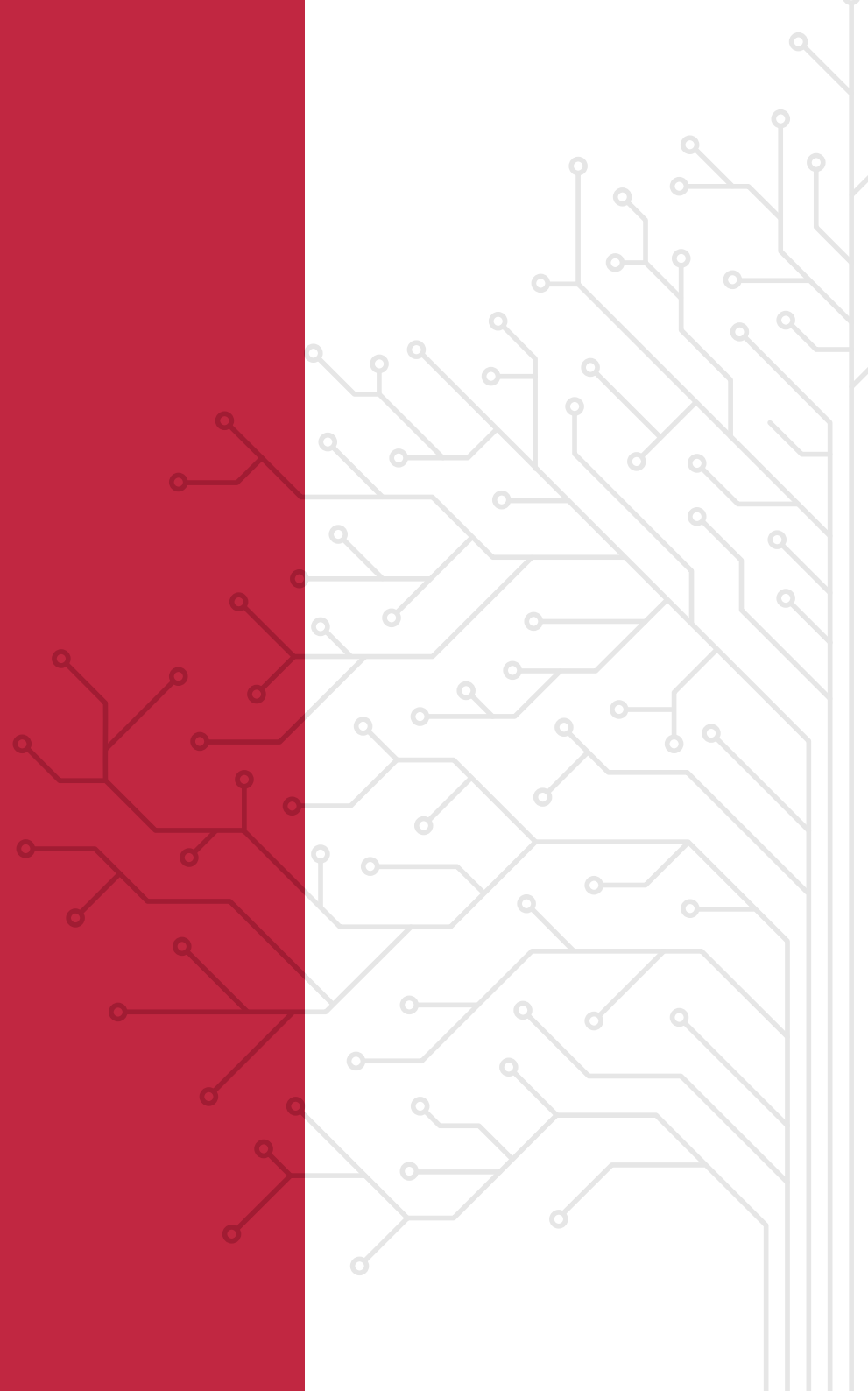




Digital Strategy for Courts and Tribunals

CONSULTATION DRAFT
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The judiciary and the courts

The judiciary is an independent branch of government, responsible for the administration of justice in Aotearoa New Zealand. The core task of the judiciary is to uphold the rule of law.

The rule of law is the ideal that all are equal before the law. For that ideal to be served, court proceedings must be conducted in ways that enable all to fully participate, respecting and responding equitably to ethnicity, culture, disability, lack of means or educational status. Court processes must be capable of delivering just outcomes for all members of our society in a simple, accessible and timely manner.

The use of appropriate digital technology is essential to enable the courts to perform their function of upholding the rule of law, and to enable the judiciary to administer justice for the benefit of all people.

This digital strategy for the courts is being developed by the judiciary to apply to all of the courts of Aotearoa New Zealand: the Supreme Court, Court of Appeal, High Court, District Court, Employment Court, Environment Court, Family Court, Maori Land Court, Youth Court, the Court Martial, and the Coroners' Court. It will also apply in relation to the Disputes Tribunal (which is a branch of the District Court) and the tribunals identified in Appendix 1. All references to the court system in this strategy include those tribunals. Similarly, all references to the judiciary in this strategy include the members of those tribunals.

The purpose of this digital strategy

How can digital technology be used to support the administration of justice by the judiciary as an independent branch of government in Aotearoa New Zealand?

How will technology enable courts and tribunals to do better what they do now?

How will technology enable courts and tribunals to find new ways to administer justice for the benefit of all court users, including people whose justice needs are not currently met?

This digital strategy outlines the judiciary's responses to these questions. It sets out objectives and guiding principles for use of digital technology. It identifies some specific areas of focus for enhanced use of technology in the next five years, and some longer-term aspirations. Its core purpose is to help the judiciary make decisions about use of technology and, in collaboration with the Ministry of Justice, about technology projects and how they should be designed and implemented.

