

Department of Justice and Attorney-General

Transcript Format and Style Guide

As at 11 February 2020



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SECTION 1: GENERAL

What to type and what not to type

All transcript types are to be transcribed in full except:

Evidence-Only Criminal Trial transcript

Certain portions of a criminal trial are not ordinarily transcribed unless specifically requested. This includes the jury empanelment/judicial address, opening addresses, closing addresses, summing up/redirections and verdict.

The default criminal trial transcript type is **Evidence Only format**.

An evidence only transcript will include commencement of the trial up till Jury Empanelment/Judicial Address (represented by ellipsis). Opening address(es) are represented by banners in the transcript. Everything from immediately following conclusion of opening address(es) through to Summing Up is to be transcribed, except Closing Addresses (represented by banners). An evidence only transcript will end when the judge commences summing up of the trial to the jury. This is shown in the transcript by the line TAKE IN SUMMING UP.

The next level of inclusiveness for a criminal trial transcript is called **Full Transcript**.

Should a Full Transcript request for a criminal trial be received, everything spoken on the day (including Jury Empanelment process/Judicial Address and/or Opening and Closing Addresses) is to be transcribed, including relevant banners.

Should a request for a Full Transcript be placed for a transcript already produced in evidence-only format, the portions omitted in the evidence-only transcript will be included in the initial transcript to provide a Full Transcript.

Summing Up/Redirections and Verdict transcripts are separate to the evidence only or full transcript criminal trial type transcripts and are to be ordered as such.

Judgments including Costs discussion

Costs discussion in a judgment can be represented by ellipsis in the revisable judgment transcript.

1.1 Acts and Rules

When typing sections and subsections of an Act in transcript, represent it as the speaker says it. If the words “section”, “subsection” are said, type the words as spoken. If the speaker abbreviates, we abbreviate. If you are given the Act title, confirm the reference layout by googling the relevant Act section.

Do not abbreviate the name of Acts.

<p>Crimes Act part I (lowercase p for part) division 1 section 74A section 74A(1)(a)(i)</p>	<p>Evidence Act chapter 1 part 1, 2, 3, 3A division 1, 1A section 12 section 101A, 21AK section 101A(a)(i) section 10(1) section 64(1)(a)</p>
<p>Uniform Civil Procedure Rules chapter 1 chapter 3, part 1, division 1 chapter 3, part 1, division 4, section 75 chapter 1, part 2, section 17 chapter 2, part 4, section 29(1) part 6, division 2</p>	<p>Supreme Court of Queensland Act part 1, part 2, part 3 part 2, division 1 part 3, division 1, section 29(1)</p>
<p>Industrial Relations Act 2016 chapter 1 chapter 2, part 1, division 1, subdivision 1 section 30 section 79(1), section 80(1)(c)(ii)</p>	

When an unnamed Act is referred to, use the numbering convention below as a guide:

section 111(1)(g)(iv) section 47AB(2)(c)

section 4B, subsection (1), paragraph (1), subparagraph (ii) (if the words are used)

1.2 Addresses - opening and closing

In Criminal jurisdiction

Opening and closing addresses in higher court (Supreme Court) criminal trials are not transcribed unless requested either as separate, stand-alone transcripts or as part of a Full Transcript request.

Should a Full Transcript request be placed with the Contractor prior to 9.00am on the day, the Contractor will amend the existing Standing Order for an Evidence-Only transcript to Full Transcript which will be a transcript of everything on the day including (as relevant), Opening/Closing Addresses.

If opening addresses are not to be transcribed, type one of the following entries in bold, in the left margin, with two clear lines either side:

MR SMITH OPENED THE CASE FOR THE CROWN

MR BROWN OPENED THE CASE FOR THE DEFENDANT

DEFENDANT OPENED HER OWN CASE

DEFENDANT BURNS OPENED HER OWN CASE (*where more than one defendant appears*)

Note: it won't always be the case that the defendant/defence will open their case at this point. It is more usual that the Crown will open their case, call all their witnesses and conclude their case before the defence/defendant will be asked if they intend calling evidence. If the defence/defendant does want to call evidence or witnesses, one of the above banners will be inserted at this point.

If opening addresses are to be transcribed, show as follows. When each counsel's opening address has concluded, come down two clear lines and enter a new banner for the next opening addresses. Leave two clear lines and continue with transcript.

MR BROWN OPENED THE CASE FOR THE CROWN:

Ladies and gentlemen, I will now tell you the facts of the case.

(opening address continues here)

(in the event of an adjournment occurring during opening)

ADJOURNED

[10.03 am]

RESUMED

[10.20 am]

MR BROWN CONTINUED OPENING THE CASE FOR THE CROWN:

(opening address continues here)

HIS HONOUR: Mr Green, thank you.

MR GREEN OPENED THE CASE FOR THE DEFENDANT:

Ladies and gentlemen of the jury

(opening address continues here)

HIS HONOUR: Thank you, Mr Green.

Further Opening Addresses - criminal

Only transcribe if opening addresses are requested.

When counsel has delivered an opening address and called witnesses, and then decides to call more witnesses and presents further opening address, show (two lines either side):

MR SMITH FURTHER OPENED THE CASE FOR THE CROWN

Closing addresses

If closing addresses are not to be transcribed, enter two clear lines either side of the following (where "Mr Smith" will be replaced by the applicable counsel name):

MR SMITH ADDRESSED THE JURY

If closing addresses are to be transcribed, show as follows. When each counsel's closing address has concluded, come down two clear lines and enter a new banner for the next Closing Addresses. Leave two clear lines and continue with the transcript:

MR SMITH ADDRESSED THE JURY:
Members of the jury you have heard today (etc)
(closing address continues here)

HIS HONOUR: Yes, Mr Green.

MR GREEN ADDRESSED THE JURY:
Ladies and gentlemen of the jury
(closing address continues here)

HIS HONOUR: Members of the jury, you have heard

If no jury is present in the matter, show as follows:

MR SMITH ADDRESSED HIS/HER HONOUR

MR GREEN ADDRESSED HIS/HER HONOUR

Closing addresses - quoting transcript evidence

If counsel quote passages from transcript during their closing submissions, these are typed in full.

In Magistrates Court

- ◇ All Magistrates Court matters are transcribed in full, including any Opening/Closing Addresses
- ◇ Where addresses occur, enter the following banner:

MR SMITH ADDRESSED HIS/HER HONOUR

If the Chief Magistrate is presiding, the entry would be:

MR SMITH ADDRESSED HIS/HER HONOUR

In Civil jurisdiction

Opening addresses

Opening addresses are to be transcribed in full.

Counsel will outline for the court what their case is about, including what evidence the witnesses will give. This will be shown in the transcript as follows:

MR SMITH OPENED THE CASE FOR THE APPLICANT:

The case for my client is (etcetera)

(at the conclusion of each address leave two clear lines and enter a new banner for next Opening Addresses)

Further opening – Civil

When counsel has delivered an opening address and called witnesses, and then decides to call more witnesses and present a further opening address, show as follows:

MR SMITH FURTHER OPENED THE CASE FOR THE PLAINTIFF:

Your Honour, I would like to further (etcetera)

(at the conclusion leave two clear lines)

Closing Addresses – Civil

Closing addresses are to be transcribed in full.

MR SMITH ADDRESSED HIS HONOUR:

Your Honour, in this case my client (etcetera)

(at the conclusion leave two clear lines)

Civil juries and addresses

Addresses are to be transcribed in full. Show as follows:

MR SMITH ADDRESSED THE JURY:

Ladies and gentlemen, you have heard (etc)

(at the conclusion of each address leave two clear lines)

1.3 Adjournments and Resumptions

Use the appropriate banners to denote adjournments. Two clear lines come either side of an adjournment banner.

During proceedings

The following generic banners are used for all DJAG jurisdictions.

An adjournment during the proceedings is followed by a resumption of the proceedings. Two clear lines come either side of the adjournment/resumption banners.

ADJOURNED

[11.30 am]

RESUMED

[12.10 pm]

At the end of the proceedings

There are two wording options to conclude DJAG transcripts. Use these generic banners for all DJAG jurisdictions.

If there is no return date:

ADJOURNED

[3.42 pm]

OR

If there is a return date:

MATTER ADJOURNED at 3.42 pm UNTIL WEDNESDAY, 22 MAY 2013

The adjournment to a return date banner is to be used to show the matter will be resuming at a time in the future.

Leave two clear lines between the end of the text and the final adjournment notation.

HIS HONOUR: Could I just confirm that the address of the caravan park is 12 Bogg Road, Herston?

MR SMITH: That's correct, your Honour. Yes.

HIS HONOUR: Thank you. All right. We'll adjourn and resume at 9.45 tomorrow.

MATTER ADJOURNED at 3.42 pm UNTIL WEDNESDAY, 22 MAY 2013

HER HONOUR: Yes. In the circumstances Mr Smith will be remanded in custody. Yes, thank you. No need to remain, Mr Green.

MR GREEN: Thank you, your Honour.

ADJOURNED

[12.09 pm]

Adjournments and take in banners

If a matter concludes with a TAKE IN banner, no adjournment banner is needed.

Note: if a matter has a TAKE IN banner *during the course* of the hearing, the adjournment banner will be used in the normal way at the conclusion of the matter.

Discussion on unrelated proceedings / matter interposed

If a hearing is interrupted by discussion about an unrelated matter, insert the banner MATTER INTERPOSED to reflect the change in proceedings and then resumption of the original matter.

In some informal tribunal sittings the judicial officer may elect to wait in the hearing room while information is obtained, for example, and during the waiting time discussion on unrelated topics may occur. In these instances, MATTER INTERPOSED banner would be inserted.

Adjournments during an “evidence only” transcript

No adj/res banner is needed when adjournment/resumption occurs during the portion of the hearing which is covered by the ellipsis entry, ie, jury empanelled, bailiff sworn, defendant placed in the charge of the jury, judicial address and all the other missing text which occurs before the opening.

Adjournments/Resumptions in QIRC Conferences

Per 1.3, use generic Adjournment/Resumption banners for QIRC conference events: Adjournments and Resumptions for QIRC and QIC Conferences, per following:

ADJOURNED

[11.22 am]

RESUMED

[1.30 pm]

Resumptions after Day 1

If a matter continues for more than one day, the first banner at the commencement of each subsequent day will be the RESUMED banner with the time stamp.

RESUMED

[10.03 am]

MR SMITH: Sorry about this, your Honour. The witness informs me that in the era between 5 o'clock yesterday just prior to us resuming today, she's received some text messages from her daughter.

Adjournments/Resumptions with a jury

Use the following banners when the court adjourns and resumes with the jury present at both times.

ADJOURNED

[11.10 am]

RESUMED

[12.01 pm]

Use the following banner if the jury was absent when the court adjourned but is present when the court resumes.

THE JURY RETIRED

[11.00 am]

(Transcript content occurs here)

ADJOURNED

[11.10 am]

RESUMED IN THE PRESENCE OF THE JURY

[12.01 pm]

Use the following banner if the jury was present when the court adjourned (ie, there was no JURY RETIRED banner) but is absent when the court resumes, and then the jury returns.

ADJOURNED

[11.00 am]

RESUMED IN THE ABSENCE OF THE JURY

[12.10 pm]

(Transcript content occurs here)

THE JURY RETURNED

..... [12.21 pm]

Use the following banner when the jury retires, after which the court adjourns, then the court resumes and then at some later point the jury returns:

THE JURY RETIRED	[11.00 am]
ADJOURNED	[11.10 am]
RESUMED	[12.01 pm]
<i>(Transcript content occurs here)</i>	
THE JURY RETURNED	[12.40 pm]

Adjournments/Resumptions during addresses

If an adjournment occurs during opening addresses to be transcribed, show as follows:

MR SMITH OPENED THE CASE FOR THE CROWN:	
<i>(Transcript content occurs here)</i>	
ADJOURNED	[11.10 am]
RESUMED	[12.01 pm]
MR SMITH CONTINUED OPENING THE CASE FOR THE CROWN:	

If an adjournment occurs during closing address to the jury, show as follows:

MR BROWN ADDRESSED THE JURY: Members of the jury (etcetera) <i>(at the conclusion of each address leave two clear lines)</i>

HER HONOUR: Mr Brown, it's been about an hour. Would you like to take a short break and we'll let the jury stretch their legs and come back?

MR BROWN: Yes. Thank you, your Honour.

ADJOURNED [2.33 pm]

RESUMED [2.55 pm]

HER HONOUR: Thank you, Mr Brown. Thank you, members of the jury. *(leave two clear lines)*

MR BROWN CONTINUED TO ADDRESS THE JURY:

Now, ladies and gentlemen, before the break we were (etcetera)

(at the conclusion of each address leave two clear lines)

If addresses to the judicial officer are not transcribed, and an adjournment/resumption occurs during the time that these addresses are given, it is not necessary to include the ADJOURNED/RESUMED banner information. Simply show as:

MR SMITH ADDRESSED HIS HONOUR

If transcribed, show as:

MR SMITH ADDRESSED HIS HONOUR:

Your Honour, in this case my client (etc)

ADJOURNED [10.24 am]

RESUMED [11.00 am]

MR SMITH CONTINUED TO ADDRESS HIS HONOUR:

As I mentioned before the adjournment (etc)

(at the conclusion of each address leave two clear lines)

Revisable transcripts

Normal adjournment/resumption banners apply during revisable transcripts.

Revisable transcripts (ie, sentences, judgments, rulings, reasons for findings, orders) will end with a short line from the left margin.

Other than the final TIME banner at conclusion of Summing Up/Redirections prior to Verdict or if jury is discharged without a Verdict being delivered, no adjournment banner is used in revisable transcripts unless the revisable portion takes place over more than one day.

In the event that the delivery of one of these transcripts takes place over more than one day, the adjourned UNTIL option should be used at the end of the first day's revisable transcript, and then the conclusion of the matter will end with the ADJOURNED banner and time.

If the jury has begun deliberations, the Summing Up/Redirections transcript continuing to another day(s) will show the TIME banner at the end of each day.

HIS HONOUR: All right. Well, the sentence will remain as I stated it. Do you have anything to add, Mr Smith?

MR SMITH: No, your Honour.

HIS HONOUR: Ms Jones?

MS JONES: No, thank you, your Honour.

HIS HONOUR: All right. Thank you both for your assistance. Just adjourn to chambers.

No content is to be omitted from revisable transcript, except inclusion of ellipsis to denote costs discussion in a Judgment.

Note: should a full transcript of the matter be requested, there may be instances where legal argument/discussion excised from a revisable transcript will need to be included in the main transcript

Upon resumption after a short break

If addresses are being transcribed, when the jury is brought back, enter THE JURY RETURNED and the applicable time.

(Mr Smith addresses the jury at the time of the adjournment)

RESUMED

[2.30 pm]

HER HONOUR: Bring the jury in, please.

MR SMITH: Before the jury returns, there is one thing, your Honour.

exchange between counsel and the judicial officer

THE JURY RETURNED

[2.38 pm]

MR SMITH CONTINUED TO ADDRESS THE JURY:

Ladies and gentlemen, before we adjourned, I was drawing your attention to the information provided in exhibit D.

(transcript content continues here)

If addresses are not being transcribed:

MR SMITH ADDRESSED THE JURY

(adj/res occurs here but is not shown)

MR BROWN ADDRESSED THE JURY

TAKE IN SUMMING UP

1.4 Admissions

When counsel for prosecution and defence agree on certain facts in a matter, these are called admissions.

If submitted orally, transcript is verbatim.

Should admissions be read into the record, admissions should be quoted.

If admissions are tendered as an exhibit, relevant exhibit banner will apply.

1.5 Appearances

Appearances should be typed verbatim in the transcript text. When appearances are announced, or when the name of counsel or a self-represented person appears in the margin *for the first time*, their initials are shown, plus QC or SC if appropriate, but they are shown only once. Counsel are then shown simply as Mr, Ms, etcetera, with no initials and no QC or SC after their name. Note that female speakers are always shown as MS in the margin, unless specific instruction is provided otherwise.

Each initial is followed by a full stop. No space occurs between initials if more than one is typed:
MR A.B.C. SMITH:

When a hearing occurs over consecutive days, only reproduce counsel's initials if formal appearances are taken again.

When counsel appear "with" other legal counsel to support them in court, that person's name is typed in capital letters, as it is said. Type the accompanying counsel's initials only if they are said.

MR A. SMITH QC: Thank you, your Honour. If your Honour pleases, my name is Smith, initial A., of Queen's Counsel. I appear with my learned friends MR WHITE and MR GREEN for the Commissioner of the Australian Federal Police.

MR A.B. BROWN: Good morning, your Honour. Brown, initials A.B., Brisbane Criminal Lawyers, on behalf of the defendants.

Note: In QIRC matters, counsel may often appear with someone from a union or a representative body, ie, not an instructing solicitor or another advocate. That other person's name does not need to be capitalised.

MR A. SMITH: So it's Anthony Smith for the Queensland Services Industrial Union of Employees, and Mr James Green from the union.

Note – typing of numbered parties

In the transcript text, follow the general rule for typing numbers, that is, zero to nine in words and 10 and above in numerals:

MR GATES: I appear for the second, fifth and eighth respondents, your Honour.

MR BANTON: For the 12th and 13th respondents, your Honour.

Self-represented – criminal trial appearances

In the event that an accused person in a criminal trial appears on his/her own behalf, transcribe his/her appearance verbatim.

Designation at the margin for self-represented accused is DEFENDANT. A surname is only added if there is more than one defendant in the matter. For example, if three defendants are listed in a matter but only one defendant is present in court, use DEFENDANT SURNAME: to identify that particular defendant.

DEFENDANT:

DEFENDANT A. SMITH:

DEFENDANT B. SMITH:

DEFENDANT BURNS:

APPELLANT: (a self-represented defendant on appeal)

Self-represented - civil trial appearances

PLAINTIFF:

DEFENDANT:

DEFENDANT SMITH: *(if more than one self-rep party)*

APPLICANT: *(a self-rep party appearing as an individual)*

APPLICANT SMITH: *(more than one self-rep party appearing as an individual)*

RESPONDENT: *(a self-rep party appearing as an individual)*

RESPONDENT JONES: *(more than one self-rep party appearing as an individual -*

Note: *in a matter which has more than one respondent listed as a party but only one respondent appears in court, use this entry)*

MR SURNAME: *(a self-rep party appearing on behalf of a company)*

MS SURNAME: *(a self-rep party appearing on behalf of a company)*

APPELLANT: *(- a party who lodges an appeal in the District Court against a decision by a magistrate in a civil action)*

(- self-represented party in the Planning and Environment Court)

Self-represented - QIRC appearances

Self-represented parties
during a hearing

APPLICANT:
RESPONDENT:

during a workers'
compensation hearing

APPELLANT:

during an
anti-discrimination
hearing

COMPLAINANT:)

Self-represented parties (both applicant and respondent)
during a conference

MR SURNAME:
MS SURNAME:

Self-represented – Court of Appeal appearances

APPELLANT:
RESPONDENT:

1.6 Bail Applications

Supreme Court: Bail Applications are heard in Civil Jurisdiction if no indictment has been presented and Criminal Jurisdiction if an indictment has been presented.

District Court: Bail Applications are generally heard in Criminal Jurisdiction as these matters are assigned to a District Court once an indictment has been presented.

If there is uncertainty as to correct jurisdiction for a Bail Application Matter, default to the jurisdiction assigned to the original matter listing.

Bail Application matters will consist of a separate hearing transcript (which may include submissions, legal argument and evidence) and (revisable) judgment transcript.

1.7 Cited Case References: the use of “v”, “against”, “versus” or “and”

- In all instances, use “v”
- The speaker says “the Queen” or “Regina”, type as “R”

eg, “the Queen v Smith” or “Regina and Smith” or “R against Smith”, these are typed in an abbreviated form as “R v Smith”.

1.8 Authorities and Cited Case References

Dates of cited authorities/case references should be shown with square brackets

For example:

If said as: The Queen and Smith 2008 Queensland Court of Appeal 34
Type as: The Queen and Smith [2008] QCA 34

If said as: The Queen v Smith 2008 Queensland Court of Appeal 34
Type as: R v Smith [2008] QCA 34

If said as: Regina v Smith 2008 Queensland Court of Appeal 34
Type as: R v Smith [2008] QCA 34

If said as: Regina and Smith 2008 Queensland Court of Appeal 34
Type as: Regina v Smith [2008] QCA 34

If said as: The Queen against Smith 2008 Queensland Court of Appeal 34
Type as: R v Smith [2008] QCA 34

◇ Case names should not be italicised unless specifically directed by the speaker.

Some terms which are used at the start of a case

Re in the matter of

Ex parte someone who is involved in the case but is not a party, or someone who has made an application in the absence of other parties

Re Bond; ex parte Hong Kong Bank [1999] FCA 403

Re Perkins; ex parte Westpac Banking Corporation [1999] FCA 826

Ex parte Citicorp Australia Limited

Ex parte Spencer and Others

Example of abbreviated layout

MR SMITH: I should now like to refer the court to the case of Kuffner and Brown, which is reported in 1976, volume 3, Federal Law Reports at page 26.

Type as

MR SMITH: I should now like to refer the court to the case of Kuffner v Brown [1976] 3 FLR 26.

Some examples of common court and publication abbreviations

A Crim R	Australian Criminal Reports
AAR	Administrative Appeals Reports
AC	Appeal Cases
AD(JR) Act	Administrative Decisions (Judicial Review) Act
ALD	Administrative Law Decisions
ALJR	Australian Law Journal Reports
All ER	All England Reports
ALR	Australian Law Reports
ATC	Australian Tax Cases
Ch	Chancery
Ch D	Chancery Division
CLR	Commonwealth Law Reports
FamCA	Family Court of Australia
Fam LR	Family Law Reports
FamCAFC	Family Court of Australia Full Court
FCA	Federal Court of Australia

Federal Court Rules – no abbreviation

FLC	Family Law Cases
FLR	Federal Law Reports
HCA	High Court of Australia
KB	Kings Bench
LJ EQ	Law Journal Equity
NSWLR	New South Wales Law Reports
QCA	Queensland Court of Appeal
Qd R	Queensland Reports
VLR	Victorian Law Reports
WASCA	Western Australian Supreme Court of Appeal
WLR	Weekly Law Reports

Note: **Halsbury’s Laws of England**

There are too many reports to list, but usually the acronym is used. Case references can be checked on the AustLII website or through Google.

1.9 Awards, Grades, Orders and Titles

Awards, grades, orders and titles are typed without spaces and without full stops. For example:

AO	ASO6	BEng	MBA	MBBA	MD	MP
OBE	PhD	QC	SC	NiMaLS (National Media Liaison Service)		

Mr P.E. Hack QC
Mr J. Bond SC
Justice Olney AM
Deputy President C.R. Wright AM QC
He has a Bachelor of Commerce and a Masters of Taxation.
He is studying for a bachelor’s degree and then a masters.

1.10 Callover matters / supervised case reviews / mentions

This entails multiple matters being typed in the same transcript. If ordered, type in the same style as Supreme Court/District Court criminal. For Magistrates Court callover matters, use applicable margin entries for Magistrates Court.. In order to show where one matter ends and the next begins use the following format.

Note that this format is used specifically for callover matters, supervised case reviews and mentions.

Come down two clear lines and enter the matter name in the left margin, in caps and bold. Leave two further clear lines and commence typing the hearing content.

MS WHITE: Thank you, your Honour.

MS GREEN: Thank you very much, your Honour.

HIS HONOUR: Any other custody matters that can be listed for trial or sentence.

MS GREEN: I do have other custody matters, a matter of Jones.

(two clear lines either side)

JONES

HIS HONOUR: Jones.

MS GREEN: Mr Jones is in custody and has been in custody for nine months now. He's number 16 on the presented list. He's also number 14 on the unrepresented list.

HIS HONOUR: I've - - -

MS WHITE: Presently listed for a mention arraignment on the 15th.

HIS HONOUR: Yes, all right. I'll do that.

MS WHITE: Thank you, your Honour.

BROWN

HIS HONOUR: Mr Andrews, have you got something on the custody list that needs to be listed?

MR ANDREWS: I have, your Honour.

MR A. SMITH: Your Honour, I appear for the Crown. My name is Smith, initial A.

1.11 Computer Terms

analog ASCII barcode BASIC AustLII baud bit byte CD-ROM compact disc database debug disc e-banking e-commerce e-court email FAQ filename	firewire format formatting FORTRAN GIF gigahertz – GHz Google to google Gmail GUI hard copy hard disc hard drive hardware hertz HTML hyperlink information superhighway input internet – the Net	keyword kilobyte – KB to log on, logging on (verb) login/logon (nouns) mainframe MASS-PAR megahertz – MHz modem multimedia multitask nanotechnology netiquette offline online outsource PC	PDF PowerPoint program RAM real-time retransmit SIM card software telemedicine the Web web server website Windows Word Microsoft Word WordPerfect World Wide Web www.navy.gov.au
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A valuable source of information for computer terms can be found at: www.whatis.com

Email text / addresses

Quotes of text/email speak: text messages should be typed verbatim as they are said.

Email addresses can be set out in the following recognised format. Remember to deselect the email hyperlink underlining and font colouring if a full email address produces such a result. The typed email address should be in black font, with no underlining.

For example: john.citizen@emailaddress.com

Useful website addresses

Case citations: <http://www.austlii.edu.au/>
Names: <http://www.familycourt.gov.au/>
 <http://www.vicbar.com.au/>
 <http://www.nswbar.asn.au/>
 <http://www.qldbar.asn.au/>
 <http://www.wabar.asn.au/>
 <http://www.sabar.org.au/>
 <http://www.tasmanianbar.com.au/>
 <http://www.actbar.asn.au/>
 <http://www.ntba.asn.au/>
 <http://apps.courts.qld.gov.au/eresearching/>
<http://www.lawsociety.com.au/community/findingalawyer/australianlegalpractitioners/index.htm>
Dictionaries: <http://www.macquariedictionary.com.au/>
 <http://dictionary.law.com/>
 <http://dictionary.reference.com/>

Addresses,
business names <http://www.whitepages.com.au/>
 <http://www.whereis.com/>

<http://www.drugs.com/drug-information.html>
drugs information online. A fairly comprehensive site listing all
prescription drugs as well as veterinary drugs.

1.12 Corrections to transcript

Transcript is not to be amended and reissued as a result of in-Court comments/discussions of errors in previous transcripts.

Transcript should only be amended and reissued to correct errors identified by clients.

1.13 Court Officers

Associate - District and Supreme Court, Land Court and Land Appeal Court

Will arraign a defendant.

Will swear in the bailiff.

ASSOCIATE: John James Smith, you are charged with four counts of unlawful assault and five counts of breaking, entering and stealing. Are you guilty or not guilty?

DEFENDANT: Guilty.

Bailiff – District and Supreme Court

Responsible for activities of the jury coming in and out of court, relaying information between the jury and the judicial officer.

HER HONOUR: I understand the jury are here, Madam Bailiff?

BAILIFF: Yes.

HER HONOUR: Right. Okay. Well, bring them in.

THE JURY RETURNED

[11.08 am]

HER HONOUR: Thanks very much. Good morning, everyone. (etcetera)

Associates – Industrial Court of Queensland and the QIRC

Responsible for calling "All rise" at the start and adjournment of a matter, calls the matter, and swears in witnesses.

COURT SERVICES OFFICER – Magistrates Court

Responsible for calling "All rise" at the start and adjournment of a matter, calls defendants, records proceedings and calls each witness to give evidence.

Note: the calling of "All rise" is not transcribed.

