



Evidence Act 1977

Evidence Regulation 2017

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Queensland

Evidence Regulation 2017

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Evidence Regulation 2017

1 Short title

This regulation may be cited as the *Evidence Regulation 2017*.

2 Commencement

This regulation commences on 2 September 2017.

2A Prescribed places for relevant proceedings—Act, s 21AZJ

- (1) This section prescribes the places for section 21AZJ(1)(b) of the Act.
- (2) For the Supreme Court, the places are—
 - (a) Brisbane; and
 - (b) Cairns.
- (3) For the District Court, the places are—
 - (a) Brisbane; and
 - (b) Cairns.
- (4) For a Magistrates Court, the places are each of the places appointed under the *Justices Act 1886*, section 22B for holding Magistrates Courts within—
 - (a) a division of the Brisbane Magistrates Courts District; or
 - (b) any of the following Magistrates Courts districts—
 - (i) Caboolture Magistrates Courts District;
 - (ii) Cairns Magistrates Courts District;
 - (iii) Cleveland Magistrates Courts District;
 - (iv) Cooktown Magistrates Courts District;
 - (v) Redcliffe Magistrates Courts District;
 - (vi) Thursday Island Magistrates Courts District.

- (5) For the Childrens Court, the places are—
- (a) if the court is constituted under the *Childrens Court Act 1992*, section 5(2)—
 - (i) each of the places prescribed under subsection (3) for the District Court; and
 - (ii) each of the places appointed under the *Justices Act 1886*, section 22B for holding Magistrates Courts within—
 - (A) a division of the Brisbane Magistrates Courts District; or
 - (B) the Cairns Magistrates Courts District; or
 - (b) if the court is constituted under the *Childrens Court Act 1992*, section 5(3)—each of the places prescribed under paragraph (a)(ii).
- (6) For this section, a reference to a Magistrates Courts district by name is a reference to the Magistrates Courts district of that name under the *Justices Act 1886*.

3 Corresponding laws—Act, s 21C

For section 21C of the Act, definition *corresponding law*, the following laws are 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;

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- (g) *Witness (Identity Protection) Act 2006* (Tas), part 2 and section 22.

4 Tribunal declared to be a court for Act, pt 3A—Act, s 39C

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

4B Prescribed places for relevant proceedings—Act, s 103ZZD

- (1) This section prescribes the places for section 103ZZD(1)(c) of the Act.
- (2) For the Supreme Court and the District Court the places are—
 - (a) Brisbane; and
 - (b) Townsville.
- (3) For the Childrens Court the places are—
 - (a) Brisbane; and
 - (b) Townsville.

4C Prescribed places for relevant proceedings—Act, s 103ZZGA

- (1) This section prescribes the places for section 103ZZGA of the Act, definition *relevant proceeding*, paragraph (b).
- (2) For the Supreme Court and the District Court, the places are—
 - (a) Brisbane; and
 - (b) Townsville.
- (3) For the Magistrates Court, the places are—
 - (a) Brisbane; and
 - (b) Caboolture; and
 - (c) Cleveland; and

- (d) Redcliffe; and
 - (e) Townsville.
- (4) For the Childrens Court, the places are—
- (a) Brisbane; and
 - (b) Caboolture; and
 - (c) Cleveland; and
 - (d) Redcliffe; and
 - (e) Townsville.

5 Approved machines—Act, s 107

For section 107(1) of the Act, a machine mentioned in schedule 1 is declared to be an approved machine.

5A Requirements for notices—Act, s 129AG

For section 129AG(1) of the Act, a notice given under section 129AD(1)(a) or 129AF(1)(a) of the Act must include the following—

- (a) a statement as to whether the party giving the notice seeks to adduce tendency evidence or coincidence evidence;
- (b) the substance of the evidence to which the notice relates;
- (c) particulars of the conduct or event to which the evidence relates, to the extent known by the party giving the notice;
- (d) the name of each person who saw, heard or otherwise perceived the conduct or event to which the evidence relates, to the extent the identity of the person is known by the party giving the notice.

6 Fee for inspecting etc. a document—Act, s 134A

- (1) For section 134A(2) of the Act, 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 the 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—52 fee units 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—2.95 fee units for each page, to a maximum fee of 76.75 fee units;
 - (ii) additional copy—0.65 fee units for each page, to a maximum fee of 30.50 fee units; or
 - (b) otherwise—the amount the agency considers reasonable.
- (4) Subsection (5) applies for working out the amount of a fee under subsection (2) or (3).
- (5) For the purpose of the *Acts Interpretation Act 1954*, section 48C(3), the amount is to be rounded to the nearest multiple of 5 cents (rounding one-half upwards).

Example—

Subsection (3)(a)(i) prescribes a fee of 2.95 fee units. If the value of a fee unit for this regulation were \$1.50, the number of dollars obtained by multiplying \$1.50 by 2.95 would be \$4.425. Because \$4.425 is halfway between \$4.40 and \$4.45, it is rounded upwards, so the amount of the fee for subsection (3)(a)(i) would be \$4.45.

- (6) 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 Right to Information Act 2009 does not apply to the person or body—Act, s 134A

- (1) An agency is declared not to be an applicable agency for a particular document if an Act expressly provides that the *Right to Information Act 2009* does not apply to—
- (a) the document; or
 - (b) information that is contained in the document; or
 - (c) an activity that the document concerns.

Example for subsection (1)—

Right to Information Act 2009, schedule 1

- (2) Also, if an Act expressly provides that the *Right to Information Act 2009* does not apply to a person or body, then that person or body is declared not to be an applicable agency.

Example for subsection (2)—

Right to Information Act 2009, schedule 2, part 1

- (3) However, if an Act expressly provides that the *Right to Information Act 2009* does not apply to a person or body in relation to a particular function, then that person or body is declared not to be an applicable agency only in relation to that function.

Example for subsection (3)—

Right to Information Act 2009, schedule 2, part 2

- (4) In this section—

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

8 Transitional provision for references to Evidence Regulation 2007

In an instrument, a reference to the *Evidence Regulation 2007* may, if the context permits, be taken to be a reference to this regulation.

Schedule 1 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