The digital strategy reflects the judiciary's overarching objectives for the operation of our nation's court system, and the judiciary's vision of what that court system will look like over the next decade. Technology will be used as a means to support that vision: it is not an end in itself and will not determine how justice is delivered.

The judiciary's vision for the courts and tribunals of the future is being developed through a number of workstreams including:

- » Te Ao Mārama;
- » Huakina kia Tika | Open Justice Committee;
- » The Access to Justice Advisory Group;
- » The Rules Committee's work on simplifying civil procedure;
- » The Courthouse Design Committee's work on innovative courthouses;
- » The work of the Tomo Mai | Inclusive Workplace and Courtrooms Committee on ways to reduce barriers to participation within the courts.

The digital strategy is another strand of this work, focusing on how technology can support and enable the vision being developed through those other workstreams. It will also feed into those workstreams: for example, design of courthouses will need to reflect the growing use of technology in hearings to access relevant information and to facilitate participation.

This digital strategy is intended to be a living document. It is the start of a conversation between the judiciary, the Ministry of Justice and stakeholders – not the “last word” on the topic. It will be kept under review and will evolve over time as work continues on the judiciary's vision for the court system, and on how technology can support that vision.

Judicial responsibility for control and supervision of court technology

The judiciary are responsible for the conduct of the business of the courts and certain tribunals.¹ The judiciary are supported in performing that responsibility by the Ministry of Justice. The judiciary and the Ministry of Justice each contribute to the delivery of justice through the courts/tribunals, and are responsible for working together to develop and maintain a system of justice that is just, fair, accessible, modern, effective and efficient, and which delivers timely, impartial, and open justice.²

The judiciary's responsibilities in relation to conducting the business of courts and tribunals include the control and supervision of the use of technology for court/tribunal business. The Ministry's responsibilities include the provision, maintenance and operation of that technology.³ The Secretary of Justice is accountable to Parliament for the expenditure of public funds used to administer the courts. The judiciary and the Ministry work together to make decisions about technology for use in the court system, consistent with their respective responsibilities.

In order for the judiciary to perform their responsibilities in relation to technology used in the court system, and court information, the judiciary need to develop and maintain the capacity to participate effectively in decisions concerning such technology. That will require the judiciary, with the support of the Ministry, to:

- » Develop and maintain a strategy for use of digital technology in Aotearoa New Zealand's courts and tribunals;
- » Ensure the judiciary are well-informed about:
 - i. the needs of all court/tribunal users;
 - ii. the extent to which those needs are and are not being met;
 - iii. technology options for meeting users' needs, with a particular focus on how courts and tribunals in other jurisdictions are using technology to support the administration of justice;
- » Be fully engaged from the earliest stage in decisions about the design and implementation of technology for use in courts and tribunals.

1. This important constitutional principle is reflected in legislation including the Senior Courts Act 2016, which provides that the Chief Justice is the head of the New Zealand judiciary (s 89) and is head of the Supreme Court and responsible for ensuring the orderly and efficient conduct of the Supreme Court's business (s 90); the President of the Court of Appeal is head of the Court of Appeal and responsible to the Chief Justice for ensuring the orderly and efficient conduct of the Court of Appeal's business (s 91); and the Chief High Court Judge is the head of the High Court and is responsible to the Chief Justice for ensuring the orderly and efficient conduct of the High Court's business (s 92). See also District Court Act 2016, s 24; Employment Relations Act 2000, s 197; Resource Management Act 1991, s 251; Family Court Act 1980, s 6; Te Ture Whenua Maori Act 1993, s 8; Oranga Tamariki Act 1989, s 434; and Coroners Act 2006, s 7.
2. *Principles Observed By Judiciary And Ministry Of Justice In The Administration Of The Courts*, November 2018 at [1.2]-[1.4].
3. At [3.1(g)], [4.2(c)].

Why this strategy matters

The current state of technology in our courts and tribunals

All of New Zealand's courts, and most tribunals, work using paper files. The official court record of every court is kept in paper form.

The use of paper files limits the ability of courts and tribunals to perform their core function of delivering justice to all people in a simple, accessible and timely manner, and to meet the reasonable expectations of court system participants.

People increasingly expect to be able to engage with government online. But their ability to do so with courts and tribunals is very limited. Users can file some documents online, and pay court fees online. However this generally involves preparing paper documents and scanning and submitting them by email, when it would be simpler and faster and cheaper to simply enter the information online. All too often documents are created in paper form, scanned, emailed to the court, then printed out again to be put on paper files.

Increasingly materials such as bundles of evidence or cases on appeal are provided to a court electronically: but they often have to be saved on physical media (eg flash drives) and physically delivered to the court office, because there is no mechanism for online filing of large data files and folders.

People dealing with courts and tribunals are often asked to provide the same information time and again. People cannot check the status of proceedings they are involved in online: they have to visit the relevant court registry, or make a phone call – and for all but the simplest inquiries, they need to get through to the registry that holds the relevant paper file, as that is the only “source of truth”. That can be difficult and time-consuming.

The use of paper files can also mean that a decision-maker does not have access to a complete and up to date set of information. Documents that have been filed may not make it onto the relevant file before a hearing. They may be lost or mis-filed. A judge in one court may not know about, and will not have access to, a relevant paper file in another court – or in another registry of the same court. There are no automated systems for monitoring compliance with time frames, and alerting court staff and parties to failures to provide information required for upcoming hearings. Judges cannot count on the completeness and accuracy of the material before them. Judges using a paper file may not be able to locate information on the file, and can struggle to decipher key information that has been handwritten on the court file by other judges.