In the margin, this person is shown as COURT SERVICES OFFICER:

HIS/HER HONOUR: All right. Thank you. And which - - -

COURT SERVICES OFFICER: Court 7.

HIS/HER HONOUR: Court 7. Thank you.

1.14 Closed court proceedings

There are no banners to indicate the start or end of closed court proceedings, except to denote commencement of in-camera proceedings (see 1.16). Otherwise, the transcript will speak for itself. *Except for evidence of complainant(s) in criminal trials where the complainant has been declared a special witness and the court is closed to allow the complainant to give evidence in comfortable surroundings, should an open Court matter in any jurisdiction be closed, a separate restricted closed court/in-camera transcript should be generated.*

1.15 Equipment Malfunction

Equipment Malfunction banner is used when part of the proceedings have not been recorded because of equipment malfunction and audio is not recoverable via backup or IT recovery methods.

Leave two clear lines either side and type in the transcript at the margin, in bold and capital letters, at the point where the omission occurs:

EQUIPMENT MALFUNCTION

1.16 In camera proceedings

In-camera proceedings are conducted where confidentiality is essential.

Examples of In Camera proceedings within matters are:

S13A/S13B and S16AC (Commonwealth) Sentencing events

Evidence where the Court is closed and specific restrictions may apply to the release of evidence to parties (eg, Fielder Gillespie order covering commercial-in-confidence evidence in Civil matters)

For S13A/S13B sentencing events, generally, submissions are made in open court followed by submissions in-camera (closed Court), sentence in-camera and the open-court sentence. Four separate transcripts will be produced as a result of this process.

Transcript 1: layout overview

Open court submissions on sentence.

CLOSED COURT SESSION ENSUED

PUBLIC SESSION RESUMED

(this banner will only be used if more open court content occurs between the in-camera portion and the open court sentence. If not, this banner will not be used and the transcript will progress from "in-camera session ensued" to "take in sentence")

TAKE IN SENTENCE

Open court submissions on sentence are transcribed in the main transcript. When the judicial officer or presiding member directs that the matter proceed in-camera, note in the transcript two clear lines below the text the banner:

CLOSED COURT SESSION ENSUED

In-camera submissions will commence at this stage and are typed in a separate document (see transcript 2).

Transcript 2: layout overview

In-camera submissions on sentence.

TAKE IN SENTENCE

PUBLIC SESSION ENSUED

This entry reflects that there is a further open court element to the entire proceeding.

When the in-camera submissions are completed, in-camera sentencing remarks will usually commence. These will form a separate document (see transcript 3). In transcript 2 this event is reflected by the TAKE IN SENTENCE banner.

Transcript 3: layout overview

In-camera sentence.

The content of the in-camera sentence will be transcribed in a separate document. That usually completes the in-camera transcript.

Transcript 4: layout overview

Open court sentence

If there is an open court sentence, this becomes a separate document. In the body of the main transcript (transcript 1) the TAKE IN SENTENCE banner will be entered.

1.17 Language other than English spoken

During proceedings, a speaker may revert to a non-English language to clarify or emphasise something. If this occurs, we do not attempt to type the non-English content. Show the non-English content with the entry (Response not in English) or (Question not in English), as appropriate.

Note: this wording is not used for interpreted evidence. The layout requirements for interpreted evidence are covered in the Interpreted Evidence section in this manual.

MR SMITH: (Question not in English)

1.18 Made-up words

- ◇ If a word is mis-pronounced but the transcriber can identify what the word was meant to be:
 - Type it correctly
- ◇ If a made up word is said:
 - Type the word as said
- ◇ If a non-word is said, use:
 - [inaudible entry]

1.19 Matter name / matter title at the start of proceedings

Include the announcement of the matter in all jurisdictions.

1.20 Multiple speakers sharing the same surname and title

If more than one speaker shares the same surname and title, take the first name initial for each affected speaker and use it in the margin each time they speak. This needs to be used **throughout** the transcript, regardless of when the second or subsequent shared surname speaker speaks.

MR A. SMITH: I would be happy to clarify that point, your Honour, if my learned friend doesn't mind.

MR J. SMITH: I had finished anyway, your Honour.

MR A. SMITH: How fortuitous. Thank you.

DEFENDANT JONES: *(for multiple defendants)*

DEFENDANT J. JONES: *(for multiple defendants with same surname)*

RESPONDENT JONES: *(for multiple respondents)*

RESPONDENT J. JONES: *(for multiple respondents with same surname)*

1.21 Material Struck Out

When a court or tribunal directs any remarks to be struck from the record or indicates that a section of proceedings is not to be transcribed, the following banner is to be used for the relevant portion of transcript:

SECTION OF PROCEEDINGS RECORDED BUT NOT TRANSCRIBED AT THE DIRECTION OF HIS (or HER) HONOUR

When a speaker says something and then says, "I withdraw that," we do **not** remove the words he has already said:

MR JONES: Witness, when Mr Smith came to see you on the 17th, he was in possession of – sorry, I withdraw that. When Mr Smith came to see you on the 17th, did he have that document?

1.22 Nolle prosequi

During the course of a criminal trial the Crown Prosecutor may elect not to proceed further at that time with the indictment (or a charge/s on the indictment) before the court. This is referred to as a nolle prosequi. This event is included in full in the transcript.

1.23 Not to be recorded

If a judicial officer indicates that a section of proceedings is not to be recorded, use the RECORDING CEASED AT THE DIRECTION OF... banner. Some examples follow:

RECORDING CEASED AT THE DIRECTION OF HIS (or HER) HONOUR [12.23 pm]

RECORDING CEASED AT THE DIRECTION OF THE DEPUTY PRESIDENT [12.23 pm]

Should recording then resume later in the matter, use the RECORDING RESUMED AT THE DIRECTION OF... banner. Some examples follow:

RECORDING REDSUMED AT THE DIRECTION OF HIS (or HER) HONOUR [13:40 pm]

RECORDING RESUMED AT THE DIRECTION OF THE DEPUTY PRESIDENT [13.40 pm]

1.24 Not to be transcribed

If a judicial officer indicates that a section of proceedings is not to be transcribed, manually enter SECTION OF PROCEEDINGS RECORDED BUT NOT TRANSCRIBED AT THE DIRECTION OF... banner. Some examples follow:

SECTION OF PROCEEDINGS RECORDED BUT NOT TRANSCRIBED AT THE DIRECTION OF HIS (or HER) HONOUR

SECTION OF PROCEEDINGS RECORDED BUT NOT TRANSCRIBED AT THE DIRECTION OF THE COMMISSIONER

1.25 Person called for identification

If a person is called for identification, no banner is required. The transcript will speak for itself.

Did you examine a girl on that day in connection with this matter?---Yes.

I call Mary Smith for identification. Is that the girl you examined?---Yes.

What did your examination reveal?---She was a person of slight build.

1.26 Playing Back Proceedings in court

The Contractor may be asked to play back a certain part of the proceedings while the recording is taking place. If this happens, the transcript should show in bold and capital letters on the margin, with two line spaces above and below:

PLAYBACK

1.27 Recorder appointed

Principally found in Magistrates Court matters, this event occurs when the audio is not recorded by Auscript. Usually at the beginning of a matter the magistrate may make a comment along the lines of “Jane Smith appointed as recorder to record this matter under the Recording of Evidence Act 2003.” This administrative step is typed verbatim if it occurs. There is no banner entry for this.

1.28 Recording ceased – off the record, and matter adjourned without resuming.

Select the most applicable wording below and enter two clear lines after the last line of text (note: include the time if known). Examples of banners to be used:

THE CONFERENCE ADJOURNED WITHOUT RESUMING RECORDING	[4.55 pm]
THE HEARING ADJOURNED WITHOUT RESUMING RECORDING	[4.55 pm]
THE COMMISSION ADJOURNED WITHOUT RESUMING RECORDING	[4.55 pm]

1.29 Rulings on law

Incorporated as part of a transcript.

Only transcribe as a separate transcript if requested.

If rulings on law are transcribed separately:

The ruling itself will not appear in the main transcript. Where the ruling occurs in the transcript, enter (two clear lines either side):

TAKE IN RULING

1.30 Section 13A/13B and Section 16AC proceedings

S13A/B Penalties and Sentences Act 1992:

Cooperation with law enforcement authorities to be taken into account

This section applies for a sentence that is to be reduced by the sentencing court because the offender has undertaken to cooperate with law enforcement agencies in a proceeding about an offence, including a confiscation proceeding.

Refer to the In-camera proceedings section.

S16AC Crimes Act 1914 (Commonwealth)

Generally, s16AC proceedings are heard in open Court unless the sentence to be imposed will result in a custodial sentence.

In these instances, the Court will be closed and the sentencing remarks heard in-camera and only open Court submissions and in-camera sentence transcript will be produced.

1.31 Sentencing remarks

Include all false starts, repetitions and changes of thought by all speakers that occur during sentencing remarks. Do not tidy up any speaker at this time.

1.32 [sic]

[sic] is not to be used under any circumstances in DJAG transcripts.

1.33 Unidentified Speaker

If a person whose voice cannot be recognised speaks, show in margin:

UNIDENTIFIED SPEAKER:

Do **not** designate Mr/Ms/Male/Female. Once a speaker has been identified, use their designation *from that point onwards*. Do **not** return to earlier portions of the transcript to amend any unidentified speaker entries.

1.34 Verbatim

DJAG clients require a verbatim transcript.

This includes typing contractions as they are said. All contractions are acceptable except for the double contractions such as “wouldn’t’ve”, “couldn’t’ve”, “shouldn’t’ve”.

Note that “what’s” as in “what does” is an acceptable contraction.

However, *unless it would produce an absurdity*, contractions are not be included in revisable transcript: each contracted word must be spelled out in full.

For example, the following statement contains an absurdity:

“Sometimes, when we get a fright, we jump like that, *do not* we?”

Although contractions in revisable transcript should be spelled out in full, the correct format in this instance would be:

“Sometimes, when we get a fright, we jump like that, *don’t* we?”

Sounds such as “ah”, “um”, “er” are not transcribed. “oh” can be transcribed but should be used sparingly for all speakers.

Tidying up judicial officer responses:

Judicial officers should be typed as saying “yes” and “no”, not “yeah”, “nope”, “nuh”. For all other speakers, type as said.

Minor tidying up of counsel and the judicial officer is accepted where the sound “mmm”, stumbles, stuttering or repetitive starts of identical words occur, but never witness or self-represented evidence.

Some examples of minor tidying up by a judicial officer or counsel:

What was said	HIS HONOUR: The – the evidence so far
Tidied to	HIS HONOUR: The evidence so far

What was said	MR BROWN: If I can hand to - up to your Honour
Tidied to	MR BROWN: If I can hand up to your Honour

What was said DEPUTY PRESIDENT: Were you going to take me – take me through the document.
 Tidied to DEPUTY PRESIDENT: Were you going to take me through the document.

What was said MR SMITH: Your Honour, if I – I – I – I could hand that up.
 Tidied to MR SMITH: Your Honour, if I could hand that up.

“gonna”, “wanna”, “talkin’”, “thinkin’”, “gotta”, “dunno”

Type these as “going to”, “want to”, “talking”, “thinking”, “got to”, “don’t know”.

1.35 Word List

For uniformity, the words below are to be typed in transcript as shown. Initial capitals are indicated where appropriate. If in doubt about words not listed, use the Macquarie Online Dictionary as a reference: www.macquariedictionary.com.au

Username: Auscript (uppercase A)
 Password: Quality (uppercase Q)

<p>a</p> <p>AD(JR) Act – Administrative Decisions (Judicial Review) Act a while Aboriginal / Aborigine abovementioned adviser aeroplane aide-mémoire aircrew air force air-condition all right Anshun estoppel antidepressant anti-inflammatory Anton Piller Australian Air Force any more</p>	<p>any time anyhow Anzac appealable / appellable appeal book apropos arm’s length army Australian Army artefact au fait AusAID AusIndustry Aussat Austel AustLII (legal database) Australian Government</p>
<p>b</p> <p>backdate bankcard – (the generic term for a general-purpose credit card issued by a financial institution) bar table barcode</p>	<p>bated breath blah, blah, blah bloodstain bookkeeper bulkhead by the by</p>
<p>c</p> <p>café car park carte blanche capex</p>	<p>Commission (when party to a proceeding) Commissioner (of Taxation) Commonwealth Commonwealth Government</p>

<p>CAT scan cc'd CD-ROM cestui que trust (pronounced settee-kay or ses-tee kay)</p> <p>chequebook child care chose in action Christmases (plural) collarbone Comcar Comcare commonplace commonsense Court of Appeal</p>	<p>ComSuper Constitution (Australian Constitution) Convention (Human Rights, Hague) coordinate cooperate court counter-claim counter-offer courthouse courtroom courtyard creditors' meeting cross-claim cross-examination Crown</p>
<p>d</p> <p>database day to day (from) day-to-day (events) decision-maker Defence, Department of defence force (Australian Defence Force) defence forces delegate of the secretary demarcation</p>	<p>demark Deputy Commissioner (taxation) desuetude (state of disuse) diazepam disc (both computer and medical) dispatch / to dispatch draft / draftsman / drafting DSM-IV DSM-5</p>
<p>e</p> <p>eff or effing (when full word not used) effluxion (of time) email e-commerce e-court eLodgement e-ticket</p>	<p>etcetera evidence-in-chief examination-in-chief ex parte Excel spreadsheet ex tempore</p>
<p>f</p> <p>family trust (but the Smith Family Trust) Federal Government Federal Police fifty-fifty fingerprint</p>	<p>flier focused / focusing forex (foreign exchange) Fourex (beer brand) Full Bench Full Court</p>
<p>g</p> <p>guideline goodwill Google to google</p>	<p>h</p> <p>halfway holus-bolus hot tub hot tubbing</p>
<p>i</p> <p>ill feeling ill health ill will</p> <p>ill-treat inasmuch as inquiry</p>	<p>insofar as Inspector-General (of Taxation) Instalment</p> <p>internet inter partes intervenor</p>

<p>j</p> <p>jail Job Search (program) judgment</p>	<p>k</p> <p>Kafkaesque know-how KS (abbreviation of “kilometres when said as “kays”)</p>
<p>l</p> <p>leasehold Local Government lunchtime</p>	
<p>m</p> <p>marketplace Mareva (injunction) Markuleski direction MasterCard McDonald’s (restaurant) medivac/medivacced mil (short for millimetre) mill (short for million)</p>	<p>Messrs (plural of Mr) Minister (of the government) misstatement moneys multidisciplined mum</p>
<p>n</p> <p>NASDAQ native title (general) Native Title Act Native Title Tribunal naught (came to naught) navy Australian Navy</p>	<p>Net (the internet) Newstart New Year’s Day New Year’s Eve no one No. as in “number”: (for case citations only, where applicable) Chamberlain v The Queen (No. 1) (1983)</p>
<p>o</p> <p>Official Receiver okay on to onto (position) online osteoarthritis</p>	
<p>p</p> <p>Parliament party/party Patent Office pay sheet payout payslip per cent percentage plainclothes</p>	<p>post-traumatic stress disorder policyholder pre-sentence, pre-trial printout pro forma program programmed programming</p>
<p>q</p> <p>Qantas quoad QPRIME (Qld Police information management system)</p>	<p>r</p> <p>real McCoy re-examination relist res judicata rider (attachment, amendment) right-hand side rollover</p>

s scattergun approach Scott schedule section service pension shareholders agreement SkillShare sometimes (adverb) stakeholder	State Government straightaway straight-out subclause subparagraph, subpoint subrule, subset subsection
t Tax/Taxation Department Tax/Taxation Office taxpayer the Bar (for practising barristers) the Web till (as in until) time sheet timeframe toing and froing tonne (unless specified otherwise)	tortfeasor trademark Trade Marks Act tribunal triple O trust deed trustee trustee de son tort trustee in bankruptcy twofold
u uppermost uberrima fides (utmost good faith)	v video conference video link videotape vis-à-vis
w watch-house the Web website Wednesbury (principle) weekend wellbeing whereabouts White Paper	witness box WorkCover WordPerfect workforce World War II World Wide Web Writeway Report
x X-ray	y yadda yadda yadda

One word or two

any more
(always two words)

I'm not going to repeat myself any more.
It doesn't matter any more because I have finished.

anyway/anyhow

meaning "nevertheless" or "nonetheless"
Will you be going anyway?
Anyhow, that wasn't my intention

any way

in any manner
Is there any way to progress this matter?

maybe

(adverb) meaning "perhaps" or "possibly"
Maybe I will hear the matter later this week.
Maybe I will; maybe I won't.

may be	(verb phrase) meaning “might be” or “could be” I may be able to hear the matter later this week
sometimes	(adverb) from time to time; now and then; occasionally Sometimes we do; sometimes we don't.
some time	(adjective + noun) We will deal with that at some time in the future Do we have some time to deal with that matter today?
All right	It is not all right to use alright in place of all right in standard English.

SECTION 2: WITNESS EVENTS

2.1 Swearing in

- ◇ Sworn: the witness swears on the Bible, or other religious document, to tell the truth.
- ◇ Affirmed: the witness chooses not to swear on the Bible, or other religious document, and makes an affirmation to tell the truth.
- ◇ Called: the witness is neither sworn nor affirmed but still gives evidence.
- ◇ Always type the witness's full name, but note that their title – Mr, Ms, Dr, Professor, etcetera – is not included.
- ◇ The time is always indicated on the right-hand side of the page for all witness events.
- ◇ Witnesses giving evidence via telephone or other electronic means may be sworn, affirmed or called.
- ◇ A witness sworn/affirmed banner contains the full name of a self-represented party, **not** the wording DEFENDANT, APPELLANT, RESPONDENT.

<JOHN SMITH, SWORN [11.10 am]

or

<JOHN SMITH, AFFIRMED [11.22 am]

or

<JOHN SMITH, CALLED [12.13 pm]

- ◇ If a witness addresses the court before they are sworn/affirmed, put their name in the margin: MR SMITH: or MS SMITH: or DEFENDANT or APPLICANT

Child witness

The WITNESS NAME, CALLED banner is used principally in cases where the judicial officer needs to talk to a child to ascertain whether they are able to take an oath. If an occasion arose where a judicial officer needed to get that clarification from a non-child witness, you would also use this banner.

JOHN SMITH, CALLED [9.00 am]

HER HONOUR: Hello, John?---Hello.

Transcribe all conversation.

If it is then decided that the child is capable of taking an oath after the discussion show:

JOHN SMITH, SWORN

[9.15 am]

EXAMINATION-IN-CHIEF BY MR JONES

If the child does not take an oath after the initial discussion with the judicial officer, show:

JOHN SMITH

[9.33 am]

EXAMINATION-IN-CHIEF BY MR JONES

If the child witness appears via video link from a different location and the judicial officer asks the child to leave while they discuss something, use the WITNESS STOOD DOWN banner. When the child returns to the video link, use the WITNESS NAME, CONTINUING banner with the applicable stage of examination.

2.2 Stages of Examination (Alt + W)

XN	Examination-in-chief (witness's own counsel)
XXN	Cross-examination (opposing counsel)
RXN	Re-examination (witness's own counsel)
FXN	Further examination-in-chief (witness's own counsel – FXN occurs when RXN/FRXN has concluded and counsel wishes to continue XN to adduce evidence unrelated to initial XN or when the witness has been excused and then recalled at a later stage of the matter)
FXXN	Further cross-examination (opposing counsel)
FRXN	Further re-examination (witness's own counsel)

Note that any of these stages may be omitted. For example, a witness may be sworn and examined in-chief, but opposing counsel may not wish to cross-examine, or a witness may be examined in-chief and cross-examined, but their own counsel may not wish to re-examine. Note also that further examination-in-chief and further cross-examination do not occur with all witnesses.

Lengthy evidence may include the following stages of evidence:

XN
XXN
RXN
FXXN
FRXN
FXXN
FRXN
WITNESS EXCUSED

Should the witness then be recalled at a later stage:

FXN
FXXN
FRXN
FXXN
FRXN
WITNESS EXCUSED

The stage of examination event line should follow the swearing in/affirming event line unless lengthy discussion occurs between counsel and/or his/her Honour before the stage of examination commences. Minor introductory comments by the presiding member or counsel should not come between these two event lines.

MR JONES: Your Honour, I call John Smith.

JOHN SMITH, SWORN

[11.45 am]

EXAMINATION-IN-CHIEF BY MR JONES

MR JONES: Mr Smith -- --?---Yes.

(evidence continues)

HIS HONOUR: Yes, Ms Green.

CROSS-EXAMINATION BY MS GREEN

[12.13 pm]

MS GREEN: Is your Honour proposing to deal with the matter after Mr Smith's evidence?

Telephone conference/video link evidence

This banner is used solely in relation to witness evidence. For non-witness parties who appear by telephone/video link no banner entry is needed.

Do not include the administrative discussion that the bailiff/associate has with a witness when they initially establish contact on the phone. This is covered by the entry of the witness event banner.

Just prior to each applicable witness event line, enter:

CONDUCTED VIA TELEPHONE CONFERENCE

JOHN SMITH, SWORN

[12.33 pm]

EXAMINATION-IN-CHIEF BY MR BROWN

OR

CONDUCTED VIA VIDEO LINK

JOHN SMITH, SWORN

[12.33 pm]

EXAMINATION-IN-CHIEF BY MR BROWN

Note: if the video link is cut prior to a witness being formally excused or stood down, do not use a witness excused/stood down banner. Let the transcript speak for itself. The witness excused/stood down banner will be used in the normal way when the witness eventually leaves the witness box.

2.3 Sworn and examined via closed-circuit television/video link

Protected Witness

Sometimes witnesses (particularly children) are placed in a room containing a television monitor and camera. The witness is able to see and hear the person asking questions from the courtroom, and all persons in the courtroom are able to see and hear the witness. The purpose is to enable the witness to give evidence without feeling intimidated by the atmosphere of the courtroom and the presence of the accused.

When the witness is located in the same building as the courtroom, but a different room, and is sworn/affirmed/called, show, for example:

JOHN SMITH, SWORN [10.23 am]

EXAMINATION-IN-CHIEF BY MR GREEN VIA CLOSED-CIRCUIT TELEVISION

When the witness is in a different building all together, whether in the same geographical location (eg, city) or not, and is sworn/affirmed/called, show, for example:

JOHN SMITH, SWORN [10.23 am]

EXAMINATION-IN-CHIEF BY MR GREEN VIA VIDEO LINK

Note: if you do not know the location of the protected witness, the default option is the closed-circuit TV wording.

2.4 Question and Answer Format

- ✓ Immediately after a single witness is sworn or affirmed, the questions directed to the witness, together with the answers, are shown in question and answer format. This format should not be departed from while the witness is giving evidence.
- ✓ Any questions from the presiding officer should remain in Question and Answer format. The only time wall to wall format would be used would be when multiple witnesses are heard together or when an interpreter is being used.
- ✓ No stage of examination is used for questions asked by a presiding officer.
- ✓ The speaker's name must be entered in the left margin after a witness event entry.
- ✓ The ?--- symbol is placed between the question and the answer, with no spaces in between.
- ✓ Question and answer format applies whether questions are interrogative or declarative.
- ✓ Words that come to the left of the symbol ?--- are given by the interviewer, usually counsel or the presiding member. Words that come to the right of the symbol ?--- are the witness's answers.

- ✓ It is necessary to show every change of speaker.
- ✓ Remember: a question to a single witness and the witness's answer is never paragraphed, no matter how long the question or answer is.
- ✓ If introductory questions regarding the witness's full name and address are asked by a court officer, these must be transcribed.
 - ◇ When a witness responds directly to a question.

JOHN SMITH, SWORN

[11.10 am]

EXAMINATION-IN-CHIEF BY MS GREEN

MS GREEN: Your full name is John Smith?---That's correct.

And you live at Flat 1, 10 Black Street, Farmdale?---Yes, that's right.

What is your occupation?---I'm a company director.

HIS HONOUR: Mr Black, would you say that again, please?---Yes. I'm a company director.

- ◇ When a witness speaks "out of turn", ie, when a question is not directed to them. Enter WITNESS: in the margin. If/when the witness is directly addressed, resume normal question and answer layout.

MS GREEN: Your Honour, may we have an adjournment?

HIS HONOUR: Yes.

WITNESS: But I want to continue my answer.

HIS HONOUR: Is there a particular reason that it can't wait?---No, I suppose not.

MS GREEN: Your Honour, a few more minutes won't matter.

HIS HONOUR: Thank you, Ms Green, but that won't be necessary.

WITNESS: This is just ridiculous.

- ◇ When a speaker has been addressing someone other than the witness and then turns to speak to the witness, go down two lines and start a new question.

MS FGREEN: Your name is John Smith?---That's correct.

Your Honour, before I continue, I should tell you that we may need to interpose another witness before Mr Smith completes his evidence.

Now, Mr Wilson, you live at Flat 1, 10 Black Street, Farmdale?---Yes, that's right.

BUT

- ◇ When a speaker has been addressing the witness and then turns to another person, for example, the judge or presiding member, it is not necessary to go down two lines. Simply continue in the same paragraph:

MS GREEN: Good morning, Mr Smith. I am only going to ask you a few questions this morning. Your Honour, before I continue, I should tell you that we may need to interpose another witness before Mr Smith completes his evidence.

HIS HONOUR: Thank you, Ms Green.

MS GREEN: Mr Smith, your full name is John Smith?---Yes.

And you live at Flat 1, 10 Black Street – sorry. Your Honour, I should also say that the next witness will be giving evidence by telephone.

Self-represented defendant as witness

If the self-represented defendant is in the witness box he or she becomes a witness and is treated the same way as any other witness. If the defendant speaks out of turn when in the witness box, use the entry of WITNESS: in the margin

Witness leaves courtroom

When the witness leaves the court, returns and continues giving evidence: sometimes a witness who has not finished giving evidence leaves the courtroom temporarily (for example, the judicial officer may want to have a discussion with counsel in the witness's absence or the witness may need to retrieve something from outside, or the judicial officer may inform the witness that they can leave the box for the lunch break or morning tea break). This does not constitute a standing down.

If an adjournment occurs, only use this banner if the witness has been specifically asked to leave the box.

Two clear lines either side:

WITNESS LEAVES COURTROOM

[10.34 am]

Witness continuing

Use this banner if any of the following occurs:

- ◇ When the witness returns and continues giving evidence
- ◇ After a short break/adjournment, when the witness returns and continues giving evidence
- ◇ After another witness has been interposed

JOHN SMITH, CONTINUING

[11.22 am]

CROSS-EXAMINATION BY MR JONES

When a court resumes with a continuing witness in the box but the jury has not yet returned, and there is discussion and/or other activity prior to the jury returning and questioning of the witness resuming, insert the "continuing" banner immediately after the resumption of the court, *not* at the point at which the jury returns and questioning recommences.

Similarly, if the court resumes and discussion occurs between counsel and the judicial officer prior to the witness examination recommencing, if the witness is known to be in the witness box during this time, the "continuing" banner events should follow immediately after the resumed banner, *not* at the time the actual questioning starts.

Upon a resumption, if one stage of examination finished at the adjournment and the next stage doesn't begin immediately upon resumption, enter the "continuing" banner below the resumption line to show that the witness is physically still in the witness box. When the next stage of examination begins, enter the appropriate stage of examination banner and its commencement time at that point.

Upon a resumption, the only time the continuing banner would start somewhere other than immediately after the resumed banner would be if the witness physically entered the witness box at a point after the resumption time.

Note that no time notation is needed on the “continuing” banner line when entered directly after a resumption banner.

