

# HEARSAY IN CIVIL PROCEEDINGS

**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 **s59**

## EXCEPTIONS

### Restriction to first-hand hearsay **s62**

### Other Exceptions

Maker not available  
**Cl. 4, Pt. 2 of Dictionary**

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Contemporaneous  
representations  
about health etc. **s66A**

- Evidence relevant for a nonhearsay purpose (not admissions) **s60**
- Business records **s69**
- Tags and labels in the course of business **s70**
- Electronic communications re identity, date, destination **s71**
- Aboriginal and Torres Strait Islander traditional laws and customs **s72**
- Reputation as to relationships, age and family history **s73**
- Reputation of public or general rights **s74**
- Interlocutory proceedings if source identified **s75**
- Admissions **s81**
- Judgments and convictions **s92**

Hearsay rule does  
not apply **s63**

Hearsay rule does not apply if it would cause undue expense or delay or not be reasonably practicable to call the maker of the representation to give evidence **s64(2)**

Hearsay rule does not apply if the maker of the representation is to be called **s64(3)**

Hearsay rule does not  
apply **s66A**

Notice required **s67**

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A party may object to the tender of the evidence **s68**

Discretionary and mandatory exclusions **Part 3.11**

**Note:**

The maker of a representation must have been competent for the evidence to be admissible **s61** (but note **s66A**)

The court may waive the hearsay rule in certain circumstances **s190**

A party may request another party to call a specified person as a witness, or may request another party to give it access to a document or thing to examine, copy or test the document or thing for authenticity, identity or admissibility **s166-s169**

Evidence relevant to the admissibility of evidence to which **s63**, **s64**, **s69**, **s70** or **s71** applies can be given by affidavit or written statement **s170-s173**