



Queensland

Recording of Evidence Amendment Regulation 2023

Subordinate Legislation 2023 No. 18

made under the

Recording of Evidence Act 1962

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1 Short title

This regulation may be cited as the *Recording of Evidence Amendment Regulation 2023*.

2 Commencement

This regulation commences on 18 April 2023.

3 Regulation amended

This regulation amends the *Recording of Evidence Regulation 2018*.

4 Replacement of pt 2, div 1 (Provision of copies by chief executive)

Part 2, division 1—

omit, insert—

Division 1 Provision of copies to persons generally**4 Initial request for copy of transcription**

- (1) This section applies if—
 - (a) a person makes a request to the chief executive for a copy of a transcription of a record under the Act; and
 - (b) when the person makes the request—
 - (i) 1 or more persons (each a *recorder*) provides a transcription service; and
 - (ii) a relevant person has not made an earlier valid request to the chief executive for a copy of the transcription.
- (2) The chief executive must give the request to a recorder as soon as practicable after receiving the

request.

- (3) The recorder to whom the request is given may charge the person an amount, worked out in accordance with the relevant arrangement, for a copy of the transcription.
- (4) If the person pays, or enters into an agreement to pay, the amount under subsection (3), the recorder must issue a copy of the transcription, in electronic form, to the chief executive as soon as practicable after receiving the request.

4A Joint request for copy of transcription

- (1) This section applies if—
 - (a) 2 or more parties to a legal proceeding, or legal representatives of the parties, make a joint request to the chief executive for a copy of a transcription of a record under the Act of the proceeding; and
 - (b) when the parties or legal representatives make the request—
 - (i) 1 or more persons (each a *recorder*) provides a transcription service; and
 - (ii) a relevant person has not made an earlier valid request to the chief executive for a copy of the transcription.
- (2) The chief executive must give the request to a recorder as soon as practicable after receiving the request.
- (3) The recorder to whom the request is given may charge the parties an amount, worked out in accordance with the relevant arrangement, for a copy of the transcription.
- (4) If the parties pay, or enter into an agreement to pay, the amount under subsection (3), the recorder

must issue a copy of the transcription, in electronic form, to the chief executive as soon as practicable after receiving the request.

4B Giving copy of transcription requested under s 4 or 4A

- (1) This section applies if—
 - (a) a person requests a copy of a transcription of a record under the Act; and
 - (b) a recorder issues a copy of the transcription, in electronic form, to the chief executive under section 4(4) or 4A(4).
- (2) The chief executive must give the copy of the transcription to the person as soon as practicable after receiving the transcription.
- (3) The chief executive must give the copy of the transcription in 1 of the following ways—
 - (a) if the person requests the copy of the transcription to be given in printed form—in that form;
 - (b) otherwise—in electronic form.
- (4) For a joint request mentioned in section 4A(1), the chief executive must comply with subsections (2) and (3) for each party or legal representative of the party who made the request.
- (5) The chief executive must not charge a fee for giving a copy of the transcription under this section.

4C Request for copy of transcription in relation to which ss 4 and 4A do not apply

- (1) This section applies if—

[s 4]

- (a) a person makes a request to the chief executive for a copy of a transcription of a record under the Act; and
 - (b) sections 4 and 4A do not apply in relation to the request.
- (2) If the person pays, or enters into an agreement to pay, the fee for the request, the chief executive must issue a copy of the transcription to the person as soon as practicable after receiving the request.
- (3) The chief executive must issue the copy of the transcription in 1 of the following ways—
- (a) if the person requests the copy of the transcription to be issued in printed form—in that form;
 - (b) otherwise—in electronic form.

4D Request for copy of audio record

- (1) This section applies if—
- (a) a person makes a request to the chief executive for a copy of an audio record; and
 - (b) a copy of the audio record is available in electronic form.
- (2) If the person pays, or enters into an agreement to pay, the fee for the request, the chief executive must issue the person a copy of the audio record in electronic form as soon as practicable after receiving the request.

4E Fees

Schedule 1 states, for section 13(2)(f) of the Act, the fees payable for the issuing of a copy of a transcription of a record or an audio record under section 4C or 4D.

4F Rounding of amounts expressed as numbers of fee units

- (1) This section applies for working out the amount of a fee expressed in this regulation as a number of fee units.
- (2) For the purpose of the *Acts Interpretation Act 1954*, section 48C(3), the amount is to be rounded—
 - (a) if the result is not more than \$100—to the nearest multiple of 5 cents (rounding one-half upwards); or
 - (b) if the result is more than \$100 but not more than \$1,000—to the nearest multiple of 10 cents (rounding one-half upwards).

Example—

If a fee were 97.40 fee units and the value of a fee unit were \$1.015, the number of dollars obtained by multiplying 97.40 by \$1.015 would be \$98.861. Because \$98.861 is halfway between \$98.85 and \$98.90, it is rounded upwards, so the amount of the fee would be \$98.90.

4G Entitlement to copies at no or reduced cost

- (1) This section applies if, under the Act, a person is entitled to a copy of a transcription of a record or an audio record, at—
 - (a) no cost; or
 - (b) a cost that is less than the amount that would otherwise be payable for the copy under this division (the *reduced cost*).
- (2) Any provision of this division providing for the person to pay an amount in relation to obtaining a copy of the transcription or audio record applies as if the provision required the person to pay no cost, or the reduced cost, as mentioned in subsection (1).

4H Orders of court or judicial person

- (1) This section applies if, under an Act or an order of a court or judicial person, a copy of a record under the Act must not be made available to a person.
- (2) This division does not apply to a request for a copy of a transcription of the record or for a copy of the record in the form of an audio record—
 - (a) made by the person; or
 - (b) if the request is made by the person and 1 or more other persons—to the extent the request applies to the person.

