Queensland

Evidence Act 1977

Evidence Regulation 2007

Reprinted as in force on 1 July 2009

Reprint No. 1C

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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 July 2009. 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.

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Evidence Regulation 2007

[as amended by all amendments that commenced on or before 1 July 2009]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Evidence Regulation 2007*.

2 Commencement

This regulation commences on 1 September 2007.

Part 2 General

3 Corresponding law—Act, s 21C

The *Evidence Act 1958* (Vic), part IIAA corresponds to the Act, part 2, division 5.

4 Approved machines—Act, s 107

The machines in the schedule are approved machines for section 107 of the Act.

5 Fee for inspecting etc. a document—Act, s 134A(2)

(1) The prescribed fee for inspecting a document and taking a copy of, or an extract from, the document is the total of—

(a) an amount calculated under subsection (2) for inspecting the document; and

(b) if a copy of, or extract from, the document is given—an amount calculated under subsection (3) for giving a copy of, or extract from, the document.

(2) The amount payable for inspecting a document is—

(a) if the document is an article or material from which sounds or visual images are capable of being reproduced—the amount the agency considers reasonable for making arrangements to hear or view the document; or

(b) otherwise—$35.50 for each hour, or part of an hour.

(3) The amount payable for giving a copy of, or extract from, the document is—

(a) if a copy or extract is a photocopy in A4 size, the following—

(i) first copy—each page—$1.80;

(ii) maximum fee for first copy—$52.00;

(iii) additional copy—each page—$0.50;

(iv) maximum fee for additional copy—$21.00; or

(b) otherwise—the amount the agency considers reasonable.

(4) An amount mentioned in subsection (2)(a) or (3)(b) must not be more than the amount that reasonably reflects the cost of making the arrangements or giving the copy or extract.

6 Person or body not an agency because RTI provisions do not apply to the person or body—Act, s 134A(7)

(1) If an Act expressly provides that the RTI provisions do not apply to a person or body, then that person or body is declared not to be an applicable agency.

(2) However, if an Act expressly provides that the RTI provisions do not apply to a person or body only to a particular extent, then that person or body is declared not to be an applicable agency only to that extent.

Example for subsections (1) and (2)—

Right to Information Act 2009, schedule 2, part 2

(3) For the purpose of an application under section 134A of the Act to the principal officer of an agency to produce for inspection a document, the agency is declared not to be an applicable agency if an Act expressly provides that the RTI provisions do not apply to—

(a) the document; or

(b) particular information and the document contains the information; or

(c) an activity and the document concerns the activity.

Example for subsection (3)—

Right to Information Act 2009, schedule 1

(4) In this section—

applicable agency means an agency for the definition *agency* in section 134A(7) of the Act.

RTI provisions means the *Right to Information Act 2009* or the *Information Privacy Act 2009*, chapter 3.

Part 3 Transitional provisions for Evidence Regulation 1993

7 Evidence Regulation 1993 references

A reference in any document to the *Evidence Regulation 1993* is, if the context permits, taken to be a reference to this regulation.

8 Existing applications under the Act, s 134A

(1) This section applies if an application was made under section 134A of the Act, but not decided, before the expiry of the *Evidence Regulation 1993*.

(2) The application continues and must be decided as if that regulation had not expired and this regulation had not commenced.

Schedule Approved machines

section 4

3M EF 5000 Business Document Camera

3M FS6 Microfilm Processor Camera

3M Microfilm Camera, models 3400 Cartridge Camera, 3401 Cartridge Camera, 2000 Processor Camera and 161 Camera

3M Planetary Camera, models 6500 and 6600

3M Processor Camera, models 2300 and 2800

3M Rotary Camera, models 3400, 3500 and 6620

3M SRC 1050 Step and Repeat Microfilm Camera

Alos Planetary Recorder 26 16mm Microfilm Camera

AM Bruning Self Processing Step and Repeat Camera, models 750 and 2001

Bell and Howell ABR System 100 Planetary Microfilm Recorder (Camera)

