those other representations)*

Particulars of—

- (a) the date, time, place and circumstances at or in which each of the representations was made; and
- (b) the names of the persons by whom, and the persons to whom, each of those representations were made; and  
*(in a civil proceeding—*
- \*[(c) the address of each person so named];

so far as they are known to me, are as follows:

*(particulars)*

*(if it is intended to rely on the Evidence Act 1995 (Cwlth), section 63 (2) (a) or (b), section 65 (2) (a) (b) or (d), section 65 (3)(a) or (b) or section 65 (8) (a) or (b))* \*[Particulars of the facts on the basis of which it is alleged that the person who made a representation referred to in this notice is not available to testify concerning the fact to be proved by adducing evidence of that representation are as follows:

*(particulars)]*

*(If it is intended to rely on the Evidence Act 1995 (Cwlth), section 64 (2) (a) or (b))* \*[It would \*[cause undue expense/ cause undue delay/ not be reasonably practicable] to call the person who made the representation to give evidence. Particulars of the facts that I will rely on to establish \*[that ground/ those grounds] are as follows:

*(particulars)]*

*(If a previous representation referred to is in writing:*

- (a) a copy of the document, or of the relevant portion of the document, containing the representation must be attached to the notice; and*
- (b) the notice must identify the document unless:*
  - (i) a copy of the document is attached to the notice; and*
  - (ii) the identity of the document is apparent on the face of the copy—see the Evidence Regulations (Cwlth), reg 5 (5))*

Date:

*(signature of party or party's lawyer)*

*(name of party or party's lawyer)*

*(address)*

*\*(delete if, or whichever is, inapplicable)*

## Endnote

- 1 This form was originally in the *Supreme Court Rules 1937*. Under the *Court Procedures Act 2004* A2004-59, pt 8, the form became a form approved under that Act.

© Australian Capital Territory 2005