RESUMED	[10.34 am]
JOHN SMITH, CONTINUING	
CROSS-EXAMINATION BY MR JONES	

Witness recalled and resworn

If the witness **has been excused** and is then **recalled** and **resworn**, show:

JOHN SMITH, RECALLED AND RESWORN	[3.33 pm]
FURTHER (THE STAGE OF EVIDENCE INSERTED) BY MR JONES	

If the witness is continuing evidence from a prior day and is resworn, use the following banners:

JOHN SMITH, RESWORN	[3.33 pm]
CONTINUING (THE STAGE OF EVIDENCE INSERTED) BY MR JONES	

At the conclusion of evidence

When a witness has concluded their evidence, the banner should reflect what the Judicial Officer stated:

WITNESS EXCUSED

[4.45 pm]

WITNESS STOOD DOWN

[5.01 pm]

If the Judicial Officer is not clear as to whether the witness is excused or stood down (eg, Judicial Officer states, "You can go") no banner should be included and the transcript will read for itself.

Witness stood down

The banner WITNESS STOOD DOWN is used in the following situations:

1. When a witness has finished giving evidence but is not excused because he/she may be required to give further evidence at a later stage of the proceedings.
2. When the current witness whose evidence is incomplete is asked to leave the courtroom so another witness may be interposed.
3. At the end of the evidence of a witness who is a defendant.

At the end of the day

When a witness is still being examined but the hearing ends for the day, do not enter any witness withdrawn notation. Conclude with an adjourned UNTIL banner.

Hostile witness

When a witness becomes hostile to the counsel he/she was called by, the Crown Prosecutor may ask that the witness be declared hostile and a voir dire may follow.

If the judicial officer declares the witness hostile, the Crown Prosecutor is then entitled to cross-examine his own witness. This cross-examination is to take the form of examination-in-chief.

Defence counsel will have the right to cross-examine the witness, and the Crown Prosecutor may re-examine after that.

Subpoena duces tecum

When subpoenaed documents are provided to the court, the person representing the institution supplying those documents is not sworn. They are shown as EXAMINATION BY banner:

JOHN SMITH, CALLED

[9.38 am]

EXAMINATION BY MR JONES

2.5 Wall to wall Format

- ◇ Wall to wall format is the basic style of transcript where each speaker is identified in the margin.
- ◇ Wall to wall format is used for all transcript, except where a single witness is called to give evidence, or when otherwise specified by a client.
- ◇ Dialogue in wall to wall transcript is paragraphed in the normal way based on context and content.

HER HONOUR: Mr Jones, you are for the applicant?

MR A. JONES: Good morning, your Honour. Yes, I appear for the applicant in these proceedings.

MR A. BROWN: Good morning, your Honour. I appear for the respondents.

HER HONOUR: For the respondents. Is the matter going to be contested, Mr Brown?

MR BROWN: Yes, it is, your Honour.

Multiple Witnesses

If more than one witness is sworn/affirmed/called to give evidence at the same time, the transcript is in wall to wall format. For example:

JOHN SMITH, SWORN [11.15 am]
<
PETER JONES, SWORN [11.15 am]
<
JAMES GREEN, AFFIRMED [11.15 am]
<
<
MS WHITE: Good morning, gentlemen. Please introduce yourself to his Honour and describe your particular area of expertise, starting with you, Mr Smith.

MR SMITH: My name is John Smith, and I'm a company director with a background in accounting.

MR JONES: I'm Peter Jones. Most of my experience is in the area of financial analysis.

MR GREEN: James Green. My specialty is in planning.

If the witnesses leave the witness box together:

WITNESSES EXCUSED [12.10 pm]

If the witnesses leave the witness box at different times:

WITNESS WILSON EXCUSED [12.10 pm]

Note: If a transcript has a mixture of single witnesses and multiple witnesses giving evidence simultaneously, question and answer format can be used for the single-witness portions and wall to wall format can be used for the multi-witness portions.

2.6 A self-represented party

When a person appears on his/her own behalf, evidence can be given in two ways:

The witness can be examined by the presiding member or read from a statement, and then cross-examined by the opposing barrister/solicitor/advocate.

In these circumstances, the transcript speaks for itself and there is no special banner.

JOHN SMITH, SWORN

[9.40 am]

HIS HONOUR: Witness, what do you recall about the night in question?---Everything.

(question and answer format occurs between his Honour and the witness until his Honour concludes his questioning)

CROSS-EXAMINATION BY MR JONES

[10.00 am]

MR JONES: You say you recall everything... (etcetera)

Plaintiff, defendant, respondent as witness

- ◇ When a party gives evidence, treat as a witness in every respect.
- ◇ If the witness speaks out of turn, enter in the left margin as:

WITNESS: *(not DEFENDANT)*

- ◇ When the self-represented party gives a statement from the witness box, there is no special banner, with the evidence continuing in question and answer format, as normal, following the witness being sworn.

Note: wording in banner entries is DEFENDANT, not THE DEFENDANT.

2.7 Interpreted Evidence

An interpreter may be sworn early in a matter or immediately before or after the swearing of the witness whose evidence is to be interpreted.

A transcript containing interpreted and non-interpreted witness evidence can be a mixture of wall to wall and question and answer format. The wall to wall style is to be used when a witness using an interpreter is in the witness box, and the question and answer style should be used for witnesses where an interpreter is not involved.

- ◇ An interpreter is always shown in the margin as INTERPRETER: . On occasions when an interpreter is present in court and he/she is not sworn to interpret but still assists a person appearing in court, they are still to be shown in the margin as INTERPRETER.
- ◇ At the end of the witness's evidence, the witness is withdrawn in the normal way. It is not necessary to indicate that the interpreter has withdrawn.
- ◇ If a witness answers a question in English, even though the interpreter is present, show in the margin WITNESS:
- ◇ If a witness addresses the court before they are sworn/affirmed, put their name in the margin: MR SMITH: or MS SMITH:
- ◇ If the witness's name is to be suppressed through a direction by the court, and the witness addresses the court before they are sworn/affirmed, enter their pseudonym in the margin.

Accreditation of Interpreters – Terminology You May Hear

Interpreters used for court work are usually accredited to a minimum standard of NAATI Level 3. NAATI is the National Accreditation Authority for Translators and Interpreters.

For hearing-impaired and/or speech impaired clients, the interpreter may use Auslan, the sign language used by the hearing-impaired community, or CART, Communication Access Real-time Translation, services.

Transcript Format

PETER JONES, SWORN AS INTERPRETER

<

<

JOHN SMITH, SWORN

[10.30 am]

<

<

EXAMINATION-IN-CHIEF BY MR GREEN

<

<

MR GREEN: What is your full name?

WITNESS: John Smith.

MR GREEN: Where do you live, Mr Smith?

WITNESS: 1 Black Road, Farmdale.

MR GREEN: Do you recall the car accident you had on 4 January this year?

WITNESS: I travelling – I been living in Sydney. I travel to Yass.

MR GREEN: Yes, but do you recall the car accident? Do you understand?

INTERPRETER: No, I don't understand what you say.

MR GREEN: Do you recall the car accident you had on 4 January this year?

INTERPRETER: Yes. We were two people in the car.

Simultaneous use of interpreters

There are occasions when it is necessary to use more than one interpreter at one time in a matter. For example, a self-represented litigant assisted by an interpreter may be examining a witness also assisted by an interpreter. Use the following margin layout in these cases.

INTERPRETER (APPLICANT):

INTERPRETER (RESPONDENT):

INTERPRETER (WITNESS):

When more than one interpreter is used for different parties *at the same time at any point* in the transcript, this margin layout wording must be used *throughout the entire transcript*, even if one of the interpreters is no longer used.

However, if during the course of a hearing there are several different interpreters, but *never more than one at the same time*, there will be no ambiguity over who the interpreter is speaking for and the normal margin entry of INTERPRETER applies.

Note: on occasion, a party may need to use more than one interpreter at the same time or throughout the course of proceedings. The log notes may indicate when interpreters have changed for that party, but there is no need to reflect the variation in interpreters for that party in the transcript. The one entry of INTERPRETER or INTERPRETER (APPLICANT), INTERPRETER (RESPONDENT), is used throughout.

INTERPRETER (APPLICANT): I want to know if you were at the school on 23 August.

INTERPRETER (WITNESS): I said I can't remember. I still can't remember.

INTERPRETER (APPLICANT): Your Honour, I don't want to ask any more questions.

HIS HONOUR: Thank you, Ms Green. You can leave the witness box now.

WITNESS EXCUSED

[10.23 am]

INTERPRETER (APPLICANT): Your Honour, can I give you some more documents now?

2.8 **Voir Dire**

“Voir dire” means a mini-hearing held during a trial on the admissibility of contested evidence or a witness’s qualifications and expertise.

On a voir dire, evidence is heard in the absence of the jury.

Usually this is done to enable the judicial officer to determine whether a certain part of the evidence of a witness should be placed before the jury.

The usual procedure is for the objection to be taken by counsel and a request be made that the matter be resolved in the absence of the jury.

The jury is then sent to the jury room and the evidence is heard in its absence. The witness is usually sworn again, this time for the voir dire. The witness may then be subjected to cross-examination and possibly re-examination.

JOHN SMITH, SWORN

[3.50 pm]

CROSS-EXAMINATION ON VOIR DIRE BY MR JONES

MR JONES: Is your full name John Smith?---Yes.

If the witness is not sworn again:

JOHN SMITH

[3.50 pm]

EXAMINATION-IN-CHIEF ON VOIR DIRE BY MR JONES

When there is an adjournment and the witness continues on voir dire after the break, show:

JOHN SMITH, CONTINUING

[3.50 pm]

CROSS-EXAMINATION ON VOIR DIRE BY MR JONES

Note that if this event comes immediately under the resumption banner, you do not need to replicate the time stamp entry.

Sample layout:

JOHN SMITH, SWORN

[3.50 pm]

CROSS-EXAMINATION ON VOIR DIRE BY MR JONES

MR JONES: *Cross-examination content occurs here.*

ADJOURNED

[4.10 pm]

RESUMED

[4.30 pm]

JOHN SMITH, CONTINUING

CROSS-EXAMINATION ON VOIR DIRE BY MR JONES

MR JONES: *Cross-examination content continues here.*

When the jury returns and the witness's evidence continues in the presence of the jury, it is necessary once again to show the witness notation at the margin, together with the status.

Note that if this event comes immediately under the jury returned banner, you do not need to replicate the time stamp entry:

THE JURY RETURNED

[3.50 pm]

JOHN SMITH, CONTINUING

CROSS-EXAMINATION BY MR JONES

Sworn and examined through an interpreter on voir dire

When a witness on voir dire is sworn through an interpreter, show (two lines either side):

JOHN SMITH, SWORN THROUGH INTERPRETER [3.50 pm]

CROSS-EXAMINATION ON VOIR DIRE BY MR JONES

Addresses on voir dire

After the evidence, counsel will address briefly on the points raised in the voir dire. Unless a request has been made for it to be transcribed, this will be noted in the transcript as (two lines either side, in bold):

MR SMITH ADDRESSED HIS HONOUR ON VOIR DIRE

MR BROWN ADDRESSED HIS HONOUR ON VOIR DIRE

Exhibits/MFIs on voir dire

(two lines either side, in bold):

EXHIBIT #3 ADMITTED AND MARKED ON VOIR DIRE

OR

MFI #3 MARKED FOR IDENTIFICATION ON VOIR DIRE

Judicial officer's ruling on voir dire

The judicial officer will then give their ruling on the voir dire, and this must be included in the transcript.

SECTION 3: LAYOUT AND PUNCTUATION

3.1 Acronyms

ATODS	Alcohol, Tobacco and Other Drug Services
AHPRA	Australian Health Practitioner Regulation Agency
BCIPA	Building & Construction Industry Security of Payment Act
CASA	Civil Aviation Safety Authority
CRISP	Crime Reporting Information System for Police
DOCA	(pronounced “docka” deed of company arrangement)
DoCS	(NSW Department of Community Services)
DOGIT	deed of grant in trust
FaHCSIA	Families, Housing, Community Services and Indigenous Affairs (Department of)
FOI	
HIV-AIDS	
ICARE	Interviewing Children
ILUA	Indigenous Land Use Agreement
LAME	Licensed Aircraft Maintenance Engineer
NETO	no evidence to offer
PIFU	Population Information Forecast Unit
QAILSS	Queensland Aboriginal and Islander Legal Support Service
SPER	State Penalties Enforcement Registry
SOTP	Sex Offenders Treatment Program
TORUM	Transport Operations (Road Use Management) Act

Note:

- ◇ Only use an acronym if that is the way it is said. If said in full, type in full.

3.2 Ampersand

The ampersand (&) is not used in transcript unless you know it is correctly part of a name. If in doubt, do not use the ampersand:

Ernst & Young
Merck Sharp & Dohme Australia
P&O Cruises

Note: Gilbert + Tobin (law firm)

3.3 Apostrophes

The apostrophe has two main functions:

1. to indicate the possessive
2. to form a contraction

Note: do not use the apostrophe to form the plural of a word.

Acronyms and capital letters

Use an apostrophe in the possessive form of acronyms or capital letters.

The ACCC's witnesses Spender J's judgment

No apostrophe is needed for the plural form with acronyms or capital letters.

The volumes marked with Ds and Fs are the ones I refer to.

but cc'd PDF'd

Possessive for nouns and indefinite pronouns

Use "apostrophe s" to form the possessive for personal names, singular nouns or indefinite pronouns:

counsel's submissions	anyone's guess
nobody's business	somebody else's book
the judge's chambers	master's degree
for heaven's sake	bachelor's degree
the witness's evidence	the bus's tyres
driver's licence	

In personal names and plural nouns ending in s use an apostrophe only:

the buses' tyres	Dickens' letters
Jesus' teachings	Moses' life
Menzies' policies	Burns' poems
the judges' chambers (more than one judge)	
the members' list of issues	
the witnesses' evidence (more than one witness)	
creditors' meeting	
Teachers' college	

Note: A plural noun that does not end in s should always take the apostrophe s:

Women's Electoral Lobby
The gentlemen's luggage
The Country Firemen's Association
My children's books

Times

Use the apostrophe for singular and plural nouns:

a day's notice
10 years' time

a week's absence
four months' holiday

Place Names / Business Names

Place names are commonly spelled without the apostrophe (although you may come across exceptions):

Badgerys Creek	St Marys
St Johns Wood	Frenchs Forest
Kings Park	Jacobs Well
St Pauls Terrace	

Business names usually omit the apostrophe from their titles. As a general rule, omit the apostrophe unless you are certain that the name of the registered entity uses an apostrophe:

Barclays Bank
Dowdens Plumbing and Water Treatment Services
Magistrates Court (ACT, Qld, NSW, NT, TAS, WA)

Exception:

Department of Veterans' Affairs
Veterans' Entitlements Act
Magistrates' Court of Victoria
Veterans' Review Board

Note: **all** metropolitan and local courts in Victoria take a possessive apostrophe in their title. Go to www.magistratescourt.vic.gov.au and select **Contact Us** for a full list.

Possessive pronouns

An apostrophe is never used with possessive pronouns:

his	ours
hers	theirs
its	yours

To Prevent Confusion

ifs and buts
the three Rs
ayes and noes
dos and don'ts
the 1990s the nineties

but
dot the i's and cross the t's
watch your p's and q's

3.4 Audio/Video/CD/DVD/Exhibit played

There are times when an audio recording will be played or a video will be shown in court as part of the proceedings. It is not necessary to transcribe the contents of the recording or video. Include the following banner in the transcript at the point where the recording is played or the video is shown. When a portion of the recording has to be played back, also use this banner.

RECORDING PLAYED

3.5 Capitalisation and Lower Case

The general rule for good writing style is that capitals should be used sparingly. Initial capitals should be used only for proper names, full titles when a person is being addressed or referred to, and for some specific words in the areas of government and politics and religion and sacred writings.

I will refer that matter to you, Federal Magistrate Driver.

but

I will refer that matter to a federal magistrate.

It will be heard by Senior Member Hunt of the Administrative Appeals Tribunal.

but

It will be heard by a senior member of the tribunal.

Commissioner Smith is a member of ASIC.

but

ASIC has several commissioners.

The Supreme Court of Queensland is the highest court in Queensland.

but

The Chief Justice is the senior judge of the court.

He has a Bachelor of Commerce and a Masters of Taxation.

but

He is studying for a bachelors degree and then a masters.

Many young people are keen to join the Australian Army.

but

Many young people are keen to join the army.

Note: the word “Associate”, when used in reference to the judicial officer’s associate, will always be capitalised, even in general reference.

My Associate is telling Auscript the spellings.

I can ask my Associate to photocopy those.

Perhaps we could inform your Associate at some later time.

Thank you, Dr Jones. **but** I will refer the doctor to that document.
Thank you, Doctor.

Yes, Professor Evans. **but** I showed the professor the affidavit.
Yes, Professor.

Revisable Transcripts

For revisable transcript, capitalise words such as Crown, Court, Judge, Prosecutor, Defence, even in general reference.

Government and Politics

Attorney General (NSW, WA only)	House of Representatives
Attorney-General (all other states)	Inspector-General (of Taxation)
Australian Government	Local Government
the Commissioner (of Taxation)	Minister (of the government)
the Deputy Commissioner (of Taxation)	the Ombudsman
the Commission (if a party to proceedings)	Parliament
Commonwealth	Prime Minister
Commonwealth Government	the Secretary (Dept Social Security)
Constitution (the Australian Constitution)	State Government
Convention (Human Rights, Hague)	Treasurer
Director-General	White Paper
Federal Government	
Governor-General	

but in general terms:

federal	Education is a federal portfolio.
government	Australia has three levels of government.

Headings / Titles Layout

It is not necessary to use quotation marks for headings or titles. Note also that a comma does not precede the heading or title:

Do you have a copy of the document entitled First Respondent's Response?
You will see on page 2 under the heading Closing Prices there is a list of figures.

Legal

Act (eg, Trade Practices Act)	Associate	
the Bar	the Bar Association	
the Chief Justice	Court of Appeal	County Court
the Chair	District Court	Federal Court
Full Bench	Full Court	High Court
Local Court	Madam Chair	
Official Receiver	Supreme Court	

but

appeal book	court officer	sir
bar table	courtroom	solicitor
barrister	judge	trust deed
bench	lawyer	trustee, trustee in bankruptcy
common law	madam, ma'am	watch-house
counsel	police station*	
court		

*while generic reference to “the police station” or “a police station” should remain in lowercase, in instances where a particular police station is referred to, whether it be a proper name or not, use uppercase. For example, “He was taken to the Perth Police Station for questioning.”

Religion and Sacred Writings

Apostles' Creed	God	the Bible
Jesus	II Chronicles 4:7	the Koran – the Qur'an
Buddhist	the Lord's Prayer	Catholic
Christian	Jew	Muslim
Proverbs	the Ten Commandments	Revelation
the New Testament / the Old Testament		

“State”

The word “state” is generally capitalised only when it is used as part of the name of one of the territorial divisions of Australia:

The State of Victoria is one of the southern states of Australia.
Sydney is the largest city in the State of New South Wales.
The State of Tasmania is known as the Apple Isle.
Kangaroo Island is part of the State of South Australia.

Note: “the State” as a party to a proceedings.

but

Australia is made up of different states and territories.
New South Wales is one of Australia's most populous states.
India is an independent state.
Leaders of the European states are holding a big conference.
The population of this state is growing rapidly.

3.6 Contractions

Verbatim on contractions for all speakers. However, do not overuse. For example:

I'd have	instead of	I'd've
I wouldn't have	instead of	I wouldn't've

However, *unless it would produce an absurdity*, contractions are not to be included in revisable transcript: each contracted word must be spelled out in full.

For example, the following statement contains an absurdity:

“Sometimes, when we get a fright, we jump like that, *do not* we?”

Although contractions in revisable transcript should be spelled out in full, the correct format in this instance would be:

“Sometimes, when we get a fright, we jump like that, *don't* we?”

3.7 Direct and Indirect (reported) Speech

Direct speech refers to the exact words spoken by or attributed to someone other than the speaker. Quotation marks are necessary around direct speech in order to avoid ambiguity for the reader. The words within quotation marks “belong” to the person being referred to, not to the speaker.

He said, “I didn't know anything about that document until I saw it this morning.”

I remember exactly what she said. She said, “I saw John three days ago because he had to give me my tax form.”

I highlight for your Honour the line where Mr Brown indicated to the court, “I remember that conversation because that was the day I resigned.”

Compare the following:

I do recall, your Honour, that Mr Williams said I am not to blame for that error.

I do recall, your Honour, that Mr Williams said, “I am not to blame for that error.”

In the first example who is blameless: the speaker or Mr Williams?

In the second example who is blameless? It is Mr Williams who is blameless.

Note: if there is any ambiguity about who is being referred to, omit any quotation marks.

Indirect speech, or reported speech, is not the exact words of someone else. Their words are amended slightly – perhaps the tense or pronouns are changed – so that they become part of the speaker's sentence and are usually preceded with the word “that”.

He said that he didn't know anything about that document until he saw it that morning.

I highlight for your Honour the line where Mr Brown indicated to the court that he remembered the conversation because that was the day he resigned.

3.8 Ellipsis (three dots)

The ellipsis has several uses in DJAG transcripts.

- ◇ To demonstrate a sound or action (three dots with a space on either side)

What happened then?---After the punch, he cried out like this ... and fell to the ground.

Then what happened?---The accused punched him again like this ...

- ◇ Names of jurors (three dots with a space on either side)

In cases where the judge may talk directly to a juror, if the juror has to say what his/her name is, the name is replaced with the ellipsis.

HIS HONOUR: What is your name?

JUROR: My name is ...

- ◇ In “evidence-only” format to show Jury Empanelment/Judicial Address portion of proceedings. If this component of the transcript is required, it will be requested as transcript type “Jury Empanelment” or as an Extract of a specific portion of proceedings covered by Ellipsis.

At the beginning of a criminal trial, when an evidence only transcript has been requested, transcribe:

- everything from commencement of the matter up to where the judicial officer asks for the jury to be empanelled

Then use ellipsis to indicate missing text in the Jury Empanelment/Judicial Address component of the transcript (ie, jury empanelled, bailiff sworn, defendant placed in the charge of the jury, and all the other missing text which occurs before counsel open their case.)

Do not transcribe argument or adjournments or resumptions that occur during the Judicial Address stage.

Unless the Jury Empanelment/Judicial Address component of the transcript is requested, always use this format. For example:

HIS HONOUR: Empanel the jury, please.

...

MR SMITH OPENED THE CASE FOR THE CROWN

◇ If the jury is referred to on a name by name basis.

ASSOCIATE: Members of the jury, please answer to your names.

...

ASSOCIATE: Members of the jury, do you have a speaker?

SPEAKER: Yes.

◇ First and last words to indicate missing phone/email text

If the text being quoted is not a complete sentence, commence the quote with three dots to indicate missing text.

...over and beyond what was expected ...

Note: this layout is to be used for missing phone/email text only. If a speaker quotes part of a sentence from a document, enclose the quoted words in quotation marks, if applicable, but do not use the ellipsis either side.

Ellipses also appear in a judgment transcript instead of the costs argument.

3.9 **Emotive interjections**

Non-words such as um, ah, er, are not transcribed.

3.10 Enumerated Points

If a speaker enumerates points, type as follows:

What I'm trying to work out is three things: (a) to ascertain that that's correct as a matter of fact, (b) who made the choice to change the financial provider, and (c) when the finance provider changed.

The time within which the plaintiff is to serve (1) outlines of lay evidence and (2) any expert evidence in reply will be extended to 10 December.

That statement was later confirmed, your Honour, because of (a) the changed circumstances of the applicant and (b) the fact he had no current passport.

I have a problem with that point, Mr Smith, because (1) your witness didn't show up today and (2) you didn't inform the other side that he wasn't attending.

3.11 Exhibits and MFIs

When the term "exhibit" is used in reference to a document being handed up to the judicial officer, use the EXHIBIT banner per examples below:

EXHIBIT #1 ADMITTED AND MARKED

OR

EXHIBIT #2 ADMITTED AND MARKED ON VOIR DIRE

In circumstances where the term "marked" is used in reference to a document being handed up to the judicial officer, use the MARKED FOR IDENTIFICATION banner per examples below.

MFI #A MARKED FOR IDENTIFICATION

OR

MFI #ID3 MARKED FOR IDENTIFICATION ON VOIR DIRE

Should there arise a situation where it is not clear whether the item has, in fact, been admitted as an exhibit or marked for identification, apply the above as best possible and let the transcript speak for itself.

MR JONES: I tender that document.

HER HONOUR: That will be exhibit 1.

EXHIBIT #1 ADMITTED AND MARKED

MR JONES: I tender that photograph.

HER HONOUR: The photograph showing the damage to the rear of the car will be exhibit 2.

EXHIBIT #2 ADMITTED AND MARKED

If a person tenders an article but there is no acknowledgement by the judicial officer as to its admission, no banner is to be included and the transcript will read for itself.

Multiple exhibits

If multiple exhibits are tendered at one go with no individual description for each exhibit, use just one banner entry. For example:

MR JONES: I tender those five photographs, your Honour.

HIS HONOUR: Exhibits 5 to 10.

EXHIBIT #5 TO 10 ADMITTED AND MARKED

OR

EXHIBIT #1A TO 5A ADMITTED AND MARKED

If multiple exhibits are tendered at one go and the judge or counsel clearly identify the description of each exhibit, these should be entered separately and preceded by the presiding officer's naming of each exhibit. For example:

MR JONES: He was aged 36 and 37 at the time of the offending. He's 39 now. He has a criminal history in Queensland, New South Wales and Victoria. I'll tender a copy of each, your Honour.

HIS HONOUR: The Queensland history is exhibit 1.

EXHIBIT #1 ADMITTED AND MARKED

HIS HONOUR: New South Wales history exhibit 2.

EXHIBIT #2 ADMITTED AND MARKED

HIS HONOUR: Victorian history exhibit 3.

EXHIBIT #3 ADMITTED AND MARKED

Note: in transcript, there is no space between the acronym MFI and the number or letter which follows, eg, MFI3, MFIB. Similarly, exhibit DJB3, STR12, etcetera. There are always two clear lines either side of an exhibit/MFI marking.

MR JONES: Your Honour, I tender the statement of John Smith, dated the 25th of June 2006.

HIS HONOUR: Thank you, Mr Jones. That statement is accepted into evidence and will be marked as exhibit 3.

EXHIBIT #3 ADMITTED AND MARKED

Some variations on exhibit entries may occur if an exhibit is shown or read to the jury. The banner entry will replace the need to type the content of the exhibit.

Generally, things read to the jury should not be transcribed. The jury will be given a hard copy or other replacement in court for them to refer to.

The main exception to this rule is if the content needs to be read into the record. For example, if a witness statement was read out because the witness was unable to be in court due to illness or incapacity or if a victim read out a Victim Impact Statement.

For example:

EXHIBIT #7, 8 AND 9 SHOWN TO THE JURY

EXHIBIT #3 ADMITTED AND MARKED AND READ TO THE JURY

EXHIBIT #7 READ TO THE JURY

EXHIBIT #8 SHOWN TO THE JURY

Note: where the exhibit is marked and admitted at the same time as it is shown/read to the jury, use the following banner format:

EXHIBIT #1 ADMITTED AND MARKED AND READ TO THE JURY

If an exhibit is read or shown to the jury, type this as:

EXHIBIT #1 READ TO THE JURY

or

EXHIBIT #1 SHOWN TO THE JURY

3.12 Extract of Transcript of Proceedings

When a portion of a transcript is typed, rather than the entire hearing, it is known as an extract of proceedings.

