

Deposit, Cancellation and Refund Policy

1. Purpose

The purpose of this document is to detail the rules for deposits, cancellations, terminations and refunds as they apply to transcription services. The policy is relevant to orders from both DJAG and Transcription Service Providers (TSPs). The policy also sets out what happens with a cost sharing order if one party does not pay a deposit or final balance. This policy must be read in conjunction with the QTranscripts Terms and Conditions¹.

2. Background

Eligible customers are able to order and obtain transcripts or audio of court proceedings through QTranscripts. If a transcript is not already held by DJAG, the order is directed to a TSP for transcription. If the transcript has been previously acquired by DJAG, the order is organised with DJAG who will charge a regulated fee for access to the transcript. All requests for audio are serviced directly by DJAG.²

There are varying rules for refunds and cancellations between DJAG, as a Queensland Government agency for *regulated-fee orders*, and the TSPs as commercial entities for *commercial transcription orders*.

3. Policy Statement

Deposits and Refunds

Commercial transcription order

- 3.1 TSPs require a deposit before they commence transcription of a *commercial transcription order*. The delivery time for the order will not begin until the deposit is received by the TSP. The value of the deposit, and the proportionality of the deposit to the total cost of the transcript, is decided by the TSP. In most cases the deposit total will be an estimate of the overall cost based on the information provided at the time of the transcript request.
- 3.2 If an order is made by an entity that has a *trade account* with a TSP, the deposit is considered paid on receipt of the request by the TSP.
- 3.3 If a *commercial transcription order* is cancelled after transcription has commenced, then the TSP will retain a portion of the deposit for transcription work completed prior to cancellation, and the balance will be refunded.
- 3.4 A transcript will not be released to the customer until the cost is paid in full for a *commercial transcription order*.

Cost-sharing order

- 3.5 Unless otherwise specified, all information for *commercial transcription orders* apply to cost-sharing orders for the purposes of this policy.
Note: Cost sharing orders are not available for *regulated-fee orders*.
- 3.6 A TSP will not begin transcription until all parties to a cost-sharing order have paid their portion of the deposit, determined by the agreed percentage split of transcript fees outlined on a cost-sharing request.

¹ Available at

https://qtranscripts.justice.qld.gov.au/rts/?id=kb_article&sys_id=8328a30fdb645d900445065bd39619f8

² Audio requests are treated as *regulated fee orders* for the purpose of this policy.

3.7 Fee waivers and partial waivers are unavailable for *cost-sharing orders*.

Regulated-fee order

3.8 DJAG requires a deposit for same-day transcription *regulated-fee orders*.

3.9 The deposit for a same-day *regulated-fee order* represents the average cost for a full-day transcript. The balance of the deposit will be refunded in cases where the total cost of the transcript is less than the deposit.

3.10 A transcript will not be released to the customer until the cost is paid in full for *regulated fee order*.

All order types

3.11 All payments are non-refundable once a transcript has been delivered to the customer's account in QTranscripts. After this time the transaction has concluded. This includes instances where a person has purchased a transcript and later realises they would have been eligible for a free copy or a fee waiver.

3.12 The customer is responsible for correctly ordering a product for transcription. The customer will not be provided a refund the product provided is what was requested.

Changes to orders

Commercial transcription order

3.13 When a customer for a *commercial transcription order* wishes to change their order, they must cancel the order and make a new application. If a TSP has begun work on the original order, costs may be incurred.

3.14 When a *commercial transcription order* is superseded by another party who has placed the same order on a shorter delivery timeframe, DJAG will convert the superseded order into a *regulated-fee order*, to be supplied following the same delivery time and date requested. In this instance a customer will be refunded by a TSP and a separate request to pay will be supplied to the customer by DJAG.

Regulated-fee order

3.15 When a customer for a *regulated-fee order* wishes to change their order, they must cancel their unwanted order and make a new application.

Cancellation of an order

Commercial transcription order

3.16 For *commercial transcription orders*, customers should cancel their order by contacting the relevant TSP who is progressing the order, via their customer service contact details (These details are supplied to you when you confirm your order). The reason a customer should contact the TSP directly is to avoid any delay to cancellation. TSPs retain a portion of the deposit to cover transcription costs incurred to the point cancellation is received, so it is important for a customer to contact the TSP as soon as possible cancelling an order.

3.17 A customer may cancel a *commercial transcription order*, for any reason and at any time prior to the transcript being delivered to their account in QTranscripts and receive a partial refund of the deposit equal to the unspent portion at the time of cancellation. Partial transcripts produced up to this point will be destroyed by the TSP. Once a full transcript has been produced and provided to the customer via the QTranscripts portal, the transaction with the TSP has concluded and the order can no longer be cancelled.

3.18 Where a *commercial transcription order* has been approved for a partial fee-waiver and the customer cancels the order, for the purposes of a possible pro-rata refund of the deposit the customer-pays portion will be expended first by the TSPs when producing the transcript.

3.19 DJAG and the TSPs will relay the cancellation status of an order to each other to avoid any doubt as to order status.

Cost-sharing order

3.20 A customer **cannot** cancel a *cost-sharing order* after all parties to the arrangement have paid their deposit.

3.21 If any party to the cost sharing arrangement cancels prior to all deposits being received, all paid deposits will be refunded.

