

*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

ALLAN PICKERING,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 10 March, 1960.*

## New South Wales



ANNO NONO

## ELIZABETHÆ II REGINÆ

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Act No. , 1960.

An Act to make further provision in respect of liability for costs of certain litigation; for this purpose to amend the Suitors' Fund Act, 1951-1959, and the Suitors' Fund (Amendment) Act, 1959, in certain respects; and for purposes connected therewith.

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the "Suitors' Fund (Amendment) Act, 1960".

Short title,  
citation and  
commence-  
ment.

*Suitors' Fund (Amendment).*

(2) The Suitors' Fund Act, 1951, as amended by the Suitors' Fund (Amendment) Act, 1959, and by this Act, may be cited as the Suitors' Fund Act, 1951-1960.

(3) This Act shall be deemed to have commenced upon the first day of November, one thousand nine hundred and fifty-one.

2. The Suitors' Fund Act, 1951, as amended by the Suitors' Fund (Amendment) Act, 1959, is amended—

Amendment  
of Act No.  
3, 1951.

10 (a) (i) by omitting from paragraph (a) of the defini-  
tion of "Costs" in section two the words " to a  
judge in chambers";

Sec. 2.  
(Defini-  
tions.)

15 (ii) by inserting in the definition of "Indemnity certi-  
ficate" in the same section after the words  
"subsection one" the words and symbols "or  
subsection (1A)";

(b) (i) by omitting from subsection one of section six  
the words "in civil proceedings";

Sec. 6.  
(Costs of  
certain  
appeals.)

(ii) by inserting next after the same subsection the  
following new subsection :—

20 (1A) Where an appeal against the decision of  
a court to the Industrial Commission of New  
South Wales or to a District Court or to a  
judge of a District Court on a question of law  
succeeds, that Commission, Court or judge, as  
25 the case may be, may, upon application made in  
that behalf, grant to the respondent to the  
appeal or to any one or more of several  
respondents to the appeal an indemnity certi-  
ficate in respect of the appeal.

30 (c) by inserting at the end of subsection two of section  
seven the words "and with respect to the taxation,  
for the purposes of this Act, of the costs of an appeal  
incurred

Sec. 7.  
(Regula-  
tions.)

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*Suitors' Fund (Amendment).*

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incurred by a respondent and with respect to all matters relating thereto, including but without limiting the generality of the foregoing provisions of this subsection—

- 5           (a) the specification of the principles to be followed in the preparation of a bill of those costs and in the taxation of such a bill;
- 10          (b) the specification of who shall be the taxing officer of such a bill and in relation thereto that different persons or officers shall be the taxing officers in respect of bills that relate to different courts or different jurisdictions of a court;
- 15          (c) the persons to be served with a copy of such a bill”.



No. , 1960.

## A BILL

To make further provision in respect of liability for costs of certain litigation; for this purpose to amend the Suitors' Fund Act, 1951-1959, and the Suitors' Fund (Amendment) Act, 1959, in certain respects; and for purposes connected therewith.

[MR. MANNIX;—1 March, 1960.]

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the "Suitors' Fund (Amendment) Act, 1960".

Short title,  
citation and  
commence-  
ment.

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160—

(2)

*Suitors' Fund (Amendment).*

(2) The Suitors' Fund Act, 1951, as amended by the Suitors' Fund (Amendment) Act, 1959, and by this Act, may be cited as the Suitors' Fund Act, 1951-1960.

(3) This Act shall be deemed to have commenced upon the first day of November, one thousand nine hundred and fifty-one.

2. The Suitors' Fund Act, 1951, as amended by the Suitors' Fund (Amendment) Act, 1959, is amended—

Amendment  
of Act No.  
3, 1951.

(a) (i) by omitting from paragraph (a) of the definition of "Costs" in section two the words "to a judge in chambers";

Sec. 2.  
(Definitions.)

(ii) by inserting in the definition of "Indemnity certificate" in the same section after the words "subsection one" the words and symbols "or subsection (1A)";

(b) (i) by omitting from subsection one of section six the words "in civil proceedings";

Sec. 6.  
(Costs of certain appeals.)

(ii) by inserting next after the same subsection the following new subsection:—

(1A) Where an appeal against the decision of a court to the Industrial Commission of New South Wales or to a District Court or to a judge of a District Court on a question of law succeeds, that Commission, Court or judge, as the case may be, may, upon application made in that behalf, grant to the respondent to the appeal or to any one or more of several respondents to the appeal an indemnity certificate in respect of the appeal.

(c) by inserting at the end of subsection two of section seven the words "and with respect to the taxation, for the purposes of this Act, of the costs of an appeal incurred

Sec. 7.  
(Regulations.)

