



Queensland

Recording of Evidence Act 1962

Recording of Evidence Regulation 1992

Reprinted as in force on 26 November 2007

Reprint No. 4

This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy

NOT FURTHER AMENDED
LAST REPRINT BEFORE REPEAL
See 2008 SL No. 267 s 10

Information about this reprint

This regulation is reprinted as at 26 November 2007. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- use different spelling consistent with current drafting practice (s 26(2))
- use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.



Queensland

Recording of Evidence Regulation 1992

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Recording of Evidence Regulation 1992

[as amended by all amendments that commenced on or before 26 November 2007]

1 Short title

This regulation may be cited as the *Recording of Evidence Regulation 1992*.

2 Definitions

In this regulation—

electronic form, in relation to a copy of a transcription of a record under the Act, means a copy that is stored or recorded electronically.

Examples of electronic form—

- a file stored on a computer disc
- a file stored on a CD-ROM
- a file stored on a computer hard drive
- a file sent by email

printed form, in relation to a copy of a transcription of a record under the Act, means a copy that—

- (a) is handwritten or typewritten on paper; or
- (b) is produced on paper by mechanical or electronic means.

3 Fees

Subject to sections 3A, 3B and 3C, the fees payable for the purposes of the Act are the fees set out in the schedule.

3A Free copies may be issued to particular persons

- (1) A defendant in a criminal proceeding in the Supreme Court or District Court is entitled to 1 free copy of a transcription, in

printed or electronic form, of a record under the Act of the proceeding.

- (2) The free copy mentioned in subsection (1) may be issued—
 - (a) to the defendant or the defendant's legal representative; and
 - (b) even if the proceeding has ended.
- (3) Also, a person who may apply for a compensation order, or for a payment from the consolidated fund, under the *Criminal Offence Victims Act 1995*, part 3 or section 46(2) for an offence is entitled to 1 free copy of the sentence for the offence in printed or electronic form.
- (4) The *sentence* is the part of the transcription of a record under the Act of a criminal proceeding containing the court's order as to punishment of the offender and any reasons for the order.
- (5) The free copy mentioned in subsection (3) may be issued to the person or to the person's legal representative.

3B Records and transcripts may be issued to a judicial person

- (1) A record under the Act or a copy of a transcription of a record under the Act, in printed, electronic or other form, may be issued without charge to a judicial person.
- (2) The record or copy mentioned in subsection (1) may be issued even if the proceeding has ended.

3C Industrial relations transcripts

- (1) This section applies to a proceeding before—
 - (a) the Queensland Industrial Relations Commission; or
 - (b) the Industrial Court of Queensland; or
 - (c) a registrar appointed under the *Industrial Relations Act 1999*.
- (2) The Industrial Registry is entitled to 1 free copy of a transcription in electronic form of a record under the Act of a proceeding to which this section applies.

- (3) The copy of the transcription provided to the Industrial Registry may be issued in electronic form, without charge, to a party to the proceeding or that party's representative.
- (4) The copies of the transcriptions mentioned in subsections (2) and (3) may be issued even if the proceeding has ended.

4 Duties of recorders

- (1) The prescribed duties of a recorder are—
 - (a) to ensure that—
 - (i) a mechanical device used in making a record under the Act is in good working order; and
 - (ii) a tape used in a mechanical device is clear; and
 - (b) when recording a legal proceeding—
 - (i) to operate a mechanical device; and
 - (ii) to ensure that evidence and other matter in the proceeding is recorded on a master-tape in the room or other place where the proceeding is conducted; and
 - (c) to interpolate on the master-tape and other tapes the identity of voices recorded on the tape; and
 - (d) to prepare a history sheet of each dictation-tape used; and
 - (e) to check from the tape a transcription of a legal proceeding recorded under the Act; and
 - (f) if satisfied that a transcription is a true record under the Act of a legal proceeding—
 - (i) to certify the transcription as correct; and
 - (ii) to place the master-tape in a suitable receptacle; and
 - (iii) to lock, seal or securely fasten the receptacle; and
 - (iv) to attach to the receptacle a dated and signed master-tape sheet containing the particulars necessary to identify the tape.

- (2) A recorder must not allow a master-tape to be used for the purpose of making a transcription of a legal proceeding.

Maximum penalty—4 penalty units.

5 Safe custody of tapes and original certified transcriptions

- (1) If a recorder is directed to record a legal proceeding under the Act—

- (a) the recorder; or
(b) another recorder named by the court or judicial person who gave the direction;

is responsible for the safe custody of the master-tape of the proceeding until that responsibility is assumed by another recorder or person named by the court or judicial person.

- (2) To remove any doubt, it is declared that a recorder is no longer responsible for the safe custody of a master-tape once all of the records on the master-tape may be destroyed under the Act.
- (3) If a transcription of a proceeding is certified under section 4(2), the original of the transcription is to be kept in the custody of the person responsible for the custody of a record of the proceeding made otherwise than under the Act.

