

**ATTACHMENT C**

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**REAL TIME RECORDING AND TRANSCRIPTION REQUIREMENTS**

**FEDERAL COURT OF AUSTRALIA ONLY**

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## **1 OVERVIEW OF SERVICES REQUIRED**

### **1.1.1 Executive Summary**

While Real Time Recording and Transcription represents only a portion of the overall provision of Services that the FCA requires, it is a significant service that the Service Provider will need to provide to the Court and Litigants. As such, these Services may be provided by the Service Provider itself, or with the Customer's written approval, the Service Provider may engage a sub-contractor to provide these Real Time Services.

### **1.1.2 There are four key objectives to be met through the management of Real Time Transcript Services by the Service Provider:**

- (a) That use is made of existing AV Infrastructure and other Equipment that is relevant to Court Room Proceedings.
- (b) That the final Transcript, which is produced daily for the Court and Litigants, meets the Customer's Transcript Style Guide as shown at Attachment B to the Statement of Requirements.
- (c) That the electronic Transcript is stored and retained in accordance with section 5 of the Statement of Requirements, or elsewhere as relevant.
- (d) That a Recording of Proceedings is made and stored and retained by the Service Provider in accordance with sections 1 and 5 of the Statement of Requirements, or elsewhere as relevant.

### **1.1.3 Generally, the Customer will require the Service Provider to provide the Real Time Services to achieve the following:**

- (a) The provision of Real Time Recording and Transcription Services to the Customer and Litigants in the Court Room and through remote mechanisms, such as a web-service.
- (b) The provision of the final version of the Transcript in accordance with the Customer's Transcript Style Guide.
- (c) Use of existing AV Infrastructure and Equipment, where relevant.
- (d) Technology support for the duration of each Real Time Proceeding to ensure the AV Infrastructure works as a whole.
- (e) The making of a Recording of Proceedings and storage of the Recording and Transcript in accordance with the Statement of Requirements.
- (f) Support for the Judge and associate in the use of the Transcript Analysis Application, as chosen and supplied by the Service Provider, and agreed to its use by the FCA.
- (g) Provision of training for the Judge and associate and others in the use of the Transcript Analysis Application.
- (h) Provision of other Services, as identified in the Statement of Requirements.

## **1.2 Where Services are to be Provided**

### **1.2.1 The Services are to be provided at all Court Locations where required.**

## **1.3 To Whom Services are to be Provided**

### **1.3.1 Services are to be provided for the Court and Litigants in Proceedings conducted in FCA Court Rooms, including other jurisdictions using Federal Court Court Rooms and at external locations, if required.**

### **1.3.2 Note: For the Court Room's setup, liaison is to be made with the Local Registry where the Proceeding is being heard and the Services are to be delivered.**

### **1.3.3 Other Commonwealth Law Courts and Tribunals who may become a signatory to the co-operative procurement arrangements as provided for in the Contract.**

## **1.4 Cost of Real Time Services**

- 1.4.1 The following costs associated with the provision of Real Time Recording and Transcript Services are to be met by the Service Provider:
- (a) The training for the Judge and associate in the use of the Transcript Analysis Application, and any subsequent cost for support to the Judge and associate in the use of the Transcript Analysis Application for the duration of the Proceeding.
  - (b) The setting up and supporting the Judge and associate in the use of Transcript Analysis Application for the duration of the Proceeding.

## **2 RECORDING REAL TIME SERVICES – RESPONSIBILITIES OF THE COURT AND SERVICE PROVIDER**

### **2.1 Responsibilities**

The provision of Real Time Transcript Services to the Customer and Litigants involves responsibilities for the Customer and the Service Provider.

### **2.2 Responsibilities of the Customer**

The Customer will:

- (a) Provide the use of all AV Infrastructure as relevant to each Real Time Proceeding.
- (b) Provide accommodation in the Court Room for the Real Time personnel.
- (c) Within the limits of the local Registry's capacity to accommodate the same, the Customer will provide space and accommodation outside of the Court Room for the storage and operation of Real Time Equipment owned by the Service Provider.
- (d) Provide all necessary Equipment to enable the Judge and associate to receive and view the Real Time Transcript in the Court Room.
- (e) Provide a copy of the Transcript Analysis Application to the Judge and associate for use with Real Time Proceedings.

