

This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed as now printed, is transmitted to the HOUSE OF REPRESENTATIVES for its concurrence.

Legislative Council,
28th July, 1898.

Hon. Mr. W. C. Walker.

SHORTHAND REPORTERS.

ANALYSIS.

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A BILL INTITULED

AN ACT to provide for Shorthand Reporting in the Supreme Court and Elsewhere. Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The Short Title of this Act is "The Shorthand Reporters Act, 1898." Short Title.

2. The Governor may from time to time appoint fit persons as shorthand reporters under this Act: Power to appoint shorthand reporters.

Provided that no person shall be so appointed unless he has passed an examination as to his fitness and capacity as a shorthand reporter.

3. Such examination shall be conducted by Examiners to be appointed by the Governor. Examination.

4. With respect to every person who is appointed a shorthand reporter under this Act (hereinafter referred to as an "authorised reporter") the following provisions shall apply:— Reporters to be officers of Supreme Court.

(1.) His appointment shall continue during the pleasure of the Governor, and whilst it continues he shall be deemed to be an officer of the Supreme Court.

(2.) He shall not, by reason merely of his appointment under this Act, be debarred from holding any other office in any department of the public service, nor from exercising May hold other offices.

his vocation as a reporter or otherwise, apart from this Act:

Provided that if he holds any other such office as aforesaid, he shall not be entitled or required to exercise his functions under this Act unless the Minister in charge of the department consents. 5

Fees. (3.) He shall be entitled to such fees in respect of the actual exercise of his functions under this Act as are prescribed.

Proceedings in which official report may be taken. 5. At any stage of any civil or criminal proceedings in the Supreme Court, or of any proceedings under "The Justices of the Peace Act, 1882," in respect of indictable offences, the Judge in the former case, and the presiding Magistrate or Justices in the latter case, may, by order, direct that an authorised reporter, if available, shall attend the proceedings for the purpose of officially reporting the same, or such portion thereof as in the course of the proceedings is directed by the Judge, Magistrate, or Justices. 10 15

When order for official report may be made in Supreme Court. 6. With respect to proceedings in the Supreme Court, the following provisions shall apply:—

(1.) Such order may be made by the Judge in his discretion, either without the application of any of the parties or upon such application; and he shall make the order upon the application of all the parties. 20

Reporter's fees. (2.) The authorised reporter's fees shall be payable by such one or more of the parties and in such shares as the Judge directs, and due provision for the payment thereof by the parties liable shall be made to the satisfaction of Registrar. 25

When order may be made by Magistrate or Justices. 7. In proceedings before the Magistrate or Justices such order shall not be made except upon the application of the prosecutor or the accused, nor unless the applicant makes provision to the satisfaction of the Court for payment of the authorised reporter's fees. 30

Selection of reporter. 8. It shall not be necessary for the authorised reporter to be specified by name in such order, but, if all the parties agree, he may be nominated by them; and in the absence of such agreement he shall be nominated by the Judge, Magistrate, or Justices by whom the order was made. 35

Reporter to faithfully report proceedings. 9. The authorised reporter who attends the proceedings, pursuant to such order, shall, before commencing his duties, make oath or affirmation in the form or to the effect set forth in the Schedule hereto, and shall then faithfully report the proceedings, or such portion thereof as is directed by the Judge, Magistrate, or Justices. 40

Report to be in shorthand and to be transcribed. 10. Such report shall be made in shorthand, and shall in every case include a transcription thereof which the authorised reporter shall, as soon as practicable, himself make or cause to be made in long-hand writing, typewriting, or in such other mode as is directed. 45

Certificate as to transcription. 11. Such transcription shall in every case bear a certificate under the hand of the authorised reporter that it is a faithful transcription of his shorthand notes, and constitutes a faithful report of the proceedings whereof it purports to be a report:

Provided that, where more authorised reporters than one are engaged, such certificate shall be made by each such reporter in respect of so much of the proceedings as have been reported by him. 50

12. Such shorthand notes, together with the certified transcription thereof, shall be the property of Her Majesty, and shall be filed with the other papers in the proceedings.

Shorthand notes and transcription to be filed.

13. In every case where such transcription is made in type-writing, or in any other mode admitting of mechanical multiplication by means of carbonised paper or otherwise, the authorised reporter shall, as soon as practicable, supply to each of the parties, without fee, a duplicate of such transcription.

When copies to be supplied to parties.

14. A copy of such transcription, certified as correct under the seal (if any) and the hand of the Registrar or Clerk of the Court, shall be receivable in all Courts as *prima facie* evidence that it is a faithful report of the proceedings whereof it purports to be a report.

Copy of transcription to be *prima facie* evidence.

15. If in any such proceedings it is prescribed by law that the deposition of a witness is to be read over to and signed by him, it shall be sufficient if either the shorthand notes of such deposition, or the transcription thereof made as aforesaid, are read over to and signed by him.

Witness making deposition may sign shorthand notes.

16. If any person, not being an authorised reporter, directly or indirectly uses the name of an authorised reporter, or holds himself out to the public as an authorised reporter, he is liable to a penalty not exceeding *fifty* pounds.

Penalty for using name of authorised reporter.

17. If any authorised reporter in any way—

- (1.) Wilfully misreports any proceedings which he is directed to report under this Act; or
- (2.) Wilfully tampers with or falsifies any report made by him under this Act, or permits any other person so to do; or
- (3.) Wilfully gives any false certificate as to the faithfulness of such report,—

Punishment of offences by authorised reporter.

he is liable to imprisonment with or without hard labour for any term not exceeding *seven* years.

18. The Governor in Council, with the concurrence of at least two Judges of the Supreme Court, may from time to time make such regulations as he deems necessary for any of the following purposes:—

Regulations.

- (1.) For examining as to the fitness and qualifications of applicants for appointments as authorised reporters under this Act;
- (2.) For prescribing the duties of such reporters;
- (3.) For prescribing the system or systems of shorthand writing to be used by such reporters, and the mode of transcribing the shorthand notes;
- (4.) For securing as far as practicable uniformity of system of reporting under this Act;
- (5.) For regulating the mode in which reports made under this Act shall be preserved and made a permanent record of the proceedings;
- (6.) For fixing the fees to be paid in respect of reports, or of certified copies of transcriptions, or in respect of any other specified matter relating to reporting under this Act, and for determining by whom such fees shall be payable;
- (7.) And generally for any other purpose which he deems necessary in order to give full effect to this Act.

Fees to be paid into
Public Account.

Payment of
expenses.

19. All fees (other than authorised reporters' fees) received under this Act shall be paid into the Public Account and form part of the Consolidated Fund, and all expenses incurred in the administration of this Act (including all authorised reporters' fees payable by or on behalf of the Crown) shall be payable out of moneys to be appropriated by Parliament. 5

Schedule.

SCHEDULE.

I, _____, being an authorised reporter, do swear [or affirm and declare] that I will faithfully and impartially perform my duties as shorthand reporter in the proceedings which I am directed to report.