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SUPREME COURT ACT 1935

**SUPREME COURT
(GENERAL) RULES 2005**

Western Australia

Supreme Court (General) Rules 2005

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Supreme Court Act 1935

Supreme Court (General) Rules 2005

Made by the Judges of the Supreme Court.

Part 1 — Preliminary

1. Citation

These rules are the *Supreme Court (General) Rules 2005*.

2. Commencement

These rules come into operation on 2 May 2005 or the day on which they are published in the *Gazette*, whichever is the later.

3. Interpretation

- (1) In these rules, unless the contrary intention appears —
“**proceedings**” means any proceedings in the civil or criminal jurisdiction of the Supreme Court;
“**RSC**” means the *Rules of the Supreme Court 1971*.
- (2) A term defined in the RSC has the same meaning in these rules as it has in the RSC, unless the contrary intention appears.

4. Application of these rules

These rules apply to and in relation to all proceedings that are —

- (a) pending when these rules commence; or
- (b) commenced on or after these rules commence.

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Part 2 — Recording proceedings

5. Interpretation

In this Part, unless the contrary intention appears —
“**record**” means any thing or process —

- (a) upon or by which information is recorded or stored;
or
- (b) by means of which a meaning can be conveyed by
any means in a visible or recoverable form,
whether or not the use or assistance of some electronic,
electrical, mechanical, chemical or other device or process
is required to recover or convey the information or
meaning.

6. Transcripts may be in electronic form

This Part does not prevent a transcript of proceedings being in
an electronic form.

7. Which proceedings are to be recorded and transcribed

- (1) A registrar may direct that the whole or a part of any
proceedings or class of proceedings be recorded.
- (2) A registrar may direct how proceedings are to be recorded.
- (3) A registrar may direct that the whole or a part of any record or
class of record be transcribed into written English.

8. Recorders and transcribers, duties of

- (1) In this rule a reference to recording proceedings or to
transcribing records of proceedings includes a reference to
copying a record or transcript of proceedings.
- (2) A person who records proceedings or who transcribes records of
proceedings or who checks the accuracy of transcripts of
proceedings is, while doing so, an officer of the court and must

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obey any directions of a judge or a registrar in respect of those activities.

- (3) A person who records proceedings must —
 - (a) before the proceedings commence, check that the recording equipment is working properly;
 - (b) during the proceedings, monitor the recording equipment and ensure that an accurate record is made; and
 - (c) identify the record.
- (4) A person who transcribes a record of proceedings must —
 - (a) enter in a register the identification of the record;
 - (b) accurately transcribe the record into written English; and
 - (c) include on each page of the transcript information to identify the proceedings and the speakers and any other matter directed by a registrar.
- (5) A person who checks a transcript, or who copies a record or transcript, of proceedings must —
 - (a) ensure that the transcript is an accurate transcription of the record, or that the copy is an accurate copy, as the case requires; and
 - (b) having done so, certify that it is accurate.
- (6) A person who records, copies, transcribes or checks the accuracy of transcripts of proceedings must at all times ensure the safe custody of the record of the proceedings.

9. Accuracy, requesting a check of

- (1) Whether or not a transcript or a copy has been certified under this Part to be accurate, a person may apply to a registrar to have the accuracy of a specific part of the transcript checked.

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- (2) On such an application a registrar must cause the transcript to be checked for accuracy, corrected if necessary and certified to be accurate.

10. Certificate of accuracy

A transcript or a copy that has been certified under this Part to be accurate is to be taken to be an accurate account of the proceedings and to accurately identify what was said by whom in the proceedings.

11. Custody of recordings and transcripts

A registrar must ensure that the recording and any transcript of the recording of proceedings —

- (a) are sufficiently registered and marked for identification;
- (b) are kept in safe custody; and
- (c) unless the court orders to the contrary, are not destroyed until at least 2 years after the conclusion of the proceedings, or the last date for commencing any appeal in relation to the proceedings, whichever is the later.

Dated: 28 April 2005.

Judges' signatures:

DAVID K. MALCOLM, Chief Justice.

M. J. MURRAY (J)

C. J. McLURE (JA)

N. J. OWEN (JA)

C. J. L. PULLIN (JA)

C. D. STEYTLER (P)

M. L. BARKER (J)

C. A. WHEELER (JA)

C. F. JENKINS (J)

G. P. MILLER (J)

R. L. SIMMONDS (J)

J. R. McKECHNIE (J)

P. D. BLAXELL (J)

N. P. HASLUCK (J)

