
CLASSIFICATION OF COMPUTER GAMES AND IMAGES AND OTHER LEGISLATION AMENDMENT BILL 2012

Explanatory Notes

for

**Amendments to be moved during consideration in detail by the Honourable JARROD BLEIJIE MP
Attorney-General and Minister for Justice**

Title of the Bill

Classification of Computer Games and Images and Other Legislation Amendment Bill 2012.

Objective of the Amendments

The objectives of the amendments are to make special provision in the *Recording of Evidence Act 1962* for the recording and transcribing of inquiry and examination proceedings, and to remove arbitration proceedings from the ambit of the *Recording of Evidence Act 1962*.

The purpose of the Bill's amendments to the *Recording of Evidence Act 1962* is to enable the outsourcing of the State Reporting Bureau's functions of recording and transcribing legal proceedings in Queensland. Arbitrations, inquiries and examinations are not recorded or transcribed by the State Reporting Bureau and are not intended to be subject of the outsourcing arrangements.

The *Recording of Evidence Act 1962* will no longer apply to arbitration. This will reflect what is, effectively the current practice; that is, that parties make private arrangements for recording and transcribing.

Inquiries and examinations will remain within the purview of the *Recording of Evidence Act 1962* but Amendment 4, which inserts new section 5C into the *Recording of Evidence Act 1962*, will enable inquiries and examiners to arrange for recording and transcribing to be undertaken by an entity other than the State contracted service provider. This will not preclude the State contracted service provider, or indeed the Department of Justice and Attorney-General, from being engaged to undertake such work, pursuant to section 5A or section 5C.

Achievement of the Objective

The objectives are achieved by way of amendments to the Bill as described below.

Alternative Ways of Achieving Objective

There is no alternative way to achieve these objectives.

Estimated Cost for Government Implementation

There are no costs associated with these amendments.

Consistency with Fundamental Legislative Principles

The amendments are consistent with fundamental legislative principles.

Consultation

The Crime and Misconduct Commission, the Bar Association of Queensland and the Australian Centre for International Commercial Arbitration were informed of the nature of the proposed amendments.

Notes on Provisions

Amendment 1 amends the new definition of ‘recording service’ that is inserted into section 4 of the *Recording of Evidence Act 1962* by clause 49. Amendment 1 is consequential upon Amendment 4 which inserts new section 5C, to cater for arrangements for recording and transcribing of inquiries and examinations. Amendment 1 expands the definition of recording service to include a transcription of an inquiry or examination under section 5C. The term ‘recording service’ relates to what a ‘recorder’ does, which is a term used throughout the *Recording of Evidence Act 1962*, for example in section 10 (Record and transcription to be evidence).

Amendment 2 amends the definition of ‘legal proceeding’ in section 4 of the *Recording of Evidence Act 1962*. The amendment removes the reference to ‘arbitration’ and makes it clear that the Act does not apply to arbitration proceedings.

Amendment 3 amends new section 5 (Recording of relevant matter in legal proceedings) which is inserted by clause 50. The effect of the amendment is the addition of sub-clause (2)(c) which provides that recording may be done, for an inquiry or examination, under an arrangement under new section 5C, which is inserted by Amendment 4.

Amendment 4 inserts new section 5C (Inquiries and examinations) into clause 50 to make special provision for recording and transcribing of inquiries and examinations. New section 5C provides that the court or person conducting the inquiry or examination may arrange for the recording or transcription of the proceeding. In such a case the recording is done under that arrangement rather than under an arrangement made by the chief executive under new section 5A. This does not prevent an inquiry or examination proceeding being recorded or transcribed in accordance with a section 5A arrangement, as section 5A continues to apply to inquiries and examinations, since they are ‘legal proceedings’ under section 4 of the *Recording of Evidence Act 1962*. The obligation upon the chief executive under new section 5B(1) to make

arrangements for availability of records and transcriptions does not apply to inquiry or examination proceedings.