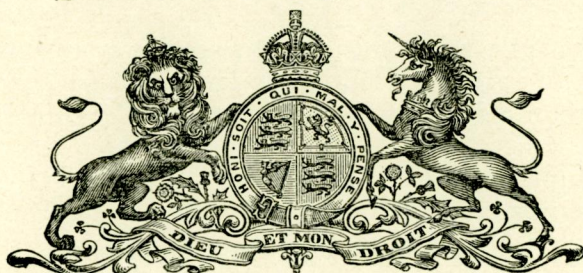


This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

*Legislative Council Chamber,
Sydney, 23rd July, 1902.* }

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO SECUNDO

EDWARDI VII REGIS.

Act No. , 1902.

An Act to provide for the employment of Official Shorthand Writers in proceedings before any Court or Judge or before persons authorised to make certain inquiries; and to provide that the notes taken by such shorthand writers and certified transcripts thereof shall be evidence.

BE it enacted by the King'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:—

5 1. This Act may be cited as the "Official Shorthand Writers Short title.
Act, 1902."

10 2. In this Act, unless the context otherwise requires,— Definition.
"Judge" includes the master in equity, master in lunacy, registrar in bankruptcy, president of the land appeal court, and any person presiding at a tribunal to which any matter or thing is by rule or order of the Supreme Court or a Judge thereof referred for inquiry.

Official Shorthand Writers.

3. The Governor may appoint so many fit persons as may be required to conduct the examinations of applicants desirous to qualify for licenses as official shorthand writers. Governor may appoint examiners.
4. The Chief Justice may license such of the persons who have qualified by examination as aforesaid, as he may think fit, to be official shorthand writers, and may suspend or cancel any licenses granted by him under this section. Chief Justice may license shorthand writers.
5. Every official shorthand writer shall, before entering upon the duties of his office, take, before a Judge of the Supreme Court, the following oath— Shorthand writers to be sworn.
- 10 “ I swear that I will faithfully take down and transcribe or cause to be transcribed any evidence, ruling, order, direction, or summing-up I am required by law to take down in any cause or matter,”
- 15 and every Judge of the Supreme Court is hereby authorised to administer or cause to be administered such oath as aforesaid.
6. The Court having jurisdiction over any civil proceeding or inquiry, or the Judge before whom any such proceeding or inquiry as aforesaid is held or made, Evidence taken down by official shorthand writer in civil proceedings.
- 20 (a) may, on the application of any party to the proceeding or inquiry, and
- (b) shall, on the application of all the parties aforesaid, direct that the evidence, and any ruling, order, direction, or summing-up to be given or made in the proceeding or inquiry shall be taken down by such official shorthand writer as the parties aforesaid may agree upon, and failing such agreement, or if the shorthand writer agreed upon is not available for the purpose, such official shorthand writer as the said Court or Judge may name.
- 25
7. In any criminal trial, the Court or Judge before whom the trial is held— Criminal trials.
- 30 (a) may on the application of the Crown, and
- (b) shall on the application of the defendant or prisoner direct that the evidence, and any ruling, order, direction, or summing-up to be given or made at the trial shall be taken down by an official shorthand writer to be named by the said Court or Judge.
- 35
8. In any inquiry as to any indictable offence, or as to any fire or death, the justice of the peace, coroner, or other person before whom the inquiry is held shall at the request of the Attorney-General direct that the evidence, and any ruling, order, direction, or summing-up to be given or made at the inquiry shall be taken down by an official shorthand writer to be named by the said justice, coroner, or person. Criminal inquiries.
- 40
9. In any civil proceeding or inquiry the cost of taking down in shorthand the evidence, ruling, order, direction, or summing-up directed as aforesaid to be taken down shall, subject to any rule or order Cost of taking down evidence, &c., in shorthand.
- order

Official Shorthand Writers.

order of the Court within whose jurisdiction the proceeding is held or inquiry is made, be paid as the Judge before whom the proceeding is held or inquiry made may direct.

In any criminal trial or in any inquiry as to any indictable offence, or any fire or death, such cost as aforesaid shall be borne by the Crown.

10. Every official shorthand writer shall be an officer of the Court having jurisdiction over the proceeding or inquiry with regard to the performance of his duty in taking down and transcribing or causing to be transcribed such evidence, ruling, order, direction, and summing-up.

Shorthand writer to be officer of Court whilst in performance of duty.

11. An official shorthand writer's shorthand notes taken down under the authority of this Act and also the transcript thereof, either by writing, printing, or type-writing, purporting to have been certified as correct by an official shorthand writer, shall be received in every Court as prima facie evidence of the evidence, ruling, order, direction, or summing-up so taken down, unless the Judge report that the same is incorrect.

