



The Hon Michael Shanahan, AM
Criminal Procedure Review – Magistrates Courts
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Dear Mr Shanahan

Submission in response to the Criminal Procedure Review April 2022 Consultation Paper

Amazon Web Services (AWS) welcomes the opportunity to respond to the Criminal Procedure Review's April 2022 Consultation Paper. This submission addresses in particular questions 8 and 9, which focus on the use of technology in the courts. I apologise for the delay in responding.

AWS is the world's most comprehensive and broadly adopted cloud computing platform. We, together with domestic and international partners, work with government agencies, including courts, to achieve digital and policy objectives such as lowering costs, increasing service agility, enabling equity, and delivering fast and successful innovation.

AWS strongly supports the Review's objectives, which include achieving contemporary and effective criminal procedure laws, more efficient and effective methods for the court to deal with criminal offences, and supporting the increased use of technology and electronic processes.

The consultation paper highlights some examples of how courts in Australia and around the world are using technology to transform ways of working and their interactions with citizens. AWS's customers are realising similar significant benefits from digitising their processes. For example, in the judicial field:

- At the outset of the COVID-19 pandemic, the New Jersey (United States) court system had already adopted virtual courtrooms for criminal justice hearings. As the pandemic struck, it was able to continue servicing the community – and its caseload of 7 million cases per year – through online hearings and through a new online portal – its Judiciary Electronic Document System – which allowed citizens to file documents and pay court fees online. These alternative channels allowed citizens to participate in court processes without having to attend a court physically. It is also using technology to:
 - manage criminal cases from inception to trial, including automatic generation of case dates and faster pre-trial processes that have realised an 89% reduction in the time it takes to process criminal defendants (from three hours to under 20 minutes); and
 - evaluate a range of other services, such as translation services and automated kiosks, to serve citizens and conduct court business.
- The State of Illinois (United States) court system has adopted a range of electronic services since 2016, including:
 - online filing of court documents and online access to court documents for court users at any time, on any device. In addition to expanding access to the courts' processes, providing online access to court documents significantly simplified the courts' case management processes and reduced the need for physical handling, storage and separate security required by paper-based filing processes.
 - a data platform that allows courts to more efficiently aggregate, analyse and share judicial data, providing the court with data-driven insights about how they are operating and the outcomes they are achieving for citizens.

The examples cited in the paper, and in this submission, demonstrate that there are significant benefits for the Court and citizens in shifting away from physical, paper-based processes and procedures. Most importantly, through the adoption of digital services, citizens' access to courts can be expanded. In Queensland, which has a widely dispersed population, making new channels available for citizens to interact with the Court would increase access for some of those who do not currently have the means or ability to physically attend Court places. This has the potential to particularly benefit regional and rural Queenslanders and those experiencing a physical mobility that restricts their ability to attend a court.

In addition to the benefits citizens can experience, there are critical system benefits that will flow from shifting to digital processes, including the ability to create integrated digital pathways sharing information with other justice system agencies, such as Queensland Police Service, Legal Aid Queensland and Queensland Corrective Services. This will reduce manual handling of information and improve service responses across the justice system by reducing the time and effort it takes to share and act upon information, including in situations where speedy responses are critical to citizens' safety and welfare (e.g. responses to domestic and family violence).

Shifting away from paper-based processes will also increase the Court's productivity, improve the security of documents and evidence, reduce the cost of operations, and enable real-time data analytics. Legislative settings that impose technology-specific requirements, e.g. requirements for court users to transact with the courts through a particular channel, such as physical attendance at a court place to file documents, limit the Court's ability to realise technology efficiencies. Therefore, the appropriate starting point for the Review is to recommend the immediate adoption of technology neutral processes and procedures unless there is an otherwise enduring and compelling contrary policy rationale that cannot be addressed through targeted safeguards.

For example, it may be appropriate to set safeguards to ensure that litigants appearing in hearings held outside the traditional physical courtroom mode (such as an online hearing) can effectively participate in a hearing, including by being able to hear and see the hearing and communicate instructions to their legal representative. Retaining pathways for alternative access to the court for citizens who otherwise lack the means or ability to participate in court processes (e.g. for citizens with language barriers or without an internet connection) is also critical. The adoption of generally accepted technology standards, rather than specific technologies, and implementation of digital inclusion and skilling programs to assist citizens to use digital processes when they are implemented, would provide a sustainable basis for the adoption and use of productive technologies.

AWS thanks the Review for the opportunity to have made these comments. In addition to the examples in this submission, AWS is working with customers on digitising court processes, including electronic storage and transcription of proceedings. We would be pleased to connect the Review team with some of these customers to understand their experiences and the benefits they are realising. Please let us know if you would like us to do so.

Yours sincerely



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