

Recording and Transcription Services

Same Day Transcript Policy

RTS POLICY				
Version	Status	Approver	Effective date	Next review
2.0	Active	Executive Director – Reform and Support Services	11 October 2023	10 October 2025

1. Policy Statement

CSQ is committed to respecting, protecting and promoting human rights. CSQ has an obligation to act and make decisions in a way that is compatible with and gives proper consideration to human rights. When taking an action (carrying out any task) or making a decision (other than a judicial or quasi-judicial registrar decision), all CSQ staff must assess whether they are going to act or make a decision in a way that is compatible with human rights.

In doing an act or making a decision, you need to consider which rights are relevant, what is the impact, and whether the act or decision being made is reasonable and justified.

To ensure an appropriate approach for the management of Same Day Transcript requests including the ordering of, payment for and refund of any monies associated with the transcript order.

2. Purpose

A Same Day Transcript order requires the completed transcript to be delivered to the ordering party on the same day of the court event.

This policy provides guidelines for Recording and Transcription Services staff in the assessment of a parties entitlement to a Same Day Transcript and the department's policy on payment and refund procedures.

3. Scope

This policy applies to Court Users who submit requests for same day transcripts and CSQ staff and related registry staff who undertake assessment and processing of same day transcript request activities.

It applies to court users who are required to pay DJAG for their transcript request (does not apply to requests referred to a TSP) and it covers R&T policy surrounding the standard payment rate for transcripts ordered in advance and the underpayment and overpayment of transcripts.

4. Principles

The general principles to apply to actions and decisions associated with the provision of same day transcripts together with consideration of underpayment and overpayment of transcripts are:

4.1 Same Day Transcript Orders from DJAG – Standard Rate

Where a Same Day Transcript order is to be met by DJAG a standard rate of \$1,250.00 will apply. Payment must be made no later than the day the matter is heard and the transcript will not be released if the fee has not been paid.

4.2 Same Day Transcript Orders from DJAG – Daily Review

All Same Day Transcript orders to be met by DJAG will be reviewed on the day following transcript delivery. The review will calculate the actual cost of the transcript delivered and determine whether the standard rate paid resulted in an underpayment or an overpayment of the actual cost.

4.3 Same Day Transcript Orders from DJAG – Underpayments

Where the daily review determines the standard rate did not cover the actual cost of the transcript, a further request will be made of the customer to pay the balance of the actual cost.

No additional payment will be requested where the underpayment is \$15 or less.

A customer will have 3 business days to make payment for any additional payment request.

The Director, Recording and Transcription Services may consider, at any time, suspending transcription services to customers who fail to make good on follow-up payment requests.

4.4 Same Day Transcript Orders – Overpayments

Where the daily review determines the standard rate exceeded the actual cost of the transcript, a refund in the amount of the overpayment will be made to the customer.

All refunds will be approved by a financial delegate prior to the actual refund being made and be processed within 3-5 business days of payment.

No refund will be issued where the overpayment is \$15 or less unless specifically requested by the customer.

4.5 Same Day Transcript – Underpayments (Bad Debts Review)

The Director, Recording and Transcription Services is to be provided a report of Outstanding Same Day Transcript underpayments.

The report will be used to determine whether a customer should have transcription services suspended, whether any outstanding underpayments are to be written off and be used for the on-going management and follow-up of outstanding debts.

All requests to write-off outstanding underpayments are to be approved by the appropriate financial delegate.

5. Roles and Responsibilities

Department of Justice and Attorney-General: DJAG administers the *Recording of Evidence Act 1962* and associated regulations to deliver justice services. DJAG funds the costs for eligible court users to be able to obtain free or subsidised copies of audio recordings and transcripts of legal proceedings.

Court Users: A court user may be a Judicial Officer, legal practitioner, self-represented litigant, defendant, witness, juror, police prosecutor, representative from the Office of the Director of Public Prosecutions, academic, researcher, complainant, volunteer, or a member of the media or the community – anyone who accesses the services of the Court.

Requestors: Court Users who have submitted a request through QTranscripts or by an offline form. Requestors provide more information when invited to do so.

Recording and Transcription Services team (RTS): RTS is an internal DJAG team that utilises QTranscripts to receive and process requests including, but not limited to: - assess eligibility for fee exemptions and waivers; calculate and provide quotes based on regulatory fees; apply restrictions and redaction requirements prior to the distribution of a transcript prior to release, facilitate the revision process of transcripts, provide first line customer support to users.

Delegates: Delegates are DJAG staff who must decide matters by using powers under an Act of Parliament or a regulation, for example, deciding a requestor's eligibility for a fee exemption/waiver or restrictions. Delegates when making decisions must consider statutory authority and a person's human rights.

Transcription Service Provider (TSP): TSPs are contracted vendors responsible for the recording and annotation of some Court and Tribunal proceedings and generation of transcripts per orders via QTranscripts. TSPs apply commercial rates to undertake recording and transcription services. TSPs comply with all relevant legislation, regulations, rules, practices, and policies to deliver recording and transcription services for DJAG and court users. TSPs provide services in line with contractual arrangements in place between the TSP and DJAG.

In-Court Officers: For the purposes of the Recording and Transcription Services Policy, In-Court Officers in DJAG and other registry staff including QIRC Associates, are responsible for starting and ceasing audio recordings, monitoring of audio quality, and annotation of court events against court recordings utilising recording software and/or portable recording devices, as well as requesting transcripts via QTranscripts and updating Court Event Listing information in both QTranscripts and recording software. In-Court Officers must log a request to cease the backup audio should a covert matter be heard in a courtroom.

Registry staff: Registry staff are responsible for the correct listing of matters within the various Case Management Systems and the Higher Court Listing Application. Registry staff will also receive and process offline transcript requests, forward those requests to RTS and receive/confirm with RTS payment of transcript fees if applicable. Registry staff will also request transcripts via QTranscripts and update Court Event Listing information in QTranscripts and liaise with RTS regarding emergent restrictions or Court Orders that may apply to a Court or proceeding. Registry staff will also support the processing of transcript and audio requests by utilising QTranscripts to review relevant requests and provide a determination on release of transcript/audio.

Associates: Associates support the provision of recording and transcription services to Queensland Courts and Tribunals through the provision of timely and relevant information to Transcript Service Providers and CSQ business areas.

6. Human Rights Act 2019 Obligations

CSQ is committed to respecting, protecting, and promoting human rights. Under section 58(1) of the *Human Rights Act 2019* (HRA), CSQ has an obligation to act and make decisions in a way that is compatible with human rights, and to give proper consideration to human rights.

The following human rights may be impacted by the application of this policy, and decision makers under the policy are encouraged to consider *Human Rights Act 2019* obligations on a case-by-case basis, specifically, but not limited to:

- Right to recognition and equality before the law
- Right to take part in public life
- Right to privacy and reputation
- Right to fair hearing
- Rights in criminal proceedings
- Rights of children in the criminal process

This procedure does not limit any human rights and is therefore compatible with the HRA.

Further information is available at <https://www.forgov.qld.gov.au/humanrights>.