Bell and Howell Classic Microfilm Recorder

Bell and Howell Microfilm Recorder, models Director I-505A and 205G, and Tabtronic 575

Buic 3400 16mm Simplex Flow Microfilm Camera

Canon 16mm Planetary Camera, model CF100

Canon Microfilmer, model 161 A

Canon Processor Camera, model 161 G(A)

Canon Rotary Camera, model 800DDS

Canon Rotary Filmer, models 300 and 450

Canon Rotary Processor Camera, model 700P

Filemaster Planetary Recorder, models 515A and 515-II

Filemaster Rotary Recorder, model 524A

Fuji FMAC 500L Planetary Roll Film Camera

Fuji Micle 2200 Microfilm Processor Camera

Fuji Micle 2204F Processor Camera

Fuji Microfilm Camera, models M2, L2 and S2

Fuji SR 2000 Microfilm Processor Camera

Image Systems Incorporated model 701 Step and Repeat Camera

Intercom Rotary Recorder, model 522A

Itek Microfilm Camera, models PD1400 and 3536

Jacknau SB1U Planetary Roll Film Camera

Kodak Desktop Microfilmer

Kodak i280 Scanner (Microfilming function only)

Kodak i9610 Writer (Microfilming function only)

Kodak Imagelink Scanner/Microimager 990D (Microfilming function only)

Kodak Imagelink Scanner/Microimager 990S (Microfilming function only)

Kodak Microfilmer, models Oracle, and Reliant 800 and 2000

Kodak Microimager 30 Camera

Kodak Microimager 70 Camera

Kodak Mini-Microfilmer

Microbox Microfilm Camera, models MB series 35mm

Minolta Planetary Camera, models DR1600 and DAR 2800

Recordak Microfile Machine, models MRD-2, MRD-2E, MRD-2LE, MRD 2/30, MRG, MRG1, HMRG1 and AH.5

Recordak Microfilmer, models RP-1E, and Rotoline RD-3 and MRK 1, and Reliant 300 RO, 400 RO-1, 450, 500, 550, 600, 600K, 700, 750 and 750-L, and Starfile RV1, RV2 and RV-3

Recordak Portable Microfilmer, model RP-2

SMA 35mm Planetary Roll Film Camera

SMA Data Rotocomp 400 16mm Microfilm Camera

SMA Data Superfile 16mm Microfilm Camera

SRM Rotary Recorder

SRM-II Rotary Recorder

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 July 2009. Future amendments of the Evidence Regulation 2007 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	1 September 2007	
1A	2007 SL No. 275	26 November 2007	
1B	2008 SL No. 266	1 September 2008	
1C	2009 Act No. 13	1 July 2009	

5 List of legislation

Evidence Regulation 2007 SL No. 215
made by the Governor in Council on 30 August 2007
notfd gaz 31 August 2007 pp 2326–7
ss 1–2 commenced on date of notification
remaining provisions commenced 1 September 2007 (see s 2)
exp 1 September 2017 (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 and Other Legislation (Fees) Amendment Regulation (No. 1) 2007 SL No. 275
notfd gaz 9 November 2007 pp 1355–7
ss 1–2 commenced on date of notification
remaining provisions commenced 26 November 2007 (see s 2)

Justice and Other Legislation (Fees) Amendment Regulation (No. 1) 2008 SL No. 266
notfd gaz 22 August 2008 pp 2651–6
ss 1–2 commenced on date of notification
remaining provisions commenced 1 September 2008 (see s 2)

Right to Information Act 2009 No. 13 ss 1–2, 213 sch 5
date of assent 12 June 2009
ss 1–2 commenced on date of assent
remaining provisions commenced 1 July 2009 (2009 SL No. 132)

6 List of annotations

Fee for inspecting etc. a document—Act, s 134A(2)
s 5 amd 2007 SL No. 275 s 3 sch; 2008 SL No. 266 s 3 sch

Person or body not an agency because RTI provisions do not apply to the person or body—Act, s 134A(7)

prov hdg amd 2009 Act No. 13 s 213 sch 5

s 6 amd 2009 Act No. 13 s 213 sch 5

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