

18 August 2020

Our ref: LP:MC

Hon Yvette D'Ath MP
Attorney-General and Minister for Justice
1 William Street
BRISBANE QLD 4000

By email: [REDACTED]

Copy to: [REDACTED] and [REDACTED]

Dear Attorney

Recording and transcription services in the State Courts

I am writing to you about ongoing issues our members are facing in respect of obtaining court transcripts from the current service provider, Auscript. The Society has received a number of complaints from members, particularly with regard to transcripts not being delivered on time.

Auscript, as part of its services, charges (up front) a premium fee for "same day" transcripts or for turnaround times of one day. Members have expressed frustration from regular instances where, after paying these additional fees for an expedited transcript, they have not received the requested transcript until days, or weeks after the agreed upon time.

This issue also arises in cases where non-urgent transcripts are requested.

The fees charged by Auscript for provision of transcripts are significant and there is an expectation that stipulated timeframes will generally be met. Particularly, I would like to share the experience of one member who advised paying an upfront fee of nearly \$25,000 for "same day" transcripts for a trial. During the course of the hearing, the member consistently received the transcripts late, despite many calls and emails to Auscript about the delays.

This experience is not unique.

This issue not only adds to the costs incurred by parties to a proceeding, but critically, creates issues for how proceedings are prepared for and conducted. If a party requests a "same day" or "next day" transcript, the transcript is likely to be required for use in the hearing including to assist in examining witnesses and making submissions. The parties and the court are at a disadvantage if they have relied on a transcript being available and it is not provided. In this regard, we understand that there is little, if any, timely provision of status updates to members. Accordingly they are unaware of delays, and anticipated delivery times, until around or after the expected time.

We understand that Auscript has, for a considerable time, been attributing delays to shortages of staff as a consequence of downsizing decisions made relating to COVID-19. Given its

position as the sole provider, our members do not believe this is acceptable – particularly at this point in time. In any event, if there are operational reasons that limit Auscript's ability to meet urgent turnaround times, those matters should be transparently communicated at the point they are ordering. The failure to do this means our members are unable to consider alternative, albeit not ideal, options (such as relying on someone to take almost verbatim notes).

We understand the Courts have been undertaking a Recording and Transcription Project and our members have been able to provide feedback on the service provided by Auscript during this process. We appreciate the time and effort of the parties involved in the Project and look forward to improved service going forward. The Society also understands the strain that has been placed on our justice system during these unprecedented times.

However, unless promptly addressed, the delays and other service issues will continue to cause issues for members and other parties for the remainder of Auscript's contract with the Department and possibly into the future.

Accordingly, we would be pleased if these service issues could be addressed with Auscript now and separate to the project being undertaken by the courts. We would be happy to provide further details and information as required.

We are raising these issues directly with Auscript and will provide a copy of our correspondence on this issue to the Courts.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy team via policy@qls.com.au or by phone on (07) 3842 5930.

Yours faithfully



Elizabeth Shearer
Deputy President