

UPDATE ON ELECTRONIC INITIATIVES IN THE ENVIRONMENT COURT

23 September 2013

As announced in April this year¹, the Court has 3 electronic initiatives underway: the trialling of iPads in the larger multi-party multi-issue hearings; the commencement of a pilot e-filing project for Civil Courts in New Zealand, and enhancement of the Court's website to facilitate lodgement of evidence for hearings (particularly the larger ones) and exchange of evidence amongst parties to those cases.

The Court is steadily moving forward on all 3 fronts, with the active support of the Ministry of Justice. The purpose of this update is to alert regular parties and professionals to the setting up in the near future of user groups to assist us to advance these things and operate efficiently and fairly.

iPads

Earlier this year 3 divisions of the Court completed trialling of iPads in large cases, Buller Coal, Hurunui Wind Farm, and Hagley Park cricket ground. Parties and counsel were given advance notice, particularly given that hearings have a tendency to move at a faster pace when such equipment is employed. They equipped themselves accordingly and stepped aboard !

Participants were surveyed afterward, and, the odd minor hiccup apart, the iPads were seen as a great success. In particular, and as anticipated, savings were experienced with copying, courier charges, and "person-power" generally. Panel members and others were able to travel the country free of multiple box-loads of paper. Access to materials in the courtroom proved fast and efficient. The work of the panels in deliberating and writing decisions was expedited.

The Court intends to keep in touch with regular parties concerning software it employs on and in support of its own iPads, and means of training intending participants. There should be no great difficulty with any of this, as the equipment is frankly so refreshingly intuitive.

Website

As reported in April, the Court's website, while somewhat old-fashioned in look and feel, has been adapted to allow the exchange of evidence amongst parties, and its

¹ See paper by Acting Principal Environment Judge Newhook *Challenges and Changes in the Environment Court* presented to the 3rd Annual Environmental Law and Regulation Conference, Wellington 16 April 2013.

lodgment in Court, in one large Auckland plan change case. The experiment was quite successful, particularly given that the issues of interest to parties varied considerably amongst them. We were able to avoid complex analysis of precisely who should serve who. Work is now proceeding to extend the approach, particularly in the face of a new Direct Referral case shortly to be lodged in Auckland, on which 800 parties have lodged submissions !

Work is being undertaken to make the website as user-friendly as possible for that case, and the Court is keen to extend the approach to other cases. This however is but one very small step in the direction of e-filing which we rate as our main goal.

e-Filing

Now that the principal approach internationally to electronic filing in Courts is to cheaper cost-effective solutions, the Environment Court has once again been chosen to pilot a scheme for the benefit of Civil Courts nationwide.²

The Environment Court has received professional advice from an ICT-in-Courts international specialist, on stream-lining its registry practices to best tailor them for the institution of e-filing. We have implemented the recommendations. Since that has been completed, the Ministry of Justice has studied a number of systems off-shore, and within the next few weeks will be issuing an invitation to ICT systems suppliers to offer a “front-end” e-filing pilot system that could in future be linked with established Ministry systems such as that employed for case management.

As it did in the earlier scheme, the Court will shortly be looking for volunteers from amongst its regular and more computer-literate parties, to assist in the shaping of the first stage system.

Ultimate goal

The ultimate goal is to get these proposed component parts to “talk to each other” as an integrated system in the quest to become as paperless as possible. We are conscious of the importance of not ignoring the position of people without access to computers and the requisite skills. And meantime, as a Court of Record, we will need to maintain at least one paper trail. Further down the track, some regulation changes may prove desirable, along with consent to go paperless from the Chief Archivist under the Public Records Act 2005. The aim is one sensible step at a time, but steady, not slow.

L J Newhook
Acting Principal Environment Judge
23 September 2013

² The Court was similarly chosen about 6 years ago, but the project was cancelled in 2011 for understandable budgetary reasons. What was then being worked on was probably heading down a costly and somewhat “home-grown” path, that would almost certainly have proved to be unsustainable in the current fiscal environment.