

Recording and Transcription Services

Recording and Transcription Services 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

All recording and transcription services of the Queensland courts and tribunals are regulated under the *Recording of Evidence Act 1962* (the Act) and the *Recording of Evidence Regulation 2018* (the Regulation). Other legislation also includes provisions related to audio recording and transcription services.

Court and tribunals (inclusive of Court Services Queensland (CSQ))

- manage and deliver services to audio record, monitor, annotate and transcribe legal proceedings; and
- ensure the audio recordings and transcriptions are generated as per the Act and available to court users.

The Queensland Courts and Tribunals are committed to respecting, protecting, and promoting human rights. Staff have 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 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, staff will consider which rights are relevant, what is the impact, and whether the act or decision being made is reasonable and justified.

2. Purpose

To guide staff to

- apply the laws, regulations, controls, and the principles relevant to supply and delivery of audio recording and transcription services; and
- to make clear, consistent, reasoned, and informed decisions.

3. Scope

This policy applies to CSQ staff and related registry staff (including the Queensland Civil and Administrative Tribunal (QCAT) and the Queensland Industrial Relations Commission (QIRC)) who undertake activities related to audio recording and transcription services.

Any person has a right to request a copy of a record of a legal proceeding by using the online QTranscripts form or the offline form. Upon receipt of a request, the relevant team (Recording and Transcription Services (RTS) staff or QCAT staff) must assess:

- a record's availability;
- payment options including valid eligibility for a fee exemption or a fee waiver; and
- identify court restrictions, content restrictions, revision or redaction requirements that may apply to a record to ensure records and transcripts are released to requestors in line with legislative guidelines (including the *Human Rights Act 2019*), Judicial Practice Directions, relevant Orders of the Court, CSQ or other approved policies, procedures and business practices and contractual arrangements with external service providers.
- obtain assistance from other staff where required.

External Transcription Service Providers (TSPs) charge requestors commercial rates to produce a new transcript. Existing audio recordings and transcripts are sold by the Department of Justice and Attorney-General (DJAG) per scheduled fees within the Regulation.

Staff deliver recording and transcription services via: -

- the QTranscripts online ordering portal and workflow management system to receive, process and distribute product requests; and
- the audio recording platform (in conjunction with TSPs also undertaking court recording tasks)

to ensure records of Queensland Court and Tribunal proceedings are generated per the Act.

4. Principles

When applying these principles, the CSQ and related registry staff (including QCAT and QIRC) help to meet and deliver services by providing Courts, Tribunals, and court users with timely, efficient, quality, and affordable access to justice.

4.1 General Principles to provide audio recording and transcription services

The general principles to apply to actions and decisions to provide audio and transcription services are:

4.1.1 Efficient, effective, and accountable

Recording and transcription services are provided under the *Recording of Evidence Act 1962* for all Queensland Court and Tribunal users to have lawful access to records of legal proceedings.

4.1.2 Quality services, delivered with courtesy and respect

CSQ provides quality services to respond to requestors in a respectful, timely and helpful way.

Services include a range of transcript and hearing types for various stakeholders, and all will be handled with professionalism. Services to the judiciary and other jurisdictions will be conducted to the same exacting standards.

CSQ strives, through their recording and transcription services to provide fair and just outcomes for Court users.

4.1.3 Use digital technologies to enhance service delivery

The recording and transcription services model will use a range of digital services and software. Primarily, QTranscripts enables clients to request audio recordings or transcripts or to order a new transcript and CSQ to determine eligibility, transact and to distribute records. Other digital technologies enable and support this service delivery.

4.1.4 Fairness in regulatory fees, user charges and fee waivers and exemptions

The regulatory fees balance the principles of fairness and equity to best promote access to justice, recover linked costs and provide a direct benefit to the fee payer.

Notwithstanding approved exemptions and waivers, those who benefit from obtaining an audio or transcript record and who can pay for it, should do so.

To ensure access to justice, a party to a legal proceeding may apply for a waiver of all or part of the transcript fees on the grounds of financial hardship. A fee is not payable if the person is fee exempt as a victim of a personal offence in a criminal matter or waived for other reasons under the Regulation.

Audio recording and transcript costs may be exempt under law to ensure fees are no barrier to access court services and decisions by independent Courts and Tribunals.

4.1.5 Security and governance

Mechanisms shall be in place to ensure user access, roles and associated functionality are managed and reviewed.

Information security and governance are an underpinning principle of the systems and processes.