The use of paper files also significantly limits flexibility in work allocation. Decision-makers and

court staff in one location cannot pick up work to support other locations that are under pressure, because they do not have access to the physical files needed to carry out that work.

As the recent Covid-19 pandemic has demonstrated, reliance on paper files limits the ability of the courts to operate with the flexibility and resilience that is needed to meet court users' needs, and to ensure that justice can be administered in an effective and timely manner despite events such as pandemics, earthquakes or other natural disasters.

There are significant costs associated with the vast quantities of paper produced by these systems, including the cost of storage space for hundreds of thousands of files, the cost of shipping large numbers of files around the country from where they are stored to where they are needed for hearings, and special strengthening of floors of court buildings to hold the sheer weight of the paper.

Many courts and tribunals also lack appropriate digital tools for carrying out their work and meeting users' justice needs. Digital systems are used by courts and tribunals for various functions including caseflow management, conducting remote hearings, and transcription of hearings. (The systems currently in use are identified in Appendix 2.) But those systems are in many cases at or beyond the end of their working life, and in some cases out of support. They are not accessible to parties and their lawyers. They depend on information provided by parties in hard copy documents being re-entered by court staff, often on multiple occasions. Errors, unsurprisingly, creep

in. Essential digital infrastructure – for example, video technology to enable remote hearings – is not available in all courts and tribunals. And when it is available, it does not always work reliably – so time is lost, or events cannot proceed. Some hearing rooms do not even have monitors for the decision-maker to use to view electronic materials.

Our current paper-based systems and inadequate technology result in a great deal of time being spent trying to ensure that documents and other materials end up in the right place, and in a great deal of churn and wasted time – for example, where hearings cannot proceed because relevant reports have not been received or have not made it onto the file. There is also a real risk of adverse outcomes for court participants and for the community, where decisions are made without access to all relevant information.

Our current systems also create significant barriers to access to justice, and contribute to significant disparities in access to justice. Digital systems used in courts and tribunals in other countries have demonstrated the potential for digital technology to enhance access to justice: by making it simpler, faster and cheaper to bring and defend civil claims; by providing participants with better information about the current status of proceedings; by reducing the need for people to attend in-person hearings, in particular on procedural matters; and by helping to ensure that every hearing that does take place is a meaningful event because the parties and the court have all the information that they need in advance of that hearing.

The current mix of paper and inadequate digital systems also makes it very difficult to collect system-wide information to inform decisions about court administration, and to make informed policy decisions about the structure and operation of the courts or the implications for court processes of proposed law changes.

It is not acceptable for the judicial branch of government to be dependent on paper files and on outdated, inadequate and unsupported hardware and software. The ability of the court system to meet participants' reasonable expectations, and to serve those whose justice needs currently go unmet, depends on modernising that system by adopting fit-for-purpose digital technologies and progressively eliminating reliance on paper files.

There has been a long period of underinvestment in the technology required to support the administration of justice in Aotearoa New Zealand. There is now a pressing need for a more appropriate level of investment in the core infrastructure of our court system, to make up for the current deficit and to maintain and enhance the ability of our courts and tribunals to meet the justice needs of all people in Aotearoa New Zealand.

The funding for a new digital case management system, to be known as Te Au Reka, was approved by the Government in Budget 2022. This is an important first step in the modernisation of technology to support the court system. It needs to be successfully implemented as soon as practicable, and accompanied by the other initiatives described below.

Objectives for use of technology in the court system

The court system should deploy technology to promote the rule of law and to meet the needs of all the different groups of people involved in the court system: people who interact with the court system including parties, victims, witnesses, jurors, lawyers, and others; people who are not currently accessing courts and tribunals because existing processes are too complex, costly, slow or difficult to access; and people within the court system including judges and court staff.

The administration of justice is first and foremost a human process. But that human process can be supported and enhanced by appropriate use of digital technology to:

» **Facilitate and expand access to justice** by:

- reducing complexity, cost and delay;
- reducing barriers to access to the court system, in particular for people with disabilities, people who are neurodiverse, people from different ethnicities and cultures, and people who lack the means to travel to hearings;
- enabling the court system to adopt innovative ways of working to better meet the diverse needs of existing users and of people with unmet justice needs;

» **Support informed and effective participation in the court system** including by:

- enhancing the predictability of timeframes and outcomes of court/tribunal processes;
- enhancing access for parties to information about proceedings;

» **Maintain and enhance public confidence in the court system** by:

- Supporting just, timely and efficient processes and decision-making at all stages of proceedings;
- Supporting open justice and transparency of the court system;

- Creating and maintaining a reliable and enduring digital record that meets the needs of the parties, the court/tribunal, and appellate courts; and that meets the requirements of courts of record;
 - Enhancing understanding, acceptance and durability of outcomes of proceedings;
 - Supporting connection between communities and courts and tribunals;
 - Providing information and education about the court system;
- » **Enhance resilience and sustainability of the court system** in particular by:
- Making it easier to implement changes to legislation and procedural rules;
 - Making it easier to gather and analyse data about the court system, and draw on that analysis to make improvements to the court system and to inform policy development;
 - Enabling courts and tribunals to continue to function in a civil emergency or other disruptive event;
 - Reducing the carbon footprint of the court system.

Principles governing technology in the court system

The judiciary have identified some core principles to guide all decisions about technology used in the court system. These principles are relevant to the overall approach to developing and implementing technology in the court system, and to specific technology initiatives. Every initiative should be assessed against these principles.

