

### APPLICATION FOR THE NATIONAL ARCHIVES AWARD FOR DIGITAL EXCELLENCE

#### AWARD CATEGORY: AGENCIES OF 200-1000 STAFF

New digital court files contribute to the economic and social wellbeing of Australians by enhancing access to justice.

The Federal Court interprets and exercises the general law of the Commonwealth of Australia with an original jurisdiction conferred by 150 statutes of the Parliament. It sits in all capital cities and elsewhere in Australia as required. The Court's registry also provides services to the Federal Circuit Court (formerly the Federal Magistrate's Court). Together they receive more than 12,000 filings and action in excess of 125,000 documents each year.

An electronic court file (ECF) is a fully-digital file of all documents filed with or created by the Court. It is used by Judges, registrars and staff. It is the Court's official record of the proceedings and completely replaces the paper court files used previously. Some matters proceed from initial filing to disposition without any documents printed.

The Federal Court is the first Australian court to implement ECFs and is a leader globally in the practice of management and archiving of electronic court documents.

#### BACKGROUND

In 2001 the Federal Court introduced the capability for external parties to electronically file documents using an eLodgment system. In 2005, the Court pioneered making electronic versions of filed documents available to registered parties via a secure website. However, within the Court, these documents were printed and placed on a paper court file, which resulted in high printing, storage, retrieval, handling and courier costs for the Court.

A paper court file could only reside with one person at a time, so multiple paper copies of the same document were created, particularly in Appeals where three Judges usually hear the matter. Paper documents could be misfiled or lost and it was incumbent on the person working with the file to manually record the addition of new documents and every change of location of the file.

The introduction of electronic court files has now created a seamless and effortless flow of electronic documents to the Court, within the Court and to those appropriate parties outside the Court.

#### BENEFITS

ECFs have delivered significant time savings and a more efficient working environment. Registry staff no longer handle large volumes of paper files and documents, freeing up thousands of administrative hours across all registries. Documents become available to the Court within moments as more than 90 per cent of documents lodged via eLodgment are automatically entered into ECFs. Paper documents submitted by litigants are scanned and uploaded via eLodgment kiosks at the registry. Orders made by the Court are electronically stamped instantaneously and made available to external parties through the Federal Law Search website leading to cost savings for litigants.

Additionally Judges and registrars can access ECFs in Court and can view documents on the court file across multiple screens. They have access to a powerful search tool to provide quick access to the right information. They can create working copies of documents and append private notes, assisting in their drafting of judgments and orders. An ECF with its many documents can be 'offlined' to a laptop for transportation to remote locations, as is often required with Native Title hearings.

Documents are encoded in a secure PDF format and all activities within the ECF are recorded, giving confidence that it is a complete, secure and trustworthy source of information. Administratively, the Court is able to see a real time summary of active files across all registries.

ECFs also enable efficiencies in the retention, disposal and storage of documents through the use of metadata. Retention and disposal codes are assigned to documents when they are lodged in a Court matter and to all originating forms and documents. This assists sentencing when a matter is finalised and ready for closure as this metadata remains attached throughout that document's lifecycle, eliminating the need for rekeying.

Finalised cases are managed via the National Records Manager's List site, with Native Title files and those selected for their precedential, historical and social significance sent to the National Archives where they are retained and preserved as part of our nation's memory. Other documents are retained permanently within the Court as part of the Court Record or disposed of after a set period according to their assigned retention code. All documents retained permanently are saved in PDF A1-A file format to ensure long term retrieval and access.

## IMPLEMENTATION AND CONSULTATION

The project was sponsored by the court's CEO and Registrar Warwick Soden and governed by a board of the Court's senior staff. The Chief Justice and Judges of the Court worked closely with the project to ensure that the necessary procedural and practice changes were made and provided advice at key points of the project. The project was implemented using existing Federal Court resources with no additional funding sought. It has been developed using off-the-shelf technology, Microsoft SharePoint, which was customised to suit the Court's requirements. Development also included making SharePoint interoperable with the Court's legacy systems such as the case management database.

Commencing in 2011, the Federal Court engaged in extensive user consultations during the project's design phase to ensure ECFs would improve efficiency without disrupting existing Court workflows. The Court used its successful 'proof of concept' approach to ensure that the technology and requirements met the Court's needs before

development began. The Court's Records Authority was developed with a digital environment in mind so the key requirement of embedding retention codes was made simple. Significant time was also spent defining naming conventions and writing descriptors for documents, leading to greater consistency and accountability across the Court's operations.

ECFs were brought online incrementally state by state from July 2014 until November 2014. During that time 360 people were trained, including Judges and staff, on using ECFs, records management and accurate metadata creation. Externally, more than 1000 members of the legal sector attended 'Working with the Court Electronically' information and training sessions, across all the registries prior to ECFs being introduced.

## IMPACT

More than 4000 electronic court files have now been created containing 30,000 documents. The development of the ECFs is a pivotal step in the implementation of the Federal Court's National Court Framework. Matters can now be heard by skilled and expert Judges, regardless of their geographical location. There is greater uniformity in processes and files can be accessed simultaneously between the Court's different locations. ECFs are streamlining the way in which the court operates thus allowing all court users to focus on resolving differences as quickly, inexpensively and efficiently as possible. This fulfils the Court's legislative purpose to facilitate the just resolution of disputes.

Finally, court records provide an important snapshot of Australia's evolving social and legal history. Successful electronic handling and management ensures their long-term preservation, so future generations can understand the legal questions and concerns of the day and the Court's interaction with, and influence within, the Australian community.