Extracts are of portions of proceedings including arraignments, a specific portion of submissions or Summing-Up/Redirections. Start and end your extract with whatever layout is applicable to the event in question.

3.13 False Starts – Stumbles

Use of the Single Dash

What is your full name?---My name is – my full name is John Smith.

And could you tell me your address, please?---I live at 14 – sorry – 24 King Street, Farmdale.

Your Honour, I think I will now – no, I withdraw that.

Your Honour, my learned friend – well, I object to what he just said. He is not allowed to lead the witness. I would ask that he put the question to – that he ask the question again without leading.

Tidying up false starts and repetitive interruptions

Witness evidence

There should be no tidying up of a witness's words. As a witness is examined in court, his answers will become his evidence and it is essential that this evidence is transcribed in full. Therefore, when a witness starts a sentence and perhaps changes a thought, those words should not be "tidied up" but separated with the appropriate punctuation.

?---It was my und – belief that she said those words (correct)

?---It was my belief that she said those words (incorrect)

Counsel, judge, presiding member

It is acceptable to tidy up in a minor way the speech of judges and counsel in relation to repetitive starts of identical words and the use of "mmm". The meaning of what the speaker is saying should never be changed, and if you are in doubt about how or what to edit, don't.

No doubt that will be agreed to, so the – so the actual terms are not appropriate.

could be typed as

No doubt that will be agreed to, so the actual terms are not appropriate.

You did mention there may – mention there may be possible problems.

could be typed as

You did mention there may be possible problems

Repetitive interruptions

Include all interruptions as they occur. Do not tidy these up.

3.14 Margin Entries / Forms of Address

Names and titles appear in the left margin followed by a colon and three spaces. Some of the more common entries appear below.

List of commonly used margin entries

Title	Margin entry
Chief Justice	THE CHIEF JUSTICE:
Chief Judge	THE CHIEF JUDGE:
President for non-QIRC	THE PRESIDENT:
President for ICQ/QIRC	HIS HONOUR:
Note: Land Court only	KINGHAM P:
Vice President for ICQ/QIRC	HIS HONOUR:
His Honour	HIS HONOUR:
Her Honour	HER HONOUR:
President of Childrens Court of Queensland	THE PRESIDENT
Chief Magistrate	HIS/HER HONOUR
Magistrate	HIS/HER HONOUR
Deputy president	DEPUTY PRESIDENT:
Deputy President Merrell (ICQ/QIRC)	HIS HONOUR:
Commissioner	COMMISSIONER:
Registrar	REGISTRAR:
Member (eg, QCAT)	MEMBER:
	THE ATTORNEY-GENERAL:
Associate (eg, Dist / Sup Crts / ICQ/QIRC)	ASSOCIATE:
Court Services Officer (Mag Court)	COURT SERVICES OFFICER
Bailiff (eg, Dist / Sup Crts)	BAILIFF:
Witness	WITNESS:
Interpreter	INTERPRETER:
Defendant	DEFENDANT:
	DEFENDANT SMITH:
	DEFENDANTS BY ELECTION:
Unidentified speaker	UNIDENTIFIED SPEAKER:
Respondent	RESPONDENT:
Mag Crt domestic violence	AGGRIEVED:
Mag Crt civil	PLAINTIFF:
Mag Crt criminal and civil	DEFENDANT:
	APPELLANT:

Federal agent	FED AGENT SURNAME:
police constable	CONST:
senior constable	SNR CONST SURNAME:
acting senior constable	A/SNR CONST SURNAME:
Detective senior constable	DET SNR CONST SURNAME
sergeant	SGT SURNAME:
senior sergeant	SNR SGT SURNAME:
detective sergeant	DET SGT SURNAME
acting senior sergeant	A/SNR SGT SURNAME:
	Note: use abbreviated titles in banner entries
	Note: “surname” will be replaced with the applicable person’s surname
Prosecutor (for an unnamed prosecutor, be it counsel or a police officer)	PROSECUTOR:
unnamed police officer (when not appearing as prosecutor)	OFFICER:
Chairperson	CHAIRPERSON:
QCAT	ADJUDICATOR SURNAME:
Justice of the peace	SURNAME JP:
	DEPUTY REGISTRAR:
	D TAXING OFFICER:
	TAXING OFFICER:
Inspector	INSP:
Judgment debtor	JUDGMENT DEBTOR:
Judicial registrar	REGISTRAR:
Jury	JURY:
Doctor (plus name)	DR SMITH:
Mc name	MR McNAMARA:
Mac name	MS MacDONALD:
	MR DI CONTI:

- ◇ When said as “his Honour Justice Smith”, type as “his Honour Justice Smith”.
- ◇ When reference is made to “his Honour Judge Smith”, type it as said. Do not abbreviate unless the speaker abbreviates.
- ◇ Note that “judge” is not abbreviated to “J”, nor is “Justice” abbreviated to “J”. If the speaker says “Judge Smith”, type as said. If the speaker says “Justice Davies”, type as said.
- ◇ If reference is made to “Magistrate Smith”, for example, type as “Magistrate Smith”. There is no abbreviation.

For multiple justices, do not abbreviate. Type as

their Honours Justice Wilcox, Justice Emmett and Justice Kiefel
their Honours the Chief Justice, Justice Keane, Justice Wilcox and Justice Emmett

Lord, Lord Justice, Master

Lord Justice Mummery
Lord Justices Chadwick, Mummery and Sedley

The titles of Master and Lord remain as Master and Lord:

Lord Denning
Lord Diplock
Master Harper – Supreme Court of the ACT

Doctor

In the margin:	DR SMITH:
If sworn as a witness:	JOHN SMITH (full name only)
In the transcript:	How long have you been practising, Dr Smith? I have been a doctor for 20 years. Thank you, Doctor.

Professor

In the margin:	PROF SMITH:
If sworn as a witness:	JOHN SMITH (full name only)
In the transcript:	What is your specialty, Professor Smith? I am a professor of anthropology. Thank you, Professor.

Other

Yes, Sergeant	Yes, Sergeant Brown.
Thank you, Captain	Thank you, Captain Black.

We will have a bulk arraignment, thank you, Madam Associate.

You can email that to my Associate.

Ceremonial sittings

Ceremonial sittings can take place in Supreme, District or Magistrates Courts:

- ◇ announcements of Queen's Counsel
- ◇ swearing in of judicial officers
- ◇ retirement of judicial officers
- ◇ valedictions
- ◇ welcoming of judicial officers
- ◇ exchange of Christmas greetings
- ◇ admissions of solicitors and barristers
 - ◇ NB! Admissions transcripts are not revisable

Type all judges' names in full in the transcript

In the margin:

THE CHIEF JUSTICE:
THE ATTORNEY-GENERAL:
THE SOLICITOR-GENERAL:
THE PRESIDENT:
THE VICE PRESIDENT:
THE CHIEF JUDGE:
JUSTICE HENRY: (*not HIS HONOUR*)
HIS HONOUR: (for Chief Magistrate)

Should a welcome to country ceremony happen during a ceremonial event, the following F&S is to apply:

F&S for name of Elder on page listing attendees:

UNCLE JIM SMITH

AUNTY ALICE SMITH

Margin Designator in transcript:

UNCLE JIM SMITH

AUNTY ALICE SMITH

Should Elders speak in their language during the welcome to country ceremony, a banner is to be inserted to reflect that portion of proceedings:

SPEECH IN [SPECIFIC] LANGUAGE

Example of a ceremonial transcript with a welcome to country ceremony:

THE CHIEF MAGISTRATE: Take a seat, thanks. Good morning, everybody. It's my pleasure to invite Uncle Chris Teasfield of the Goreng Goreng people to perform a welcome to country. Uncle Chris.

UNCLE CHRIS TEASFIELD: Thank you.

SPEECH IN GORENG GORENG LANGUAGE

First people of the land. My name is Chris Teasfield. My traditional name is Nalunga, which in my language means belongs to us. The ancient boundaries that were passed down to me, Araygon Creek to the north, Burnett River to the west of the Auburn Ranges, and south to the Elliott River. Under the native title claim that went through on the determination, there was four tribal groups recognised for this area. They were Taribelang, Gurang, Oyeli and Goreng Goreng, which I'm a member of, the Goreng Goreng nation.

Admissions of barristers and solicitors

If an oath is administered:

OATH OF ALLEGIANCE AND OF OFFICE ADMINISTERED *(for one barrister/solicitor)*

OATHS OF ALLEGIANCE AND OF OFFICE ADMINISTERED *(for more than one barrister/solicitor)*

Transcript example: swearing in of a judicial officer of Supreme Court – page 2

Also present

On behalf of the Government of Queensland:

The Honourable *(insert name)* Attorney-General and Minister for Justice, and, Director-General,
Department of Justice and Attorney-General

On behalf of the Office of the Director of Public Prosecutions:

....., Director *(insert name)*

On behalf of the Bar Association of Queensland:

..... *(insert name)*

On behalf of the Queensland Law Society:

..... *(insert name)*

Note: show only those at the bar table or who speak

Transcript example: swearing in of a judicial officer of Supreme Court

JUSTICE WHITE: Chief Justice, I present a commission appointing me a Judge of the Supreme Court of Queensland.

THE CHIEF JUSTICE: Let the commission be read.

COMMISSION READ

THE CHIEF JUSTICE: I now ask Justice White to take the oaths of allegiance and of office.

OATHS OF ALLEGIANCE AND OF OFFICE ADMINISTERED

THE CHIEF JUSTICE: Fellow Judges, Judges of the Federal Court (etc)

At the conclusion of the ceremonial sitting, the normal adjournment banner is used.

The District Court today is a modern and dynamic institution. I am acutely conscious of the great confidence that is reposed in me through this appointment, but I look forward to the challenges that lie ahead and it is my hope to preside over a Court that is, at once, effective, efficient and harmonious. And, perhaps, as my first official act as Chief Judge, I will now direct these proceedings be recorded and invite you all to join the Judges for morning tea in the foyer outside, after we adjourn. Would you adjourn the Court, please.

ADJOURNED

[9.48 am]

3.15 Indistinct / Inaudibles

[indistinct] notation represents indistinct or inaudible words which have been omitted from the transcript. They can represent one word or several words. Do not precede or follow them with punctuation.

Note: do not use [indistinct] if a word is audible but simply unusual or you are unsure of its spelling (eg, a person's name).

MR JONES: The matter was dealt with in the evidence given by the first witness, and that, your Honour [indistinct] of it.

OR

Witness, can you answer that question?--[indistinct]

If a substantial section of a recording is indistinct, enter (two clear lines either side):

PORTION OF RECORDING INDISTINCT

If audio is missing, enter (two clear lines either side).

PORTION OF RECORDING MISSING

3.16 Interruptions and Unfinished Sentences

Interruptions – by another speaker

Three spaced dashes follow the last typed character, with a space after the last character, to indicate that a speaker has been interrupted. This applies in wall to wall transcript and question and answer transcript.

If the unfinished sentence continues immediately after the interruption, use the three spaced dashes to lead into the continuing sentence. Note the following examples.

Wall to wall Transcript

MR JONES: Your Honour, I have two reports to hand up - - -

HIS HONOUR: What was the date of the second report, Mr Jones?

MR JONES: 10 September, your Honour. The first one is not dated, but - - -

HIS HONOUR: Thank you. Yes, please continue.

MR JONES: - - - it is agreed to be 15 July 2019.

Question and Answer Transcript

- ◇ When the witness interrupts the questioner

MR JONES: Mr Smith, did you say you live at - - -?---I live at the Gold Coast.
How long have you lived at the - - -?---For about five years.

- ◇ When the questioner interrupts the witness

MR JONES: Mr Smith, did you say you lived at the Gold Coast?---Yes, I said - - -
Thank you. That is all I need to know?---But I would like to add - - -
There is no need to say anything else?---I would really like to say - - -

- ◇ When the questioner and the witness interrupt each other

MR JONES: Mr Smith, how long have you been living - - -?---I can't remember - - -
- - - at the Gold Coast?--- - - - the exact amount of time.
Do you own your own home or - - -?---No, I don't. I rent a unit in - - -
- - - do you rent accommodation?--- - - - Burleigh Heads.

Interruptions – when a speaker “interrupts himself”

When a speaker breaks the continuation of what he is saying to insert unrelated words or to change the tack of what he is saying, denoting a change of thought process, indicate this by the use of a single dash.

The single dash does not need to be used as a pair. It can be used alone in a sentence, or it can be used several times during the course of a long monologue, for example.

MR JONES: Your Honour, what I would like to say – and you will see this in my written submissions – is that the applicant could not have said those words.

MR SMITH: On page 15 of that report, your Honour, that very point – and I trust your Honour has read the report I refer to. All relevant facts have been set out in that report and I have itemised them in a separate – well, no, not a separate reference, but a reference which I originally handed to my learned friend before this trial commenced. That very point that Mr Jones mentioned this morning, which is referred to on page 15 of that report – that very point, I repeat – has been denied categorically.

3.17 The use of “Mmm”

Only use in Question and Answer format for the **witness** when it is the **only** thing the witness replies. For example, if the witness says, “Mmm, that’s right”, it would be transcribed as, “That’s right.” Do not type “mmm” for counsel or a judicial officer if they utter this as their only response to something. The transcript will speak for itself.

3.18 Non-words

“uh-huh” is found in the Macquarie Dictionary and denotes a positive response. This can be included in the transcript if said.

“uh-uh” is found in the Macquarie Dictionary and denotes a negative response. This can be included in the transcript if said.

3.19 Oblique Stroke / Slash

Limit the use of the oblique/slash in transcript to instances such as the following:

The '06/07 financial year
It would have been around 2005/2006
I was on holiday around July/August.
Please provide a copy to your client and/or your instructing solicitors.
That sounds very much like a yes/no answer.

3.20 Paragraphs

In Wall to wall Format

Paragraphs in transcript should be based on context and signal the transition from one idea to another. For example:

In respect of each charge, you must try to reach a unanimous verdict; that is, a verdict on which you all agree, whether guilty or not guilty. You must reach your verdict on the evidence and only on the evidence. The evidence is what the witnesses have said from the witness box and the admissions that have been made. That’s evidence.

What’s not evidence? Anything you’ve heard or read or otherwise learned about this case outside the courtroom is not evidence, and you must exclude that information. Therefore you should put out of your minds anything that you’ve seen, heard or read about the trial and act only on the evidence you’ve heard in this court.

A few things you’ve heard are not evidence....

Discretion should be used to ensure that overly long or short paragraphs are avoided.

Changes in context and ideas can be subtle, as above, or more obviously pronounced. For example:

There are many types of animals, many of which are domesticated, such as dogs. Dogs have traditionally assisted with farming and property security duties, though this has changed over generations as people moved away from farms and farming enterprises. In areas where farm activities remain widespread, dogs continue to fulfil these roles.

Cats, also, have been widely domesticated and have in recent years been identified in academic studies as fulfilling therapeutic purposes. Allergies to cats have resulted in low-allergenic breeds becoming more popular.

Other animals such as horses have undergone little change in their roles within human environments over the years. A majority of the world's horses continue to be utilised for work purposes, though horses also feature largely in entertainment areas such as horse racing, circus performance and competition equestrian events.

Note: Revisable transcripts, such as summing up, judgments, orders, sentences, etcetera, should also be paragraphed according to the content of what is said.

In Question and Answer Format

- ◇ When there is a single witness in the witness box, never paragraph the question to the witness or the answer given by the witness.
- ◇ However, when a single witness is in the witness box, dialogue other than a question to the witness or the witness's answer can be paragraphed – for example, dialogue between his Honour and counsel.

3.21 Part Words

Part words for all speakers should be transcribed if audible.

Part words should be transcribed in any revisable transcript

3.22 Quotation marks – verbal quotes

Quotation marks are used for direct speech by anyone in all transcript.

Normal punctuation rules apply to the content of the quote.

There is no preceding comma for phrases or single words, but there is a comma preceding a *complete* sentence:

MR SMITH: My recollection is the witness said, “Are you asking me if I said ‘guidelines’ or ‘guidance’?”

MR SMITH: Your Honour, we will give evidence that Mr Bloggs said to the applicant, “You should also consider whether the results of your risk profile are accurate.” We say he was told, “It is important to understand your own investment goals.”

3.23 Written quotations: cases, legislation, transcript, pre-recorded evidence

When a passage from a document is read, lay this out as indented and italicised. One clear line is left between the end of the text and the beginning of the quotation.

Wall to wall example

MR BLOGGS: The most concerning comment was about how – reading from line 6:

I punched her in the face because she just kept screaming, and eventually she just stopped.

This shows a total lack of control.

For an incomplete quoted sentence, end the quotation with a single dash if the speaker interrupts himself:

MR BLOGGS: The most concerning comment was about how – reading from line 6:

I punched her in the face because she just kept -

I will pause there.

For an incomplete quoted sentence, end the quotation with three spaced dashes if another speaker interrupts:

MR BLOGGS: The most concerning comment was about how – reading from line 6:

I punched her in the face because she just kept - - -

MR BROWN: Well, I object to this, your Honour.

If the sentence starts part way through, use the ellipsis and follow with the first word of the quote, with no space:

MR BLOGGS: The most concerning comment was about how – reading from line 6:

...punched her in the face because she just kept - - -

MR BROWN: Well, I object to this, your Honour.

Question and answer example

MR JONES: Mr Smith, do you see in that letter where it says:

My employment was terminated without any written notice from the employer.

?---Yes, I see that.

Question and answer – quotation interrupted by a witness

What he says is:

I have seen no fall-off of interest from buyers in recent times as a consequence of this or any other mooted changes to the industry - - -

?---The way that I understood it is he is talking about the practice, the book, and I am only valuing an interest.

Quotes with no introductory remarks

In wall to wall transcript

When a speaker commences reading quoted material without introductory remarks, leave a clear line after the speaker's name and type the quotation indented and in italics:

HIS HONOUR: Ms Green, read out the passage you are referring to.

MS GREEN:

APRAs functions are set out in section 9 of the APRA Act and include, inter alia, any functions conferred on it by any other Act of the Commonwealth.

In Question and Answer transcript

Spoken by the questioner – type the word “Continuing” at the margin before the quotation commences:

Please turn to page 11?---Yes, I've got that.

Continuing:

The applicant has shown himself to be a person upon whom no reliance can be placed.

Spoken by the witness

Note: if in doubt about whether any words are part of a quotation or where a quotation starts and stops, keep as a normal sentence.

Yes. If you could keep reading. What does the next sentence say?---

It was at this time that I considered legal proceedings against them because of their actions.

Long quotations may be paragraphed following the DJAG paragraph content guidelines in the paragraph section of this manual. Stumbles or unnecessary repetitions of a written quote on the speaker's part can be tidied up within the strict tidying up guidelines in the section on False Starts and stumbles in this manual.

Quotations from cases or legislation by counsel or a witness

◇ To be transcribed in full.

Quotations of evidence in Summing-up/Redirections

◇ Quotations, including quotations of transcript, in summing up/redirections should be transcribed in full unless read as absolutely verbatim where banners can be substituted (two clear lines either side). For example:

PAGE 12, LINE 40 TO PAGE 13, LINE 10 READ

if this referenced information is provided.

HIS HONOUR: I'll let you go back into the jury room after we've finished hearing Dr Smith's evidence and you just let me know what you want to do, okay? All right, then. Madam Associate, if you can read Dr Smith's evidence, please.

DAY 15, PAGE 7, LINE 30 TO PAGE 24, LINE 18 READ

HIS HONOUR: And that's the evidence of Dr Smith, ladies and gentlemen.

If the above banner information is not provided, all quotations are to be transcribed in full.

Note: in the above examples:

- this banner style layout can only be used if the transcript is read absolutely verbatim with no interjections whatsoever. If any interjections occur, either by the speaker or another person, all quotations are to be transcribed in full.
- listen through the audio to check that the speaker does not include his/her own words during the quotation. For example, if, in the summing up/redirections, the judge is quoting from a transcript passage and says words to the effect of “The witness said, ‘I didn’t steal the car on Monday.’ Counsel then said, ‘That’s what you told the court’”, the words “the witness said” and “counsel then said” need to be typed into the transcript as they do not form part of the quotation.

HIS HONOUR: I will read out the passage that counsel highlighted for you yesterday. The witness said:

I didn't steal the car.

Counsel then said:

That's what you told the court.

Read by counsel:

Quotations of transcript which are made by counsel should be typed in full. Quotations of Q and A segments should be laid out, indented and italicized, in the same way as a normal transcript layout:

MR BROWN: I'll read out the transcript section, if I may. Page 17, line 33, where I asked the witness:

So you say that you had just one meeting with your supervisor?---Yes, it was just the one.

And what date was that one meeting?---I think it was on a Monday. Monday, the 10th, I think.

And just so that there was no ambiguity, I asked the witness again:

Just to get this clear, you're saying that one meeting occurred, not two?---Definitely. Yes.

HIS HONOUR: Yes. Thanks, Mr Brown. I see that.

◇ Quotations in Magistrates Court / QCAT decisions

Include in full in the transcript and transcribe verbatim.

ADJUDICATOR HUGHES: At the commencement of the hearing I referred Ms Smith to the recent decision of the tribunal president delivered on the 9th of July 2019, in Jones v James Proprietary Limited, where his Honour held in that case that the tribunal may not order any employer to pay unpaid annual leave owing to a former employee and that none of the Fair Work Australia Act or provisions extend to describe a tribunal as an eligible state or territory court. And further, at paragraph 21:

I am not persuaded the QCAT Act is a law which deals with claims for enforcement of contracts of employment within the meaning of the Fair Work Act or the intention of the legislature.

Applying this decision here, I am not satisfied that the tribunal has jurisdiction.

Pre-recorded evidence

Under the *Evidence (Protection of Children) Amendment Act* the evidence of a child, generally referred to as affected child, can be taken at a preliminary hearing normally before a District Court judge. (*Pre-recorded evidence may also be taken in committal proceedings before a magistrate.*)

The proceedings are videotaped by the bailiff and then edited prior to being played during the trial.

During a trial, pre-recorded evidence may be played to the court. When this occurs, enter one of the following banners:

RECORDING PLAYED

EXHIBIT #1 PLAYED

MFI #A PLAYED

These banners replace the content of the recording. A transcript of the pre-recorded evidence will have been provided to the court at an earlier stage and may also be distributed to the jury as an aid. It is therefore not necessary to re-transcribe any of it.

If a transcript of pre-recorded evidence is read to the jury, and if it is identified as having an exhibit number, show this as:

EXHIBIT #1 READ TO THE JURY

OR

MFI#A READ TO THE JURY

If it is not identified as an exhibit, then use this wording:

TRANSCRIPT READ TO THE JURY

Placement of punctuation marks with quotation marks

- ◇ Full stops, commas and question marks can go inside or outside quotation marks, both single and double, depending on the context of what is being said.
- ◇ Semicolons and colons go outside the quotation marks.
- ◇ Quotation marks should not be used for witness speech except where a witness identifies where a quote starts and stops.
- ◇ Single quotation marks are used to set off a quote within a verbal quote:

He said, "I meant to say 'will happen', but instead I said 'happened'."

I remember asking, "Were you bankrupt at that stage?" His response was, "No. That didn't happen until two years later."

The witness's last answer was "couldn't work" because of his back, not "could work".

I think it should read "weeks", not "months".

Interruptions while quoting

Verbal quotes: quotation marks encompass the three dashes - - -

MR JONES: Your Honour, his words were, "Under the negotiations - - -"

HIS HONOUR: One moment, please, Mr Jones.

MR JONES: "- - - agreement should be reached within a month."

3.24 Sound-alikes and Homophones

advert.....	refer to
avert	turn away, prevent, ward off
adverse.....	opposed, antagonistic
averse.....	reluctant
advice (noun).....	an opinion recommended or offered
advise (verb).....	to give counsel or offer an opinion, to recommend
affect (verb).....	to alter, to change, to modify, to influence
affect (noun – rarely used) ..	in psychological terms, external expression of emotion
effect (noun).....	result, consequence, outcome, aftermath
effect (verb).....	to bring about, to accomplish, to cause to exist
allude	to refer to casually or indirectly
elude.....	to slip away from, to avoid or escape by dexterity
antecedents (plural noun)	ancestry, one's past history
antecedence	the act of going before
appellate	taking notice of appeals (appellate court)
appellant (noun).....	one who appeals to a higher court
appraise.....	assess, estimate, value
apprise.....	advise, inform, notify, warn
bare	(verb) to expose, display, confess (adjective) stark, meagre, unembellished, plain
bear (verb)	to tolerate, accept something as a duty or responsibility
to bate.....	to restrain or to moderate (bated breath)
to bait.....	to lure, to goad into anger, to seek to entrap
breach.....	a failure to perform some promised act or obligation; to act in disregard of laws, rules, contracts or promises – “a breach of contract”
breech.....	the position of a baby positioned with its head up instead of down in the uterus; the opening in the rear of the barrel of a gun
complement	balance, set off, supplement, complete
compliment	praise, tribute, flattering remark
counsel (noun)	(singular or plural) barrister or barristers in legal proceedings
counsel (verb)	to advise
council	a body of people charged with specific business
dependant (noun)	one who depends
dependent (adj).....	contingent on something else
disburse	expend (money), defray (cost)
disperse	scatter, disseminate

discomfit (verb) to thwart, to disconcert
discomfort (noun) absence of comfort, uneasiness

discreet careful, cautious, guarded
discrete separate, distinct, different

elicit draw, extract, evoke
illicit illegal, unlawful, forbidden

enunciate to utter or pronounce words in a particular manner;
to state or declare definitively
annunciate to announce, but with a religious connotation

ensure to secure, make sure or certain
insure to guarantee against risk of loss or harm

incidence occurrence
incidents episodes, events

inter alia among other things
inter alios among other people

it's contraction or short form of "it is"
its possessive form of "it"

licence (noun) formal permission, certificate of permission
license (verb) to grant permission, to authorise
licensee (noun) one to whom a licence is granted

loath disinclined, hesitant, reluctant
loathe despise, hate, abhor

lose, losing misplace, as in lost
loose relaxed, not tight

Messrs plural of Mr, when referring to more than one man
Mrs denotes female marital status

mute silent, speechless, quiet
moot debatable, arguable, doubtful, controversial

personalty chattels, movable assets
personality character, behaviour

practice (noun) the business of a professional person,
repeated or habitual performance
practise (verb) to carry out, perform

prescribe lay down or impose authoritatively, advise use of
proscribe put outside protection of the law, banish

principal chief, head, primary
principle law, regulation, rule, fundamental truth

provenance origin, place of origin
providence foresight

temporally relating to time, secular
 temporary not permanent, lasting a short time

tort a civil wrong
 torte a rich cake
 taught..... past tense of the verb *to teach*

tortious..... relating to torts
 tortuous..... twisting and winding, devious, intricate

veracious speaking the truth
 voracious greedy in eating, ravenous

who's contraction or short form of "who is" or "who are"
 whose (pronoun)..... of belonging, relating to – "Whose book is this?"

3.25 Spacing in Transcript

After a name in the margin:	a colon and three spaces
Before and after all witness events:	two clear lines above and below
Before and after all exhibit markings:	two clear lines above and below
Before and after adjournments and resumptions	two clear lines above and below
Following a comma	one space
Following a full stop	two spaces
Following a semicolon	one space
Following a colon	two spaces

3.26 Spelling

The authority for spelling and discrimination adopted for the purpose of Auscript transcripts is the latest edition of the Macquarie Dictionary. When the dictionary gives alternative spellings, the alternative first shown is to be used. The Macquarie Online Dictionary is at www.macquariedictionary.com.au

Username: Auscript (uppercase A)
 Password: Quality (uppercase Q)

The Oxford Dictionary may be used if the word sought is not in the Macquarie.

