



*Evidence Act 1977*

# **Evidence Regulation 2007**

**Current as at 25 November 2016**





Queensland

# Evidence Regulation 2007

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# Evidence Regulation 2007

## 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 laws—Act, s 21C

Each of the following laws is declared to correspond to part 2, division 5 of the Act—

- (a) *Crimes Act 1914* (Cwlth), part IACA;
- (b) *Crimes (Protection of Witness Identity) Act 2011* (ACT);
- (c) *Criminal Investigation (Covert Operations) Act 2009* (SA), part 4 and section 45;
- (d) *Criminal Investigation (Covert Powers) Act 2012* (WA), part 4;
- (e) *Evidence (Miscellaneous Provisions) Act 1958* (Vic), part IIAA;
- (f) *Police (Special Investigative and Other Powers) Act* (NT), part 4, divisions 1, 2 and 4;
- (g) *Witness (Identity Protection) Act 2006* (Tas), part 2 and section 22.

#### **4 Tribunal declared to be a court for Act, pt 3A**

For the Act, section 39C, definition *Queensland court*, paragraph (d), QCAT is declared to be a court for part 3A of the Act.

#### **5 Approved machines—Act, s 107**

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

#### **6 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—\$45.90 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—\$2.60;
    - (ii) maximum fee for first copy—\$67.65;
    - (iii) additional copy—each page—65c;
    - (iv) maximum fee for additional copy—\$26.90; 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.

## 7 **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**

### **8**            **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.

### **9**            **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.

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**Schedule**                      **Approved machines**

## section 5

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-II Rotary Recorder

SRM Rotary Recorder

## 1 Index to endnotes

- 2 Key
- 3 Table of reprints
- 4 List of legislation
- 5 List of annotations

## 2 Key

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

Key	Explanation	Key	Explanation
<b>AIA</b>	= <b>Acts Interpretation Act 1954</b>	<b>(prev)</b>	= <b>previously</b>
<b>amd</b>	= <b>amended</b>	<b>proc</b>	= <b>proclamation</b>
<b>amd</b>	= <b>amendment</b>	<b>prov</b>	= <b>provision</b>
<b>t</b>			
<b>ch</b>	= <b>chapter</b>	<b>pt</b>	= <b>part</b>
<b>def</b>	= <b>definition</b>	<b>pubd</b>	= <b>published</b>
<b>div</b>	= <b>division</b>	<b>R[X]</b>	= <b>Reprint No. [X]</b>
<b>exp</b>	= <b>expires/expired</b>	<b>RA</b>	= <b>Reprints Act 1992</b>
<b>gaz</b>	= <b>gazette</b>	<b>reloc</b>	= <b>relocated</b>
<b>hdg</b>	= <b>heading</b>	<b>renu</b>	= <b>renumbered</b>
		<b>m</b>	
<b>ins</b>	= <b>inserted</b>	<b>rep</b>	= <b>repealed</b>
<b>lap</b>	= <b>lapsed</b>	<b>(retro</b>	= <b>retrospectively</b>
		<b>)</b>	
<b>notf</b>	= <b>notified</b>	<b>rv</b>	= <b>revised version</b>
<b>d</b>			
<b>num</b>	= <b>numbered</b>	<b>s</b>	= <b>section</b>

<b>Key</b>	<b>Explanation</b>	<b>Key</b>	<b>Explanation</b>
<b>o in c</b>	= <b>order in council</b>	<b>sch</b>	= <b>schedule</b>
<b>om</b>	= <b>omitted</b>	<b>sdiv</b>	= <b>subdivision</b>
<b>orig</b>	= <b>original</b>	<b>SIA</b>	= <b>Statutory Instruments Act 1992</b>
<b>p</b>	= <b>page</b>	<b>SIR</b>	= <b>Statutory Instruments Regulation 2012</b>
<b>para</b>	= <b>paragraph</b>	<b>SL</b>	= <b>subordinate legislation</b>
<b>prec</b>	= <b>preceding</b>	<b>sub</b>	= <b>substituted</b>
<b>pres</b>	= <b>present</b>	<b>unnum</b>	= <b>unnumbered</b>
		<b>m</b>	
<b>prev</b>	= <b>previous</b>		

### 3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email [legislation.queries@oqpc.qld.gov.au](mailto:legislation.queries@oqpc.qld.gov.au).

