

MAKING A JOINT APPLICATION FOR A TRANSCRIPT UNDER A COST-SHARING ARRANGEMENT

PURPOSE

This document provides:

- basic information about cost-sharing arrangements for transcript applications; and
- for convenience, a section to record important information about any cost-sharing arrangement you choose to make

IMPORTANT

- This document is **NOT** a contract
- This document is **NOT** a transcript application form
- This document is **NOT** legal advice

INTRODUCTION

Section 4A of the *Recording of Evidence Amendment Regulation 2018* (Qld) allows for two or more parties to certain proceedings to jointly request a transcript and share the total cost incurred.

The parties to the arrangement must jointly request the transcript and indicate that it is a cost-shared arrangement as part of the ordering process.

Recording and Transcription Services will then assess whether the all parties to the request are eligible to access the transcript, and whether cost-sharing is allowed for the order.

SUMMARY OF Section 4A - *Recording of Evidence Amendment Regulation 2018* (Qld)

In summary, the new section 4A provides that:

- Two or more parties to a legal proceeding (or their legal representatives) can make a joint request for a transcript of the proceedings
- The arrangement allows each party pays a portion of the costs as agreed between them
- If it is the first request for a transcript of this matter, then the Transcription Service Provider will produce the transcript
- All parties to the joint request will receive a copy of the transcript.

EXCLUSIONS

- Each applicant must be eligible to receive the transcript
- If a transcript for the proceeding has already been produced, then parties cannot share the cost of obtaining a copy of that transcript
- You cannot apply for a fee waiver and to cost-share on the same transcript – each applicant must pay their agreed share of the costs.

HOW TO APPLY

1. All the parties to the request need to reach agreement on what is being ordered, how quickly the transcript needs to be produced, and how much each will pay.
Attachment 1 to this document may assist you in recording what you have agreed.
2. The easiest and best way to request a transcript in Queensland is online through the QTranscripts system – go to <https://qtranscripts.justice.qld.gov.au/rts>

3. One nominee must make the request on behalf of all the parties, outlining all the details including the cost-sharing arrangement.
4. The process of assessing the joint request, payment, and receiving the transcript will happen within QTranscripts.

FAQs

1. Why can't I share the cost of a transcript that has already been produced?

The main expense is incurred in the process of transcribing the proceedings for the first time.

Once a proceeding has been transcribed, copies of the transcript are available to eligible people, for payment of a regulated fee that is lower than the original transcription cost.

Transcripts are essential for courts to progress many legal matters – for example criminal trials – and in these cases the court will procure the original transcript and the parties can choose to apply for a copy from the Department of Justice and Attorney-General.

2. What happens if the other parties don't agree to share?

If the parties cannot come to an agreement on cost-sharing, then each will have to decide whether they require a transcript, on the understanding that they will pay the full cost if they are the first to request it.

3. Does cost-sharing mean that each party pays an even share?

Not necessarily, the cost does not need to be split evenly between the joint applicants, but the agreed portions must add up to 100% of the total cost.

4. What if the other parties don't follow our agreement?

If one of the parties to the request does not pay their share as agreed, the order must be cancelled and those who have made payment will be refunded. This may cause delays in producing the transcript, because the Transcription Services Provider is unlikely to commence work until a relevant deposit has been taken.

If a party that has previously agreed to cost share withdraws from the cost sharing agreement prior to transcription commencing, the request in QTranscripts will be cancelled and the remaining party or parties will need to submit a new request in QTranscripts.

THINGS TO NOTE

- Remember that a cost sharing arrangement is not mandatory. It relies on mutual consent of the parties to what is agreed, and to doing the things necessary to make a successful joint application.
- Complex arrangements involving multiple parties, different application and payment methods, and errors in the ordering process can all cause delays that impacts whether the transcript is produced on time.

ATTACHMENT 1 – Notes for a proposed cost-sharing agreement

Relevant details for a cost-share agreement for transcription of a court proceeding					
Name and date/s of the proceeding					
Turnaround time	(i.e. 24 hrs, 3 days, 5 days)		Transcript Type	(i.e. Hearing; Judgement)	
Requestor Name (fill as many columns as necessary for all parties to the agreement)	(Party submitting order in this column):				
Email contact					
Phone contact					
Proportion of cost (can be split to 0.01%, total must equal 100%)					
Date of agreement					