Regulated-fee order

3.22 For regulated-fee orders, customers should cancel their order with DJAG via QTranscripts (if a customer has not been directed to a TSP for transcription, the order is a *regulated-fee order*).

3.23 A customer may cancel a *regulated-fee order*, for any reason and at any time prior to the transcript being delivered to their account in QTranscripts and receive a full refund of any funds paid. After this time the transaction with DJAG has concluded and the order can no longer be cancelled.

3.24 Where a *commercial transcription order* has been cancelled, and one or more *regulated-fee orders* are waiting for the original transcript to be produced, the pending *regulated-fee orders* are impossible to fulfil as the original transcript will not have been produced. Each customer will be contacted in turn (in order of requested turn-around time) with the option to either change to a *commercial transcription order*, or cancel their order.

Termination of an order

Commercial transcription order

3.25 TSPs **may** terminate a *commercial transcription order* when the customer has failed to take an action, make a deposit, or make a final payment required for the order to proceed, in 30 calendar days, and the order is deemed to have lapsed. Any deposit paid is non-refundable and any incomplete transcription product related to the order will be destroyed.

Cost-sharing order

3.26 TSPs **will** terminate a *cost-sharing order* when one customer has failed to take an action or make a deposit, required for the order to proceed, in 5 business days, and the order is deemed to have lapsed. All paid deposits to this point in time already received will be refunded.

Regulated-fee order

3.27 DJAG **will** terminate a *regulated-fee order* and refund any payment taken, when one of the following applies:

- Ineligible – the customer is not entitled to receive the transcript for whatever reason, including that they have requested a transcript for a matter that cannot be provided to them by law².
- Impossible – for whatever reason, DJAG and/or the TSPs are not able to provide a transcript as ordered, including where the court record required the transcript is unavailable.
- Inaction – the customer has failed to take an action or make a deposit/payment required for the order to proceed, in 30 calendar days, and the order is deemed to have lapsed.

4. Roles and Responsibilities

- Customers are responsible for:
 - Making accurate requests
 - Making payments promptly
 - Communicating changes or cancellations as soon as possible
 - Negotiating a cost-sharing arrangement prior to placing an order (if relevant)
- RTS are responsible for:
 - Ensuring eligibility for transcripts
 - On-forwarding customers to TSPs for the creation of transcripts not in the possession of DJAG
 - Communication with clients via QTranscripts
 - Communicating cancellations with TSPs
 - Communicating with customers on cancelled regulated-fee orders
 - Ensuring delivery of transcripts in the possession of DJAG to the customer
 - Refunding the balance of deposits for *regulated fee orders*
- TSPs are responsible for:

² RTS are responsible for managing eligibility requirements for transcript requests, including compliance with section 5B(2) *Recording of Evidence Act 1962* (Qld).

- Transcription of orders on request by customers upon receipt of a deposit
- Managing payments for *commercial transcription orders*, including for *cost-sharing orders*
- Determining retained costs for cancelled transcripts
- Communicating cancellations with RTS
- Communicating with clients about cancelled *commercial transcription orders*

5. Glossary

Term	Definition
Cancellation	A customer request that a transcript is no longer provided. This may occur at anytime prior to delivery of a transcript through QTranscripts. Fees may be payable on cancellation.
Commercial transcription order	A transcript order from a customer to a TSP for a transcript that has not been previously acquired by DJAG, charged at the commercial rate determined by the TSP outlined in the Master Services Agreement.
Cost-sharing order	A <i>commercial transcription order</i> placed jointly by 2 or more customers under an arrangement pursuant to section 4A of the <i>Recording of Evidence Amendment Regulation 2023</i> (Qld).
QTranscripts	The service portal for lodging and tracking transcription services.
Recording and Transcription Services (RTS)	A unit within the Department of Justice and Attorney-General responsible for organisation and oversight of transcription services.
Regulated-fee order	A transcript order from a customer to DJAG for a copy of transcript or audio record that is in DJAG's possession, charged at the fee set out in the Schedule to the <i>Recording of Evidence Regulation 2018</i> (Qld).
Transcription Service Provider (TSP)	Service providers contracted by DJAG to facilitate Transcription Services relating to Queensland Court matters. The two providers are VIQ Solutions Australia Pty Ltd and Epiq Australia Pty Ltd.
Trade account	An account organised with a TSP for high volume requestors, where payment is organised at regular intervals for multiple transactions

Termination	An order is cancelled by DJAG or a TSP either due to inaction by a customer, a customer being ineligible for a transcript or an inability to provide the order requested.
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Review/Approval

Process	Position	Date
Drafting	Project Manager, Service Integration R&T	21/12/2022
Approval	Executive Director, Reform and Support Services	03/03/2023

This Policy will be reviewed every two years after publication.

Appendix A – Deposit, Refund, Cancellation summary table

Order type	Deposit	Refund	Cancellation
Commercial transcription order	Deposit required for work to start.	Partial refund available once transcription commences	Cancel any time prior to transcript completed. Full cost must be paid before transcript is delivered
Cost-sharing order	Deposits required from all parties for work to start	Full refund available where one party has not paid a deposit	Cannot cancel an order once all parties have paid the deposit
Regulated-fee order	No deposit needed except for advance orders (24-hour orders)	Full refund available prior to transcript being delivered	Cancel any time prior to transcript delivered