The design and implementation of digital technologies for use in the court system must be:

- » Consistent with core values: technology should support the delivery of justice in a manner that promotes the rule of law and respects human dignity and the values that underpin the legal system of Aotearoa New Zealand, including the values reflected in the common law, tikanga Māori and the New Zealand Bill of Rights Act 1990;
- » User-centric: the design of technology must be centred on its users, and based on an accurate understanding of their needs. Users should be involved in design processes, development and testing. Systems should be accessible, intuitive and easy to use; compatible across different courts and tribunals, in particular along appeal pathways; and compatible with digital technologies in widespread use by court participants. They should make it easier for users to participate in the court system, and to do the right thing;
- » Inclusive: the adoption of digital technologies should reduce barriers to access to courts/tribunals, including barriers currently faced by people with disabilities, people using languages other than English, and people with limited means. It must not increase barriers to access for people who are digitally disadvantaged – alternative channels for interacting with the

courts must remain available for people who are not well placed to use digital technologies;

- » Reliable: technology used in the courts must be reliable and resilient, and well supported;
- » Secure: information that is communicated and stored using digital technologies must be appropriately secure. Systems should be designed to manage all relevant data risks including unauthorised access to data; interference with the integrity of data; and loss of data. Systems must enable access to court information to be managed in a way that ensures appropriate protection of privacy and confidentiality interests;
- » Integrated: systems should be appropriately integrated to ensure simplicity, ease of use and efficiency;
- » Flexible and enabling: the technology that supports the courts must be capable of iterative evolution to meet changing needs and to take advantage of new opportunities for innovation and enhanced delivery of justice;
- » Implementable: all technology changes should be accompanied by appropriate organisational and process changes to maximise the benefits from the technology, and by initial training and ongoing high quality and responsive support for users;

- » **Data-driven:** the ability to gather data and report on the operation of the court system should be a core design feature of all systems, to enable accurate information to be obtained on the extent to which the objectives identified above are being met, and to identify opportunities for improvement;
- » Based on off-the-shelf systems and proven solutions, unless there is a compelling reason to do otherwise. In general, our court system should aim to be a fast-follower, and to adopt off the shelf systems and “best of class” solutions that have been deployed successfully in courts and tribunals in other similar jurisdictions. We should maintain a high level of awareness of how courts and tribunals in other jurisdictions are using technology, and learn from their experience. We should be cautious about embarking on attempts to develop our own novel “bespoke” systems, and should do so only for compelling reasons;
- » Consistent with the judiciary’s constitutional responsibility for court information, judicial information and court business. Judicial control and supervision of court information, judicial information and court business should be preserved and enhanced. The separation of court information and judicial information from Ministry information should be enhanced.

Initiatives to implement the strategy

High priority initiatives in the next 5 years

The three highest priority initiatives for the judiciary in the next 5 years address the most acute justice infrastructure needs of New Zealand's courts and tribunals:

- » Digitisation of the court record, court files, and case management system. This project, known as Te Au Reka (formerly Caseflow), is now under way. The judiciary consider that a fully digital document and case management system should be progressively introduced from 2023 onwards and should be in place for all courts and tribunals at the earliest practicable date.
- » Implementation of a single high quality reliable and flexible system for remote hearings using audio-visual technologies. The hardware and software used for AVL need to be reviewed and refreshed to better meet the needs of all users. The judiciary consider that a review needs to be completed by mid-2023, and decisions made and implemented promptly after that. Implementation should be completed by the end of 2024.
- » Ensuring reliable, secure, fit for purpose network infrastructure and hearing room and end-user infrastructure and devices are in place across all courts and tribunals. The judiciary consider this should be completed by the end of 2024. Without appropriate physical infrastructure, none of the technology initiatives identified in this strategy can succeed.

The judiciary consider that Te Au Reka should incorporate the following core capabilities:

- a. Digital record, digital files, and progressive elimination of paper files;
- b. Digital case management and workflow management;
- c. Scheduling of court events, including AVL resources in courts and other facilities;
- d. Online portal for commencing claims in most, and preferably all, civil courts and tribunals;
- e. Online response to civil claims through the portal;
- f. Online mechanisms for making and responding to applications in civil proceedings (eg in relation to timetabling, case management, interim relief)
- g. Online mechanisms for providing documents and evidence relevant to proceedings, including digital bundles of documents and digital bundles of legal materials for hearings;
- h. Online commencement of criminal proceedings;
- i. Online mechanisms for making, and responding to, applications in criminal proceedings (eg in relation to admissibility of evidence, conduct of trial, variation of bail conditions, timeframe for payment of fines);

- j. Facilitating digital communication through the court system portal between parties, and between parties and the court/tribunal, including simplifying the interface between parties and the courts/tribunals;
- k. Party and lawyer online access to case information (events, documents etc);
- l. Automated monitoring of compliance by parties, report writers etc with deadlines and automated reminders/advice of consequences/notifications to parties and the court where deadlines are missed;
- m. Simplified process for preparing materials for appeals (file index to information in digital case management system, and make all documents filed at first instance accessible for the purposes of the appeal, removing the need to duplicate materials from first instance proceeding);
- n. Management of court information throughout its lifecycle from collection and creation through to disposal or transfer to archives;
- o. Enhanced reporting on court and tribunal business to support operational improvements and strategic decision-making, including supporting Heads of Bench in the performance of their statutory responsibilities for the orderly and efficient conduct of court/tribunal business.

The capabilities that will over time be included within the scope of Te Au Reka are shown in Appendix 3.

