

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1911.

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# A BILL

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**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**1.** This Act may be cited as the "Deposit of Documents Act, 1911."

This Act shall commence and take effect on and after a day to be notified by the Governor in the Gazette.

**2.** Any person may, subject to this Act and the regulations thereunder, deposit any documents with the Registrar-General for safe custody.

But the Registrar-General may, for any cause which seems to him good, refuse to receive any document on deposit as aforesaid.

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**3.** The Registrar-General shall make due provision for the custody and care of documents deposited with him under this Act, but shall not be liable for any damage to or for the loss or destruction of such documents.

**4.** The Registrar-General shall, on payment of the prescribed charge, allow any document deposited with him under this Act to be inspected by any person who under this Act is authorised to have the document delivered up to him, or any person duly authorised by him in that behalf, or to be inspected by any person under the authority of an order of the Supreme Court or a judge thereof.

**5.** A covenant or undertaking made by any person before or after the commencement of this Act to produce to any other person any document shall, where such document is deposited with the Registrar-General under this Act, be satisfied by the production of the said document by the Registrar-General to the said person.

**6.** (1) The Registrar-General, on application made as prescribed, and on payment of the prescribed charges, shall cause any documents deposited with him under this Act to be delivered up to—

- (a) the person who deposited the document, or any person duly authorised by him in that behalf; or
- (b) any person to whom the document is, by order of the Supreme Court or a judge thereof, ordered to be delivered, or any person duly authorised by him in that behalf.

(2) The Registrar-General shall use due care in delivering up documents deposited with him under this Act; but he shall not be responsible for the delivering up of any document on any forged order or authority.

**7.** (1) A judge of the Supreme Court, on application made by any person having an interest in any document, whether beneficially or as trustee only, may make an order—

- (a) that such document be deposited under this Act with the Registrar-General subject to such conditions as such judge may think fit to impose;
- (b) where the document is or is ordered to be deposited with the Registrar-General, that it may be inspected by or delivered up to any person named or referred to in the order.

(2) Where the document is a document of title, and the person making an application for the deposit of the document is the joint owner of such document or property, whether beneficially or as trustee only, and the document is in the possession of another such joint owner, the order shall be made, unless cause is shown why the document should not be deposited.

**8.** Where a person deposits under this Act his will enclosed in a sealed cover endorsed under his hand with his full name, description, and address, or other means of ready identification, and also the names in

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in full with the descriptions and addresses of the executors named therein, the Registrar-General shall, on the death of such person, deliver such will, so enclosed, to either of the said executors.

**9.** The Registrar-General shall cause proper books to be kept, as prescribed by the regulations, in relation to the receipt, custody, inspection, and delivering up of the documents deposited with him under this Act.

**10.** The Governor may make regulation—

- (a) prescribing the manner in which documents may be deposited with the Registrar-General, and in which documents so deposited may be inspected and delivered up ;
- (b) prescribing what books shall be kept by the Register-General, the particulars to be entered in such books, and the manner of making entries therein ;
- (c) prescribing the forms to be used under this Act ;
- (d) prescribing the duties of officers engaged in carrying out the provisions of this Act ;
- (e) fixing the charges to be paid on depositing, inspecting, and delivering up documents, and the charges for the custody of documents deposited with the Registrar-General under this Act.
- (f) generally for carrying out the provisions of this Act.

Such regulations shall be published in the Gazette, and a copy thereof shall be laid before both Houses of Parliament without undue delay.

