



Queensland

Evidence Regulation 2007

Subordinate Legislation 2007 No. 215

made under the

Evidence Act 1977

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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—\$33.00 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—50 cents for each page of the copy or extract; 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 FOI provisions do not apply to the person or body—Act, s 134A(7)

- (1) If an Act expressly provides that the FOI 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 FOI 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.

Examples for subsections (1) and (2)—

Freedom of Information Act 1992, sections 11 and 12

- (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 FOI 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.

Examples for subsection (3)—

- *Freedom of Information Act 1992, sections 11A, 11B, 11C*

- provisions mentioned in the *Freedom of Information Act 1992*, schedule 3, including, for example—
 - *Gene Technology Act 2001*, section 187(3)
 - *Crime and Misconduct Act 2001*, section 120 in relation to activities

(4) In this section—

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

FOI provisions mean the *Freedom of Information Act 1992* or the *Freedom of Information Act 1992*, part 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

Schedule (continued)

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

Schedule (continued)

SMA Data Rotocomp 400 16mm Microfilm Camera

SMA Data Superfile 16mm Microfilm Camera

SRM Rotary Recorder

SRM-II Rotary Recorder

ENDNOTES

- 1 Made by the Governor in Council on 30 August 2007.
- 2 Notified in the gazette on 31 August 2007.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Justice and Attorney-General.