Other areas of focus within the next five years

Other initiatives that the judiciary consider should be pursued as a matter of priority in the next five years include:

CIVIL PROCEEDINGS

- a. Single portal providing pre-commencement information about processes, timeframes, and possible outcomes to enhance understanding of justice needs and of pathways for resolving civil disputes and other proceedings – text and video materials;
- b. Single portal for commencing and responding to proceedings in all civil courts and tribunals, using plain language questions and logical flows to guide users to the appropriate forum and to the appropriate steps to be taken in that forum;

CRIMINAL PROCEEDINGS

- c. Single portal providing information about processes, timeframes, and possible outcomes to enhance understanding of criminal justice pathways – text and video materials;
- d. Monitoring of key steps in criminal cases such as disclosure to defence and provision of reports, automated reporting to parties and the court of failures to meet applicable deadlines, and ability to seek and approve changes for deadlines online;
- e. Online mechanisms for timely provision of relevant information to victims in criminal proceedings;
- f. Support for key processes in criminal proceedings such as summoning, balloting and empanelling juries (eg online portal for people summoned as jurors; balloting by AVL);
- g. Support for appropriate community involvement in criminal proceedings eg online mechanisms for communication with whānau and with community service providers;
- h. Support for appropriate involvement of relevant agencies in criminal proceedings, including mechanisms for exchanging information between agencies and courts;
- i. Provision of decision-making aids for jurors eg iPads with photobooks, note-taking facility, question trail etc;

ALL TYPES OF PROCEEDING

- j. Enhanced access to relevant information for judiciary and enhanced tools (hardware and software) for working with information, to support high quality and timely decision-making;
- k. Review and refresh court participation technology other than AVL (including screen sharing technology, interactive monitors for witnesses, and other digital evidence technology);
- l. Increase availability of, and support for, distributed justice spaces in libraries, community centres, marae etc;
- m. Enhanced support for users of court system via website, call centre eg ability for a party to call in to obtain information and resolve a wide range of process issues including scheduling of events;
- n. Online asynchronous processes for participation in appropriate classes of proceedings (text, audio, video);
- o. Remote access to real-time interpretation services and (where appropriate) communication assistance;
- p. Support for just, timely and efficient appeal processes and hearings, including appropriate courtroom technology for interactive hearings;

- q. Live streaming of CA and SC hearings and appropriate hearings in other courts and tribunals;
- r. Public access to submissions for appeals to CA and SC and certain other proceedings;
- s. Facilitating enforcement of outcomes of proceedings, including direct communication of outcomes to relevant agencies, and providing guidance and online systems for seeking enforcement of civil judgments;
- t. Management of access to the court record via the single portal, and provision of access via the portal where appropriate.

Key factors in determining priorities among these initiatives should be the extent to which they support the principles set out above, and in particular the extent to which they enhance inclusion and access to justice and provide significant benefits for court system participants.

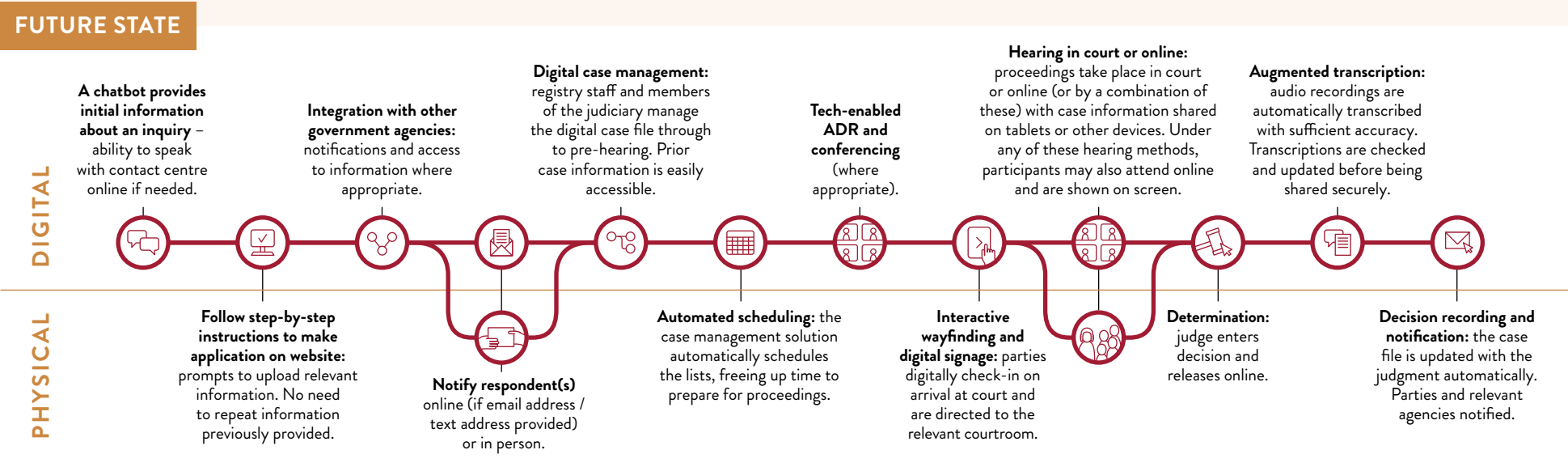
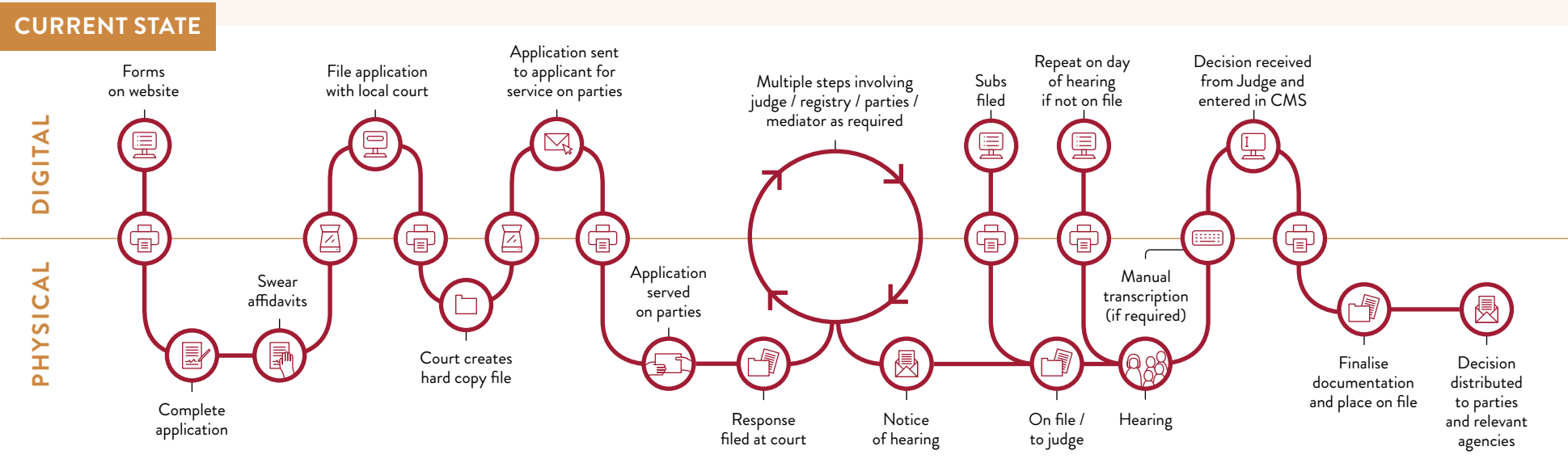
Appendix 4 shows how the initiatives to be pursued over the next five years map to the four high level objectives set out above.