5 Amendment of s 9 (Victim of personal offence)

- (1) Section 9(1)(b), ‘the part of a record under the Act, consisting of an audio recording,’—

omit, insert—

an audio record
- (2) Section 9(5)—

omit.
- (3) Section 9(6) and (7)—

renumber as section 9(5) and (6).

6 Insertion of new s 9A

After section 9—

insert—

9A Particular legal proceedings before coroner or industrial magistrate

- (1) This section applies in relation to a legal proceeding before a coroner or industrial magistrate, if the legal proceeding relates to the death of a person (the *deceased person*).
- (2) An entitled person for the deceased person is

-
- entitled to 1 free copy of—
- (a) an existing transcription of a record under the Act of the proceeding; or
 - (b) if a transcription does not exist—an audio record of the proceeding.
- (3) The free copy may be issued—
- (a) if the copy is a transcription mentioned in subsection (2)(a)—in printed form or electronic form; and
 - (b) to the entitled person or to 1 of the following—
 - (i) a legal representative of the entitled person;
 - (ii) a guardian appointed for the entitled person under the *Guardianship and Administration Act 2000*;
 - (iii) an attorney appointed by the entitled person under an enduring power of attorney under the *Powers of Attorney Act 1998*; and
 - (c) even if the legal proceeding has ended.
- (4) In this section, a reference to a child, parent or sibling of a deceased person includes a reference to a person who, under Aboriginal tradition or Island custom, is regarded as a child, parent or sibling of the deceased person.
- (5) In this section—
- entitled person***, for a deceased person, means—
- (a) if the deceased person is a child—
 - (i) each parent of the child; and
 - (ii) the child’s legal representative; or

[s 7]

- (b) if the deceased person is an adult—each person who is a spouse, child, parent or sibling of the adult.

7 Amendment of s 11 (Government assessor or scheme manager under Victims of Crime Assistance Act 2009)

Section 11(2)(b), ‘the part of a record under the Act, consisting of an audio recording,’—

omit, insert—

an audio record

8 Replacement of pt 3, hdg (Transitional provision)

Part 3, heading—

omit, insert—

Part 3 Transitional provisions

**Division 1 Transitional provision for
SL No. 132 of 2018**

9 Insertion of new pt 3, div 2

Part 3, as amended by this regulation—

insert—

**Division 2 Transitional provisions for
Recording of Evidence
Amendment Regulation
2023**

13 Existing request for copy of transcription or audio record

- (1) This section applies in relation to a request, made

but not dealt with, before the commencement, for—

- (a) a copy of a transcription of a record under the Act; or
 - (b) a copy of an audio record.
- (2) The following provisions do not apply in relation to the request—
- (a) new part 2, division 1;
 - (b) new schedule 1.
- (3) The following provisions continue to apply in relation to the request as if the *Recording of Evidence Amendment Regulation 2023* had not been made—
- (a) former part 2, division 1;
 - (b) former schedule 1.
- (4) In this section—

former, for a provision of this regulation, means the provision as in force immediately before the commencement.

new, for a provision of this regulation, means the provision as in force from the commencement.

14 Application of s 9A to legal proceedings started before commencement

- (1) This section applies in relation to a legal proceeding before a coroner or industrial magistrate started before the commencement.
- (2) Section 9A applies in relation to a request for a copy of a transcription of a record under the Act, or an audio record, of the proceeding made under that section after the commencement.

[s 10]

10 Replacement of sch 1 (Fees)

Schedule 1—

omit, insert—

Schedule 1 Fees

section 4E

	Fee units
1 Issuing, under section 4C(2), a copy of a transcription of a record under the Act of a legal proceeding before the industrial relations commission—	
(a) for the first copy of the transcription of the record issued to a person—for each page	4.75
(b) for additional copies of the transcription of the record issued to the same person—for each page	1.05
2 Issuing, under section 4C(2), a copy of a transcription of a record under the Act, other than a record mentioned in item 1—	
(a) for the first copy of the transcription of the record issued to a person—	
(i) for the first 1 to 8 pages of the copy	97.40
(ii) for each additional page after the first 8 pages	12.05
(b) for additional copies of the transcription of the record issued to the same person—for each page	1.60
3 Issuing, under section 4D(2), a copy of an audio record to a person—for each hour, or part of an hour, of the copy	39.95

11 Amendment of sch 2 (Dictionary)

Schedule 2—

insert—

audio record means a record, or part of a record, under the Act that consists of an audio recording.

parent, of a child, includes a person who exercises parental responsibility for the child, other than a person standing in the place of a parent of the child on a temporary basis.

record, for a record under the Act, includes a part of the record.

relevant arrangement, for a person who provides a transcription service, means the arrangement under section 5A of the Act between the chief executive and the person for the provision of the transcription service.

relevant person, in relation to a record under the Act, means a person to whom a copy of a transcription of the record may be made available under the Act.

transcription service means the transcription of a record under the Act under an arrangement under section 5A of the Act.

valid request, for a copy of a transcription of a record under the Act, means a request, or a joint request, for a copy of the transcription—

- (a) made by a person who has paid, or entered into an agreement to pay, an amount worked out under a relevant arrangement for the copy of the transcription; and
- (b) that has not been cancelled.

ENDNOTES

- 1 Made by the Governor in Council on 16 March 2023.
- 2 Notified on the Queensland legislation website on 17 March 2023.
- 3 The administering agency is the Department of Justice and Attorney-General.

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