Transcript of notes to be received as evidence prima facie.

12. Where any person is charged before a justice of the peace with an indictable offence, the shorthand writer's notes of evidence taken down under the authority of this Act, or a transcript thereof purporting to have been certified as correct by an official shorthand writer, shall, when duly signed, be deemed to be a deposition within the meaning of any enactment relating to depositions taken in any such proceedings as aforesaid :

Notes or transcript may be signed as depositions.

Provided that a witness may, at his option, sign either the shorthand writer's notes of evidence or the transcript thereof certified as aforesaid.

13. If any official shorthand writer wilfully and wrongly take down any evidence, ruling, order, direction, or summing-up, directed under this Act to be taken down, or tamper with, alter, or falsify, or permit anyone to tamper with, alter, or falsify his shorthand notes of any such evidence, ruling, direction, or summing-up, or the transcript thereof, or wilfully certify as correct any shorthand notes or transcript of such evidence, ruling, order, direction, or summing-up which falsely purport to be correct, he shall be liable to be imprisoned, with or without hard labour, for any term not exceeding five years.

Penalty for wrongly taking down evidence, &c.

14. Official shorthand writers shall receive such salaries as may be appropriated for that purpose by Parliament, and shall perform such duties as may be prescribed by regulations made under this Act.

Salaries and fees of official shorthand writers.

They may also make such charges and receive such fees for taking down any evidence, ruling, order, direction, or summing-up they may be directed to take down, and for transcribing or causing the same to be transcribed and certifying to the correctness of the transcription as may be prescribed by regulations made under this Act.

Official Shorthand Writers.

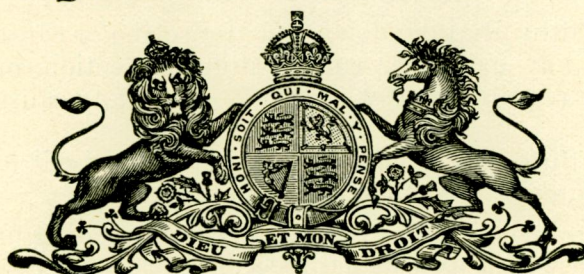
15. The Governor may make regulations prescribing the duties of official shorthand writers and the charges and fees to be made and received by them, and prescribing what of the said fees shall be retained by the shorthand writers for their own use, and what shall be paid by them into the Treasury to the credit of the Consolidated Revenue Fund, and generally for carrying out the provisions of this Act. All regulations made as aforesaid shall be published in the Gazette and shall thereupon have the force of law.

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

*Legislative Council Chamber,
Sydney, July, 1902. }*

Clerk of the Parliaments.

New South Wales.



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"Judge" includes the master in equity, master in lunacy, registrar in bankruptcy, president of the land appeal court, and any person presiding at a tribunal to which any matter or thing is by rule or order of the Supreme Court or a Judge thereof referred for inquiry.

Official Shorthand Writers.

3. The Governor may appoint so many fit persons as may be required to conduct the examinations of applicants desirous to qualify for licenses as official shorthand writers. Governor may appoint examiners.

4. The Chief Justice may license such of the persons who have qualified by examination as aforesaid, as he may think fit, to be official shorthand writers, and may suspend or cancel any licenses granted by him under this section. Chief Justice may license shorthand writers.

5. Every official shorthand writer shall, before entering upon the duties of his office, take, before a Judge of the Supreme Court, the following oath— Shorthand writers to be sworn.

“ I swear that I will faithfully take down and transcribe or cause to be transcribed any evidence, ruling, order, direction, or summing-up I am required by law to take down in any cause or matter,”

and every Judge of the Supreme Court is hereby authorised to administer or cause to be administered such oath as aforesaid.

6. The Court having jurisdiction over any civil proceeding or inquiry, or the Judge before whom any such proceeding or inquiry as aforesaid is held or made, Evidence taken down by official shorthand writer in civil proceedings.

(a) may, on the application of any party to the proceeding or inquiry, and

(b) shall, on the application of all the parties aforesaid, direct that the evidence, and any ruling, order, direction, or summing-up to be given or made in the proceeding or inquiry shall be taken down by such official shorthand writer as the parties aforesaid may agree upon, and failing such agreement, or if the shorthand writer agreed upon is not available for the purpose, such official shorthand writer as the said Court or Judge may name.

7. In any criminal trial, the Court or Judge before whom the trial is held— Criminal trials.

(a) may on the application of the Crown, and

(b) shall on the application of the defendant or prisoner direct that the evidence, and any ruling, order, direction, or summing-up to be given or made at the trial shall be taken down by an official shorthand writer to be named by the said Court or Judge.

