



Queensland

Evidence Regulation 2017

Subordinate Legislation 2017 No. 134

made under the

Evidence Act 1977

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1 Short title

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

2 Commencement

This regulation commences on 2 September 2017.

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;
- (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.

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.

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—\$47.50 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—\$2.70 for each page up to a maximum fee of \$70.00;
 - (ii) additional copy—65c for each page up to a maximum fee of \$27.85; 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

- (1) An agency is declared not to be an applicable agency for a particular document if an Act expressly provides that the RTI provisions do 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 RTI provisions do 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 RTI provisions do 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.

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

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

ENDNOTES

- 1 Made by the Governor in Council on 10 August 2017.
- 2 Notified on the Queensland legislation website on 11 August 2017.
- 3 The administering agency is the Department of Justice and Attorney-General.

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