

19 September 2025

Our ref: KB:LR

Dr James Popple
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Law Council of Australia
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By email: [REDACTED]

Dear Dr Popple

Federal Court—Review of Digital Practices and Procedures

Thank you for the opportunity to provide feedback for inclusion in the Law Council's submission to the Federal Court of Australia on its digital feedback.

Virtual hearings

The Queensland Law Society (QLS) welcomes the conduct of virtual hearings in appropriate circumstances. There are a number of efficiencies arising from the use of virtual hearings, particularly for administrative appearances, and these have tangible benefits for access to justice. These benefits include where witnesses are able to avoid travelling to court to give evidence where they may live or work a considerable distance from court.

While our members are generally supportive of virtual hearings for administrative or procedural mentions, many prefer to conduct contested hearings (as distinct from mentions etc) in person; however, there is broad consensus the opportunity to hold the hearing virtually or in person is best determined on a case-by-case in consultation with the parties.

We are also aware of difficulties faced in some matters requiring interpreters. It might be useful to consider what further guidance is needed to assist the Court, parties, interpreters, and witnesses in effectively conducting a virtual hearing.

We note different platforms are used by different jurisdictions. It would be useful if there was some consistency for parties in this regard.

We otherwise refer to our correspondence to you earlier this year in relation to your review of the LCA's principles for online hearings (copy **enclosed**).

Live streaming

The Court has previously indicated its desire to live stream hearings and other court events where possible and QLS is supportive of this approach.

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Digital court books

Our members report the introduction of digital court books has been well received in the Federal Court. The process that has been adopted is similar to the way in which the court books are prepared, delivered, and used in the Supreme Court of Queensland, which is of assistance to our members.

We are informed by one of our members of an issue in a recent appeal in the Federal Court where they were required to comply with both the [Technology and the Court PN \(GPN-TECH\)](#) and the [Content of appeal books and preparation for hearing \(APP 2\)](#), which in part conflicted, as well as the particular requirements of the trial judge as to the way in which the appeal book should be organised. We note the [eBooks Practice Note \(GPN-eBOOKS\)](#) also contains preparation requirements for court books, appeal books, and books of authorities.

It would be helpful if there was a single practice note dealing with the preparation of a digital court book in both the original and appellate jurisdictions.

Concurrent expert evidence conducted by virtual hearings

Our members have informed us concurrent expert evidence conducted by way of virtual hearing has worked well and report no issues in this regard.

The uses of artificial intelligence (AI) in litigation, including the potential need for any regulation

We are aware parties (including legal representatives and self-represented parties) are currently using AI system and tools in a variety of ways.

We note the Court's working group is currently considering what guidance and regulation might be appropriate. QLS remains eager to engage with the LCA and Court in respect of this work.

QLS is still formulating its position on many of the issues relating to AI use in court proceedings. We have previously expressed support for a practice note and we have broad support amongst our members for the practice note to not be overly prescriptive, but rather set out the principles court users should adhere to when utilising AI, including professional and ethical obligations.

We also consider AI use (and the use of other tools such as those for eDiscovery) should be restricted or prohibited for "high risk" documents such as those subject to an implied undertaking.

For other documents, including submissions, a practice note could require the party or the party's legal representative to certify the accuracy of the document where AI has been used.

Any other topic relating to digital practice which is of concern.

Electronic making, signing and witnessing of affidavits

While acknowledging the Federal Court has been a leader in the application of technology in proceedings for a considerable time, it is behind other jurisdictions in that it does not presently accommodate the electronic making, signing and witnessing of affidavits. Queensland provisions, under the *Oaths Act 1867*, have been operating successfully for many years, and provide considerable benefits to clients, practitioners and the courts in terms of efficiency and cost-effectiveness. We would welcome consideration of a similar approach in the Federal Courts.

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Filing large documents

On a related issue, the Court's e-filing system will often accommodate the filing of large documents such as affidavits and expert reports.

The file size of an affidavit can be large, particularly when signed in wet ink and scanned. The size of the file can be reduced somewhat if electronic signing and witnessing is permitted.

Where a file is too large, it needs to be filed in parts, which creates further work for the parties and registry. Further, a scanned document may restrict the use of more efficient practices such as hyperlinking to exhibits/annexures.

We would be pleased if the Court could consider permitting a similar process with affidavits as is permitted with ebooks under [eBooks Practice Note \(GPN-eBOOKS\)](#) and the related [Technology resources: GPN-eBOOKS - Technical guide to the provision and filing of eBooks](#). In this regard, the court permits hyperlinked indexes, has technical guidance for ebooks that exceed certain size limits, and has processes to ensure that the version used in court is the fully functional version.

Such an approach would also be welcomed for expert reports.

Retaining the ability to price in person with hard copies of documents

Members have informed us that digital practices are important in allowing some cases to be expeditiously dealt with but also note the ability to have hard copy documents and/or appear in person should be options for those people who remain digitally excluded in our community.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy team via policy@qls.com.au or by phone on [REDACTED] [REDACTED]

Yours faithfully



Genevieve Dee
President