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*Suitors' Fund (Amendment).*

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incurred by a respondent and with respect to all matters relating thereto, including but without limiting the generality of the foregoing provisions of this subsection—

- 5           (a) the specification of the principles to be followed in the preparation of a bill of those costs and in the taxation of such a bill;
- 10          (b) the specification of who shall be the taxing officer of such a bill and in relation thereto that different persons or officers shall be the taxing officers in respect of bills that relate to different courts or different jurisdictions of a court;
- 15          (c) the persons to be served with a copy of such a bill”.

General Fund (Amendment)

Incurred by a respondent and with respect to all matters relating thereto, including but not limited to the cost of the respondent's defense of this

action, the respondent shall be deemed to have waived its right to a jury trial and to have agreed to the following:

1. The respondent shall be deemed to have agreed to the following: (a) to pay the costs of the respondent's defense of this action, including but not limited to the cost of the respondent's defense of this action, and (b) to pay the costs of the respondent's defense of this action, including but not limited to the cost of the respondent's defense of this action.

2. The respondent shall be deemed to have agreed to the following: (a) to pay the costs of the respondent's defense of this action, including but not limited to the cost of the respondent's defense of this action, and (b) to pay the costs of the respondent's defense of this action, including but not limited to the cost of the respondent's defense of this action.

## **SUITORS' FUND (AMENDMENT) BILL, 1960.**

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### **EXPLANATORY NOTE.**

THE objects of this Bill are—

- (a) to widen the class of appeal dealt with by s. 6 (1) of the Suitors' Fund Act, 1951, as amended;
- (b) to provide that the appeals to which s. 6 of that Act applies include appeals on questions of law to the Industrial Commission of New South Wales and to a District Court or a judge of a District Court;
- (c) to authorise the making of regulations with respect to the taxation, for the purposes of that Act, of the costs of an appeal incurred by a respondent.

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STATIONERY (VINTAGE) 1900

No. , 1960.

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## A BILL

To make further provision in respect of liability for costs of certain litigation; for this purpose to amend the Suitors' Fund Act, 1951-1959, and the Suitors' Fund (Amendment) Act, 1959, in certain respects; and for purposes connected therewith.

[MR. MANNIX;—1 March, 1960.]

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**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the "Suitors' Fund (Amendment) Act, 1960".

Short title,  
citation and  
commence-  
ment.

*Suitors' Fund (Amendment).*

(2) The Suitors' Fund Act, 1951, as amended by the Suitors' Fund (Amendment) Act, 1959, and by this Act, may be cited as the Suitors' Fund Act, 1951-1960.

(3) This Act shall be deemed to have commenced  
5 upon the first day of November, one thousand nine hundred and fifty-one.

2. The Suitors' Fund Act, 1951, as amended by the Amendment  
Suitors' Fund (Amendment) Act, 1959, is amended— of Act No.  
3, 1951.

- 10 (a) (i) by omitting from paragraph (a) of the defini- Sec. 2.  
tion of "Costs" in section two the words " to a (Defini-  
judge in chambers"; tions.)
- 15 (ii) by inserting in the definition of "Indemnity certi-  
ficate" in the same section after the words  
"subsection one" the words and symbols "or  
subsection (1A)";
- (b) (i) by omitting from subsection one of section six Sec. 6.  
the words "in civil proceedings"; (Costs of  
certain  
appeals.)
- (ii) by inserting next after the same subsection the  
following new subsection :—
- 20 (1A) Where an appeal against the decision of  
a court to the Industrial Commission of New  
South Wales or to a District Court or to a  
judge of a District Court on a question of law  
succeeds, that Commission, Court or judge, as  
25 the case may be, may, upon application made in  
that behalf, grant to the respondent to the  
appeal or to any one or more of several  
respondents to the appeal an indemnity certi-  
ficate in respect of the appeal.
- 30 (c) by inserting at the end of subsection two of section Sec. 7.  
seven the words "and with respect to the taxation, (Regula-  
for the purposes of this Act, of the costs of an appeal tions.)  
incurred

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*Suitors' Fund (Amendment).*

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incurred by a respondent and with respect to all matters relating thereto, including but without limiting the generality of the foregoing provisions of this subsection—

- 5           (a) the specification of the principles to be followed in the preparation of a bill of those costs and in the taxation of such a bill;
- 10          (b) the specification of who shall be the taxing officer of such a bill and in relation thereto that different persons or officers shall be the taxing officers in respect of bills that relate to different courts or different jurisdictions of a court;
- 15          (c) the persons to be served with a copy of such a bill”.



## New South Wales



ANNO NONO

## ELIZABETHÆ II REGINÆ

\*\*\*\*\*

### Act No. 8, 1960.

An Act to make further provision in respect of liability for costs of certain litigation; for this purpose to amend the Suitors' Fund Act, 1951-1959, and the Suitors' Fund (Amendment) Act, 1959, in certain respects; and for purposes connected therewith. [Assented to, 24th March, 1960.]