Words spelled out

When a word is spelled out, it is represented in transcript in lower case with a single dash between each of the letters. Note there is an initial capital letter for proper nouns:

His name is John Smith. John, J-o-h-n, Smith, S-m-i-t-h.
 I said "employed", e-m-p-l-o-y-e-d, not "employ".

But The Department of Employment and Workplace Relations is known as DEWR for short, that is, D-E-W-R.

Note: Spellings within revisable transcript do not need to be typed out. Spellings are provided solely for the benefit of the typist so that they will type the word/name correctly.

Phonetic Alphabet

If the phonetic alphabet is used to spell something, eg, registration numbers, type it as it is said, using a capital letter at the start of the phonetic alphabet word:

Tango Mike Zulu 254
T for Tango, M for Mike, Z for Zulu 254

Note: the exception to this is when the phonetic alphabet is used in dictation, in which case the letters only should be typed.

ie and eg

Type these abbreviations in transcript only if they are said as such. Type them with no spaces and no stops between, with a comma either side:

To identify the relevant points, your Honour, there are three documents of interest, ie, documents where you will find just this information.

That information has been provided in hard copy, eg, pamphlets and meeting notices, as well as electronic copy.

Mc and Mac

Names commencing with the prefixes Mc and Mac are to be shown at the margin, in witness event lines and in footers with lower case “c” and “ac” as follows:

In the margin: MR McGREGOR
 MS MacDONALD

In witness events: JOHN McTAVISH, SWORN

However, when the Mc or Mac is not a prefix and the name has only an initial capital, show as follows:

MR MACKINNON Macleay Island
MS MACRAE Mackenroth Constructions

Mt or Mount

Where “Mount” is part of a name for a suburb or institution, type “Mount,” not “Mt”:
Mount Hotham
Mount Isa Institute of TAFE

Pty Ltd / Pty Limited / Proprietary Limited

Heading pages should show what is listed on the court file or court list. In the body of the transcript, transcribe as spoken. Only type “Pty” or “Ltd” if that is the way it is said.

Senior / Junior

Mr Jones Senior is present in court
Michael Smith Junior
BUT I discussed that with Mr Jones, the senior of the two.

St or Saint

Where “Saint” is part of a name, use the abbreviated form of “St,” not “Saint”:

St Albans
St Lucia

St Paul’s School
St John’s College

St or Street

Type “Street” in full. Use the same rule for Point, Port, Road, Circuit, Avenue, etcetera:

15 Adelaide Street, Brisbane
The address was 1323 Circuit Street, Hong Kong

“Youse / Yous”

“Youse / Yous” is a non-standard word which should be transcribed verbatim.

3.27 Spelling names

Where a person’s name is given but no suggested spelling provided, use Google or other reference material to identify any confirmed spelling. If none is available, make a sensible and reasonable attempt to spell the word as it sounds.

3.28 Stand-alone comments

Many speakers use acknowledging words such as “okay”, “all right”, “fine” “thank you” throughout a transcript. These should be shown as stand-alone comments, that is, they should be followed by a full stop.

HER HONOUR: Okay. All right, then.

MS GREEN: Thank you, your Honour. Okay. I can’t quite remember the filing date, and I can’t decipher the photocopy here.

HER HONOUR: I see. No problem. Take your time.

MS GREEN: Yes. All right.

3.29 Take In banners

TAKE IN banners are used in the main transcript to show where a revisable portion of the transcript will appear as a separate document. For example, judgments, orders, sentences – these are separate documents to the main transcript. They are revisable because they go to the court for editing before they are released to the parties.

MS GREEN: It would become cumulative - - -

HIS HONOUR: If there was - - -

MS GREEN: - - - if there was a breach.

HIS HONOUR: If there's a breach. Yes. All right.

TAKE IN SENTENCE

HIS HONOUR: I'm inclined to go ahead and make my decision as to what should happen with this caveat now, even if it be the case that 389A isn't quite the right pathway for it to have got to me, it's got to me and I've heard the substance of it. Do you disagree I should make my decision now?

APPLICANT: No. Not at all.

HIS HONOUR: Very well. Have a seat.

TAKE IN JUDGMENT

HIS HONOUR: This is the matter of Smith. I've listed it this morning to give my reasons, and the preliminary point on the application to exclude evidence. I will give those reasons now. They won't be published, obviously, unless – until proceedings are concluded. After I've given my reasons, then I'll hear from the parties as to the next step that might be required in the proceedings.

TAKE IN RULING

HIS HONOUR: All right. Let's have a conversation about the second aspect of the application

Transcript example of the commencement of a judgment

HER HONOUR: The appellant, who is now 22 years of age pleaded guilty in the Magistrates Court, Mount Isa on the 10th of March 2013 to two charges of assault occasioning bodily harm in company. Those two offences were committed on the 16th of November 2012 in Surfers Paradise. At the time the appellant was 19 years of age.

Transcript example of the commencement of a sentence

HIS HONOUR: Stand up, Mr Jones. This offence or offences which you committed that night really snowballed from something that seems to have been a relatively minor domestic dispute between you and a friend or friends. There was even a time when the anger that was expressed by you against the other seemed to have been able to be sorted out, and then, really inexplicably, you took the step that has led you to court today.

Transcript example of an order

HIS HONOUR: All right. Well, in relation to the appeal against convictions and sentences imposed on the appellant in the Magistrates Court at Southport on the 15th of July 2011, by consent, I make orders in terms of the draft order which I have initialled and dated and placed with the papers.

Orders

In the body of the transcript show **TAKE IN ORDER**. Do not transcribe the order in the main transcript. It is typed as a separate, revisable transcript.

Any orders delivered at the conclusion of a revisable transcript must remain as part of the revisable transcript.

Summing up

Not transcribed unless requested.

The judicial officer sums up to the jury after the closing addresses. In the main transcript, show (two lines either side):

TAKE IN SUMMING UP



In the normal course of events, after this banner nothing more is transcribed in the main transcript.

If the summing up is transcribed:

- ◇ Summing up is paragraphed.
- ◇ Legal argument/discussion between counsel and the judicial officer after the jury retires is transcribed in the summing up transcript.
- ◇ The transcript will include all redirections (directions on law or discussion directly between Judge and Jury after jury has been sent out to deliberate) and other discussion from the time the summing up commences and concludes with the final going out time notation immediately prior to the jury returning its verdict.

The commencement of a summing up transcript looks like this:

HIS HONOUR SUMMED UP TO THE JURY FROM 2.00 PM:
Members of the jury (etcetera)

(at the conclusion leave two clear lines)

THE JURY RETIRED **[3.23 pm]**

HIS HONOUR: Are there any requests for redirections?

MR JONES: No, your Honour.

MR SMITH: No.

HIS HONOUR: Very well. Adjourn the court please, Mr Bailiff.

[3.24 pm]

If summing up commences at the start of a day’s proceedings, the resumption banner will be included:

RESUMED **[9.03 am]**

HIS HONOUR SUMMED UP TO THE JURY FROM 9.03 AM:
Members of the jury (etcetera)

When the judicial officer continues summing up after an adjournment (two lines either side):

RESUMED

[11.23 am]

HIS HONOUR CONTINUED SUMMING UP TO THE JURY:

Members of the jury (etcetera)

(at the conclusion leave two clear lines)

If the summing up goes over more than one day, the last entry after the jury retired banner is selected should be the right aligned time stamp. No further adjournment wording is needed.

At the beginning of the next day's summing up transcript, the first entry will be the right aligned time stamp with the commencement time of the matter.

[10.07 am]

HER HONOUR: Okay. Now, today we are looking at the following order of events.

MR JONES: I think it was Mary first, your Honour.

HER HONOUR: Yes. That's what I thought. Look at the response to the question asked. Anyway, let's give them the initial warning TQ, which is the important one, and then I'll - as we go along, I'll talk to them. Okay. Thanks, Madam Bailiff.

THE JURY RETURNED

[10.15 am]

HER HONOUR: Good morning, members of the jury. In accordance with the request that you've made relating to the children's evidence that has been played before you last week, what we're going to do is follow it in the same order of events as you heard it.

Redirections

Applications for redirections and the redirections to the jury are transcribed as part of the summing up. Only transcribe the summing up if requested. Redirections are revised by the judicial officer in the same way as the summing up.

A banner TAKE IN REDIRECTIONS should be inserted into the transcript two lines beneath THE JURY RETURNED BANNER. Transcription software will recognise this banner as the commencement of redirections and the following THE JURY RETIRED banner as the conclusion

of redirections. Transcription software will insert the footer REDIRECTIONS on the relevant pages for each session of redirections.

THE JURY RETIRED

[3.49 pm]

MR BROWN: I ask for the following redirections (etc).

MR SMITH: I submit that (etc).

HIS HONOUR: I shall redirect on the first point.

THE JURY RETURNED

[4.01 pm]

REDIRECTIONS

HIS HONOUR: Members of the jury (etc)

(at the conclusion of the redirection, leave two clear lines

THE JURY RETIRED

[4.40 pm]

SECTION 4: JURY EVENTS

Empanelling of a jury

Empanelling usually occurs at the commencement of a trial where the accused (the defendant) has pleaded not guilty.

Regardless of whether a matter is "fully transcribed" or "evidence-only transcript", or the "Judicial Address" component is requested, under **NO circumstances are juror names to be included in a transcript, due to privacy/security issues.**

Occasionally the judicial officer will ask the bailiff or associate to "call over" the jury if they have been absent from the courtroom or after an adjournment. This portion of proceedings is **NOT TO BE TRANSCRIBED**. All that needs to be included in the transcript is (eg) the bailiff saying:

BAILIFF: Jury, all present and correct, your Honour.

Empanelling of jury when FULL TRANSCRIPT or "Jury Empanelment/Judicial Address" requested

If a matter is being "fully transcribed" or only "Jury Empanelment/Judicial Address" has been requested, the transcript will show a banner representing the jury empanelment, and all legal argument, admission of exhibits and everything else that happens up until the banner showing the opening by the Crown prosecutor is transcribed. For example:

HIS HONOUR: Empanel the jury.

JURY EMPANELLED

HIS HONOUR: Ladies and gentlemen, you have been empanelled to try this case. I will ask the Crown Prosecutor to inform you of potential Crown witnesses.

Empanelling of jury when EVIDENCE-ONLY TRANSCRIPT requested

If a matter is being transcribed as “evidence only” transcript, which is the standard practice unless a full transcript has been requested, the JURY EMPANELLED banner is not included as it occurs within the ellipsis portion. The transcript would show:

HIS HONOUR: Empanel the jury.

...

MR SMITH OPENED THE CASE FOR THE CROWN

In this case the ellipsis (...) represents the “Jury Empanelment/Judicial Address” portion of proceedings containing the jury empanelment and also anything else that occurs in the proceedings for that matter up until the opening by the Crown where the banner is inserted to show the opening. It could be legal argument, the judge explaining the matter to the jury, admission of exhibits, etcetera, but in this type of transcript it isn't transcribed at this point.

In an evidence only transcript, if no witnesses appear but counsel commence by playing pre-recorded tapes to the jury, this is treated as the “evidence” part of the proceedings. Start typing after the opening address by the Crown has finished. Insert the RECORDING PLAYED entry when the tapes themselves commence.

Witnesses' names read to the jury

This will usually occur during the part of the proceedings covered by the “three dots” when the jury is empanelled.

Having selected the jury, it is then usual for the trial judicial officer to request the Crown prosecutor to read out the name of the accused and the names and addresses of the witnesses who it is proposed to call to give evidence. If a full transcript is requested, this is transcribed in full.

When this has been done the judicial officer then invites the jurors to state whether or not any of the persons mentioned is known to them.

Do not show "No response from jury" in the transcript. Let the transcript speak for itself.

Replacement juror empanelled

This will usually occur during the part of the proceedings covered by the “three dots” when the jury is empanelled. It will only be transcribed if a full transcript is requested.

If a member of the jury indicates he/she knows one of the witnesses, the judicial officer will question that juror as to whether he/she should continue as a juror in the trial.

All this discussion must be transcribed, referring to the juror sworn by the title JUROR NO 2. For instance, if the juror was the fifth panel member sworn, the title would be JUROR NO 5 and so on.

If the proceedings are being recorded remotely and the monitor is unable to see the jury, then refer to the juror who spoke as JUROR. If more than one juror speaks and they are unidentified, use JUROR for each margin entry. Let the transcript speak for itself.

If a juror is disqualified or discharged at the beginning of a trial, before any evidence or submissions have commenced, no banner entry is needed. It is usually then necessary to swear in a replacement juror. The replacement of the juror is shown in the transcript as follows:

REPLACEMENT JUROR EMPANELLED

Transcript example: If a juror's name is mentioned, it should not be transcribed. The word "Juror" should replace the juror's name.

HIS HONOUR: And there may be reasons personal to any one of you which may cause you to wonder whether you can be completely impartial in this case. So if, for any reason whatsoever, any one of you feels that you cannot be, and by all fair-minded people be seen to be, completely impartial – and that might extend to Juror knowing Mr Smith – please raise your hand now. Yes, come forward please, Juror number 2. All right. Is anyone else – okay. We'll need to select a new juror number 2.

REPLACEMENT JUROR EMPANELLED

HIS HONOUR: So the newly selected Juror number 2, having regard to what I said just before, is there any reason why you feel that you cannot be, and by all fair-minded people be seen to be, completely impartial?

If a juror is disqualified or discharged once a trial has started and perhaps after evidence has started, it will usually follow that the whole jury will have to be discharged. There is no banner entry for either a single juror, or a whole jury being discharged. The transcript will speak for itself.

Speaker for the jury

The person elected as the spokesperson for the jury is referred to as speaker. This person may be addressed by the judicial officer as "Speaker", "Mr Speaker" or "Madam Speaker", etcetera. Some judicial officers may continue to use the traditional term "foreman" or "foreperson" when addressing or talking about that individual. When the speaker makes a statement, at the margin show:

SPEAKER:

If a juror other than the speaker speaks, do not identify the person by name; identify the person by the order in which he/she was sworn, that is:

JUROR NO 2:

If the proceedings have been remotely recorded and you do not know which juror spoke, use:

JUROR:

When the judicial officer/associate asks a question which requires the whole jury to respond in unison, enter JURY: in the margin.

JURY:

Names of jurors

If the judge makes reference to the juror's name, replace it with "Juror".

HIS HONOUR: So, Juror, you say you know this witness.

Sample verdict transcript:

ASSOCIATE: Members of the jury, are you agreed upon your verdicts?

JURY: Yes.

HER HONOUR: Yes.

ASSOCIATE: In respect of count 1, do you find the defendant, John Joe Jones, guilty or not guilty of stealing?

SPEAKER: Guilty.

HER HONOUR: Guilty.

ASSOCIATE: Guilty, your Honour. So says your speaker, so say you all?

JURY: Yes.

Adjournment/Resumption with a jury and jury status after day 1

For ongoing transcripts, day 2 and beyond will start with the resumption banner. If the status of the jury from the prior day is known, include that information in the resumption banner, if applicable.

Refer to the Adjournment/Resumption section in this manual for further detail.

If the judicial officer wishes to discuss something with counsel in the absence of the jury, or if a witness is in the witness box and counsel or the judicial officer wish to discuss something in the absence of the jury, the jury will be asked to leave the courtroom. In the transcript this event is represented by the banner entry THE JURY RETIRED followed by the applicable time. Transcribe the exchange and then return the jury with THE JURY RETURNED banner followed by the applicable time and then re-enter the witness event line.

MR SMITH: Can I make a submission on the law, please.

HER HONOUR: Yes. Members of the jury, would you excuse us for a moment.

THE JURY RETIRED

[9.33 am]

MR SMITH: The line of question that's just being pursued is obviously with a view to Jones v Brown.

HER HONOUR: Yes.

(discussion continues until the judicial officer asks for the jury to be returned)

MR SMITH: Thank you, your Honour.

HER HONOUR: Bring the jury in.

THE JURY RETURNED

[9.45 am]

BRIAN PETER BAKER, CONTINUING

CROSS-EXAMINATION BY MR SMITH

Jury retires and returns

When the jury retires or returns, use THE JURY RETIRED or THE JURY RETURNED banners (two lines either side):

THE JURY RETIRED

[11.14 am]

THE JURY RETURNED

[11.32 am]

If the jury is not officially retired at the end of the day of a hearing, there will be no JURY RETIRED banner. This will also apply in a civil trial with a jury. Let the transcript speak for itself.

HIS HONOUR: The case has proceeded with some expedition today, so Mr Smith's predicament is understandable. What it means, ladies and gentlemen, is that you're not required any more today and I look forward to seeing you tomorrow morning at 10 o'clock. The court will adjourn until then.

ADJOURNED

[3.18 pm]

Ellipsis used when empanelment is not transcribed

The Jury Empanelment process is not transcribed unless specifically requested. Once the process begins, the transcript should show the ellipsis with two clear lines either side. The next banner should be the opening address banner.

Jury dismissed

There is no banner entry to show this event. The content of the transcript will speak for itself. For example:

HIS HONOUR: I accede to the application, as I've said, and I propose to discharge this jury. The trial will have to commence again. I will discharge the jury now. Would you bring the jury in.

THE JURY RETURNED

[11.24 am]

BAILIFF: Jury present and correct, your Honour.

HIS HONOUR: Ladies and gentlemen, a matter of extraordinary seriousness has arisen in this trial. This has occurred during the course of the time that you've been in the jury room. I thank you on behalf of the community for your involvement in this trial. Thank you. The jury have left the courtroom – the former jury have left the courtroom. What do we do now?

MR JONES: Your Honour, the Crown has no objection to the trial starting next week.

Mistrial

In the event that a mistrial occurs, the judicial officer will dismiss the jury. No banner event is needed in this instance. Let the transcript speak for itself.

HIS HONOUR: Ladies and gentlemen, there has been some legal argument before me and as a result of the matters raised in the argument, I have determined to rule that the trial that has been proceeding with you as the jury should be terminated. As the jury in this matter, you are formally discharged. Thank you very much. You are free to go.

MR SMITH: Your Honour, I'm unavailable next week. Would your Honour mention it tomorrow and I can liaise with my learned friend.

Time notation after jury retires to consider its verdict

After conclusion of the Summing Up and the retirement of the jury to consider its verdict, the court does not formally adjourn, as the jury is still deliberating. So from then on the transcript will show the time two clear lines below the last words, aligned to the right margin. When the judicial officer returns to the bench and proceedings resume, use the same notation:

HER HONOUR: Anything further?

MR SMITH: No, your Honour.

MR BROWN: No, your Honour.

[3.35 pm]

[4.50 pm]

HER HONOUR: I have received a note from the jury. They want clarification of the evidence surrounding the time of day that the assault took place.

THE JURY RETURNED

[5.00 pm]

HER HONOUR: You have asked for a redirection on the point of (etc)

(at the conclusion of the redirection, leave two clear lines

(if the jury retires at this point and the court adjourns, use the time stamp entry only)

[5.20 pm]

Sentencing remarks

Include all false starts, repetitions and changes of thought by all speakers that occur during sentencing remarks. Do not tidy up any speaker at this time.

Verdicts

When the jury returns to give its verdict, this marks the beginning of a separate transcript.

Verdicts are not transcribed unless requested. Should a verdict transcript be requested, the Verdict is transcribed in full from when Court resumes for the first verdict event, including multiple verdicts and any redirections or legal discussion between verdicts.

Verdicts are a separate document. The transcript will commence with the TIME notation when the court resumes for the verdict and will conclude when the Judge discharges the jury/adjourns the Court (whichever occurs last), or, if sentencing commences immediately after the Verdict, at commencement of sentencing submissions.

[2.23 pm]

HER HONOUR: Madam Bailiff, we've got verdicts?

BAILIFF: Yes, your Honour, the jury have advised they've reached a verdict.

HER HONOUR: Okay.

THE JURY RETURNED

[2.24 pm]

HER HONOUR: Members of the jury (etcetera)

If a verdict transcript is to be transcribed

When a jury returns with a verdict(s), all words spoken are to be transcribed verbatim - including all false starts, wrong words, etcetera.

Enter SPEAKER: in the margin when the speaker of the jury says something.

HER HONOUR: Members of the jury, have you got a speaker?

SPEAKER: Yes.

HER HONOUR: Okay. Has the jury reached verdicts in respect of each and every count?

SPEAKER: Yes, on each count.

Disagreement on one or more counts

Not transcribed unless requested.

Where a jury is agreed on some counts on an indictment but cannot agree on one or more others, this will usually be referred to by the judicial officer, and there may be an exchange between the judicial officer and the speaker of the jury.

If requested to be transcribed show the verbatim exchange.

Jury unable to reach a verdict

Not transcribed unless requested. **NB! If the Jury are unable to reach a Verdict and are discharged, this would be included in the Summing Up/Redirections transcript and NOT a Verdict transcript.**

Occasionally a jury will indicate to the judicial officer that it cannot reach agreement on a verdict. If a transcript is requested, all exchanges between the judicial officer and the speaker of the jury or a member of the jury must be recorded and transcribed. **NB! Unless a Verdict has previously been delivered, instances such as this would be included in the Summing Up-Redirections transcript.**

A record of the time the jury returns to the court and leaves the court must be made.

Be particularly careful to transcribe exchanges between the judicial officer and counsel after the jury has been requested to consider further its verdict. **NB! Unless a Verdict has previously been delivered, instances such as this would be included in the Summing Up-Redirections transcript.**

The verdict transcript will conclude when the judicial officer dismisses the jury/adjourns the Court (whichever comes last), or, if sentencing submissions commence immediately after Verdict. There is no need to include the JURY RETIRED banner as the transcript will speak for itself.

HER HONOUR: On behalf of the court, thank you very much for your patience, time and effort in respect of this matter. Don't forget to get all of your things before you go. You're free to go.

If sentencing submissions commence immediately after jury is dismissed and a transcript is requested, the sentencing submissions are transcribed separately, as a new document.

Black Direction

In consultation with counsel, the judicial officer may give the jury a Black Direction. This is a direction that, unless a verdict is reached by a certain date and time, the jury will be discharged and a retrial listed. This generally occurs when there have been numerous redirections, jury questions about details/charges, and time issues (eg, Circuit trial). The Black Direction forms part of the summing up/redirections transcript.

Majority Verdict

In consultation with counsel, the judicial officer may give the jury a direction as to a majority verdict being acceptable. This is a direction that a majority of generally 11:1 or 10:2 is acceptable to finalise deliberations and return a verdict. This generally occurs when there have been numerous redirections, jury questions about details/charges, and time issues (eg, Circuit trial).

The majority verdict direction forms part of the summing up/redirections transcript.

The jury returning and recording a verdict forms a verdict transcript.

Conclusion of verdict transcript

Leave two clear lines and then enter a short line from the left margin.

SECTION 5: JURISDICTIONS

5.1 Basha inquiry/S590AA/ Hearing

- ◇ These matters are to be recorded and transcribed in full.
- ◇ Argument regarding matters of law, mostly concerning admissibility of evidence, usually occur as a separate event (a pre-trial hearing) in advance of the trial itself, and sometimes before a judicial officer who may not preside at the trial. At this preliminary hearing, the judicial officer rules on the issues in question.
- ◇ If a witness should have been cross-examined at a committal proceeding and was not cross-examined, the District Court or the Supreme Court may have to conduct a Basha Inquiry/590AA hearing. This involves cross-examining the witness without a jury present.
- ◇ Any rulings made during a Pre-Trial/Basha Inquiry/S590AA should be included as part of the main transcript unless specifically requested separately.
- ◇ Orders separate to Rulings should be notated with the TAKE IN ORDER banner and the Order transcript requested as a separate, revisable transcript.

5.2 Supreme and District Court - Criminal

Judges of the Trial Division are shown in the margin as

THE CHIEF JUSTICE:
THE CHIEF JUDGE:
HIS HONOUR:
HER HONOUR:

After the appearances are announced, the following preliminary stages of a trial occur:

1. The Crown presents the indictment (**transcribe**)
2. The judicial officer invites the defendant (accused) to stand (**transcribe**)
3. The judicial officer asks the associate to arraign the defendant (**transcribe**)
4. The associate reads out the indictment (**transcribe - even false starts**)
5. The defendant replies by pleading (**transcribe**)
6. The judicial officer announces the jury empanelment process (**not transcribed**)
7. The jury is empanelled (**not transcribed**)

Ellipsis should only be included in an evidence-only criminal trial transcript to show the Jury Empanelment/Judicial Address portion of proceedings.

Generally, nothing is transcribed from commencement of empanelment to Opening banner. This will include legal argument, rulings, adjournments and resumptions, etcetera, which must be requested separately in order to be transcribed.

Begin transcribing again when the Crown opens its case to the jury. Addresses banners only (opening and closing addresses are not transcribed unless requested).

Commence typing after the opening address by the Crown has finished. If tapes of pre-recorded evidence are played, use the RECORDING PLAYED banner entry.

Evidence-only criminal trial transcripts will usually include:

- From commencement of proceedings till commencement of Jury Empanelment/Judicial Address (this portion of proceedings is represented by Ellipsis in the transcript)
- Opening Address banner(s)
- All content immediately following Opening Address(s) thorough to the commencement of Closing Addresses
- Closing Addresses banners
- All content immediately following Closing Address through to commencement of Summing Up (separate revisable transcript)

NB! Other than Jury Empanelment/Judicial Address portion of proceedings (Ellipsis) and Opening/Closing Addresses (all of which can be requested separately or included in a Full Transcript request), all content from commencement of the trial through to Summing Up is to be transcribed.

For example:

- (a) If the Judge discusses something counsel in the absence of the jury, and this event occurs after Opening Addresses have concluded but before evidence has commenced, this would be transcribed
- (b) All discussion between Judge and Bar table after the jury has been sent out following conclusion of Closing Addresses but before commencement of Summing Up would be transcribed.

(c)

Legal Argument – when to type it

Time line of events	Include in Full Transcript	Include in Evidence Only Transcript	Include in Closing Addresses Transcript	Include in Summing up transcript
Jury empanelment				
- legal argument	Yes	No	No	No
Opening addresses				
- legal argument	Yes	No	No	No
Witness evidence starts and is completed				
- legal argument	Yes	Yes	No	No
Closing addresses				
- legal argument	Yes	Yes	No	No
Summing up				
- legal argument	No	No	No	Yes
Verdict				

Legal argument with a witness present

When evidence is being given by a witness who is in another room (or location) giving evidence via Video Link or CCTV, Judge/counsel may request the witness be muted so that discussion/legal argument may occur

Let the transcript speak for itself.

There is no need to include a "WITNESS STOOD DOWN" banner.

On the resumption of the evidence, head up the transcript as for a witness CONTINUING or for a new stage of evidence.

Legal argument after closing addresses

Any legal argument occurring after closing addresses and before summing up should be typed and included in the Evidence Only/Full Transcript.

If closing addresses are to be transcribed and an adjournment/resumption occurs during a closing address:

RESUMED

[12.39 pm]

HER HONOUR: Thank you, Mr Brown. Thank you, members of the jury.

MR BROWN CONTINUED TO ADDRESS THE JURY:

Now, ladies and gentlemen, the next area of attach that I anticipate is to do with the text messages.

(at the conclusion leave two clear lines)

Legal argument after summing up

Legal argument/discussion between counsel and the judicial officer after the jury retires is transcribed in the summing up transcript.

Sample layout of preliminary stages ("evidence only" format)

HER HONOUR: Good morning. Can I have the appearances, please.

