

RULE: Evidence of a previous representation made by a person is not admissible to prove the existence of a fact that it can reasonably be supposed that the person intended to assert by the representation **s 59**

EXCEPTIONS

Restriction to first-hand hearsay **s 62**

Maker not available
Dictionary cl 4, Pt. 2

Hearsay rule does not apply to evidence of previous rep. made:

- under duty
- shortly after or when facts occurred and
- in circumstances that make fabrication unlikely
- in circumstances that make it highly probable it is reliable
- made against interests and in circumstances that make it likely to be reliable **s 65(2)** and **s 65(7)**

Hearsay rule does not apply to evidence of previous rep. made when giving evidence in another proceeding if defendant crossexamined maker, or had opportunity to do so, in that proceeding - transcript or recording may be tendered **ss 65(3) - 65(6)**

Hearsay rule does not apply to evidence of previous rep. adduced by a defendant and, if so adduced, evidence adduced by another party on the same matter **ss 65(8) - 65(9)**

Notice required **s 67**

Maker available
Dictionary cl 4, Pt. 2

Hearsay rule does not apply to evidence of previous rep. that was (i) made about a fact fresh in the memory of the maker or (ii) by a victim of the alleged offence who was under 18 at the time, if the maker is called to give evidence **s 66** (see exception in **s 66(3)**)

Contemporaneous representations about health etc **s 66A**

Hearsay rule does not apply **s 66A**

OTHER EXCEPTIONS

- Evidence relevant for a nonhearsay purpose (not admissions) **s 60**
- Business records **s 69**
- Tags and labels in the course of business **s 70**
- Electronic communications re identity, date, destination **s 71**
- Aboriginal and Torres Strait Islander traditional laws and customs **s 72**
- Reputation as to relationships, age and family history **s 73**
- Reputation of public or general rights **s 74**
- Interlocutory proceedings if source identified **s 75**
- Admissions **s 81**
- Judgments and convictions **s 92**
- Character evidence **ss 110- 111**

Discretionary and mandatory exclusions **Part 3.11**