Restricted matters are dealt with in line with relevant protocols and legislative requirements.

4.1.6 Competition to produce new transcripts

TSPs compete for external court user custom by producing new transcripts that meet quality, timeliness and value for money aims. For any DJAG requests, QTranscripts assigns to a transcription service provider an unallocated request for a new transcript via an automated process.

4.1.7 Performance audits and continuous service improvements

QTranscripts and other systems collect the data needed to monitor and measure the effectiveness and efficiency of service delivery and to resolve gaps in performance.

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. Recording, Monitoring and Annotating of Legal Proceedings

CSQ and related registry staff, RTS and TSPs share the responsibility to provide audio recording, monitoring, and annotating of legal proceedings for court and tribunal jurisdictions. Ensure a record of Queensland Court and Tribunals is generated per the Act. **Table 1** details the court and tribunal jurisdictions and their responsibility to provide recording, monitoring, and annotations services.

Table 1. Queensland courts and tribunals and performance of monitoring services

Jurisdiction	Responsible for recording, monitoring, and annotation services
Supreme Court (including Court of Appeal and Mental Health Court)	Associates/TSP
District Court	Associates/TSP
Planning and Environment Court	Associates/TSP
Childrens Court of Queensland	TSP
Land Court (including Land Appeal Court)	CSQ and Registry/TSP
Magistrates Court (including Childrens Court and Coroners Court of Queensland, DFV, Murri, Drug and Alcohol Court – Specialist Courts)	CSQ and Registry
Queensland Civil and Administrative Tribunal	QCAT
Queensland Industrial Relations Commission (including Industrial Court)	QIRC Associates
Portable or ultraportable recording devices	CSQ and Registry/Associates

7. Performance standards

Achieving value for money for recording and transcription services means securing the best return and performance for the money invested. Key Performance Indicators (KPIs) regarding timeliness and quality of service delivery and relevant KPI abatement provisions within service contracts are in place to ensure compliance with agreed performance deliverables, measure quality and to drive better performance.

Performance of recording and transcription service outputs comprise of these elements:

- **Quantity** – the desired number of audio recordings or transcripts to be produced from the requests made on QTranscripts, online or offline.
- **Timeliness** – when the service is to be provided as requested by the court user, or otherwise made available as intended by the transcription service provider at contractually applied commercial rates or through QTranscripts when it is not the demand-driven service.
- **Cost** – the expected cost, as described in the *Transcript Fees Policy*.
- **Quality** – the fitness for purpose of recording and transcription services for legal proceedings including accuracy, compliance with restrictions and high-quality standards.

8. Glossary and Abbreviations

For the purpose of this policy a Glossary document is available.

9. Policy Context

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Legislation	<p>Including but not limited to:</p> <ul style="list-style-type: none"> • <i>Evidence Act 1977</i> • <i>Human Rights Act 2019</i> • <i>Justices Act 1886</i> • <i>Justices Regulation 2014</i> • <i>Recording of Evidence Act 1962</i> • <i>Recording of Evidence Regulation 2018</i> • <i>Penalties and Sentences Act 1992</i> • <i>Crimes Act 1914 (Commonwealth)</i> • <i>Criminal Code Act 1995 (Commonwealth)</i> • <i>Criminal Code Act 1899</i> • <i>Mental Health Act 2016</i> • <i>Coroners Act 2003</i> • <i>Queensland Civil and Administrative Tribunal Act 2009</i> • <i>Industrial Relations Act 2016</i> • <i>Child Protection Act 1999</i> • <i>Youth Justice Act 1992</i> • <i>Youth Justice Regulation 2016</i> • <i>Criminal Law (Sexual Offences) Act 1978</i> • <i>Domestic and Family Violence Protection Act 2012</i> • <i>Copyright Act 1968</i> • <i>Information Privacy Act 2009</i> • <i>Public Records Act 2002</i> • <i>Uniform Civil Procedure Rules 1999</i>
Related policies and guidelines	<ul style="list-style-type: none"> • Ceremonial Listings and Transcript Requests Procedure • Cost Sharing Procedure • Fee Charging and Fee Waiver Procedure • Fee Waiver Policy • Listings Protocol Procedure • Processing a Transcript Request Procedure • Recording and Transcription Complaints Procedure • Recording in a Court and Tribunal Procedure • Revision of Transcript Procedure • Transcript and Fee Waiver Policy

10. Human Rights Act 2019 Obligations

10.1 Court Services Queensland (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.

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

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