MS A. GREEN: Good morning, your Honour. My name is Green, initial A., instructed by the Director of Public Prosecutions, for the Crown.

HER HONOUR: Thank you, Ms Green.

MR B. BROWN: Brown, your Honour, initial B., instructed by Legal Aid Queensland, for the accused.

HER HONOUR: Thank you.

MS TEMPLETON: I present an indictment against Joe Bloggs charging him with assault. I ask that he be arraigned upon that indictment.

HER HONOUR: Yes. Joe Bloggs, would you stand up. Arraign the accused.

ASSOCIATE: Joe Bloggs, you stand charged by that name that on the 18th day of October 2007 at Wacol in the State of Queensland you assaulted Jane Doe. How say you, are you guilty or not guilty?

DEFENDANT: Not guilty.

HER HONOUR: Inform the accused of his right of challenge and empanel the jury, please.

...

MS GREEN OPENED THE CASE FOR THE CROWN

JANE JAYNE DOE, SWORN

[9.50 am]

EXAMINATION-IN-CHIEF BY MS GREEN

Note: for evidence only transcripts, start typing the content of the matter once opening addresses have concluded.

If opening addresses are interrupted for any reason, and some discussion occurs at that point, that should also be typed and followed by the applicable banner to show opening address is continuing.

HER HONOUR: Thank you, Mr Brown. Thank you, members of the jury.

MR BROWN OPENED THE CASE FOR THE CROWN

HER HONOUR: Let me just interrupt you a moment, Mr Brown. Something has been brought to my attention which needs to be addressed immediately.

MR BROWN: Of course, your Honour.

(exchange between the bench and counsel occurs here)

MR BROWN CONTINUED TO OPEN THE CASE FOR THE CROWN

Sample layout if preliminary stages to be fully transcribed

If a request is made to have the preliminary stages of a trial transcribed (full transcript), then instead of the three dots signifying missing text, the transcript would look like this:

HER HONOUR: Good morning. Can I have the appearances, please.

MS A. GREEN: Good morning, your Honour. My name is Green, initial A., instructed by the Director of Public Prosecutions, for the Crown.

HER HONOUR: Thank you, Ms Green.

MR B. BROWN: Brown, your Honour, initial B., instructed by Legal Aid Queensland, for the accused.

HER HONOUR: Thank you.

MS GREEN: I present an indictment against Joe Bloggs charging him with assault. I ask that he be arraigned upon that indictment.

HER HONOUR: Yes. Joe Bloggs, would you stand up. Arraign the accused.

ASSOCIATE: Joe Bloggs, you stand charged by that name that on the 18th day of October 2007 at Wacol in the State of Queensland you assaulted Jane Doe. How say you, are you guilty or not guilty?

DEFENDANT: Not guilty.

HER HONOUR: Inform the accused of his right of challenge and empanel the jury, please.

DEFENDANT INFORMED OF RIGHT OF CHALLENGE

JURY EMPANELLED

The judicial officer then invites the Crown to read out to the jury the names of the witnesses who are likely to be called (transcribe).

The Crown prosecutor reads out the names of the witnesses (transcribe).

HER HONOUR: Ladies and gentlemen, having heard those names and bearing in mind what I previous said, does any juror feel that they cannot be impartial? Thank you.

Ladies and gentlemen not empanelled for this trial, you are now free to go. I thank you for your attendance this morning. Would you watch the law list in the Courier Mail to see when you are next required.

Make the proclamation as to witnesses, please.

PROCLAMATION AS TO WITNESSES MADE

HER HONOUR: Place the accused in the charge of the jury.

DEFENDANT PLACED IN THE CHARGE OF THE JURY

HER HONOUR: Swear the bailiff, please.

BAILIFF SWORN

HER HONOUR: Ladies and gentlemen, I will tell you something more about our roles in this trial. From the outset, however, you should understand that you are judges in this trial. You are the sole judges of the facts. If there is going to be a dispute about some matter of fact, then it is for you and not me to resolve that dispute. My role in the trial is confined to matters of law. I tell you what the law is but you decide the case on the evidence. Your verdict in this case must be based only upon the evidence that you hear in this courtroom.

You have been asked by my Associate to select a foreperson. That person's role is to act as your spokesperson.

Ms Green, will you open your case, please.

MS GREEN OPENED THE CASE FOR THE CROWN

JANE JAYNE DOE, SWORN

[9.50 am]

EXAMINATION-IN-CHIEF BY MS TEMPLETON

Arraignment

When the indictment (charge) is read by the judicial officer's associate to the accused person(s), this is called the arraignment. When the accused is arraigned, he/she is asked how he/she pleads. This exchange between the associate and the accused should be transcribed verbatim, including false starts, wrong words, etcetera. Note that the accused is shown as DEFENDANT in the margin.

Previously pleaded

MR SMITH: Joe Bloggs is before the court, your Honour. There is an indictment presently before the court presented on the 10th of June 2018 charging him with nine offences of stealing to which he has pleaded not guilty.

Not guilty plea

ASSOCIATE: Joe Bloggs, you stand charged by that name that on the 18th day of February 2007, at Brisbane in the State of Queensland, you wilfully and unlawfully set fire to the dwelling house of Jane Doe. How say you, Joe Bloggs, are you guilty or not guilty?

DEFENDANT: Not guilty.

ASSOCIATE: Not guilty, your Honour.

Guilty plea

ASSOCIATE: Joe Bloggs, you stand charged by that name that on the 18th day of February 2007, at Brisbane in the State of Queensland, you wilfully and unlawfully set fire to the dwelling house of Jane Doe. How say you, Joe Bloggs, are you guilty or not guilty?

DEFENDANT: Guilty.

ASSOCIATE: Guilty, your Honour. Joe Bloggs, you have been convicted on your own confession of the offence of wilfully and unlawfully setting fire to a dwelling house. Have you anything to say why judgment should not be pronounced upon you according to law?

Pleas by more than one defendant

ASSOCIATE: Joe Bloggs and John Smith, you stand charged that on the 8th day of September 2007, at Brisbane in the State of Queensland, you committed rape upon one Jane Doe. How say you, Joe Bloggs, are you guilty or not guilty?

DEFENDANT BLOGGS: Not guilty.

ASSOCIATE: Not guilty, your Honour. How say you, John Smith, are you guilty or not guilty?

DEFENDANT SMITH: Not guilty.

ASSOCIATE: Not guilty, your Honour. Joe Bloggs and John Smith, you stand further charged that at the time and place aforesaid you attempted to commit rape upon the said Jane Doe. How say you, Joe Bloggs, are you guilty or not guilty?

DEFENDANT BLOGGS: Guilty.

ASSOCIATE: Guilty, your Honour. How say you, John Smith, are you guilty or not guilty?

DEFENDANT SMITH: Guilty.

Bailiff sworn

This will usually occur during the part of the proceedings covered by Ellipsis when the jury is empanelled. This banner entry will only be transcribed if the Jury Empanelment or a full transcript is requested.

When a judicial officer tells the associate to swear in the bailiff, it is necessary only to show (two lines either side):

BAILIFF SWORN

Defendant placed in the charge of the jury

This will usually occur during the part of the proceedings covered by Ellipsis when the jury is empanelled. This banner entry will only be transcribed if the Jury Empanelment or a full transcript is requested.

When the judicial officer directs that the accused (defendant) be placed in the charge of the jury in the transcript, show (two lines either side):

DEFENDANT PLACED IN THE CHARGE OF THE JURY

The associate will then address the jury and read out the charges to them. This portion is not transcribed unless requested.

Note: if this section is requested to be typed, for example, as an extract, then the banner entry will not be needed.

Proclamation as to witnesses made

This will usually occur during the part of the proceedings covered by Ellipsis when the jury is empanelled. This banner entry will only be transcribed if the Jury Empanelment or a full transcript is requested.

This proclamation warns witnesses in the trial to remain out of the hearing of the court until they are called to give their evidence. It is necessary only to show in the transcript (two lines either side):

PROCLAMATION AS TO WITNESSES MADE

Note: if this section is requested to be typed, for example, as an extract, then the banner entry will not be needed.

Submission on sentence by Crown and Defence

After a defendant has pleaded guilty, submissions on sentence are delivered by both sides. No banner entry is needed and normal paragraphing applies.

If a defendant has pleaded not guilty and the trial has progressed to the point where a jury has delivered a guilty verdict, submissions on sentence that are delivered following the Verdict form part of a separate transcript. No banner entry is needed and normal paragraphing applies.

The defendant is asked whether he/she has anything to say in relation to the sentence to be imposed. This is called the allocutus. It forms part of the sentence submissions transcript.

If a victim impact statement is read out in court during submissions on sentence, type this in full.

This document will conclude with the TAKE IN SENTENCE banner.

Transcript example where an adjournment/resumption occurs prior to sentencing.

HER HONOUR: I will come back after I've had a quick look at the cases.

ADJOURNED

[2.46 pm]

RESUMED

[3.07 pm]

HER HONOUR: I've had an opportunity to read those three cases. Stand up, please, Mr Jones, we've just got to call upon you before I pass sentence.

ASSOCIATE: John Jones, you've been convicted of three counts of indecent treatment. Have you anything to say why sentence should not be passed upon you according to law?

DEFENDANT: No.

HER HONOUR: No.

TAKE IN SENTENCE

Sentences

In the main transcript, when the judicial officer commences the sentencing remarks, go down two clear lines and show at the margin:

TAKE IN SENTENCE

Sentences are transcribed in a separate document when ordered. Everything is transcribed in a sentencing document; the ellipsis is not used.

If the convicted person speaks, the correct designation is DEFENDANT.

Discussion between the judicial officer and counsel during a sentence is also transcribed in the sentence document.

When the judicial officer finishes sentencing the defendant, show this in the transcript by leaving two clear lines and then entering a short line in from the left margin.

I propose to fix your parole release after you have served a quarter of that period reflecting the very different personal circumstances involved in your matter as compared to your father's.

In all of the circumstances then, I sentence you to three years imprisonment in respect of the production offence. I impose no penalty in respect of the possession offence. I fix your parole release date as the 15th of February 2014. That is in nine months time.

Pre-sentence reports

(including psychological/psychiatric orders)

Sometimes a judicial officer will want advice or guidance as to how to deal with a prisoner or how a particular order might affect the prisoner's family, etcetera. This guidance may come, for example, from some psychological, psychiatric, or social work expert.

The judicial officer will order a pre-sentence report for this purpose.

Matters where a pre-sentence report is ordered are transcribed upon request.

Bulk arraignments

Sometimes judicial officers or their associates abbreviate indictments containing multiple charges into short form. In these circumstances, transcribe the proceedings verbatim. For example:

ASSOCIATE: John Smith, you are charged with four counts of unlawful assault and five counts of breaking, entering and stealing. Are you guilty or not guilty?

DEFENDANT: Guilty.

Ex officio indictments

Ex officio indictments originate in the Office of the Director of Public Prosecutions without having been through a committal proceeding in the Magistrates Court.

They are presented to a higher court with the agreement of the accused person.

Summary Charges

If an accused person is before a Higher Court charged on indictment, the Crown may also ask the court to deal with other charges which would ordinarily be dealt with summarily by a Magistrate - that is, minor matters which would not come before a Higher Court.

For convenience, and so that the accused may be dealt with on one occasion, the Higher Court deals with the indictable offences and the summary offences at the same time.

Example of indictments and summary charges being heard in a Higher Court

MR JONES: Your Honour, there are four matters to be dealt with this morning. There is already a two-count indictment before the court charging the accused with false pretences. I present a further ex officio indictment of 30 counts, relating mainly to property offences. There are some summary

matters, too.

MR BROWN: I have taken my client through every one of the 30 counts, and if your Honour wishes he can be arraigned on the whole indictment. There is also before your Honour an application to transmit summary charges, signed by my client.

HIS HONOUR: We will bulk arraign on the indictable offences and then read the other charges.

ASSOCIATE: Joe Bloggs, have you read each of the counts contained in the indictment numbered 1693 of 1997 and the ex officio indictment presented today?

DEFENDANT: Yes.

ASSOCIATE: Have you fully understood (etc)

DEFENDANT: Yes.

ASSOCIATE: Are you prepared to plead to the counts contained in those indictments without each separate count being read individually to you?

DEFENDANT: Yes.

ASSOCIATE: Joe Bloggs, in respect of each count on the ex officio indictment presented today and indictment number 1692 of 2012, how do you plead: guilty or not guilty?

DEFENDANT: Guilty

The associate now reads out the summary charges. Transcribe verbatim.

ASSOCIATE: Joe Bloggs (etc)

DEFENDANT: Guilty.

Criminal – judge only

A criminal trial can occur with a judge only, ie, with no jury. The same evidence-only criminal principles apply. However, there will be no entry of JURY EMPANELLED or DEFENDANT PLACED IN THE CHARGE OF THE JURY. There will also be no summing up.

At the end of the trial, the judicial officer delivers a judgment, as opposed to a verdict. This is still typed as a separate document.

Orders in criminal matters

Include orders in the main transcript.

5.3 Supreme and District Courts – civil and appellate

At the beginning of a civil trial

In all civil trials, all exchanges between the judicial officer and parties/counsel regarding the reading of the pleadings, amendments to pleadings and amendments to defence must be fully transcribed.

Civil Juries

Juries, usually of four people, are sometimes used in civil trials to determine facts and the amount of damages.

If a request is made to have the preliminary stages of a trial transcribed (full transcript), everything is transcribed apart from the court events, which will be represented by banners such as JURY EMPANELLED, BAILIFF SWORN, TAKE IN ORDER.

Summing up and Redirections – Civil

Same instructions as for Supreme and District Court Criminal.

Jury's decision/Verdict – Civil

Same instructions as for Supreme and District Court Criminal.

Judgments

Judgment is not included in the full transcript. Two clear lines below the preceding line of text, type in:

TAKE IN JUDGMENT

Judgments are revised by the judicial officer.

Discussion during judgment

Discussion that transpires after delivery of the judgment forms part of the judgment transcript (see Costs below). This rule applies to criminal jurisdictions as well.

Costs in a judgment or order document

In a judgment or order document, discussion relating to costs following the judgment is not transcribed.

Show Ellipsis at the margin (two lines either side) to indicate omission of material, and transcribe the judicial officer's order relating to costs.

Example:

For those reasons, I will refuse the application for a stay.

...

HIS HONOUR: I order that the defendant pay the plaintiff's costs of and incidental to this application, to be taxed.

Note: if costs are discussed during the course of the hearing, ie, not during the giving of orders or judgment, these are typed and included in the transcript.

End of judgment

Come down two clear lines and enter a short line in from the left margin to note end of judgment.

Oral Examination – Civil

Oral examinations are neither restricted nor in-camera.

They are only transcribed if requested.

Orders

If any order is delivered during the hearing, this is typed as a separate document when requested. In the main transcript, type TAKE IN ORDER, with two clear lines either side.

Simple orders in relation to adjourning or directions can stay in the main transcript.

When typing an order as a separate document, conclude with a short line in from the left margin.

Taxing Officer

When a civil action is concluded, it is often ordered that the costs of the parties be taxed. This means assessed by an assessor (taxing officer) in the court registry.

A bill of costs is drawn up, and the parties' lawyers attend upon the taxing officer to call evidence and/or argue their case as to who should be responsible for certain costs and the dollar value of the costs.

The officers who perform this function will have the title Taxing Officer or Deputy Taxing Officer.

Designation at the margin:

TAXING OFFICER:

D TAXING OFFICER:

5.4 Childrens Court of Queensland

The Childrens Court of Queensland (CCJ) is presided over by judges of the District Court. Childrens Court of Queensland matters before a judge (CCJ) are not by their nature restricted.

CCJ trials will usually be conducted in the same manner as a criminal jurisdiction trial in the District Court (including empanelment, addresses, etcetera).

The court is presided over by a District Court Judge sitting as the president. The current president of the Childrens Court of Queensland (since 17 December 2018) is her Honour Judge Richards

On the cover page show	JUDGE RICHARDS, President
In the margin show	THE PRESIDENT:
In the header show	Richards P

For all other judges of the Childrens Court of Queensland show HIS/HER HONOUR in the margin and follow general Supreme&District Court F&S layout for cover page and headers except:

- Cover page to show CHILDRENS COURT OF QUEENSLAND
- Cover page does not show a jurisdiction (eg, CRIMINAL JURISDICTION etc)

Whenever the child speaks during the proceedings, he/she will be referred to as:

DEFENDANT:

Judgments and sentences

When a Childrens Court judge conducts a trial of a juvenile who pleads not guilty, the judge delivers a verdict and gives reasons.

This verdict and reasons are titled JUDGMENT and form a separate revisable transcript. Enter HIS (or HER) HONOUR in the margin. If the speaker directs that a subheading should be inserted, these are underlined and form the first word(s) of a paragraph. This layout is specific to Childrens Court judgment documents.

HIS HONOUR: This is an application (etcetera)

Background: The facts which were placed before the learned Magistrate by the Prosecutor consistent with the Queensland Police Service (QPS) Court Brief which forms part of the evidence before me is that on 23 November 2012 police were called to investigate the theft between 11 and 12 November 2012 of a BMX bike.

If the judge convicts the child, following the judgment there will be a sentence.

This also forms a separate transcript titled SENTENCE.

There may be submissions prior to the sentence being delivered.

Both of these separate transcripts are to be revised by the judge.

End the judgment / sentence transcript with a short line in from the left margin.

Pre-sentence reports (including psychological/psychiatric reports)

Sometimes the judicial officer will want expert advice or guidance on how to deal with a child. This guidance may come, for example, from a psychologist or social worker. The judicial officer will order a pre-sentence report for this purpose. If an order for a pre-sentence report has been made during proceedings and a transcript has been requested, the matter is to be transcribed in full.

Childrens Court Sentence Review

The Childrens Court (before a Judge) will hear sentence reviews, which are appeals of decisions from the CCM, similar to what occurs in section 222 appeals of Magistrates Court decisions heard in the District Court.

Normal CCJ style and formatting applies to sentence review submissions and order transcripts.

The following transcript types are used for CCJ sentence reviews:

- For submissions/legal argument prior to the Judge delivering reasons/orders:
SENTENCE SUBMISSIONS
- For reasons/orders following submissions
ORDER

NB: Order transcripts will almost always commence with the wording: "This is an application for sentence review..."

Order transcripts are revisable.

5.5 Magistrates Court

- ◇ In a civil action, the plaintiff brings the defendant to court for the matter to be dealt with.
- ◇ In a civil action, if the plaintiff is a company, the representative appearing for that company is put in the margin by name.
- ◇ In domestic violence matters, the parties are called AGGRIEVED and RESPONDENT.

The judicial officer is entered as HIS/HER HONOUR: in the margin.

Judicial and counsel designations at the margin

HIS/HER HONOUR:	For all Magistrates including the Chief Magistrate
REGISTRAR:	
COURT SERVICES OFFICER:	assists the Magistrate with witness matters, announces start/end of sessions, etc
BRIL JP:	
JUSTICE OF THE PEACE 1:	If there are two justices of the peace and both names are <u>not</u> known
JUSTICE OF THE PEACE 2:	
ENFORCEMENT DEBTOR:	
MR TOWNSLEY:	As counsel for complainant as prosecutor
SGT CONNORS:	As a police officer for complainant Crown as prosecutor
SNR SGT CONNORS:	(for a senior sergeant)
A/SNR SGT CONNORS:	(for an acting senior sergeant)
CONST CONNORS:	(for a constable)
SNR CONST ANDREWS:	(for a senior constable) As complainant Crown as prosecutor
A/SNR CONST CONNORS:	(for an acting senior constable)
OFFICER CONNORS:	If the rank is unknown

Note on police titles in banner entries Police title abbreviations must be retained in banner entries. Eg:

EXAMINATION-IN-CHIEF BY CONST SMITH
RE-EXAMINATION BY A/SNR CONST JONES

Non-counsel party

Non-counsel parties are usually put in the margin according to their role in the matter, as opposed to using their name. For example:

DEFENDANT: *(criminal matters)*
APPLICANT: *(civil matters)*
RESPONDENT: *(civil matters)*
AGGRIEVED: *(domestic violence matter)*
MR SURNAME:
MS SURNAME: *(only used if the self-rep appears as a representative of a company. For example: in a matter of Brisbane City Council v John Smith Proprietary Limited)*

MR SMITH: (representing the company)

But in a matter of Brisbane City Council v John Smith

RESPONDENT: (Mr Smith appears for himself as respondent)

Decisions are typed in a separate document and returned to the requestor. Decisions are revisable by the magistrate but are not provided for revision as a matter of course.

In the main transcript of proceedings, when the magistrate commences giving the decision, two clear line spaces below the last line of text show:

TAKE IN DECISION

- ◇ Discussion relating to costs in civil matters following the decision is not transcribed. Show Ellipsis at the margin two clear lines below the decision text to indicate omission of material. Then two clear lines below the ellipsis transcribe the magistrate's order relating to costs.

For those reasons, I will refuse the application for a stay.

...

HIS/HER HONOUR: I order that the defendant pay the plaintiff's costs of and incidental to this application, to be taxed.

Note: should a full transcript of the matter be requested, the portion relating to costs should be included in the main transcript.

Orders that occur in a decision are typed as part of the decision document. Lay them out as said by the speaker. Unless otherwise stated, normal paragraphing will apply.

Quotations in decision

- ◇ Include in full in the transcript and transcribe verbatim. Indent and italicise where applicable.

End of decision

Come down two clear lines and use a short line in from the left margin note end of decision.

Not to be recorded

Sometimes a Magistrate will indicate that a section of proceedings is not to be recorded. This direction is to be followed. Show as:

RECORDING CEASED AT THE DIRECTION OF HIS/HER HONOUR [3.21 pm]

RECORDING RESUMED AT THE DIRECTION OF HIS/HER HONOUR [3.41 pm]

Example of Magistrates Court committal transcript

HIS/HER HONOUR: I'll take the matter of Mackay file 120 of 2015. One matter against [name]. A charge that on the 14th day of March 2003 at Mackay in the State of Queensland, one [name] unlawfully had possession of a dangerous drug, namely, methylamphetamine, and it is further alleged that the said dangerous drug was a thing specified in schedule 1 of the Drugs Misuse Regulation of 1987, and the quantity of the thing exceeded the quantity specified in schedule 2 of the Drugs Misuse Regulation of 1987, but was less than the quantity specified in schedule 4 of the Drugs Regulation of 1987. Can I have your appearances, please.

A/SNR CONST GORMLEY: Good morning, your Honour. I appear for the prosecution. My name is Gormley, Acting Senior Constable.

HIS/HER HONOUR: Thank you.

MR ABERDEEN: Good morning, your Honour. My name is Aberdeen, of Smith and Jones, solicitors, and I appear for the defendant in the matter.

HIS/HER HONOUR: Thank you, Mr Aberdeen. Yes.

A/SNR CONST GORMLEY: Your Honour, I make application for this matter to proceed pursuant to section 110A of the Justices Act. Subsection (5) has been complied with. I understand that this is by consent.

MR ABERDEEN: By consent, your Honour.

HIS/HER HONOUR: Yes, leave's granted.

A/SNR CONST GORMLEY: Your Honour, I tender the statements in bulk and read the names into the record. Your Honour, I tender a statement under the hand of Joe John Bloggs, a statement under the hand of John Smith, a statement under the hand of Peter Peterson, and an addendum statement under the hand of Joe John Bloggs.

HIS/HER HONOUR: Yes. Those statements will be admitted under the provisions of section 110A.

A/SNR CONST GORMLEY: Your Honour, by way of exhibit, I tender a series of 17 photographs.

HIS/HER HONOUR: The photographs will be admitted and marked exhibit 1.

EXHIBIT #1 ADMITTED AND MARKED

A/SNR CONST GORMLEY: Your Honour, I understand three witnesses will be required for examination. Your Honour, I call Joe John Bloggs.

EXAMINATION-IN-CHIEF BY A/SNR CONST GORMLEY

A/SNR CONST GORMLEY: Can you state your full name, rank and station?---Full name is Joe John Bloggs. Currently, I am an acting senior constable stationed at Gladstone Station.

Have you provided two statements in relation to this matter?---That is correct.

Your Honour, may the witness be shown his statements?

CROSS-EXAMINATION BY MR ABERDEEN

[9.33 am]

MR ABERDEEN: Constable, were the bag - I am sorry. I didn't hear you ask there about the black bag which was allegedly found in Ms Miller's - the back of her belt or something?---No.

A/SNR CONST GORMLEY: Your Honour, that is the case for the prosecution.

MR ABERDEEN: Yes, thank you, your Honour. I concede a prima facie case without the necessity for your Honour to consider the material placed before you.

HIS/HER HONOUR: If you'd just stand up for a minute, please. In accordance with the provisions of section 110A(6) of the Justices Act, and with Mr Aberdeen consenting to you being committed for trial without me considering the contents of the statements, [name], you are formally charged that on the 14th day of March, 2003, at Mackay in the State of Queensland, you unlawfully had possession of a dangerous drug, namely, methylamphetamine, and it is further alleged that the said dangerous drug was the thing specified in schedule 1 of the Drugs Misuse Regulation of 1987, and the quantity of the thing exceeded the quantity specified in the schedule 3 of the Drugs

Misuse Regulation of 1987, but less than the quantity specified in schedule 4 of the Drugs Regulation of 1987.

You will have an opportunity to give evidence on oath before me and to call witnesses, but first I am going to ask you whether you wish to say anything in answer to the charge. You need not say anything unless you wish to do so, and you are not obliged to enter any plea. You have nothing to hope from any promise and nothing to fear from any threat that may have been held out to induce you to make any admission or confession of guilt. Anything you say will be taken down and may be given in evidence at your trial. Do you wish to say anything in answer to the charge or enter any plea?

DEFENDANT: No.

HIS/HER HONOUR: You will be committed for trial to the Supreme Court to be held at Mackay on a date to be notified to you by the Director of Public Prosecutions.

You will be allowed bail but it will be conditioned that you reside at [an address], or such other address as advised to the Officer-in-Charge of Police at Mackay, at least 48 hours prior to the

change. The exhibits can remain with the file.

If you wish to adduce any evidence of alibi which Mr Aberdeen will explain to you, there is a requirement that notification in writing has to be given to the Director of Prosecutions 14 days beforehand. That concludes that matter.

ADJOURNED

[9.45 am]

Public examination

A public examination certificate should be included as part of the transcript.

Witnesses are not cross-examined in public examinations.

Stage of examination is shown by EXAMINATION BY banner with two clear lines either side.

End of proceedings is shown by a short line in from the left margin.

Transcript sample

HIS/HER HONOUR: An application for an examination. The applicant is John Smith as liquidator.

MR BROWN: Yes, your Honour.

HIS/HER HONOUR: Yes.

MR B. BROWN: My name is Brown, JB-r-o-w-n, initial B., instructed by Legal Lawyers. I don't think there are any other preliminaries, I would ask Mr Green to step into the box.

GEORGE GREEN, SWORN

[11.22 am]

EXAMINATION BY MR BROWN

MR BROWN: Thank you, your Honour.

Now, Mr Green, your full name is George Green?---George Green. That is correct.

Certification on the last page of evidence of a witness:

The foregoing pages, _ to _ inclusive, were read by me on the ___ of ___ 20__ and I certify to the accuracy of the transcript of the evidence given by me at ___ before ___ on

.....
(Full Name of Witness)

Enforcement hearings

Stage of examination is shown by EXAMINATION BY banner for each person examining the witness.

Show two clear lines before a new counsel commences their examination.