Longer term aspirations

In the longer term, over the next five to ten years, the judiciary consider that the following initiatives should be investigated and, so far as practicable, pursued:

- a. New justice spaces in court buildings to make better use of technology eg simple, flexible justice spaces and separate witness/party spaces;
- b. Improved mechanisms for people in custody to participate in court proceedings, including phones and devices in cells to enable unrestricted communication with lawyers, court etc, and unrestricted access to information relevant to proceedings;
- c. Support for court participants via mobile app, webchat;
- d. Automated speech to text hearing transcription services;
- e. Automated interpretation;
- f. Implementation of technological solutions designed to facilitate participation of disabled and deaf communities in all aspects of the court system;
- g. Facilitation of agreed resolution of disputes pre-commencement and post-commencement, including Online Dispute Resolution (ODR) services and/or links to accredited external services provided via the single portal;
- h. Use of AI tools to provide guidance to parties on potential outcomes;
- i. Use of AI tools to assist parties and decision-makers to identify relevant materials, and organise and analyse those materials (eg by identifying references in large document sets to particular individuals, events or topics, or to identify and arrange materials thematically);
- j. Use of algorithms/AI tools to support determination of simple procedural applications eg applications for extension of time to file submissions/memoranda, applications for routine pre-hearing case management orders.

Illustrative current and future states: a Family Court application



Organisational innovation to enable optimal use of technology

The ability of the courts to meet the justice needs of New Zealanders will be enhanced by adopting digital technologies consistently with the principles set out above. But that will not, by itself, achieve the objectives of this strategy. Technology alone cannot significantly close the justice gap. In order to achieve all of the benefits that new technology offers, and significantly enhance access to justice, courts and tribunals will need to use new technologies to operate in new ways.

At present the widespread use of paper files and ageing technology limit the ability of the courts and tribunals to adopt new and innovative ways of working. But as the courts and tribunals adopt key enabling technologies – in particular, digitising files and workflow management and improving AVL facilities – these constraints will be removed. It will be possible to identify and adopt new ways of working – to put in place some changes that are clearly desirable, and to test others.

For example, when we have a single portal for filing and responding to civil claims we should not

just build “forms behind glass” – automating the creation of existing documents and forms. User-friendly online forms should support a claimant to provide the necessary information to commence a simple proceeding (such as a small money claim, or an application to dissolve a marriage) without the need to produce electronic equivalents of the suite of documents (such as a statement of claim, notice of proceeding, and affidavits) currently required for such a proceeding. Other parties to those simple proceedings should have the opportunity to respond online without generating documents that resemble a current statement of defence, or preparing and filing separate paper affidavits.

Some matters – for example, small civil claims and responses to infringement notices – should be able to be dealt with asynchronously. That is, rather than all participants attending a hearing at a fixed time in a courthouse, the parties would take turns to respond to each other’s communications (with a mix of text, images, audio and/or video); the judicial officer would ask questions; the parties may be supported to agree on a resolution (including through ODR); and (if no agreed resolution is reached) the judicial officer would decide the issue on the basis of the material provided by the parties. People could deal with the proceeding at a time

that is convenient to them, in a place where they are comfortable and have the support they need. They would not need to incur the cost of travel, take time off work, or arrange child care. They would not have to participate in unfamiliar processes in an unfamiliar environment, with limited (or no) support, under time pressure.

The judiciary will actively explore innovative ways to take advantage of digital technology to make it easier – simpler, faster and less expensive – for people to access justice through courts and tribunals. As we reach each new horizon of innovation, we will be able to look out to the next horizon and see more opportunities to make further improvements, while ensuring that nothing important is lost. Flexible technology will enable improvements to be progressively implemented. The judiciary will work with the Ministry of Justice and stakeholders to ensure those opportunities are identified, and achieved.

Policy and law reform implications

There are legal barriers to making effective use of some new technologies and putting in place the operational improvements that these technologies enable.

