



Queensland

Recording of Evidence Regulation 2008

Subordinate Legislation 2008 No. 267

made under the

Recording of Evidence Act 1962

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[s 1]

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 Fees—Act, section 13(2)(f)

4 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.

5 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.

6 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 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.

7 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*.

[s 8]

8 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
 - (b) to the defendant or the defendant’s legal representative; and
 - (c) even if the proceeding has ended.

9 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.

Part 3 Repeal

10 Repeal of Recording of Evidence Regulation 1992

The Recording of Evidence Regulation 1992, SL No. 197 is repealed.

Part 4 Transitional provisions

11 Transitional provision—fees

- (1) This section applies if, before the commencement of this section (*the commencement*), a person applies for the issue of a copy a record or transcription under the Act.
- (2) The *Recording of Evidence Regulation 1992*, sections 3 to 3C and the schedule, as in force immediately before the commencement, apply in relation to the issue of the copy of the record or transcription as if this regulation had not been made.
- (3) This section expires 1 year after it commences.

12 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.

Schedule 1 Fees

section 4

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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 | 3.20 |
| | (b) additional copy issued to the same person—each page | 0.70 |
| 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—each page | 5.30 |
| | (b) additional copy issued to the same person—each page | 0.70 |
| 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 | 15.50 |

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 Made by the Governor in Council on 21 August 2008.
- 2 Notified in the gazette on 22 August 2008.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Justice and Attorney-General.

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