



*Recording of Evidence Act 1962*

# **Recording of Evidence Regulation 2008**

**Reprinted as in force on 1 September 2011**

**Reprint No. 1G**

**This reprint is prepared by  
the Office of the Queensland Parliamentary Counsel  
Warning—This reprint is not an authorised copy**

# Information about this reprint

This regulation is reprinted as at 1 September 2011. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

## Spelling

The spelling of certain words or phrases may be inconsistent in this reprint or with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’). Variations of spelling will be updated in the next authorised reprint.

## Dates shown on reprints

**Reprints dated at last amendment** All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

**Replacement reprint date** If the date of an authorised reprint is the same as the date shown on another authorised reprint it means that one is the replacement of the other.



Queensland

# Recording of Evidence Regulation 2008

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# Recording of Evidence Regulation 2008

[as amended by all amendments that commenced on or before 1 September 2011]

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Recording of Evidence Regulation 2008*.

### 2 Commencement

This regulation commences on 30 August 2008.

### 3 Definitions—the dictionary

The dictionary in schedule 2 defines particular words used in this regulation.

## Part 2 Transcriptions—Act, s 13(2)(e)

### 4 Copy of transcription of record

- (1) A person may ask the State Reporting Bureau for a copy of a transcription of a record under the Act of a legal proceeding.
- (2) The request must be in writing and must be accompanied by the prescribed fee.

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- (3) Unless otherwise ordered by the court or prohibited under an Act, the State Reporting Bureau must give a copy of the transcription to the person on receipt of the fee.
- (4) The copy may be issued—
  - (a) in printed or electronic form; and
  - (b) even if the legal proceeding has ended.
- (5) This section does not apply to a transcription of a record that is an out-of-session recording.

## **Part 3 Fees—Act, section 13(2)(f)**

### **5 Fees under the Act**

Subject to this part, the fees payable for the purposes of the Act are the fees set out in schedule 1.

### **6 Person in financial hardship**

- (1) The chief executive may waive payment of all or part of a fee payable by a person under this regulation if the chief executive considers payment of the fee would cause the person financial hardship.
- (2) The chief executive may delegate the power in subsection (1) to an officer of the State Reporting Bureau who the chief executive considers has the qualifications, experience or standing appropriate to exercise the power.

### **7 Judicial person entitled to free copies of record or transcription**

- (1) A judicial person is entitled to free copies of a record, or a transcription of a record, of a legal proceeding under the Act.
- (2) The free copy may be issued—

- (a) in printed or electronic form; and
- (b) even if the proceeding has ended.

## **8 Industrial Registry and party to industrial proceeding**

- (1) The Industrial Registry is entitled to 1 free copy of a transcription of a record under the Act of an industrial proceeding.
- (2) A party to an industrial proceeding, or their representative, is entitled to 1 free copy of a transcription of a record under the Act of the industrial proceeding if a copy of the transcription has been issued to the Industrial Registry.

*Note—*

The free copy of the transcription to which a party to an industrial proceeding is entitled under subsection (2) is available from the Industrial Registry.

- (3) The free copy may be issued—
  - (a) in electronic form only; and
  - (b) even if the industrial proceeding has ended.
- (4) In this section—

***industrial proceeding*** means a legal proceeding before—

  - (a) the Queensland Industrial Relations Commission; or
  - (b) the Industrial Court of Queensland; or
  - (c) a registrar appointed under the *Industrial Relations Act 1999*.

## **9 Defendant in criminal proceeding**

- (1) A defendant in a criminal proceeding in the Supreme Court or District Court is entitled to 1 free copy of a transcription of a record under the Act of the proceeding.
- (2) The free copy may be issued—
  - (a) in printed form or electronic form; and

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- (b) to the defendant or the defendant's legal representative;  
and
- (c) even if the proceeding has ended.

## **10 Applicant for compensation**

- (1) This section applies to a person who may apply for a compensation order, or for a payment from the consolidated fund, under the *Criminal Offence Victims Act 1995*, part 3 or section 46(2) for an offence.
- (2) The person is entitled to 1 free copy of the sentence for the offence.
- (3) The free copy may be issued—
  - (a) in printed form or electronic form; and
  - (b) to the person or to the person's legal representative.
- (4) In this section—

*sentence*, for an offence, means the part of the transcription of a record under the Act of the criminal proceeding for the offence containing the court's order as to punishment of the offender and any reasons for the order.

## **10A Application for financial assistance under the Victims of Crime Assistance Act 2009, ch 3**

- (1) This section applies if an application for financial assistance is made under the *Victims of Crime Assistance Act 2009*, chapter 3 for a relevant offence.
- (2) The government assessor dealing with the application is entitled to—
  - (a) 1 free copy of an existing transcription of a record under the Act of a criminal proceeding relating to the offence;  
or
  - (b) free electronic access to the part of a record under the Act, consisting of an audio recording, of a criminal proceeding relating to the offence.



- (3) The copy mentioned in subsection (2)(a) may be issued—
- (a) in printed or electronic form; and
  - (b) even if the criminal proceeding has ended.
- (4) In this section—

*government assessor* see the *Victims of Crime Assistance Act 2009*, schedule 3.

*relevant offence* see the *Victims of Crime Assistance Act 2009*, schedule 3.

## Part 4 Repeal

### 11 Repeal of Recording of Evidence Regulation 1992

The Recording of Evidence Regulation 1992, SL No. 197 is repealed.

## Part 5 Transitional provisions

### 13 Transitional provision—references to Recording of Evidence Regulation 1992

A reference in any Act or document to the repealed *Recording of Evidence Regulation 1992* is, if the context permits, taken to be a reference to this regulation.