### **2.3 Responsibilities of the Service Provider**

The Service Provider is to manage the provision of Real Time Recording and Transcript Services to the Customer and Litigants. These management Services are to include the following:

#### **2.3.1 *Planning for the Real Time Proceeding***

- (a) Establishing the specific requirements of the Litigants for each Real Time Proceeding.
- (b) Establishing the specific requirements of the Judge and their staff for each Real Time Proceeding.
- (c) Service Provider to liaise with the Customer and Litigants in relation to the planning of each Real Time Proceeding.

#### **2.3.2 *Services for the Judge and associate***

- (a) Provision of the Real Time Transcript in the Court Room to the Judge and associate.
- (b) Provision of Transcript in a format which meets the Customer's Transcript Style Guide specifications using the Transcript Analysis Application.
- (c) Provision of assistance with the setting up of specific software to be used by the Judge and associate for the duration of each Proceeding.

- (d) Provision of all training necessary for the Judge and the Judge's staff in the use of the Transcript Analysis Application to ensure that the Judge and their staff are confident with the operation and functionality of the Real Time Services in the Court Room.

### 2.3.3 *Services for the Litigants*

- (a) Provision of the Real Time Recording and Transcript in the Court Room to the Litigants.
- (b) Transmission of the Real Time Transcript to external locations outside the Court Room, for example via a web-service.
- (c) Provide assistance as required to set up the Litigants for each Real Time Proceeding.

### 2.3.4 *Court Room Technology*

- (a) Making available for use all Service Provider Equipment located in the Court Rooms. All technology provided by the Service Provider is to remain under the control of the Service Provider, and is to be set up and operated by the Service Provider's personnel.
- (b) Use of the Court's existing AV Infrastructure (existing at the time of each Real Time Proceeding) so as to:
  - Ensure that sound reinforcement is used in the Court Room.
  - Comply with Work Health & Safety (WHS) obligations.
- (c) Provide any additional Equipment required for the delivery of Real Time Transcript in the Court Room, including additional display screens for the Litigants.
- (d) Provide all necessary Equipment for the delivery of Real Time Transcript to the display screens in the Court Room. The temporary installation of cabling must meet the Customer's WHS and all other Requirements under the Contract.
- (e) Integration of all existing AV Infrastructure with the provision of Real Time Services.
- (f) Technical support for the duration of each Real Time Proceeding.
- (g) Ensuring that Real Time Transcript and all associated Services are operational, not less than 24 hours prior to the scheduled commencement time for each Real Time Proceeding, subject to any variation agreed to by the presiding Judge; and
- (h) To provide the Court with a completed "Test Schedule", 24 hours before the Proceeding's commencement.

### 2.3.5 *Audio Recording*

- (a) Making a Recording of the Proceedings.
- (b) Storage of the Recordings and the final version of the Transcript in accordance with the Statement of Requirements.

### 2.3.6 *Transcript*

- (a) Production of the final version of Transcript in accordance with the Customer's Transcript Style Guide, based on the edited Real Time Transcript.

- (b) Delivery of the Court Transcript twice daily to the Customer and to the Litigants in accordance with the time frame applicable to Real Time Transcript Services, as specified in clause 3.3 below.

### 2.3.7 Other

- (a) For Real Time Services provided to the Court and Litigants, it is expected that the Service Provider will:
  - Provide Transcribers and Monitors that are qualified and skilled in the provision of Real Time Services.
  - Provide the Real Time technology and Equipment, as follows:
    - Stenographic Equipment
    - CAT software for producing the Real Time feed to PCs in the Court Room. This software must be such that it can produce a generic feed for use by any Real Time software products
  - Produce the Real Time Transcript in the Court Room
- (b) When required, work with any Contractor engaged by the Customer and/or Litigants for the provision of a “digital hearing”, involving use of such elements as a digital court book, a digital database and digital display or presentation tools etc.