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the "Suitors' Fund (Amendment) Act, 1960".

1599 [4d.]

(2) Short title, citation and commencement.

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*Suitors' Fund (Amendment).*

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(2) The Suitors' Fund Act, 1951, as amended by the Suitors' Fund (Amendment) Act, 1959, and by this Act, may be cited as the Suitors' Fund Act, 1951-1960.

(3) This Act shall be deemed to have commenced upon the first day of November, one thousand nine hundred and fifty-one.

Amendment  
of Act No.  
3, 1951.

2. The Suitors' Fund Act, 1951, as amended by the Suitors' Fund (Amendment) Act, 1959, is amended—

Sec. 2.  
(Defini-  
tions.)

- (a) (i) by omitting from paragraph (a) of the definition of "Costs" in section two the words "to a judge in chambers";
- (ii) by inserting in the definition of "Indemnity certificate" in the same section after the words "subsection one" the words and symbols "or subsection (1A)";

Sec. 6.  
(Costs of  
certain  
appeals.)

- (b) (i) by omitting from subsection one of section six the words "in civil proceedings";
- (ii) by inserting next after the same subsection the following new subsection :—

(1A) Where an appeal against the decision of a court to the Industrial Commission of New South Wales or to a District Court or to a judge of a District Court on a question of law succeeds, that Commission, Court or judge, as the case may be, may, upon application made in that behalf, grant to the respondent to the appeal or to any one or more of several respondents to the appeal an indemnity certificate in respect of the appeal.

Sec. 7.  
(Regula-  
tions.)

- (c) by inserting at the end of subsection two of section seven the words "and with respect to the taxation, for the purposes of this Act, of the costs of an appeal incurred

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*Suitors' Fund (Amendment).*

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incurred by a respondent and with respect to all matters relating thereto, including but without limiting the generality of the foregoing provisions of this subsection—

- (a) the specification of the principles to be followed in the preparation of a bill of those costs and in the taxation of such a bill;
- (b) the specification of who shall be the taxing officer of such a bill and in relation thereto that different persons or officers shall be the taxing officers in respect of bills that relate to different courts or different jurisdictions of a court;
- (c) the persons to be served with a copy of such a bill”.

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By Authority:

V. C. N. BLIGHT, Government Printer, Sydney, 1960

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*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

ALLAN PICKERING,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 16 March, 1960.*

## New South Wales



ANNO NONO

## ELIZABETHÆ II REGINÆ

\*\*\*\*\*

### Act No. 8, 1960.

An Act to make further provision in respect of liability for costs of certain litigation; for this purpose to amend the Suitors' Fund Act, 1951-1959, and the Suitors' Fund (Amendment) Act, 1959, in certain respects; and for purposes connected therewith.  
[Assented to, 24th March, 1960.]

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the "Suitors' Fund (Amendment) Act, 1960".
- (2) Short title, citation and commencement.

*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

HOWARD T. FOWLES,  
*Chairman of Committees of the Legislative Assembly.*

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*Suitors' Fund (Amendment).*

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(2) The Suitors' Fund Act, 1951, as amended by the Suitors' Fund (Amendment) Act, 1959, and by this Act, may be cited as the Suitors' Fund Act, 1951-1960.

(3) This Act shall be deemed to have commenced upon the first day of November, one thousand nine hundred and fifty-one.

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- (a) (i) by omitting from paragraph (a) of the definition of "Costs" in section two the words "to a judge in chambers";
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Sec. 6.  
(Costs of  
certain  
appeals.)

- (b) (i) by omitting from subsection one of section six the words "in civil proceedings";
- (ii) by inserting next after the same subsection the following new subsection:—

(1A) Where an appeal against the decision of a court to the Industrial Commission of New South Wales or to a District Court or to a judge of a District Court on a question of law succeeds, that Commission, Court or judge, as the case may be, may, upon application made in that behalf, grant to the respondent to the appeal or to any one or more of several respondents to the appeal an indemnity certificate in respect of the appeal.

Sec. 7.  
(Regula-  
tions.)

- (c) by inserting at the end of subsection two of section seven the words "and with respect to the taxation, for the purposes of this Act, of the costs of an appeal incurred

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*Suitors' Fund (Amendment).*

---

incurred by a respondent and with respect to all matters relating thereto, including but without limiting the generality of the foregoing provisions of this subsection—

- (a) the specification of the principles to be followed in the preparation of a bill of those costs and in the taxation of such a bill;
- (b) the specification of who shall be the taxing officer of such a bill and in relation thereto that different persons or officers shall be the taxing officers in respect of bills that relate to different courts or different jurisdictions of a court;
- (c) the persons to be served with a copy of such a bill”.

*In the name and on behalf of Her Majesty I assent to this Act.*

E. W. WOODWARD,  
*Governor.*

*Government House,  
Sydney, 24th March, 1960.*

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