Schedule Fees

section 3

		\$
1	For issuing a copy of a transcription, in printed or electronic form, of a record under the Act of a legal proceeding before the Queensland Industrial Relations Commission—	
	(a) first copy—each page	3.10
	(b) additional copy—each page.	0.70
2	For issuing a copy of a transcription, in printed or electronic form, of a record under the Act of another legal proceeding—	
	(a) first copy—each page	5.10
	(b) additional copy—each page.	0.70
3	For issuing a copy, if available in cassette tape form, of a record under the Act of a legal proceeding—each tape. . . .	15.00

Endnotes

1 Index to endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 26 November 2007. Future amendments of the Recording of Evidence Regulation 1992 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	none	1 July 1992	1 August 1992
2	1993 SL No. 351	2 October 1993	15 October 1993
2A	1996 SL No. 289	1 November 1996	25 November 1996
2B	1997 SL No. 457	19 January 1998	30 January 1998
2C	1996 SL No. 289	1 November 1996	30 October 1998
2D	1999 SL No. 34	26 March 1999	15 April 1999
3	1999 SL No. 34	26 March 1999	4 August 2000

Reprint No.	Amendments included	Effective	Notes
3A	2003 SL No. 155	4 July 2003	
3B	2004 SL No. 178	20 September 2004	
3C	2005 Act No. 70	8 December 2005	
3D	2005 SL No. 326	19 December 2005	
3E	2006 SL No. 284	27 November 2006	
3F	2007 SL No. 23	2 March 2007	
4	2007 SL No. 275	26 November 2007	

5 List of legislation

Recording of Evidence Regulation 1992 SL No. 197

made by the Governor in Council on 25 June 1992

pubd gaz 26 June 1992 pp 2100–4

ss 1–2 commenced on date of publication

remaining provisions commenced 1 July 1992 (see s 2)

exp 31 August 2008 (see SIA s 56A(2) and SIR s 5 sch 3)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

Recording of Evidence Amendment Regulation (No. 1) 1993 SL No. 351

notfd gaz 17 September 1993 pp 225–8

ss 1–2 commenced on date of notification

remaining provisions commenced 2 October 1993 (see s 2)

Department of Justice (Variation of Fees) Regulation 1996 SL No. 289 pts 1, 6

notfd gaz 25 October 1996 pp 764–7

ss 1–2 commenced on date of notification

remaining provisions commenced 1 November 1996 (see s 2)

Justice Legislation (Variation of Fees) Regulation 1997 SL No. 457 pts 1, 3

notfd gaz 19 December 1997 pp 1770–7

ss 1–2 commenced on date of notification

remaining provisions commenced 19 January 1998 (see s 2)

Note—This regulation was disallowed by resolution of the Legislative Assembly passed on 22 April 1998 (see Hansard 11 April 1998 page 804 and Votes and Proceedings 22 April 1998 page 1074).

Recording of Evidence Amendment Regulation (No. 1) 1999 SL No. 34

notfd gaz 26 March 1999 pp 1450–3

commenced on date of notification

Recording of Evidence Amendment Regulation (No. 1) 2003 SL No. 155

notfd gaz 4 July 2003 pp 844–5

commenced on date of notification

Note—A regulatory impact statement and explanatory note were prepared.

Justice Legislation (Costs and Fees) Amendment Regulation (No. 1) 2004 SL No. 178

notfd gaz 10 September 2004 pp 173–7

ss 1–2 commenced on date of notification

remaining provisions commenced 20 September 2004 (see s 2)

Justice and Other Legislation Amendment Act 2005 No. 70 s 1, pt 20 div 2

date of assent 8 December 2005

commenced on date of assent

Justice and Other Legislation (Costs and Fees) Amendment Regulation (No. 1) 2005 SL No. 326

notfd gaz 16 December 2005 pp 1490–6

ss 1–2 commenced on date of notification

remaining provisions commenced 19 December 2005 (see s 2)

Justice and Other Legislation (Fees) Amendment Regulation (No. 1) 2006 SL No. 284

notfd gaz 24 November 2006 pp 1476–9

ss 1–2 commenced on date of notification

remaining provisions commenced 27 November 2006 (see s 2)

Recording of Evidence Amendment Regulation (No. 1) 2007 SL No. 23

notfd gaz 2 March 2007 pp 983–6

commenced on date of notification

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)

6 List of annotations

Definitions

s 2 prev s 2 om 1996 SL No. 289 s 16
pres s 2 ins 2007 SL No. 23 s 3

Definition

s 2A ins 1993 SL No. 351 s 4
om 2007 SL No. 23 s 3

Fees

s 3 amd 1993 SL No. 351 s 5; 1999 SL No. 34 s 3; 2007 SL No. 23 s 4

Free copies may be issued to particular persons

s 3A ins 2007 SL No. 23 s 5

Records and transcripts may be issued to a judicial person

s 3B ins 2007 SL No. 23 s 5

Industrial relations transcripts

s 3C ins 2007 SL No. 23 s 5

Safe custody of tapes and original certified transcriptions

s 5 amd 2005 Act No. 70 s 142

Repeal

s 6 om R1 (see RA s 40)

SCHEDULE—FEES

sub 1993 SL No. 351 s 6; 1996 SL No. 289 s 17
amd 1997 SL No. 457 s 7 (disallowed 22 April 1998)
sub 1999 SL No. 34 s 4; 2003 SL No. 155 s 3; 2004 SL No. 178 s 3 sch; 2005
SL No. 326 s 3 sch; 2006 SL No. 284 s 3 sch; 2007 SL No. 23 s 6; 2007 SL
No. 275 s 3 sch