The adoption of new technologies will need to be accompanied by a review of procedural rules and legislation to identify changes required to achieve the full benefits of digital technologies in the courts and tribunals. For example:

- a. Legal barriers to use of online electronic forms will need to be identified and removed. New regulations under the Electronic Courts and Tribunals Act 2016 are likely to be needed to enable the use of digital “permitted forms”;
- b. It should be possible to verify information online, with that verification having the same effect as an affidavit or statutory declaration, so that simple civil proceedings can be commenced online. It should not be necessary to prepare and swear a separate paper affidavit in order to bring a small money claim, or apply for a dissolution of a marriage or civil union. This is likely to require changes to procedural rules and/or changes to the law relating to affidavits and statutory declarations;
- c. The law relating to remote participation in court hearings, including the Courts (Remote Participation) Act 2010, will need to be reviewed and updated.

The courts’ procedural rules should be amended to provide the flexibility needed to run pilots of new technology and associated operational changes. One option would be to introduce a “sandbox” to test new initiatives of this kind by adding a new “pilot initiatives” rule that provides for protocols to be issued which can modify existing rules for the purposes of a pilot.⁴

The judiciary will work with the Ministry of Justice to identify the policy and law reform implications of new digital technologies and associated operational changes. The Rules Committee will review the courts’ civil procedure rules to facilitate the adoption of new digital technologies.

4. See for example Part 51 of the English Civil Procedure Rules, and Practice Direction 51R providing for a pilot to test a new online claims process called “Online Civil Money Claims”.

Appendix 1

New Zealand Tribunals

The table in this appendix lists New Zealand civil and administrative tribunals supported by the Ministry of Justice or the Ministry for Business, Innovation and Employment.⁵

The tribunals to which this strategy applies will be identified in the final version of this strategy, following consultation with the Principal Members of those tribunals.

Name	Administered by	Established under
Copyright Tribunal	MBIE	Copyright Act 1994
Customs Appeals Authority	MOJ	Customs and Excise Act 2018
Disputes Tribunal	MOJ	Disputes Tribunal Act 1988
Employment Relations Authority	MBIE	Employment Relations Act 2000
Human Rights Review Tribunal	MOJ	Human Rights Act 1993
Immigration and Protection Tribunal	MOJ	Immigration Act 2009
Land Valuation Tribunal	MOJ	Land Valuation Proceedings Act 1948
Legal Aid Review Authority	MOJ	Legal Services Act 2011
Legal Aid Tribunal	MOJ	Legal Services Act 2011
Motor Vehicle Disputes Tribunal	MOJ	Motor Vehicle Sales Act 2003
Social Security Appeal Authority	MOJ	Social Security Act 2018
State Housing Appeals Authority	MBIE	Public and Community Housing Management (Appeals) Regulations 2000
Student Allowance Appeal Authority	MOJ	Education Act 1989
Taxation Review Authority	MOJ	Taxation Review Authorities Act 1994
Tenancy Tribunal	MBIE/MOJ	Residential Tenancies Act 1986
Waitangi Tribunal	MOJ	Treaty of Waitangi Act 1975

5. The list does not include occupational licensing and industry regulation tribunals.

Appendix 2

Current state

COURTS CASE MANAGEMENT SYSTEMS

5 different case management systems to support courts:



1. Case Management System (CMS)
2. Appeals Management System (AMS)
3. Employment Courts Case Management
4. Family Court System
5. Māori Land Information System

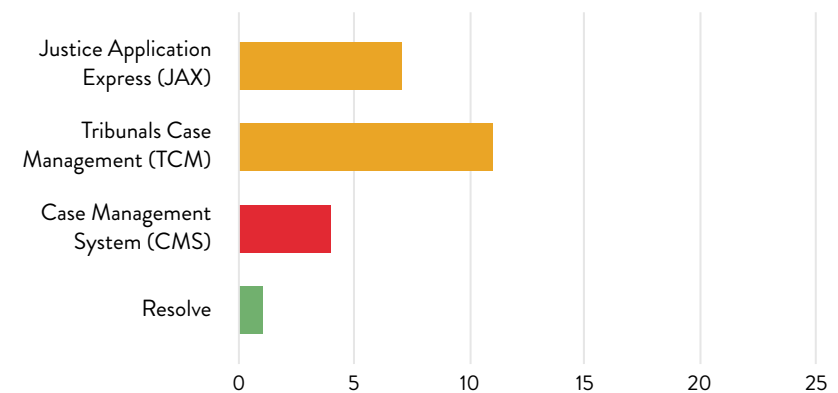
The oldest Case Management System, CMS, is the most widely used, by many of the busiest jurisdictions, and is over 20 years old.

KEY

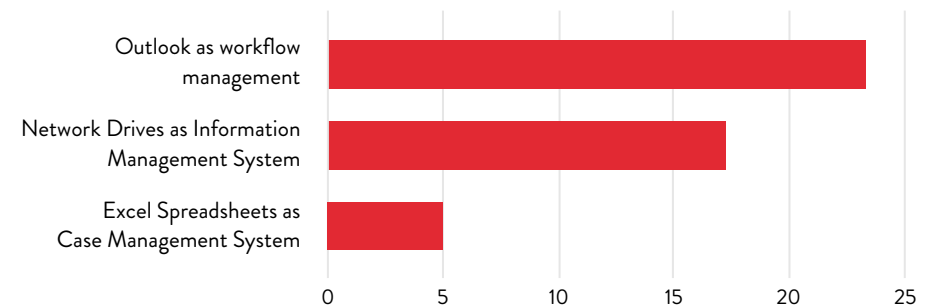
- Unfit for purpose
- Requires improvement
- Fit for purpose

Information informed by the 5-Year Asset Plan and LeanIX as at August 2022. The RAG status is the overall status considering technical and business fit.