## 2.4 Roles – the Litigants (or those acting on their behalf)

- 2.4.1 Under the arrangements, it is expected that either the Litigants or their legal representatives, will provide the following:
  - (a) PCs for receiving and viewing the Real Time Transcript in the Court Room, or elsewhere as relevant.
  - (b) Relevant Real Time software that will interface with the Court’s Transcription Analysis Application.

## 2.5 Phases of a Real Time Proceeding

The Service Provider is to design and provide Services to facilitate the completion of the following phases of a Real Time Proceeding.

### ***Preparatory Services***

#### ***Phase 1 – Project Planning***

- Planning and preparing for a Real Time Proceeding, including but not limited to, establishing the requirements for the parties, the Judge and associate, and set-up of the Court Room.
- Preparation for the Judge / associate, including but not limited to, Equipment set-up and training in the use of the Transcript Analysis Application for managing the Real Time Transcript.
- Preparation for the Litigants, including but not limited to, arranging Equipment and necessary Software, providing training and the preparation of a glossary of names and terms to be used in the Real Time Transcript.
- Setting up the Court Room, including but not limited to, the provision and set-up of specialised Real Time hardware and Software, other Equipment, network connections and carrying out appropriate testing to ensure all components are working with the AV Infrastructure prior to the commencement of the hearing.

### ***Phase 2 – Daily Operation***

- Preparation and Delivery of the final Transcript, in addition to the Real Time Transcript during the day. The final Transcript should be in accordance with the Customer’s Transcript Style Guide.
- Daily Technical Support for the Court Room, including ensuring that all Real Time Software and Equipment and networks are operational, and responding to any technical questions or requests for assistance from users.
- Daily Support for the Court and Litigants, including delivery of the final Transcript on time, identifying and resolving issues, providing ongoing support and service to the Judge, associate and parties.

### ***Phase 3 – Close Down***

- Close Down the Court Room to its usual presentation within two days of the cessation of the Proceeding and subject to sign-off by the local FCA representative that the closedown has been completed to a satisfactory standard.
- Storage of the Recording and electronic Transcript, in accordance with the storage requirements under the Statement of Requirements.

## **3 TRANSCRIPT REQUIREMENTS FOR REAL TIME PROCEEDINGS**

### **3.1 Service Description**

3.1.1 Transcript in a Real Time Proceeding is to be produced as follows:

- (a) in Real Time via display devices in the Court Room;
- (b) Transcript, representing the final, edited version of the Real Time Transcript. This is to be produced twice daily in accordance with the Customer’s Transcript Style Guide, and delivered to the Customer and Litigants in accordance with the time frames set out below
- (c) in other formats, if requested by the Litigants. However, these will not represent the official Court Transcript.

### **3.2 Real Time Transcript in the Court Room and elsewhere as relevant**

3.2.1 The Service Provider is to provide the Real Time Transcript in the Court Room with the output available for display on computer monitors provided to the Court, the Litigants or the Service Provider.

3.2.2 The Service Provider is to provide to the Court and the Litigants a mechanism to view the Real Time Transcript elsewhere as relevant, for example via a web-service.

3.2.3 The Service Provider is to arrange all Real Time technology necessary to provide Real Time Services in the Court Room. This will include:

- (a) stenographic Equipment;
- (b) CAT software;
- (c) any other Real Time specific technology or Equipment.

3.2.4 The Real Time software used by the Service Provider must produce a Real Time Transcript stream in a text format which is capable of being read by all of the major software products used for reading Real Time Transcript.

3.2.5 The Service Provider must ensure that the Real Time technology and Equipment used by the Service Provider is capable of providing a serial feed to the Customer’s IT systems.

### **3.3 Transcript Delivery Time Frames**

3.3.1 The Transcript is to be delivered in electronic form to the Court and the Litigants as follows:

- by not later than 30 minutes following resumption of the hearing following the luncheon adjournment, the Service Provider will provide Transcript for as much as possible of the portion of the Real Time Proceedings that was heard before the luncheon adjournment.
- by two (2) hours following the adjournment to each day's hearing, the Transcript for the portion of the Real Time Proceedings that occurred after luncheon and before each day's adjournment is to be provided.

