

When the shorthand writer turns mean

Most barristers probably regard their presentation in court as pretty smooth. It sometimes occurs that a transcript of the presentation in court (which, before the transcript became available, was regarded as pretty smooth) reflects a presentation which was not pretty smooth. That is one of the awful things about transcripts.

But the fact is that most transcripts

contain a fair amount of editing, the effect of which is to make the barrister's presentation in court read more smoothly than it really was.

What happens when the editing does not occur? What happens when the shorthand writer turns mean?

The following is a transcript of the commencement of proceedings in a workers compensation case. The

proceedings were heard on a day when the shorthand writer appears to have been in a poor frame of mind. Names have been changed out of respect for the privacy of those involved, except for one: the name which remains unchanged is that of the interpreter who was identified in the transcript as 'Ms ...?'.
The transcript discloses that the proceedings settled soon after.

WORKERS' COMPENSATION COMMISSIONERS

BEFORE COMMISSIONER BLUE

DATE: 31 MARCH 1989

IN THE MATTER OF DETERMINATION BETWEEN:

BLACK v WHITE PTY LTD

MR GREEN APPEARED FOR THE APPLICANT

MR RED APPEARED FOR THE RESPONDENT

COMMISSIONER BLUE: Yes, ah, the matter of Black and White Pty Ltd. I note the appearances of Mr Green for the Applicant, Mr Red for the Respondent. Any applic, any amendments to the Application?

MR GREEN: Yes, ah, ah, ah, ah, firstly ah, I, I, ah, ah, ask ah, Mr Commissioner's leave to substitute ah, an application ah, which is ah, ...? ... of ah, a proposed application for compensation and ah, which ah, appears to me to ah, bear date the ah, (do you know where my glasses are?), the ah, 3rd of May of 1988 and any rate that's the ah, that's, that's, that's, the ah, the imprint of the ah, that's the date of the imprint, imprint of the ah, Workers' Compensation ..

COMMISSIONER BLUE: Yes, I have ..

MR GREEN: ... Commission.

COMMISSIONER BLUE: I have a copy.

MR GREEN: Ah, then, ah, having ah, achieved that leave and having ah, ah, presented that application I would ask of you sir your leave, pursuant to Notice, further to amend the application by including in paragraph 5A ...

COMMISSIONER BLUE: Yes?

MR GREEN:... Nature & Condition of the Applicant's Employment ..

COMMISSIONER BLUE: ...?...

MR GREEN: ... ah, ah, between ah, ah, 2nd August '87 to 2nd of November '87 and from 15th of December '87 to 19th August '88 and also to amend the claim, um paragraph 11 by substituting for the figure representing 30th of April 1988 in paragraph A thereof the figures represent 2.8.87.

COMMISSIONER BLUE: So the claim is from ah, \$50.00 per week from the 2nd of August '87 to date?

MR GREEN: Yes sir it is, yes.

COMMISSIONER BLUE: Under section 40.

MR GREEN: Yes.

COMMISSIONER BLUE: Yes, any objections to those amendments Mr Red?

MR RED: No, Mr Commissioner.

COMMISSIONER BLUE: Thank you. So amended. Call the applicant.

MR GREEN: Yes Commissioner. Ah, have I ah, Mr Commissioner's leave to take ah, his evidence through an interpreter?

COMMISSIONER BLUE: Yes.

MR GREEN: Thank you.

COMMISSIONER BLUE: Ah, what, what ah, language?

MR GREEN: Ah, the language is...

MS..?....: French

MR GREEN: ...Serbo Croate.

MS ...?... Croatian.

MR GREEN: Croatian, Sir.

COMMISSIONER BLUE: Thank you, Croatian. Thank you.

MR GREEN: Thank you. If you'd like to go, ah, Sir, this is ..

MS ...?....: ...?...., oh, sorry.

MR GREEN: .. a member of the official panel.

COMMISSIONER BLUE: Thank you.

INTERPRETER SWORN, EXAMINED, DEPOSED

MR GREEN: I understand that Mr Red will ah, will need to make a telephone call within ah, 10 minutes from now or thereabouts ah, ah, eh, ah, eh, eh, the effect of that telephone call could lead considerably to shorten this matter.

COMMISSIONER BLUE: Alright.