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## Schedule 1      Fees

section 5

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1 For issuing a copy of a transcription, in printed or electronic form, of a record under the Act of a legal proceeding before the Queensland Industrial Relations Commission—	
(a) first copy—each page . . . . .	3.50
(b) additional copy issued to the same person—each page	0.80
2 For issuing a copy of a transcription, in printed or electronic form, of a record under the Act of another legal proceeding—	
(a) first copy—	
(i) the first 8 pages . . . . .	72.00
(ii) each extra page . . . . .	9.00
(b) additional copy issued to the same person—each page	1.14
3 For issuing a copy, if available in electronic form or cassette tape form, of a record under the Act of a legal proceeding—each hour . . . . .	30.00
4 For certifying a transcription—each transcription. . . . .	10.00

## Schedule 2      Dictionary

### section 3

***electronic form***, in relation to a copy of a record under the Act or a transcription of a record under the Act, means a copy that is stored or recorded electronically.

*Examples of electronic form—*

- a copy stored on a computer disc
- a copy stored on a CD-ROM
- a copy stored on a computer hard drive
- a copy sent by email

***printed form***, in relation to a copy of a transcription of a record under the Act, means a copy that is produced on paper by longhand writing, typewriting or other means.

## Endnotes

### 1 Index to endnotes

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 September 2011. Future amendments of the Recording of Evidence Regulation 2008 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

## 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	none	30 August 2008	
1A	2009 SL No. 182	28 August 2009	
1B	—	31 August 2009	prov exp 30 August 2009
1C	2009 SL No. 181	1 September 2009	
1D	2009 SL No. 274	1 December 2009	
1E	2010 SL No. 155	1 July 2010	
1F	2011 SL No. 115	1 July 2011	
1G	2011 SL No. 166	1 September 2011	

## 5 List of legislation

### **Recording of Evidence Regulation 2008 SL No. 267**

made by the Governor in Council on 21 August 2008

notfd gaz 22 August 2008 pp 2651–6

ss 1–2 commenced on date of notification

remaining provisions commenced 30 August 2008 (see s 2)

exp 1 September 2018 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

### **Justice Legislation (Fees) Amendment Regulation (No. 1) 2009 SL No. 181**

notfd gaz 28 August 2009 pp 1491–6

ss 1–2 commenced on date of notification

remaining provisions commenced 1 September 2009 (see s 2)

### **Recording of Evidence Amendment Regulation (No. 1) 2009 SL No. 182**

notfd gaz 28 August 2009 pp 1491–6

commenced on date of notification

### **Justice and Other Legislation (Victims of Crime Assistance) Amendment Regulation (No. 1) 2009 SL No. 274 pts 1, 4**

notfd gaz 27 November 2009 pp 1001–6

ss 1–2 commenced on date of notification

remaining provisions commenced 1 December 2009 (see s 2)

### **Justice Legislation (Fees) Amendment Regulation (No. 1) 2010 SL No. 155**

notfd gaz 25 June 2010 pp 823–30

Endnotes

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ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2010 (see s 2)

**Justice (Fees) Amendment Regulation (No. 1) 2011 SL No. 115**

notfd gaz 1 July 2011 pp 589–96  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2011 (see s 2)  
Note—An explanatory note was prepared.

**Uniform Civil Procedure (Fees) and Other Legislation Amendment Regulation (No. 1) 2011 SL No. 166 pts 1, 3**

notfd gaz 26 August 2011 pp 995–7  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 September 2011 (see s 2)  
Note—An explanatory note was prepared.

## 6 List of annotations

**PART 2—TRANSCRIPTIONS—ACT, s 13(2)(e)**

**pt hdg** ins 2009 SL No. 182 s 6

**Copy of transcription of record**

**s 4** ins 2009 SL No. 182 s 6

**PART 3—FEES—ACT, SECTION 13(2)(f)**

**pt hdg** (prev pt 2 hdg) renum 2009 SL No. 182 s 3

**Fees under the Act**

**s 5** (prev s 4) renum 2009 SL No. 182 s 5

**Person in financial hardship**

**s 6** (prev s 5) renum 2009 SL No. 182 s 5

**Judicial person entitled to free copies of record or transcription**

**s 7** (prev s 6) amd 2009 SL No. 182 s 4  
renum 2009 SL No. 182 s 5

**Industrial Registry and party to industrial proceeding**

**s 8** (prev s 7) renum 2009 SL No. 182 s 5

**Defendant in criminal proceeding**

**s 9** (prev s 8) renum 2009 SL No. 182 s 5

**Applicant for compensation**

**s 10** (prev s 9) renum 2009 SL No. 182 s 5

**Application for financial assistance under the Victims of Crime Assistance Act 2009,  
ch 3**

**s 10A** ins 2009 SL No. 274 s 8

**PART 4—REPEAL**

**pt hdg** (prev pt 3 hdg) renum 2009 SL No. 182 s 3

**Repeal of Recording of Evidence Regulation 1992**

**s 11** (prev s 10) renum 2009 SL No. 182 s 5

**PART 5—TRANSITIONAL PROVISIONS**

**pt hdg** (prev pt 4 hdg) renum 2009 SL No. 182 s 3

**Transitional provision—fees**

**s 12** (prev s 11) renum 2009 SL No. 182 s 5  
exp 30 August 2009 (see s 12(3))

**Transitional provision—references to Recording of Evidence Regulation 1992**

**s 13** (prev s 12) renum 2009 SL No. 182 s 5

**SCHEDULE 1—FEES**

**sch hdg** amd 2009 SL No. 182 s 7

**sch 1** sub 2009 SL No. 181 s 3 sch; 2010 SL No. 155 s 3 sch; 2011 SL No. 115 s 3  
sch  
amd 2011 SL No. 166 s 13