



Queensland

Recording of Evidence and Other Legislation Amendment Regulation (No. 1) 2013

Explanatory Notes for SL 2013 No. 40

made under the

Recording of Evidence Act 1962

Supreme Court of Queensland Act 1991

General outline

Short title

*Recording of Evidence and Other Legislation Amendment Regulation
(No. 1) 2013.*

Authorising law

Section 13 of the *Recording of Evidence Act 1962*

Section 85 of the *Supreme Court of Queensland Act 1991*

Policy objectives and the reasons for them

Legal proceedings in Queensland courts and tribunals, including oral evidence, sentencing remarks and legal argument, are generally recorded and transcribed by the State Reporting Bureau in accordance with the *Recording of Evidence Act 1962* and the *Recording of Evidence Regulation 2008*.

As announced in the State Budget 2012-13, the recording and transcription of legal proceedings in Queensland is to be outsourced.

Proceedings in the Supreme Court, the District Court, the Magistrates Court, the Queensland Civil and Administrative Tribunal, the Queensland Industrial Court, the Queensland Industrial Relations Commission, the Childrens Court, the Coroners Court, the Planning and Environment Court, the Land Court, the Land Appeal Court and the Mental Health Court will be recorded and transcribed under the outsourced model.

Amendments to the *Recording of Evidence Act 1962* were made by the *Classification of Computer Games and Images and Other Legislation Amendment Act 2013* to facilitate the outsourcing policy. Amendments to the *Recording of Evidence Regulation 2008* are likewise necessary.

Part 2 of the *Recording of Evidence Regulation 2008* is proposed to be omitted as it currently provides for applications to the State Reporting Bureau for copies of records and transcriptions. In place of that part, section 5B of the *Recording of Evidence Act 1962* (inserted by the *Classification of Computer Games and Images and Other Legislation Amendment Act 2013*) operates to provide that the chief executive is to make arrangements for copies of records and transcriptions to be available for purchase. This ensures that arrangements will be made such that the private provider with whom the State contracts, makes records and transcriptions available to the public. In some instances a record or transcription will be held by the Department of Justice and Attorney-General (for example a transcription made prior to the outsourcing) and application will be made to the chief executive of the Department for that transcription. In such a case, section 4 of the Regulation provides that the fees in schedule 1 of the *Recording of Evidence Regulation 2008*, apply.

The Regulation also makes the following amendments which are not related to the outsourcing policy.

Section 6 which provides for free copies of records and transcriptions has been re-drafted as new section 7, to only permit *parties* to legal proceedings, as opposed to *any person*, to be eligible for a fee waiver or fee reduction on the grounds of financial hardship.

New section 8A provides for free copies of records and transcriptions for the 'victim' of a 'personal offence' (both terms defined in new section 8A(7)) and for family members of a victim who has died as a result of a personal offence.

Consistency with policy objectives of authorising law

The purpose of the *Recording of Evidence Act 1962* is to make provision for the recording of legal proceedings. The regulation is consistent with the objective of the *Recording of Evidence Act 1962*.

Inconsistency with policy objectives of other legislation

The regulation is consistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

There are no alternative ways in which the objectives could be achieved.

Benefits and costs of implementation

There are negligible costs associated with the implementation of the regulation. There are expected to be benefits by way of savings to Government and increased efficiency of service arising from the outsourcing the recording and transcription of legal proceedings

Consistency with Fundamental Legislative Principles

The regulation is consistent with fundamental legislative principles.

Consultation

Queensland Treasury and Trade has advised that, with regard to the obligations imposed by the Regulatory Impact Statement (RIS) System a RIS is not required.

As required by section 85(2) of the *Supreme Court of Queensland Act 1991*, the Rules Committee has consented to the amendments to the *Criminal Practice Rules 1999*.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Justice and Attorney-General.

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