3.3.2 Resolution of any issues regarding any late delivery of Transcript shall be a Proceeding for consideration between the Litigants and the Service Provider. The Litigants may wish to seek reduced payment for late delivery of Transcript from either the Contractor subject to the reason and responsibility for any late delivery.

### **3.4 Final Version of Each Day's Transcript**

3.4.1 The final version of each day's Real Time Transcript must be produced in MS Word in accordance with the Customer's Transcript Style Guide, which will represent the official Transcript.

3.4.2 At the conclusion of each day's Proceedings, it is expected that the final, edited version of the Real Time Transcript will be produced and formatted into the official version of the Transcript.

3.4.3 The final version of each day's Transcript must be produced using a formatting tool to ensure it meets the Customer's Transcript Style Guide requirements.

### **3.5 Cost of the Official Transcript to the Court**

3.5.1 The Service Provider will provide the official version of the Transcript to the Customer, free of charge, irrespective of whether or not it is ordered by the Litigants. This Transcript is to be provided in electronic form only, via email.

### **3.6 Quality of Transcript**

3.6.1 It is expected that the final, edited official version of the Transcript provided to the Customer and Litigants will achieve 98% accuracy.

3.6.2 The Litigants may seek to negotiate reduced payments with the Service Provider where the level of service in the provision of Transcript does not meet the standards for Real Time Transcript, as described in these Requirements.

## **4 USE OF AV INFRASTRUCTURE**

### **4.1 Service Description**

4.1.1 The Service Provider is required to ensure that existing AV Infrastructure is used, to avoid duplication of technology in the Court Room and ensure that Court Room operations involving the following Court Room operations are not hindered in any way:

- Sound reinforcement (providing amplification of the Court Room audio system, whether owned by the Customer or the Service Provider and covering mixers, microphones and associated Recording Equipment)
- Support for the hearing impaired
- Videoconferencing
- Teleconferencing

## **4.2 Technology to be provided for the Real Time Proceeding**

4.2.1 The Service Provider is to arrange the provision of all additional Real Time technology and Equipment to provide Real Time Services in the Court Room. The cost of additional technology will be borne by the Litigants

4.2.2 The Service Provider is to ensure that:

- The additional Real Time technology is suitable for integrating with existing Court Room technology.
- The additional Real Time technology must not interfere with the operation of Hearing Loops or similar technology installed in the Court Room.

## **4.3 Standard of Work**

4.3.1 For each Real Time Proceeding, the Service Provider must ensure the following:

- WH & S requirements are met (e.g. all temporary floor cabling is to be covered and securely fixed to the floor; all loose cabling is to be tied and routed in a manner that it is unlikely to be accidentally dislodged)
- Court Room furniture and finishes are protected from damage
- Any technical work undertaken in a Court Room is performed in accordance with the Court Building Site conditions (e.g. all noisy works to be undertaken outside of court sitting hours)
- At the completion of proceedings, the Court Room is to be returned to its previous condition within two days of cessation of a Proceeding
- The Service Provider is to obtain sign-off by the local Customer Representative that the closedown is completed to a satisfactory standard.

## **4.4 Arrangements for Transmission of the Real Time Transcript from the Court to External Locations**

4.4.1 The Service Provider may make arrangements for the transmission of the Real Time Transcript to external locations outside the Court Room. Such arrangements must conform with the Contract and Statement of Requirements including, but not limited to:

- Access to the Internet from the Court Room, including use of wireless technology
- IT security

4.4.2 The cost of establishing and providing additional external Services for the purpose of delivering Real Time Services shall be a cost to the Litigants.

## **5 PROVISION OF STATISTICAL DATA**

### **5.1 Service Description**

5.1.1 Following the completion of each Real Time Proceeding in which Real Time Services are used, the Service Provider is to provide statistical data to the Court. This data will include the following:

- statistical data on Recording Services (e.g. number of hours of Recording time);
- statistical data on Transcript Services (e.g. the number of folios of Transcript provided);
- any other available statistical or other reasonable data sought by the Court in relation to the Real Time Proceeding in accordance with the terms of the Contract.