Voir dire

Do not use the voir dire evidence banners in Magistrates Court. Let the transcript speak for itself while using normal evidence banners.

5.6 THE CORONERS COURT OF QUEENSLAND

- ◇ The first stage of examination is examination-in-chief. If questioning continues from other counsel or next of kin, use EXAMINATION BY banner.
- ◇ **No** cross-examination or re-examination occurs in Coronial proceedings.
- ◇ Questions by counsel or next of kin start by showing the questioner's name in the margin.
- ◇ Once a witness has been sworn/affirmed and the initial witness event banner has been entered, the first stage of examination banner entry will always be examination-in-chief. If questions are asked by other counsel or next of kin, the applicable banner entry should be EXAMINATION BY:

JOHN SMITH, AFFIRMED

[9.46 am]

EXAMINATION-IN-CHIEF BY MS GREEN

MS GREEN: Are you able to tell the court your full name and current occupation, please?---My name John Smith. I'm retired now. I do some private consulting work.

Remainder of examination by Ms Green continues here.

Thank you, your Honour, that's all I have.

CORONER: Yes. Thanks, Ms White. Thank you.

EXAMINATION BY MS WHITE

[10.41 am]

MS WHITE: Good morning, Mr Smith, I'm Wendy White, Bill's partner.

Normal adjournment / resumption banners apply during proceedings.

Designations

STATE CORONER:

DEPUTY STATE CORONER:

CORONER:

SNR CONST SMITH: (*eg, police officer assisting the coroner*)

Inquest findings

- ◇ Similar to a decision in Magistrates Court, findings are typed in a new document.
- ◇ In the main document, two clear lines below the preceding line of text, show:

TAKE IN FINDINGS

- ◇ If there is a committal to trial, transcribe this as part of the findings.
- ◇ If a rider is added by the coroner after his findings, it is to be typed on a new page.

5.7 Court of Appeal

Determines appeals which arise from actions in the Supreme and District Courts.

Margin Designations

The Chief Justice THE CHIEF JUSTICE:

The president of the COA THE PRESIDENT:

Judges of the Court of Appeal:

FRASER JA:
GOTTERSON JA:
MORRISON JA:
PHILIPPIDES JA
McMURDO JA:

A judicial officer sitting alone in the Court of Appeal Use their title or name
(do not use his or her Honour)

For example: THE PRESIDENT
or JERRARD JA
or MULLINS J

Note A. LYONS J:

Self-represented appellants APPELLANT:
Self-represented respondents RESPONDENT:

If more than one self-rep appellant or respondent appears, include their surname:

APPELLANT SMITH:
RESPONDENT SMITH:

Note: in a matter which has more than one respondent listed as a party but only one respondent appears in court, use this entry

Ex tempore judgments and orders

Transcribed as per other judgments and orders.

Court of Appeal case names

Queensland Court of Appeal cases are to be written with the year in square brackets. Refer to section Authorities and Cited Case References for examples.

Judgments

All COA judgments are sent to the COA Research Officer in the first instance to commence revision process.

Suppressed names on heading pages and in transcript

- ◇ Suppression Orders are in force due to legislation and/or specific requests to the Court.
- ◇ Generally, a Suppression Order is in force for release of transcript to non-parties (eg, the media) whereby identifying details of complainants, defendants or witnesses are to be REDACTED from the transcript prior to distribution to a non-party
 - In such instances, provide the transcript to the Transcript Coordination Team, who will assess and then provide a redacted transcript to the Contractor
- ◇ If a Suppression Order is in force regarding specific information contained within a transcript (eg, the name of a witness is not to appear in the transcript), direction should be obtained from the Associate as to Judge's preference as to how relevant information is to appear in the transcript.
- ◇ If initials or acronyms are spoken, this will also be shown verbatim.

The complainant S said to the appellant J (etc)

LEP1 said to the defendant (etc)

- ◇ If the full name is used, this should be shown verbatim and not reduced to an initial/acronym etc unless directed by Judge/Associate
- ◇ Appeals involving juvenile offenders should have the name suppressed (eg, cover page R v JA).
- ◇ Some matters involving sexual offences where a child is a witness or the complainant will have the name of the offender suppressed.
- ◇ If, on any day, there is more than one matter for which the name will be suppressed and more than one of these commences with the same initial, the full initials will be used to distinguish the cases. Some cover page examples:

R v RGS
R v ATS
R v JKS

Note: where the accused, complainant or witness is a child, the name, address, school, place of employment or any other particular likely to lead to identification of the child is restricted.

5.8 Drug Court

Transcribe Drug Court matters in the same manner as Magistrates Court.

5.9 Foreign courts – evidence

Transcribe in Magistrates Court style.

Certification on the last page of evidence of a witness:

The foregoing pages, _ to _ inclusive, were read by me on the ___ of ___ 20__ and I certify to the accuracy of the transcript of the evidence given by me at ____ before ____ on _____

.....
(Full Name of Witness)

5.10 Land Court and Land Appeal Court

Cover page entry	Margin Designator	Header entry
F.Y.KINGHAM (PRESIDENT)	KINGHAM P	Kingham, President
P A SMITH (MEMBER)	SMITH M	Smith, Member
W L COCHRANE (MEMBER)	COCHRANE M	Cochrane, Member
W A ISDALE (MEMBER)	ISDALE M	Isdale, Member
P G STILGOE OAM (MEMBER)	STILGOE M	Stilgoe, OAM Member
G J SMITH (JUDICIAL REGISTRAR)	SMITH JR	Smith, Judicial Registrar

Transcripts are prepared on request..

If a self-represented applicant (or applicants) is sworn in for the purposes of telling the truth, use normal witness event banner for sworn/affirmed. If they remain at the bar table to provide their evidence or submissions, follow with wall to wall layout with the following in the margin:

APPLICANT: *(when only one self-rep applicant appears in a matter)*
APPLICANT SMITH: *(ie, applicant's surname if more than one applicant)*

If evidence or submissions are provided at this point, these can be paragraphed.

Decisions

Decisions in Land Court and Land Appeal Court are termed Judgments. These are typed as a separate document and the banner TAKE IN JUDGMENT should be entered in the main transcript.

Land Appeal Court

Full Bench Margin Entries

District	Cover page entry	Margin Designator	Header entry
	NB. Cover page would also show President and Members per above	NB. Margin designators per above apply as required	NB! Justice only in header
Southern	MULLINS J	MULLINS J	Mullins J
Northern	NORTH J	NORTH J	North J
Far Northern	HENRY J	HENRY J	Henry J
Central	CROW J	CROW J	Crow J

NB! ABORIGINAL LAND TRIBUNAL matters are heard within Land Court jurisdiction. Tribunal transcripts would follow Land Court/Land Appeal Court format and style, per above

5.11 Mental Health Court

Comprised of a Supreme Court judge and two persons with medical qualifications, usually psychiatrists.

If transcribed, the patient is put as DEFENDANT in the margin.

The only stage of examination for a witness is EXAMINATION BY. Do **not** follow with cross-examination or re-examination. If other counsel, interested parties or the presiding medical professionals ask questions of the witness, use the same banner entry for all: EXAMINATION BY.

Note: there is no banner entry if the Judge asks questions of a witness.

A useful website for medical professionals name spellings is located at:

www.ahpra.gov.au/Registration/registers-of-Practitioners.aspx

Designations

HIS HONOUR:
DR DODDS:
DR WOOD:
DEFENDANT:

Sample transcript

HIS HONOUR: Now, the transcript should note that from now we're sitting with two assisting psychiatrists, Dr Jones and Dr Green. Now, the next matter is the matter of Jane Doe.

MS A.B. SMITH: Your Honour, my name is Smith, initials A.B. I appear for Ms Doe.

HIS HONOUR: Thank you.

MR J. GREEN: If your Honour pleases, my name is Green, G-r-e-e-n, initial J. I appear for the Director of Mental Health.

MR A. BROWN: If your Honour pleases, my name is Brown, initial A. I appear on behalf of the Director of Public Prosecutions and I am instructed by his office.

HIS HONOUR: Thank you.

MR GREEN: Your Honour, it's a reference by the Director of Mental Health and I just wonder whether Ms Doe is with us.

DEFENDANT: Yes, your Honour, I'm here.

HIS HONOUR: You're on the telephone, are you, Ms Doe?

DEFENDANT: Yes, I am.

At this point submissions from counsel occur and discussion between counsel and his Honour. The two assisting psychiatrists also provide their recommendations. This is all laid out in wall to wall with paragraphing. At the end of the transcript, the following occurs:

HIS HONOUR: Now, Ms Doe, was there anything that you wish to say?

DEFENDANT: Yes, your Honour. I'm very sorry for my actions.

HIS HONOUR: Yes, thank you.

TAKE IN REASONS FOR FINDING

The take in banner will usually be the last entry in the transcript. Concluding discussion between the judicial officer and counsel or parties which occurs after the reasons for finding are delivered should be included in the take in document.

If the reasons for finding occur earlier in a matter, the normal adjournment banner entries will apply at its conclusion.

HER HONOUR: Thank you.

TAKE IN REASONS FOR FINDING

HER HONOUR: Thank you.

MR JONES: Thank you, your Honour.

HER HONOUR: Now, we turn to the next reference which is a reference in relation to John Doe.

MR GREEN: Your Honour, just on the last matter, if a transcript could go to the treating team.

HER HONOUR: Certainly, I'll order that a copy of the transcript be made available to the treating team.

MR TATE: Thank you.

ADJOURNED

[10.52 am]

Reasons for finding

Orders that occur after the reasons for finding are included in the take in document. End this document with a short line in from the left margin.

Transcript sample:

HIS HONOUR: By reference filed 12 June 2010, the Director of Mental Health referred to this Court the mental condition of Jane Doe in respect of an offence of serious assault alleged to have been committed on 27 December 2009.

The Court has the benefit of reports from Dr Green and Dr Brown. Those reports indicate that the defendant suffers from a bipolar disorder. *(transcript continues on in paragraph format)*

I order:

- (1) At the time of the alleged offence, the subject of the reference, the defendant was suffering from unsoundness of mind as defined in the schedule to the Mental Health Act.
 - (2) The defendant be detained pursuant to a forensic order to the Happy Valley Network Authorised Mental Health Service.
 - (3) Copies of the reports and of the transcript be provided to the parties and the treating team.
-

5.12 Murri Court

Transcribe Murri Court matters in the same manner as Magistrates Court.

Depending on how their appearances are announced, Elders appearing in the matter should be shown in the margin as:

AUNTY JILL SMITH or AUNTY JILL

UNCLE JIM SMITH or UNCLE JIM

5.13 Planning and Environment Court

- Transcribe proceedings as per District Civil procedures (ie, all but closing addresses).
- Normal stages of examination apply.
- Normal adjournment and resumption banners apply.
- If a witness appears, normal stages of examination apply.
- Orders are typed as a separate transcript. If an order occurs in the main transcript, use the TAKE IN ORDER banner
- Judgments are typed as a separate document. If a judgment occurs in the main transcript, use the TAKE IN JUDGMENT banner.

Note: In 1991, this jurisdiction superseded the Local Government Court, hence there may be reference to “LGA number”. Use LGP or Pa and E where applicable.

Self-represented parties in the margin

APPLICANT:
APPELLANT:
RESPONDENT:
CO-RESPONDENT SURNAME:

If more than one applicant/respondent is listed in a matter, include the surname, even if only one of the applicants/respondents is present in court. For example:

RESPONDENT TAYLOR:
APPLICANT SMITH:

Judges of Planning and Environment Court

All District Court Judges may sit in P&E Court

Margin entry

HIS HONOUR: or HER HONOUR:

When a registrar presides

REGISTRAR:

5.14 Queensland Civil and Administrative Tribunal – QCAT

Normal adjournment/resumption layout applies.

Designations

HIS/HER HONOUR: For QCAT matters heard in District Court

HIS/HER HONOUR: For QCAT matters heard by a Magistrate

THE PRESIDENT: *(currently Justice Daubney)*

DEPUTY PRESIDENT: *(currently Judge Allen QC)*

THE A/PRESIDENT:

SENIOR MEMBER:

SENIOR MEMBER OLIVER: *(if a senior member sits on a matter with another member)*

MEMBER: *(for a member or sessional member sitting alone)*

MEMBER SMITH: *(if more than one member sits on a matter, use the applicable member's surname)*

REGISTRAR: *(for Townsville minor civil disputes presided over by a judicial registrar)*

CHAIRPERSON:

ADJUDICATOR SURNAME: *(eg, ADJUDICATOR DAVERN:)*

ASSESSOR SURNAME: *(eg, in Nursing Tribunal matters, a deputy president may appear with one or more assessors)*

TRIBUNAL OFFICER: *(for court/hearing officer)*

HAMMERSLAR JP: *(where the name of the justice of the peace is known)*

McMAHON JP:

JUSTICE OF THE PEACE 1: *(if there are two justices of the peace and both names are*

JUSTICE OF THE PEACE 2: *not known)*

Members, legal representatives and appellants/ applicants/ respondents appearing on their own behalf are identified as:

MR SURNAME: / MS SURNAME:

If the matter is a minor civil dispute, then the member is referred to as ADJUDICATOR SURNAME: in the left margin.

If the matter is anything else (such as guardianship, building, children's matter) the member is generally referred to as MEMBER: in the left margin.

Evidence in QCAT

- ◇ Where self-represented parties appear, they are sworn/affirmed by the presiding officer at the commencement of proceedings in order to give their evidence and present their case in a truthful manner. They will usually stay at the bar table and the layout will be wall to wall with their names in the margin.
- ◇ Witnesses do not usually appear in these matters, but if they did, and if they were sworn/affirmed, the normal witness event banners would apply and the normal question and answer format would ensue.
- ◇ Where a person comes to court but is not sworn or affirmed, questioning may just commence when they enter the courtroom or answer the telephone, use wall to wall format with their name in the margin. There will be no witness excused banner or stage of examination unless the witness is sworn/affirmed in the normal way.
- ◇ Guardianship, antidiscrimination and children's matters: use wall to wall format.

QCAT decisions

- ◇ Decisions are included in the full transcript for QCAT unless requested.
- ◇ If Decision is requested when the Hearing transcript request is submitted, two transcripts will be produced:
 - Hearing transcript
 - Revisable Decision transcript

If the Decision is requested after the initial complete Hearing transcript has been generated, the Decision portion will be extracted and produced as a separate, revisable transcript and the banner TAKE IN DECISION will be inserted into the Hearing transcript

Quotations in decision

- ◇ Include in full and transcribe verbatim. Indent and italicise quotes where applicable.

End of decision

Come down two clear lines and insert a short line in from the left margin to note end of decision.

5.15 Queensland Industrial Relations Commission - QIRC

Transcribed in full.

Hearing, Conference, Mention, Directions Hearing, Decision From Bench, Full Bench.

This will usually be announced at the start of each matter.

Mentions should be treated as hearings in relation to appearances.

Witness event banners are the same as for other court proceedings.

Do not type the introductory, administrative comments between the QIRC and a witness appearing by phone, eg, discussion about the quality of the sound, whether the witness can hear the tribunal, whether the witness is ready to be examined, the need for the witness to be affirmed. This is incorporated in the witness banner

As QIRC has no criminal role, the term WITNESS STOOD DOWN does not apply to parties giving evidence. If you use this banner, it must relate to a witness being stood down until later on in the proceedings.

Upon resumption following an adjournment during proceedings, although QIRC does not have a jury, if there is a witness continuing, enter the normal witness CONTINUING banner Wall to wall layout for discussion between the Commission and counsel.

Capitalise Commissioner, Commission.

Adjournment/Resumptions

See sections 1.3 and 1.23 ,1.24 and 1.28 for banners relevant for QIRC regarding adjournments, resumptions, no recording, and no transcription.

Designations

The president
The vice president O'Connor
Deputy President Merrell
Commissioner

HIS HONOUR:
HIS HONOUR:
HIS HONOUR:
COMMISSIONER:

Self-rep (hearing)
Self-rep in an appeal against a Workers Comp decision
Self-rep for all conference matters, including appeals
Court officer

APPLICANT:
APPELLANT:
MR/MS SURNAME
ASSOCIATE:

Full Bench margin entry examples

COMMISSIONER THOMPSON:
COMMISSIONER KNIGHT:
COMMISSIONER PIDGEON

Self-represented parties

If an applicant (or respondent) is put into the witness box and sworn/affirmed in order to provide his evidence under a legal obligation to tell the truth, enter the applicable witness event line but do not follow with a stage of examination. Use wall to wall layout with APPLICANT in the margin. If the self-represented applicant is then cross-examined, treat as a normal witness and use the normal stage of examination line and follow with question and answer layout. Continue with question and answer layout until the witness is excused.

APPLICANT: I've got my statement here. I've got the - like, a couple of folders there, so - - -

COMMISSIONER: We should then swear you in - - -

APPLICANT: Yes.

COMMISSIONER: - - - because after you give your evidence, you'll be cross-examined.

JOHN SMITH, SWORN

[10.10 am]

COMMISSIONER: Mr Smith, could you give - give us your full name and address, please.

APPLICANT: Yeah, my full name is John Smith. I'm currently residing at 1 White Court, Farmdale with my family and I currently work at the FarmDale District Headquarters located at 1 Black Road, Farmdale and my rank is senior sergeant.

Off the record, without resuming

When a conference goes off the record and adjourns without going back on the record:

THE CONFERENCE ADJOURNED WITHOUT RESUMING RECORDING

[4.33 pm]

Confidential proceedings

When the public session goes into confidential session, show in the public transcript:

SECTION 580 PROCEEDINGS ENSUED

Or

CONFERENCE PROCEEDINGS ENSUED

Decisions

- ◇ Decisions are included in the full transcript for QIRC or Industrial Court unless requested.
- ◇ If Decision is requested when the Hearing transcript request is submitted, two transcripts will be produced:
 - Hearing transcript
 - Revisable Decision transcript

If the Decision is requested after the initial complete Hearing transcript has been generated, the Decision portion will be extracted and produced as a separate, revisable transcript and the banner TAKE IN DECISION will be inserted into the Hearing transcript

Quotations in decision

- ◇ Include in full and transcribe verbatim. Indent and italicise quotes where applicable.

End of decision

Come down two clear lines and insert a short line in from the left margin to note end of decision.

SECTION 6: NUMBERS

6.1 General Rule

Type zero to nine in words and 10 and above in figures for the following:

Ages

The baby was one month old.
The baby was 12 weeks old.
The baby was 12 weeks and two days old.
They had a nine year old daughter and a 13 year old son.
The over-50s have to pay more insurance.
The rule applies to people in their 40s and 50s.
A significant proportion of the population is aged 70-plus.

but when “half” or another fraction is said, use words:

one and a-quarter years old
three and a-half years old
fifteen and a-half

Beginning Sentences

When a number is the first thing said, type all numbers in words.

Twenty-five children were in grade 1.
Three girls and three boys.
Six hundred and forty-eight students attended the school.
Fifty per cent is not enough.

But dates are always in figures unless commencing a sentence:

I believe 1945 saw the end of World War II.
Nineteen Forty-Five saw the end of World War II.

The 25th was the date I said.
Twnty-fifth was the date I said.

I think 17.4.09 was the date the witness gave
Seventeen, four,oh-nine was the date the witness gave.

If the noun is implied, type the number in words:

Four is the paragraph number I am referring to.

HIS HONOUR: What page are you on?

MR JONES: Six.

Compound Expressions

One hour 20 minutes
Three months and 11 days

Century Numbers

It happened in the first century.
We are in the 21st century.

BUT Twentieth century technology has been superseded.

General Use

one page	six attachments
one hour and 20 minutes	nine witnesses
two and a-half weeks	10 exhibits
two 10-minute breaks	10 cents in the dollar
three months and 11 days	25 statements
four paragraphs	100 documents
five two-month periods	2000 students

Height

He was approximately six feet, four inches tall.
He was approximately six foot four.
He was almost two metres tall.
The wall was 20 metres high.

Hours and Minutes

two hours	10 hours
24 hours	four hours and 20 minutes
five minutes	half-hour
three and a-half hours (fractions are always in words)	

but

the eleventh hour (Macquarie Dictionary)

Indefinite Amounts (excluding money)

six to seven hundred parcels of land
approximately five to 15 people attended
25 to 35 thousand litres

Measurements

two litres	a 45-degree angle
a five-watt bulb	12 grams
nine knots	10 metres by four metres
30 metres	20 degrees Celsius
37 ks away	

three mils (ie, millilitres, if said as such)
three ml (ie, millilitres, if said as such)

but when a fraction is said, use words:

two and a-half litres	ten and three-quarter inches
-----------------------	------------------------------

fifteen and a-half metres

“Odd” amounts (excluding money)

95-odd documents

19,000 hectares-odd

forty-six and a-half-odd thousand people were affected (fractions are always in words)

three and a-half-odd million litres

Ordinal numbers

I was fifth in line.

I was 23rd in the queue.

The first day of the week.

The third week of the month.

BUT Fifteenth in the list of affidavits.

The 11th month of the year

The 20th day of the trial

The 100th page of the book

Exception: the eleventh hour (*Macquarie Dictionary*)

Percentages

Note: “per cent” is two words; “percentage” is one word; % never used

one per cent

nine per cent

one half of one per cent

zero per cent

minus two per cent

10 per cent

20 percentage points

60 per cent plus

80 to 90 per cent

but when “half” or another fraction is said, use words:

two and a-quarter per cent

ten and three-quarter per cent

fifteen and a-half per cent

Ratios

one to one

a two-to-one multiplier

three for one

12 to one

one to 100

a 70/30 ratio or a 70 to 30 ratio (if “to” is said)

the child/staff ratio

but fifty-fifty

6.2 Type in Figures

Addresses

10 Downing Street	Level 2
2 Sixth Avenue	PO Box 4
4 th Floor	22/146 Stowe Street (if said as "22 slash 146")
Flat 8	25-29 Wickham Terrace (if said as "25 dash 29")
	25 to 29 Wickham Terrace (if said as such)

Clock Time

The time is 12 noon.	The time is quarter past 6.
The time is 10 am.	The time is quarter to 7.
The time is 10 o'clock.	The time is 10 minutes to 7.
The time is 6.30 am.	The time is half past 6.
The time is 6.05.	Around 5-ish ; 5 o'clock-ish

They will arrive between 10 and 10.45.
They will arrive between 6.30 and 7.15.

24 hour clock: 1600 hours 1630 hours 1930.50

Note: Hours and Minutes – follow the general rule

two minutes past 6	10 hours
one and three-quarter hours	24 hours
three and a-half hours	half-hour
four hours and 20 minutes	but the eleventh hour

for the adjournment at the end of a matter:

MATTER ADJOURNED at 4.15 pm UNTIL MONDAY, 14 SEPTEMBER 2014

Currency

Australia	A\$5	A\$500	A\$3000
Canada	Can\$5	Can\$500	Can\$1 million
Germany*	DM5	DM400	DM60 million
Hong Kong	HK\$5	HK\$500	HK\$6 million
Japan	¥5000	¥40,500	¥10 million
Switzerland	SwF5	SwF50	SwF5000
United Kingdom	£50	£4500	£2 million
United States	US\$5	US\$50	US\$5 million

*Member states of the European Union now use the euro

€15	€150,000	€15 million
-----	----------	-------------

US25c NZ60c
ringgit dollar franc yuan renminbi euro lira peso pound

Dates

Type dates as they are said. If a year is abbreviated to two digits, precede with an apostrophe:

If a year is said as “ninety-seven”, type as ‘97

If a year is said as “O-three”, type as ‘03

Decimal Numbers

.25 per cent

.303 calibre

.22 calibre

.05 blood alcohol level

0.5 per cent (include the zero or nought if it is said)

.11 blood alcohol level

.5 per cent

10.75 per cent

Indefinite amounts of money

Type them as they are said by the speaker, using numerals (unless it is at the commencement of a sentence):

15 to 50 thousand dollars

20 or 30 dollars

500 and something dollars

Five to 5000 dollars

\$6000 to \$25,000 (if said as such)

forty-five and a-half thousand to fifty thousand dollars (fractions are always in words)

about 30 or 40 million dollars

between 1600 and 2000 dollars

Six to 20 thousand (“dollars” implied but not said)

\$20,000 to \$35,000 (if said as such)

Money

Note: If the word “dollar” is not said, do not type the dollar symbol.

10 cents (when cents stand alone)

\$1 (not \$1.00)

\$24 (not \$24.00)

\$300

\$6500.50

\$55,130

\$10.45 million

\$20,500,000

65 cents

\$3.05

\$15.50

\$7000 (no comma is used for any four-digit figures)

\$20,000

\$1 million

\$20 billion

Four million (if said without the “dollars”)

mid-20s (if said as such – as an amount of money, ie, around 20 dollars)

negative \$109,880 (if said as such)

minus \$45,000

half a million dollars

one petrodollar and 10 petrodollars

the sixty-four thousand dollar question

X dollars

Note: “mill” (short for “million”)

I had 20 mill – well, 25 mill at that time.

Number following a noun

day 1, day 5, day 10, day 15
year 12
page 3
point 4
schedule 4
size 12s

stage 1
appendix 5
page 87
paragraph 2, subparagraph 2(a)
dot point 4
all the page 2s

Number with an implied noun

Use numerals when the noun they relate to has not been said.

His Honour made specific reference to that paragraph. I think it was 3 or 4 that contained that reference.

Note: type as a word if the implied noun's number starts a sentence.

I'm at page 4 of the transcript. Well, it's 4 on my version, but you might have it as 2. Four is what I would really draw to your attention, your Honour.

“Odd” amounts of money

Type “odd” amounts as they are said:

“two dollars odd”	becomes	\$2-odd
“five hundred dollars odd”	becomes	\$500-odd
“15 odd thousand dollars”	becomes	15-odd thousand dollars
“60 million odd dollars”	becomes	60 million-odd dollars
“70 thousand dollars odd”	becomes	\$70,000-odd

2-point-something-odd thousand dollars

Note: fifteen and a-half-odd million dollars (fractions are always in words)

Note: type as a word if the “odd” amount number starts a sentence.

Two-point-something-odd thousand dollars is what he said.

Results and Scores

They won the game 14 to nil.
It was a 32 to 10 win.

They were beaten 3 to 1.
The ballot result was 85 to 52.

Telephone numbers

07 3432 3454

0421 123 456

6.3 Type in Words

Fractions

two-thirds
three-quarters
one-thirty-third

three and five-eighths
seven-eighths

Partially said numbers

When a number is partially said, type the number in words, no matter what the number refers to:

It was in the year two thousand and - - -
The new computer cost me five hundred and - - -

If said “four-two-one”, show as 421.

6.4 Exceptions

Combination Numbers

When two numbers appear consecutively and one is used as an adjective, express one number in words and the other in figures. Try to show the larger number in figures:

twelve 15-minute breaks 250 ten-metre poles

Note: type as a word if the combination number starts a sentence.

