

26 September 2025

The Hon Justice Perram
Federal Court of Australia
Law Courts Building
Queens Square
SYDNEY NSW 2000

By email: michael.serban@fedcourt.gov.au
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Dear Justice Perram

REVIEW OF FEDERAL COURT OF AUSTRALIA'S DIGITAL PRACTICES

I refer to your letter dated 1 August 2025 and thank you for the opportunity to comment on the Federal Court's review of digital practices on behalf of the Law Society of Western Australia.

The Society's response has been informed by feedback received from members in relation to two aspects of the Court's review - virtual hearings and live streaming.

Virtual hearings

In relation to the principles of online hearings generally, the Society received feedback from country practitioners that the use of technology for hearings can be problematic in regional areas of Western Australia, particularly where internet services are unreliable. When video-links fail, this can result in more adjournments and it is often difficult for lawyers to obtain instructions by phone.

The Society received specific feedback from legal practitioners representing First Nations people in regional areas. These practitioners emphasised the importance of face to face interactions and Court appearances in person to build rapport between lawyers and their clients which in turn, improves the effectiveness of legal representation. Practitioners also noted that clients without ready access to laptops, ipads and other electronic devices are at a distinct disadvantage in participating in online hearings.

Live streaming

The Society's country practitioner members appreciate the Court's willingness to live stream hearings which enables practitioners to remotely observe various proceedings. It is of particular benefit to junior practitioners who are unable to physically attend Court to be able to watch and learn about the conduct of trials, interlocutory proceedings and case management hearings in the federal jurisdiction.

Society members also observed that the unrestricted access to live streamed proceedings potentially creates a security risk in relation to the dissemination of material online and through social media. This risk, while present, is less problematic than for in-person hearings. The Society notes the Court's express warnings about the prohibition of recording live streamed proceedings and the potential for unlawful recording and dissemination to amount to a contempt of court. Breaches of these warnings are difficult, if not impossible, for the Court to regulate. On balance, the Society considers the benefits of access to Federal Court proceedings by the general public and practitioners outweighs the potential security risks.

Artificial intelligence

The Society continues to advocate for the introduction of a principles-based approach which sets an expectation for generative artificial intelligence to be used ethically and responsibly by all court-users. A flexible, principles-based approach will best serve the interests of justice, support court efficiency and allow the Court to adapt more effectively to the rapid changes in technology in the future. The Society supports the implementation of a consistent (principles-based) application to the regulation of AI use by all Courts to ensure litigants and legal practitioners are not required to navigate inconsistent practices across multiple jurisdictions.

The Society's submission dated 11 June 2025 to the Federal Court's Artificial Intelligence Project Group is available on the Society's website and can be accessed here: [FCA AI Project Group](#).

The Society did not receive feedback in relation to any particular issues with digital court books or concurrent expert evidence conducted by virtual hearings.

If you have any questions or wish to discuss the above, please contact Susie Moir, Director Advocacy and Professional Development to smoir@lawsocietywa.asn.au or telephone (08) 9324 8600.

Yours sincerely

A handwritten signature in grey ink, appearing to be 'GM' or similar, written in a cursive style.

Gary Mack
President