

DIGITALISATION

OF

AUSTRALIAN COURTS

COMPARING **TRADITIONAL** AND **VIRTUAL**
TYPES OF COURT

The physical courtroom is designed to facilitate oral advocacy, and the cultural artefacts that come with it - rising to speak, bowing, etc. The force of tradition is more evident, particularly for criminal matters

Being present in person allows advocates and witnesses to communicate through body language

Resolutions in person at a final hearing - consistent with the principle of open justice

Great opportunity to interact and learn from other lawyers and develop a sense of collegiality

Beneficial for young advocates to gain experience and to establish their network in the legal environment

Emphasis on written submissions

Quick, efficient, less costly alternative that aligns with the purpose of the court under s 56(1) Civil Procedure Act 2005 (NSW)

Less intimidating for less experienced advocates

Resolutions online - facilitates greater access to justice; more convenient for those in remote areas

Cumberland v The Queen [2020] HCA 21 was the first High Court case to be heard entirely electronically

It can level the playing field between advocates in regards to physical features like size and volume of voice