Roman numerals

I one (1)

V five (5)

X ten (10)

L fifty (50)

C one hundred (100)

D five hundred (500)

M one thousand (1000)

Express in transcript as follows:

Elizabeth II

World War II

George V

part X

subsection (i), subsection (vii), subparagraph (ix)

subparagraph 2(a)(i) (usually said as “little one” or “Roman one”)

Years and spans of years

the year 2007	the mid-nineties
the '07 year	the mid-1990s
the '06/07 year	post-2000
from 2006 to 2007 in a year's time	
2006/7 (if said as such)	in four and a-half years' time
from '06 to '07	in ten and a-half years' time
the nineties	the roaring twenties
50 BC	10 BCE
56 to 55 BC	5 CE
AD 55 or 55 AD (type as said)	
In 2006, '07, '08 and '09 (if said as "in 2006, 7, 8 and 9")	

Quick reference for Numbers

Category	zero to nine in words 10 and above in figures*	All figures*	All words
*type as a word any number that starts a sentence			
Ages	X		
Addresses		X	
Beginning sentences	X		
Century numbers	X		
Clock time		X	
Compound expressions	X		
Currency		X	
Dates		X	
Decimal numbers		X	
Fractions			X
General use	X		
Height	X		
Hours/minutes	X		
Indefinite amts (excluding money)	X		
Indefinite amts (money)		X	
Measurements	X		
Money		X	
Number after a noun		X	
Number with an implied noun		X	
Odd amounts (money)		X	
Odd amounts (excluding money)	X		
Ordinal numbers	X		
Partially said numbers			X
Percentages	X		
Ratios	X		
Results/scores		X	
Telephone numbers		X	

SECTION 7: PUNCTUATION GUIDELINES

Punctuation is the aspect of written English which has been developed to assist the reader to understand what is written.

Every punctuation mark has one or more particular jobs to do, and every one should be used always and only to do those jobs.

Poor punctuation makes it difficult, or even impossible, for the reader to follow the meaning of the written word.

Consider the difference:

I would like to apply for a job with your company. For two years I have been employed as a salesman with one of your competitors. I sold nothing that I did not take pride in. I am sure it will be the same if I work for you.

Look at what happens when the position of the punctuation marks is changed. It actually changes the meaning of the passage.

I would like to apply for a job with your company for two years. I have been employed. As a salesman with one of your competitors, I sold nothing. That, I did not take pride in. I am sure it will be the same if I work for you.

In transcript, the following punctuation marks are the only ones used:

apostrophe
colon
comma
dash
full stop
hyphen
oblique / slash – limited use
question mark
quotation marks – single and/or double as appropriate
semicolon

In transcript, the following spacing is used:

one space following a comma
one spaces following a semicolon
two spaces following a colon
two spaces following a full stop
two spaces following a question mark
three spaces following the colon used after a speaker's name

two clear lines above and below all bold notations, such as adjournments, resumptions, extract headings, exhibits, and witness events

The apostrophe

The apostrophe has two functions:

- to indicate the possessive
- to form a contraction

Possessive for nouns and indefinite pronouns

Use “apostrophe s” to form the possessive for singular nouns or indefinite pronouns:

counsel's submissions	anyone's guess
nobody's business	somebody else's book
the judge's chambers	master's degree
for heaven's sake	bachelor's degree
the witness's evidence	the bus's tyres
driver's licence	

Personal names and plural nouns

In personal names and plural nouns ending in s use an apostrophe only:

Jesus' teachings	libraries' funding
Menzies' policies	the judges' chambers
the buses' tyres	the employees' uniforms
Moses' life	my parents' home
Burns' poems	the members' list of issues
the witnesses' evidence (more than one witness)	
creditors' meeting	
Teachers' college	

Note: A plural noun that does not end in s should always take the apostrophe s:

Women's Electoral Lobby
The gentlemen's luggage
the Country Firemen's Association
my children's books

Times

Use the apostrophe for singular and plural nouns:

a day's notice	a week's absence
10 years' time	four months' holiday

Place Names / Business Names

Place names are commonly spelled without the apostrophe (although you may come across exceptions):

Badgerys Creek	St Marys
St Johns Wood	Frenchs Forest
Kings Park	Jacobs Well

St Pauls Terrace

Business names usually omit the apostrophe from their titles. As a general rule, omit the apostrophe unless you are certain that the name of the registered entity uses an apostrophe:

Barclays Bank
Dowdens Plumbing and Water Treatment Services
Magistrates Court (ACT, Qld, NSW, NT, TAS, WA)

Exception:

Department of Veterans' Affairs
Veterans' Entitlements Act
Magistrates' Court of Victoria
Veterans' Review Board

Note: **all** metropolitan and local courts in Victoria take a possessive apostrophe in their title. Go to www.magistratescourt.vic.gov.au and select **Contact Us** for a full list.

Possessive pronouns

An apostrophe is never used with possessive pronouns:

his	ours
hers	theirs
its	yours

To Prevent Confusion

ifs and buts	but
the three Rs	dot the i's and cross the t's
ayes and noes	watch your p's and q's
dos and don'ts	
the 1990s	the nineties

Acronyms and capital letters

Use an apostrophe in the possessive form of acronyms or capital letters.

The ACCC's witnesses Spender J's judgment

No apostrophe is needed for the plural form with acronyms or capital letters.

The volumes marked with Ds and Fs are the ones I refer to.

but cc'd PDF'd

The comma

The comma tells the reader to pause. The main uses of the comma are:

- To separate items in a series (words, phrases, clauses)
- To separate independent clauses (complete sentences) joined by a conjunction
- To set off introductory or concluding expressions and interrupters
- To set off or enclose non-essential material
- To set off words used in direct address, regardless of their position in the sentence
- To set off place names
- To set off contrasted words or phrases
- With *now, then, namely, etcetera, you know, like, I mean, that is*

To separate items in a series (words, phrases, clauses)

- ◇ A comma used before the final conjunction assists in avoiding possible confusion for the reader. However, if no ambiguity arises, do not use it.

The room was littered with books, pens, papers and maps.

Exams will be held on Monday, Wednesday, Friday and Saturday.

Counsel attempted to put forward a reasoned, constructive and logical argument.

Reservations have been made for 2 March, 4 April, 15 April and 20 May.

Their new home has five bedrooms, two bathrooms, two decks and a double garage.

The robber fled across the street, up a lane, over a fence and into a waiting car.

The applicant in the matter has not paid the necessary fees, has not completed all the relevant paperwork, did not attend the last hearing and has failed to reply to his solicitor's letter.

Our consent is not necessary because the document has no strength, it is ambiguous, it is irrelevant, and it puts our client at a disadvantage.

But: *He was in a black ministerial car* **NOT** *He was in a black, ministerial car.*

To separate independent clauses (sentences) joined by a conjunction

INDEPENDENT CLAUSE ,*conjunction* INDEPENDENT CLAUSE

I knew the price of the shares would increase, *but* I had no idea it would go that high.

He first conducted an audit, *and* he then tried to determine how much money was missing.

The project has been completed on time, *although* some changes will have to be made.

Did you give her anything in writing, *or* did you just give her a verbal response?

In our submission, his argument carries insufficient weight, *and* it is for that reason we consider it is irrelevant.

The new procedure has been approved by the Minister, *and* other departments have signified their willingness to comply.

I anticipated that the price of IBM stock would increase after it entered the home computer market, *but* I had no idea that the price would skyrocket.

And what did the training involve?---It involved bringing weapons to and from the base, *and* you also had to take them out to the range and assemble them.

The weather forecast was for a wet summer, *yet* seasonal storms have been few and far between.

Except in very short clauses:

He ran and I walked.
It rained and it snowed.

BUT – if there are not two independent clauses because the second clause has no subject, no comma is required. Compare the difference:

His response was brief and took only a few minutes. ✓
His response was brief, and **it** took only a few minutes. ✓

We are satisfied with your explanation and do not need to hear further submissions. ✓
We are satisfied with your explanation, and **we** do not need to hear further submissions. ✓

To set off introductory or concluding expressions and interrupters

Most sentences are composed of a core sentence with information added to the sentence by attaching one or more words to the front or back of the core sentence. Readers need to be alerted to this by the use of a comma in order to help them clearly understand the message.

Note the difference with the use of the comma.

To set off introductory expressions: (adding words to the beginning of the sentence)

Yes we are prepared to consent to the transfer of the matter. ✗
Yes, we are prepared to consent to the transfer of the matter. ✓

Well what do you say to that? ✗
Well, what do you say to that? ✓

When he fired the bullet hit the target accurately. ✗
When he fired, the bullet hit the target accurately. ✓

In fact even after the judge entered the parties were still not ready. ✗
In fact, even after the judge entered, the parties were still not ready. ✓

That being the case there are no further questions.	x
That being the case, there are no further questions.	✓
So far as the applicant is concerned the matter will be brief.	x
So far as the applicant is concerned, the matter will be brief.	✓
As we received the document only this morning more time is needed to prepare.	x
As we received the document only this morning, more time is needed to prepare.	✓
If I might be permitted an observation his Honour was in error as to the facts.	x
If I might be permitted an observation, his Honour was in error as to the facts.	✓
In my submission my learned friend is incorrect.	x
In my submission, my learned friend is incorrect.	✓
In order to save the company from bankruptcy the shares were sold at a discount.	x
In order to save the company from bankruptcy, the shares were sold at a discount.	✓
<u>To set off concluding expressions:</u> (adding words to the end of the sentence)	
I am not prepared to consent to the transfer of the matter no.	x
I am not prepared to consent to the transfer of the matter, no.	✓
What she says is correct I believe.	x
What she says is correct, I believe.	✓
The business was in financial difficulties wasn't it?	x
The business was in financial difficulties, wasn't it?	✓
I am prepared to hear what you have to say yes.	x
I am prepared to hear what you have to say, yes.	✓
How many books have you read on that subject incidentally?	x
How many books have you read on that subject, incidentally?	✓
My learned friend is mistaken in my respectful submission.	x
My learned friend is mistaken, in my respectful submission.	✓
Your Honour, my client was overseas at the time as I said before.	x
Your Honour, my client was overseas at the time, as I said before.	✓
You paid the builder a \$50,000 deposit I think you said.	x
You paid the builder a \$50,000 deposit, I think you said.	✓

To enclose interrupters:

Just a moment, please, Mr Williams.

Their Honours used that expression, inter alia, in their judgment.

That sort of damage occurs when, say, a vessel hits part of the reef.

If that's what they want to do, well, let them do it.

There is, I would think, a good case to answer.

Your Honour, with respect, that was not my intention.

The respondent filed, or there was filed on his behalf, a form 19 statement.

There is nothing more you can add, as far as I can see, which would convince me.

It seemed entirely reasonable, things being what they were, to expect a bad result.

However, although his Honour said that, it is not true, with respect, as things stand now.

To set off or enclose non-essential material

When a group of words can be omitted from a sentence without drastically changing the meaning of the sentence, these words are a non-essential component. Commas should be placed either side of these words to indicate they are not an essential part of the sentence.

The guest speaker, who has been waiting to speak for some time, will give his address shortly.

Our next witness, the orthopaedic surgeon, will give evidence at 2.30.

The new system, which was introduced only a month ago, has already effected a great saving in time.

The company's CEO, who has excellent qualifications, is a former pilot.

The new judge, who comes from New South Wales, used to be president of the Bar Association.

We have been using the same firm of solicitors, Smith and Partners, for several years.

Therefore, if omitting a group of words would drastically change the meaning of the sentence, they are an essential component and do not need commas either side of them. Compare the difference:

Companies, which hold over a billion dollars in assets, are rare. x
Companies which hold over a billion dollars in assets are rare. ✓

Doctors, who are found guilty of malpractice, are usually deregistered. x
Doctors who are found guilty of malpractice are usually deregistered. ✓

All staff, who have been employed for 10 years or more, will receive a bonus. x
All staff who have been employed for 10 years or more will receive a bonus. ✓

Pilots, who are not alert, do not usually live long. ✘

Pilots who are not alert do not usually live long. ✔

To set off words used in direct address, regardless of their position in the sentence

Your Honour, I submit that the paragraph should be struck out.
I submit, your Honour, that the paragraph should be struck out.
I submit that the paragraph should be struck out, your Honour.

Doctor, listen to my question and do not interrupt.
Listen to my question, Doctor, and do not interrupt.
Listen to my question and do not interrupt, Doctor.

To set off place names

The national office of Auscript is situated at Level 22, 179 Turbot Street, Brisbane, Queensland 4000.
My company also has an operation in Wellington, New Zealand.
Did you mean Ipswich, Queensland, Australia, or Ipswich, Suffolk, England?
He was transferred to Jakarta, Indonesia, for the next two years.
I've worked in both George Street, Sydney, and George Street, Brisbane.

To set off contrasted words or phrases

The trial will take place in August, not September.
Counsel made brief submissions, not lengthy ones.
This is the way to say it, not the other way around.
Those details can be found, as I said, on page 46, not page 56.
Mr Brown is his instructing solicitor, not Mr Black.

With now, then, namely, etcetera, you know, like, I mean, sort of, that is

now (in time)	Now that you know the results, what will you do? Now all the documents have been filed, we can start.
now (introductory or interrupter)	Now, are you going to answer my question or not? Look, now, I didn't mean what I said. Now, as I said before, you must answer my questions in full.
then (in time)	What did you say then? Then you rang the police and reported the theft. After you spoke to your solicitor, then what did you do?
then (introductory or interrupter)	Then, that's your only answer in response to my question. Now, then, tell the court what you did. Am I right, then, that you did attend the meeting?
namely	There was one piece of good news, namely, taxes will be cut. Two barristers represented them, namely, senior and junior counsel.
etcetera	The job requires a good knowledge of physics, etcetera. Affidavits, reports, letters, etcetera, will all be part of the evidence.
you know	You know, I often wonder why I do this.

like I often wonder, you know, why I do this.
Like, what can I do about it?
He was always, like, borrowing books and not returning them.

I mean I mean, what do you want me to say?
Like I said, I mean, that's the way it goes.

that is I meant what I said, that is, I meant it when I said it.
(ie, that is to say) The agreement, that is, the one at page 4, says that.
The agreement that is at page 4 says that.

Note:

sort of He was sort of pleased with the arrangement.
I remember doing a sort of U-turn before the accident.
He was pleased with the arrangement, sort of.
I remember doing a U-turn, sort of, before the accident.

For example:

Now, tell me what happened?---Okay, then. I will. Like, you know, I'm doing the best I can. It's sort of a bit hard when you have to represent yourself. I can't remember exactly what happened, but I do remember thinking I had better get all my documents together, namely, all my taxation returns, the receipts, the letters, etcetera, and then I sort of panicked when I couldn't find everything, and that's when I realised I had been robbed, like. I mean, I panicked, so then I called the police to report it, but, you know, they couldn't do too much because I couldn't tell them when it actually happened.

Comma splicing

Transcript should be punctuated to reflect sense and phrasing of what was spoken.

Short, simple sentences can be separated with a semicolons.

They say it wasn't intentional; we say it was.
You can do it that way; you can do it the other way.
They don't lend money; they are brokers.
ANZ is a bank; it's a lender; it lends money.

Incorrect

It's true to say that you have seen that document before; isn't it?

It does seem to suggest that you knew about that meeting; doesn't it?

It will provide the court with a brief summary, though; won't it?

Correct

It's true to say that you have seen that document before, isn't it?

It does seem to suggest that you knew about that meeting, doesn't it?

It will provide the court with a brief summary, though, won't it?

The dash

1. Indicates change of thought / disjointed speech / stumbles

2. Separates an inserted thought in the middle of a sentence
3. Adds emphasis

1. To indicate change of thought / disjointed speech / stumbles:

I would now like to turn to the matter of – perhaps I could address your Honour on that later.
Your Honour, my next point is – actually, before I go on to that, I should say this.
What is your answer?---My answer is – what was the question again, please?
I spoke to him in November and – no, I may be wrong about that.
There is one other matter which – at least one other matter which I will deal with after lunch.
As I said, your Honour – no, I won't touch on – yes, perhaps I will.

2. To separate an inserted thought in the middle of a sentence:

Your Honour, my final submission is – well, it's not quite my final submission – that the application must fail.

In December last year – I was on holidays at the time – I had a serious accident.

My next submission to your Honour – and this is my very last point – will be brief.

I spoke to him in 2004 – no, 2005 – when he visited us.

It would be quite improper – I'm sure you are aware of that fact – it would be quite improper for me as a judge to start giving legal advice.

The government hoped that its prescription for the economy – lower interest rates and higher employment – would be an election winner.

3. To add emphasis:

A dash can be used to place special emphasis on a component. It is stronger than a comma and should be used sparingly.

The government has introduced new laws – laws which may be difficult to uphold.
It is the fault of the applicant – the applicant and no one else.
Your Honour, I have only two things to say – two things and no more.

Hyphens and Hyphenated Words

- ◇ Restrict the use of hyphens as much as possible. Do not use it for everyday words. If in doubt, go by the Macquarie Dictionary.
- ◇ The primary use of the hyphen is to indicate that two or more words or numbers are to be read together to create a single unit of meaning. The better established the formation, the less need there is for a hyphen to link its components.

The main uses for the hyphen in transcript are as follows:

Compound adjectives describing a noun

It is an eight-page document.	but	It is a document of eight pages.
He was a health-care worker.	but	He worked in health care.

We tackled the problems with a day-by-day approach.

but

We tackled the problems day by day.

The new strategy produced a very run-of-the-mill result.

but

The result of the new strategy was very run of the mill.

It was an up-to-date summary. **but** The summary was up to date.

He chose to do full-time work **but** He was working full time.

Note: If the modifier ends in *ly*, a hyphen is **not** used in the compound adjective:

It was organically grown fruit. The fruit was organically grown.

They are publicly owned parks. They are parks that are publicly owned.

Preceding a date

post-1970

pre-2000

When a single letter is used with a word

A-bomb

B-grade

U-turn

T-shirt

X-ray

S-bend

Note this exception: T documents (not hyphenated)

When the main word begins with a capital letter

non-English-speaking country pre-Islamic history

anti-American protest

Where two or more words are combined to make a single word

decision-maker

self-esteem

son-in-law

To prevent misreading and ambiguity**Note the difference:**

re-cover (*to cover again*)

- recover (*to get better or regain*)

re-collect (*to collect again*)

- recollect (*to remember*)

We need more experienced players (*additional players who are experienced*)

We need more-experienced players (*players who have more experience*)

Spelled out fractions

half-hour

one-quarter of a million dollars

one-third

two-thirds of the members

one-thirty-third

quarter-hour

Generally, words containing the following

all

all-important, all-seeing, all-encompassing

anti (followed by word beginning with a vowel)

anti-aircraft, anti-inflammatory

note: antidepressant

cross

cross-examine, cross-appeal, cross-country

elect

mayor-elect, prefect-elect

ex (meaning former)

ex-teacher, ex-president

great	great-grandmother, great-grandparent
half	half-yearly, half-hearted but halfway (Macquarie Dictionary)
non	non-academic, non-compliant
odd	30-odd dollars, \$50-odd, 60-odd members
post-traumatic stress disorder	
pre (followed by word beginning with a vowel)	pre-empt, pre-eminent, pre-existing note: preamble, prearrange, preordain, preoccupation
re (followed by word beginning with a vowel)	re-examine, re-enter, re-allocate
self	self-esteem, self-absorbed, self-represented
semi (followed by word beginning with a vowel)	semi-isolated, semi-arid note: semicolon
vice	vice-president, vice-captain note: margin entry remains as THE VICE PRESIDENT

The oblique stroke / slash

The use of the oblique / slash is limited in transcript to instances such as the following:

The '05/06 financial year.
Expansion plans are in place for approximately 2008/2009.
He worked as a rigger/scaffolder.
The Gold Coast/Tweed area is a popular holiday destination.
I plan to travel abroad in July/August.
We will be handing up letters and/or reports in support of our case.
That sounds very much like a yes/no answer.

The question mark

- ◇ The question mark signals a query.
- ◇ Do not use question marks after an indirect question or a polite request that seeks no verbal response.

Do you have page 2 in front of you? (question) ✓
Would you please turn to page 2. (request) ✓
Are you ready to proceed with your submissions? (question) ✓
If I can take your Honour to page 3. (request) ✓
Before you start your submissions, can I ask you one thing. (request) ✓

Quotation marks and punctuation

- ◇ Quotation marks enclose a direct quotation, that is, the repetition of someone else's exact words, as if that other person was saying them.
- ◇ Quotation marks are not used for witness evidence unless a witness identifies the start and end of a quote.
- ◇ Indirect quotations or reported speech do not take quotation marks.
- ◇ Single quotation marks are used to set off a quote within a verbal quote.

- ◇ Full stops, commas and question marks can go inside or outside quotation marks, both single and double, depending on the context of what is being said.
- ◇ Semicolons and colons are always placed outside the quotation marks.

For direct quotations – conversations, thoughts, paraphrases

The suspect told the arresting officer, “I was nowhere near the scene of the crime.”

He said words to the effect of, “I will not be there this afternoon.”

“Walk to the corner”, I was told, “and turn left.”

“If that’s your final answer,” he said, “I do not believe it’s the truth.”

Some people get confused when to use “principle” and “principal”.

“Give me your argument”, the judge said, “so I can come to an appropriate conclusion.”

I thought to myself, “What a load of rubbish.”

My words were, “When I asked him what he needed, he replied, ‘A new passport.’”

He said, “I meant to say ‘will happen,’ but instead I said ‘happened.’”

Did you actually use the words, “I was out of touch for the rest of the day”?

Did you say “contact” or “contract”?

“Is that all your material?” asked the judge.

I clearly heard him ask, “Do you think you’ll be there tonight?”

Was her only response to the question, “I can’t stay”?

The semicolon

There are only two ways to use the semicolon:

- ◇ To connect two independent clauses (complete sentences) which are close in content (but are not joined by the coordinating conjunctions *and, but, or, nor, for, yet*)

Or

- ◇ As a “supercomma” to separate complex items in a list, that is, where the items contain internal punctuation

1. **To connect two independent clauses (complete sentences) which are close in content (but are not joined by the coordinating conjunctions *and, but, or, nor, for, or yet*)**

INDEPENDENT CLAUSE ; INDEPENDENT CLAUSE

The judge was angry; the parties had kept him waiting.

Our staff is too small; it needs to be enlarged.

It’s always cold in here; the air-conditioning is too low.

Rome is an excellent city for a holiday; there are many great things to see.
My submissions will be brief; they should take no more than 15 minutes.
Your name is John William Smith; is that correct?
And you have prepared an affidavit in these proceedings; is that so?
That affidavit was filed this morning; is that the position?
The contents of the affidavit are true and correct; is that right?
You don't wish to make any changes; that's correct, isn't it?
You have heard other witnesses say that you were not at the meeting which you claim to have attended; is that right?

BUT – when two independent clauses are joined by a linking adverb such as *accordingly*, *however*, *therefore*, or *thus*, use a semicolon at the end of the first clause. The linking adverb is usually followed by a comma, or set off by commas, if it falls within the second clause.

The parties were not sufficiently prepared; accordingly, the trial date was postponed.

She was a good real estate agent; however, she had trouble selling her own house.

All parties had their material ready; therefore, a trial date was set.

The judge listened to all submissions; thus, it was not difficult for him to reach a decision.

The conference ended on Thursday; we could, therefore, leave on Friday.

2. As a “supercomma” to separate complex items in a list, that is, where the items contain internal punctuation

I have been to Kuala Lumpur, Malaysia; Jakarta, Indonesia; and Paris, France.

Some of Australia's largest cities are Sydney, New South Wales; Melbourne, Victoria; Adelaide, South Australia; and Brisbane, Queensland.

The relevant dates are January, 2006; March, 2006; June, 2006; and December, 2006.

Attending the meeting were Mr Allen, an accountant; Mr Jackson, an engineer; Ms Owens, a solicitor; Mr Anderson, a builder; and Mr Williams, a financial analyst.

We ordered five cartons of printer paper; six lined, medium-sized stationery pads; and nine boxes of assorted pens, pencils and markers.

Our costs involved printing, \$50; photocopying, \$30; phone calls, \$10; and delivery, \$15.

SECTION 8: DRUG NAMES AND MEDICAL TERMS

A

abreaction
Adderall
afebrile
air viver
alodorm
Ambien
Amitriptyline
Amoxicillin
angioplasty
aorta
Aropax
Arorix
arrhythmia
aspirin
Atenolol
atheroma
Ativan

B

barbiturates
Becotide
benzodiazepine
bipolar
bolus
brompheniramine (maleate)
buprenorphine
Buscopan
Butazolidin

C

caesarean
Cafegot
cannula
catharsis
Cephalexin
cerebrospinal
Clonidine
chloroquine
clavicle
clofazimine
cognitive therapy
crystal amphetamine
crystal meth
Cymbalta

D

decerebrate
defibrillation
Deseril
dexamphetamine
DOB four-bromo-two, five-
dimethoxyamphetamine
DOM four, methyl-two, five-
dimethoxyamphetamine
diabetic
diaphragm
diastolic/systolic
diazepam

Diazepam Flexeril
Di-gesic
Disprin
dothiepin hydrochloride
Doxylamine
dysrhythmia

E

Endone
ephedrine
epigastric
erythromycin
ET – end tidal
ET CO2
exsanguinations

F

Feldene
Fi O2
fluoxetine
fulminant toxemia

G

Gabapentin
galvanometer /
galvanocautery
gamma butyrolactone (GBL)
Gestalt
glucuronide
gonadotrophin
grand negative sepsis

H

haematoma
haemothorax
Haloperidol
heparin
hepatic
hydrocephalus
hydrochlorine
methylamphetamine (ice)
hydrochlorothiazide
hypercapnia

hypermanic
hypovolaemia
hypoxia / hypoxic

I

Imogram
Inderal
intubate
ischaemia / ischaemic
isoflurane

J

Jay Phyl

K

keloid
Klonopin

L

labyrinthitis
laryngeal
Lexapro
lignocaine
Lipitor
Lisinopril
lithium
lividity
Lomotil
Lorazepam
Losec
lumbosacral
LSD – lysergic acid
diethylamine
Lyrica

M

macrophages
Maxolon
MDMA (ecstasy) three, four
methylenedioxymethampheta
mine
mechanistic
mediastinum
Meniere's disease
Mersyndol
Mescaline Mescal three, four,
five-
trimethoxyphenylethylamine
metabolites
Metformin Methadone
Methadone

methamphetamine
methocarbamol
methylenedioxymethampheta
mine
methylamphetamine
Metoprolol
Mogadon
morphine
moribund (dying state)
Murelax
musculo-ligamentous
myocardial infarction

N

Naprosyn
Naproxen
Narcan
Nardil
Nephramine
neuro-humoral
Neuroleptic
neurone

Neurontin
NIBP – non-invasive blood
pressure
nitrazepam
Nolvadex
norfloxacin
Norvasc
Nurofen

O
oesophageal
oesophagus
osmosis
Oxycodone
OxyContin

P
Panadeine Forte
Panadol
paracetamol
parietal pleura
Percocet Phentermine
peri-mortal
peritoneum
Pethidine
Physeptone
placebo
pleural cavity
pneumonia
pneumothorax
Polaramine
postero-lateral
Prepulsid
Propofol
Propranolol
Prothiaden
Prozac
pseudoephedrine
psychometric
pulmonary embolus

pulmonary oedema
pulse oximeter

Q
Quazepam

R
Ritalin
Rivotril
Rohypnol (Rohies)

S
Sandomigran
sciatica
sepsis
septicaemia
Serepax
Seroquel
Skelaxin
soma
somatisation
sternocleidomastoid muscle
sternum
subcutaneous
subepithelia haematoma
sublingual
subungual

T
tachycardia
tachypnoea
Tagamet
thoracic
thorax
tinnitus
tamoxifen
trachea
Tramadol
Trazodone
triage

trocar
turgor (swelling)

U

V
vagul
vagus nerve
Valium
Valtrex
Vancomycin
Ventolin
ventriculo-peritoneal shunt
vertigo
Viagra
Vicodin
Virutex
visceral pleura
Voltaren

W
Wart-Off
Welchol

X
Xanax
Xantrax
Xyrem
X-ray

Y
Yasmin
Yaz
yellow fever

Z
Zactin
Zanax
Zocor
Zoloft