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

<b>Reprint No.</b>	<b>Amendments included</b>	<b>Effective</b>	<b>Notes</b>
1	none	1 September 2007	
1A	2007 SL No. 275	26 November 2007	

<b>Reprint No.</b>	<b>Amendments included</b>	<b>Effective</b>	<b>Notes</b>
1B	2008 SL No. 266	1 September 2008	
1C	2009 Act No. 13	1 July 2009	
1D	2009 SL No. 181	1 September 2009	
1E	2009 SL No. 265	1 December 2009	
1F	2010 SL No. 155	1 July 2010	R1F withdrawn, see R2
2	—	1 July 2010	
2A	2011 SL No. 115	1 July 2011	
2B	2012 SL No. 102	13 July 2012	

<b>Current as at</b>	<b>Amendments included</b>	<b>Notes</b>
1 July 2013	2013 SL No. 122	
1 July 2014	2014 SL No. 128	RA s 44
1 July 2015	2015 SL No. 53	
1 July 2016	2016 SL No. 85	
25 November 2016	2016 SL No. 215	

## **4 List of legislation**

### **Regulatory impact statements**

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

### **Explanatory notes**

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

### **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)

**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)

**Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Regulation (No. 1) 2009 SL No. 265 pts 1, 12**

notfd gaz 20 November 2009 pp 900–3  
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  
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)

**Justice Legislation (Fees) Amendment Regulation (No. 1) 2012 SL No. 102**

notfd gaz 13 July 2012 pp 820–5  
ss 1–2 commenced on date of notification  
remaining provisions commenced 13 July 2012 (see s 2)

**Justice Legislation (Fees) Amendment Regulation (No. 1) 2013 SL No. 122**

notfd gaz 28 June 2013 pp 739–47  
ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2013 immediately after the Uniform Civil Procedure and Another Rule Amendment Rule (No. 1) 2013 (see s 2)

**Justice Legislation (Fees) Amendment and Repeal Regulation (No. 1) 2014 SL No. 128 ss 1–2(1), 3 sch**

notfd <www.legislation.qld.gov.au> 27 June 2014  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2014 (see s 2(1))

**Justice Legislation (Fees) Amendment Regulation (No. 1) 2015 SL No. 53 pts 1,22**

notfd <www.legislation.qld.gov.au> 26 June 2015  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2015 (see s 2)

**Justice Legislation (Fees) Amendment Regulation (No. 1) 2016 SL No. 85 pts 1, 23**

notfd <www.legislation.qld.gov.au> 17 June 2016  
ss 1–2 commenced on date of notification  
pt 23 commenced 1 July 2016 (see s 2)

**Evidence (Corresponding Witness Identity Protection Certificates) Amendment Regulation 2016 SL No. 215**

notfd <www.legislation.qld.gov.au> 25 November 2016  
commenced on date of notification

## 5 List of annotations

**Corresponding laws—Act, s 21C**

s 3 sub 2016 SL No. 215 s 3

**Tribunal declared to be a court for Act, pt 3A**

s 4 ins 2009 SL No. 265 s 30

**Approved machines—Act, s 107**

s 5 (prev s 4) renum 2009 SL No. 265 s 29

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

s 6 (prev s 5) amd 2007 SL No. 275 s 3 sch; 2008 SL No. 266 s 3 sch; 2009 SL No. 181 s 3 sch  
renum 2009 SL No. 265 s 29  
amd 2010 SL No. 155 s 3 sch; 2011 SL No. 115 s 3 sch; 2012 SL No. 102 s 3 sch;  
2013 SL No. 122 s 3 sch; 2014 SL No. 128 s 3 sch; 2015 SL No. 53 s 44; 2016  
SL No. 85 s 46; 2016 SL No. 85 s 46

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

s 7 (prev s 6) amd 2009 Act No. 13 s 213 sch 5  
renum 2009 SL No. 265 s 29

**Evidence Regulation 1993 references**

s 8 (prev s 7) renum 2009 SL No. 265 s 29

**Existing applications under the Act, s 134A**

s 9 (prev s 8) renum 2009 SL No. 265 s 29

**SCHEDULE—APPROVED MACHINES**

amd 2009 SL No. 265 s 31

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