

Your Ref: Research Director

Our Ref: 21000337/15

30 November 2012

Research Director
Legal Affairs and Community Safety Committee
Parliament House
George Street
BRISBANE QLD 4000

Dear Research Director

**CLASSIFICATION OF COMPUTER GAMES AND IMAGES AND OTHER LEGISLATION
AMENDMENT BILL 2012**

Thank you for inviting the Queensland Law Society to provide confidential feedback on the *Classification of Computer Games and Images and Other Legislation Amendment Bill 2012* (the Bill).

Please note that in the time available to the Society and the commitments of our committee members, it is not suggested that this submission represents an exhaustive review of the Bill. It is therefore possible that there are issues relating to unintended drafting consequences or fundamental legislative principles which we have not identified.

We make the following comments for your consideration.

Recording of Evidence Act 1962

1. Clause 5A

Clause 5A of the Bill proposes that the chief executive or an employee of the Department of Justice and Attorney-General may enter into an arrangement with a person for the provision of recording or transcribing services. This public service was previously filled by the now disbanded State Reporting Bureau. The principal functions of this body were to type transcripts of committal hearings in the Magistrates Court where cross examination is permitted and transcripts of legal proceedings in the District and Supreme Courts. The trial transcripts produced by the State Reporting Bureau in the District and Supreme Courts were produced daily and were a vital resource for the prosecution, defence and judge.

The Bill proposes to amend the *Recording of Evidence Act 1962* to enable the outsourcing of the recording and transcribing of legal proceedings in Queensland. The Queensland Law Society has previously expressed its concern regarding the government's decision to outsource the production of recordings and transcripts of court proceedings to the private sector. We have highlighted that depending on the nature of the service agreement with the private entity, there were risks having a private company managing and controlling controversial or sensitive material.

We have noted our specific concern about how transcripts of closed, confidential proceedings, such as criminal organisation hearings or hearings regarding electronic surveillance warrants would be managed. The Society posits that courts and the government will not have the same level of assurance of confidentiality or control over transcript management as it did when transcript services were managed by the State Reporting Bureau. Therefore, we seek clarification as to whether there will be the same level of quality control and confidentiality as has always existed. We propose that any outsourcing

agreement needs to contain provisions which serve to assure the court and practitioners alike that the quality of the transcripts will not suffer, and that any complaints will be addressed promptly and appropriately.

From a financial standpoint, we question whether transcript costs will be regulated. In our view, a failure to control transcript costs has the potential to result in inappropriate cost increases which would be passed on to clients. This in turn might negatively impact the ability of Queenslanders to access justice. In our view, an unregulated private enterprise which provides a vital public service for anyone involved in court proceedings and for which there is no competition, should be the subject of price control measures. We also propose that court transcripts that are currently available for free should continue to be made available on a no cost basis.

Yours faithfully



Annette Bradfield
Deputy President