8. In any inquiry as to any indictable offence, or as to any fire or death, the justice of the peace, coroner, or other person before whom the inquiry is held shall at the request of the Attorney-General direct that the evidence, and any ruling, order, direction, or summing-up to be given or made at the inquiry shall be taken down by an official shorthand writer to be named by the said justice, coroner, or person. Criminal inquiries.

9. In any civil proceeding or inquiry the cost of taking down in shorthand the evidence, ruling, order, direction, or summing-up directed as aforesaid to be taken down shall, subject to any rule or order Cost of taking down evidence, &c., in shorthand.

Official Shorthand Writers.

order of the Court within whose jurisdiction the proceeding is held or inquiry is made, be paid as the Judge before whom the proceeding is held or inquiry made may direct.

In any criminal trial or in any inquiry as to any indictable offence, or any fire or death, such cost as aforesaid shall be borne by the Crown.

10. Every official shorthand writer shall be an officer of the Court having jurisdiction over the proceeding or inquiry with regard to the performance of his duty in taking down and transcribing or causing to be transcribed such evidence, ruling, order, direction, and summing-up.

Shorthand writer to be officer of Court whilst in performance of duty.

11. An official shorthand writer's shorthand notes taken down under the authority of this Act and also the transcript thereof, either by writing, printing, or type-writing, purporting to have been certified as correct by an official shorthand writer, shall be received in every Court as prima facie evidence of the evidence, ruling, order, direction, or summing-up so taken down, unless the Judge report that the same is incorrect.

Transcript of notes to be received as evidence prima facie.

12. Where any person is charged before a justice of the peace with an indictable offence, the shorthand writer's notes of evidence taken down under the authority of this Act, or a transcript thereof purporting to have been certified as correct by an official shorthand writer, shall, when duly signed, be deemed to be a deposition within the meaning of any enactment relating to depositions taken in any such proceedings as aforesaid:

Notes or transcript may be signed as depositions.

Provided that a witness may, at his option, sign either the shorthand writer's notes of evidence or the transcript thereof certified as aforesaid.

13. If any official shorthand writer wilfully and wrongly take down any evidence, ruling, order, direction, or summing-up, directed under this Act to be taken down, or tamper with, alter, or falsify, or permit anyone to tamper with, alter, or falsify his shorthand notes of any such evidence, ruling, direction, or summing-up, or the transcript thereof, or wilfully certify as correct any shorthand notes or transcript of such evidence, ruling, order, direction, or summing-up which falsely purport to be correct, he shall be liable to be imprisoned, with or without hard labour, for any term not exceeding five years.

Penalty for wrongly taking down evidence, &c.

14. Official shorthand writers shall receive such salaries as may be appropriated for that purpose by Parliament, and shall perform such duties as may be prescribed by regulations made under this Act.

Salaries and fees of official shorthand writers.

They may also make such charges and receive such fees for taking down any evidence, ruling, order, direction, or summing-up they may be directed to take down, and for transcribing or causing the same to be transcribed and certifying to the correctness of the transcription as may be prescribed by regulations made under this Act.

Official Shorthand Writers.

15. The Governor may make regulations prescribing the duties of official shorthand writers and the charges and fees to be made and received by them, and prescribing what of the said fees shall be retained by the shorthand writers for their own use, and what shall be ^{Governor may make regulations.} paid by them into the Treasury to the credit of the Consolidated Revenue Fund, and generally for carrying out the provisions of this Act. All regulations made as aforesaid shall be published in the Gazette and shall thereupon have the force of law.

Legislative Council.

No. , 1902.

A BILL

To provide for the employment of Official Shorthand Writers in proceedings before any Court or Judge or before persons authorised to make certain inquiries; and to provide that the notes taken by such shorthand writers and certified transcripts thereof shall be evidence.

[MR. WISE ;—25 June, 1902.]

BE it enacted by the King'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:—

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Act, 1902."

10 **2.** In this Act, unless the context otherwise requires,— Definition.
"Judge" includes the master in equity, master in lunacy, registrar in bankruptcy, president of the land appeal court, and any person presiding at a tribunal to which any matter or thing is by rule or order of the Supreme Court or a Judge thereof referred for inquiry.

Governor may
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3. The Governor may appoint so many fit persons as may be required to conduct the examinations of applicants desirous to qualify for licenses as official shorthand writers.

Chief Justice may
license shorthand
writers.

4. The Chief Justice may license such of the persons who have qualified by examination as aforesaid, as he may think fit, to be official shorthand writers, and may suspend or cancel any licenses granted by him under this section. 5

Shorthand writers
to be sworn.