TRIBUNALS CASE MANAGEMENT SYSTEMS

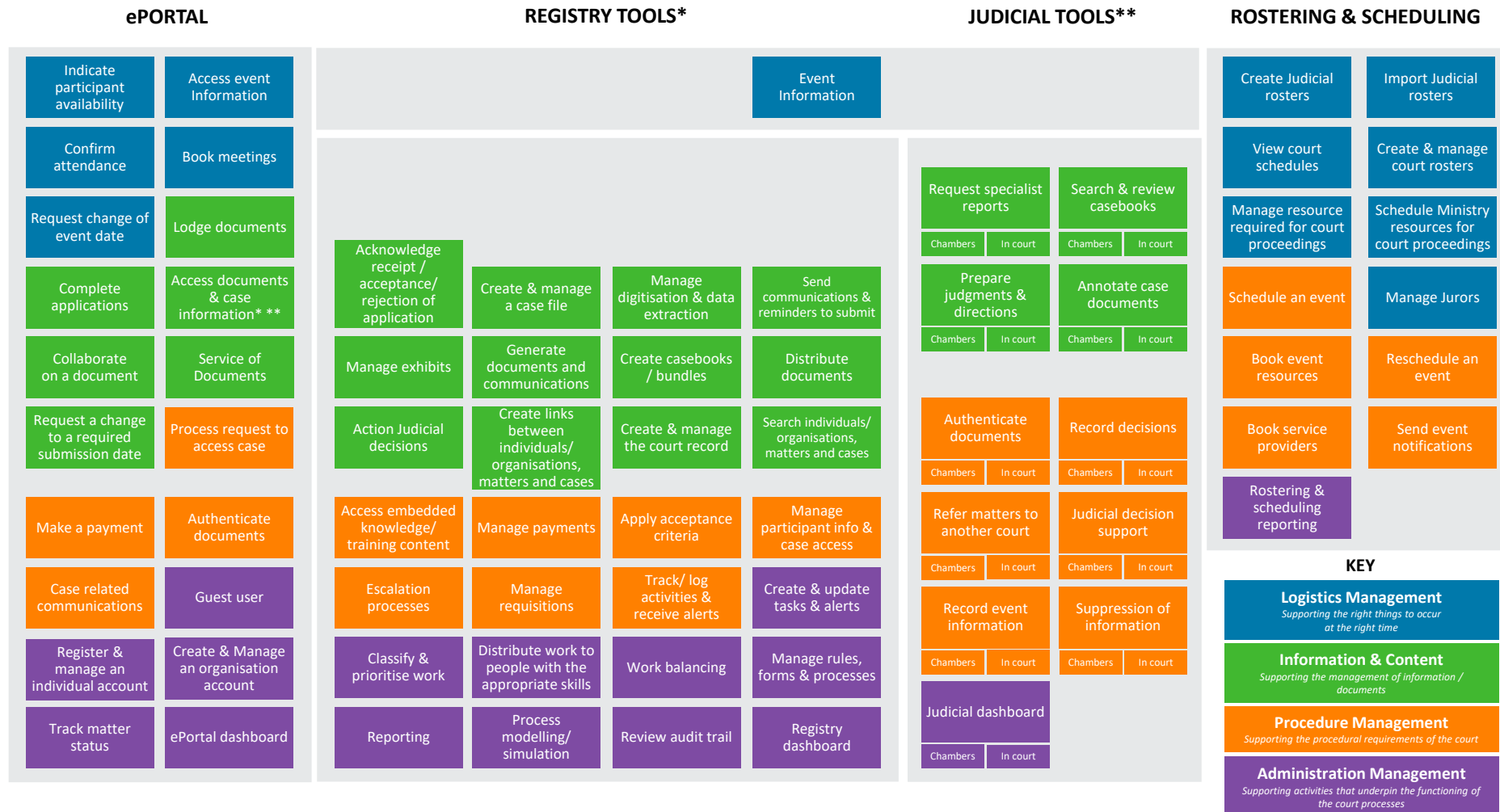


ADDITIONAL SOFTWARE FOR COURTS AND TRIBUNALS



Appendix 3

Te Au Reka capabilities overview



* Includes use by Judicial officers where appropriate

** Includes use by registry staff where appropriate

Appendix 4

Priority initiatives mapped to objectives

Objectives		Facilitate and expand access to justice	Support informed and effective participation	Maintain and enhance public confidence	Enhance resilience and sustainability
PRIORITY INITIATIVES					
	Digitise court record and case management.				
	High quality AVL system for remote hearings.				
	Secure, reliable, and fit for purpose digital infrastructure and devices.				
OTHER HORIZON ONE INITIATIVES – CIVIL					
A	Single portal providing information to enhance understanding of civil justice pathways				
B	Single portal for commencing and responding to civil claims				
OTHER HORIZON ONE INITIATIVES – CRIMINAL					
C	Single portal providing information to enhance understanding of criminal justice pathways				
D	Monitoring and automated reporting for key steps in the process				
E	Online provision of information to victims				
F	Support for key processes in criminal proceedings (eg jury processes)				

Objectives	Facilitate and expand access to justice	Support informed and effective participation	Maintain and enhance public confidence	Enhance resilience and sustainability
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OTHER HORIZON ONE INITIATIVES – CRIMINAL (CONTINUED)

G	Support for community involvement in proceedings			
H	Support for relevant agency involvement in proceedings			
I	Decision-making aids for jurors			

HORIZON ONE INITIATIVES – ALL PROCEEDINGS

J	Enhanced digital and information management tools for judiciary			
K	Refresh court participation technology (other than AVL)			
L	Increased availability of distributed justice spaces			
M	Enhanced support for court users through website and call centre			
N	Online asynchronous procedures			
O	Remote access to real time translation services			
P	Digital support for just, timely, and efficient appeals			
Q	Live streaming of appropriate proceedings			
R	Public access to submissions for appropriate proceedings			
S	Facilitate enforcement of outcomes of proceedings			
T	Managed access to the court record via portal			