

Guidelines for the use of artificial intelligence by Court users

GUIDELINES

INTRODUCTION

1. The purpose of this document is to provide Magistrates' Court of Victoria users with guidance about the use of artificial intelligence (AI).
2. These guidelines apply to all venues of the Magistrates' Court of Victoria, and to all Court users.

DEFINITIONS

3. In these guidelines, the following definitions apply.
 - a. **'Artificial Intelligence' (AI)** means a machine-based system that, for explicit or implicit objectives, infers from the input it receives, how to generate output such as predictions, content, recommendations, or decisions that can influence physical or virtual environments. Different AI systems vary in their levels of autonomy and adaptiveness after deployment.
 - b. **'AI tools'** includes tools that are licenced or publicly available, trained on broad datasets, most commonly for general purpose use. Outputs from AI tools can include text images, videos, transcriptions from recordings, based on user direction on what output to produce (prompting).
 - c. **'Court user'** any person who interacts with, participates in, or utilises the services, facilities, and procedures of the Court. Includes practitioners, litigants (whether legally represented or self-represented), accused persons, applicants, respondents, prosecutors and witnesses.
 - d. **'Practitioner/s'** means an Australian legal practitioner within the meaning of the *Legal Profession Uniform Law Application Act 2014* (Vic), and police prosecutors.
 - e. **'The Court'** means the Magistrates' Court of Victoria as constituted by Registrars and Judicial Officers exercising the powers conferred under the *Magistrates' Court Act 1989*.

USE OF AI

Duties of all Court users

4. Court users are responsible and accountable for any material prepared, filed, and relied upon in Court proceedings, including any AI generated material.
5. Court users are responsible for ensuring that all propositions, case quotes and citations contained in any document filed or relied upon are accurate and must verify any AI generated material prior to submission.
6. Court users must act on the basis that AI can produce incorrect, out of date, biased or misleading information, or information that is not applicable to the jurisdiction and must verify all AI generated material.

Additional duties of practitioners

7. Practitioners must comply with existing professional obligations and duties to the court in all proceedings, including as regards the use of AI.
8. Practitioners must exercise particular caution if AI tools are used to assist in the preparation of affidavit materials, witness statements, expert reports or other documents which are evidence or potential evidence in a proceeding. Practitioners must ensure documents are sworn or affirmed or finalised in a form that reflects that person's own knowledge and words.

VERIFICATION REQUIREMENT

9. Materials prepared using AI tools must be verified with meaningful human control.
10. Court users are responsible for ensuring that content produced by AI is current, complete, accurate and applicable to the jurisdiction.
11. Court users should be aware that filing materials containing inaccuracies could result in cost orders, or referral to professional regulatory bodies.
12. The Court may direct Court users to provide further information about Court documents they have produced with the assistance of AI.

13. Court users must be prepared to identify the specific portions of Court documents which were produced using AI and be able to explain how the output was verified.

AI TRANSCRIPTION AND RECORDING OF PROCEEDINGS

14. Recording of court proceedings by Court users is not permitted.
15. Using AI to transcribe unauthorised recordings of court proceedings is not permitted.
16. Proceedings heard before the Court are recorded by the Court's audio recording equipment. A copy of the audio may be requested in accordance with Practice Direction No. 2 of 2023.
17. An AI generated transcript of an authorised audio recording is not an official record of the court proceeding and will not be accepted by the Court as an official record.
18. Court users are responsible for the accuracy of any transcript or summary upon which they rely.