5. Every official shorthand writer shall, before entering upon the duties of his office, take, before a Judge of the Supreme Court, the following oath— 10

“ I swear that I will faithfully take down and transcribe or cause to be transcribed any evidence, ruling, order, direction, or summing-up I am required by law to take down in any cause or matter,”

and every Judge of the Supreme Court is hereby authorised to 15 administer or cause to be administered such oath as aforesaid.

Evidence taken down
by official shorthand
writer in civil
proceedings.

6. The Court having jurisdiction over any civil proceeding or inquiry, or the Judge before whom any such proceeding or inquiry as aforesaid is held or made,

(a) may, on the application of any party to the proceeding or 20 inquiry, and

(b) shall, on the application of all the parties aforesaid, direct that the evidence, and any ruling, order, direction, or summing-up to be given or made in the proceeding or inquiry shall be taken down by such official shorthand writer as the parties aforesaid may 25 agree upon, and failing such agreement, or if the shorthand writer agreed upon is not available for the purpose, such official shorthand writer as the said Court or Judge may name.

Criminal trials.

7. In any criminal trial, the Court or Judge before whom the trial is held— 30

(a) may on the application of the Crown, and

(b) shall on the application of the defendant or prisoner direct that the evidence, and any ruling, order, direction, or summing-up to be given or made at the trial shall be taken down by an official shorthand writer to be named by the said Court or Judge. 35

Criminal inquiries.

8. In any inquiry as to any indictable offence, or as to any fire or death, the justice of the peace, coroner, or other person before whom the inquiry is held shall at the request of the Attorney-General direct that the evidence, and any ruling, order, direction, or summing-up to be given or made at the inquiry shall be taken down by an official 40 shorthand writer to be named by the said justice, coroner, or person.

Cost of taking down
evidence, &c., in
shorthand.

9. In any civil proceeding or inquiry the cost of taking down in shorthand the evidence, ruling, order, direction, or summing-up directed as aforesaid to be taken down shall, subject to any rule or order

order of the Court within whose jurisdiction the proceeding is held or inquiry is made, be paid as the Judge before whom the proceeding is held or inquiry made may direct.

In any criminal trial or in any inquiry as to any indictable offence, or any fire or death, such cost as aforesaid shall be borne by the Crown.

10. Every official shorthand writer shall be an officer of the Court having jurisdiction over the proceeding or inquiry with regard to the performance of his duty in taking down and transcribing or causing to be transcribed such evidence, ruling, order, direction, and summing-up.

Shorthand writer to be officer of Court whilst in performance of duty.

11. An official shorthand writer's shorthand notes taken down under the authority of this Act and also the transcript thereof, either by writing, printing, or type-writing, purporting to have been certified as correct by an official shorthand writer, shall be received in every Court as prima facie evidence of the evidence, ruling, order, direction, or summing-up so taken down, unless the Judge report that the same is incorrect.

Transcript of notes to be received as evidence prima facie.

12. Where any person is charged before a justice of the peace with an indictable offence, the shorthand writer's notes of evidence taken down under the authority of this Act, or a transcript thereof purporting to have been certified as correct by an official shorthand writer, shall, when duly signed, be deemed to be a deposition within the meaning of any enactment relating to depositions taken in any such proceedings as aforesaid :

Notes or transcript may be signed as depositions.

Provided that a witness may, at his option, sign either the shorthand writer's notes of evidence or the transcript thereof certified as aforesaid.

13. If any official shorthand writer wilfully and wrongly take down any evidence, ruling, order, direction, or summing-up, directed under this Act to be taken down, or tamper with, alter, or falsify, or permit anyone to tamper with, alter, or falsify his shorthand notes of any such evidence, ruling, direction, or summing-up, or the transcript thereof, or wilfully certify as correct any shorthand notes or transcript of such evidence, ruling, order, direction, or summing-up which falsely purport to be correct, he shall be liable to be imprisoned, with or without hard labour, for and term not exceeding *five* year.

Penalty for wrongly taking down evidence, &c.

14. Official shorthand writers shall receive such salaries as may be appropriated for that purpose by Parliament, and shall perform such duties as may be prescribed by regulations made under this Act.

Salaries and fees of official shorthand writers.

They may also make such charges and receive such fees for taking down any evidence, ruling, order, direction, or summing-up they may be directed to take down, and for transcribing or causing the same to be transcribed and certifying to the correctness of the transcription as may be prescribed by regulations made under this Act.

Governor may make
regulations.

15. The Governor may make regulations prescribing the duties of official shorthand writers and the charges and fees to be made and received by them, and prescribing what of the said fees shall be retained by the shorthand writers for their own use, and what shall be paid by them into the Treasury to the credit of the Consolidated Revenue Fund, and generally for carrying out the provisions of this Act. All regulations made as aforesaid shall be published in the Gazette and shall thereupon have the force of law. 5

[3d.]