

# USING AI TOOLS TO INCREASE ACCESS TO JUSTICE

We welcome the opportunity to provide feedback on the Victorian Law Reform Commission’s Inquiry into AI Use in Victorian Courts and Tribunals.<sup>1</sup> The community legal sector in Victoria is particularly interested in digital innovation to improve access to justice, and in keeping government regulations up to date with emerging technology.

Victorian community legal centres have frontline experience providing high quality, free legal education, advice and court and tribunal representation to more than 100,000 clients each year. This joint submission has been prepared by Justice Connect and the Federation of Community Legal Centres (reflecting the views of 20 member community legal centres). It focuses on the access to justice opportunities of using AI within Victoria’s courts and tribunals to maintain public trust and ensure integrity and fairness in the court system (Terms of Reference 1 & 3).

This submission responds to three key questions in the Consultation Paper:

1. **Benefits & risks:** What are the most significant benefits and risks for the use of AI in the Victorian legal system? (Consultation Paper Question 3)
2. **Guidelines & use:** Should guidelines be developed for the use of AI by Victorian Courts and Tribunals? (Consultation Paper Question 27)
3. **Principles:** What principles should guide the use of AI in Victorian Courts and Tribunals? (Consultation Paper Question 11)

## SUMMARY OF RECOMMENDATIONS

Area	Recommendation
Courts & Tribunals	<ol style="list-style-type: none"> <li>1. Develop clear <b>Ethical Guidelines for AI use</b> in Victorian Courts &amp; Tribunals</li> <li>2. Incorporate <b>human oversight</b> over AI-driven decision-making processes</li> <li>3. Implement robust <b>data protection</b> measures in line with privacy laws</li> <li>4. Incorporate <b>human centered design</b> and accessibility in developing AI tools</li> <li>5. Regularly <b>monitor and evaluate</b> AI systems</li> </ol>
Lawyers	<ol style="list-style-type: none"> <li>6. Integrate AI as a support tool with clear <b>guidelines for human oversight</b></li> <li>7. Develop <b>ethical frameworks</b> for legal, professional &amp; ethical responsibilities</li> <li>8. Promote ongoing <b>training and professional development</b> for lawyers in AI</li> <li>9. Ensure lawyers on both sides have <b>equitable access</b> to use AI tools</li> <li>10. Regularly assess AI use and <b>monitor its impact</b></li> </ol>
Court users	<ol style="list-style-type: none"> <li>11. Provide <b>training and accessible resources</b> to build digital skills</li> <li>12. Ensure AI systems are <b>transparent</b> and court users <b>understand</b> how AI is used</li> <li>13. Incorporate <b>user feedback</b> to improve AI tools</li> <li>14. Ensure <b>privacy and data security</b> is prioritised in AI systems</li> </ol>
Guidelines & use	<ol style="list-style-type: none"> <li>15. <b>Resource Victorian courts, tribunals and legal services</b> to develop and use AI tools in line with guidelines (e.g. human centered design, feedback, monitoring)</li> </ol>
Principles	<ol style="list-style-type: none"> <li>16. Implement principles which <b>prioritise the public interest</b> over efficiency</li> </ol>

<sup>1</sup> Victorian Law Reform Commission, [Artificial Intelligence in Victoria’s Courts and Tribunals: Consultation Paper](#) (October 2024) (Consultation Paper).

# 1. BENEFITS & RISKS OF AI USE IN VICTORIA'S LEGAL SYSTEM

With rising unmet legal need and millions of people missing out on the legal help they need each year, the benefits of ethically adopting and using AI tools to improve access to justice for people who interact with Victoria's legal system, courts and tribunals far outweighs any potential risks. In our experience, the risks most identified can be easily managed when the right guiding principles and user-centred approaches are adopted. We foresee greater risks in Victorian Courts and Tribunals not using AI and failing to invest in becoming AI literate, as the use of AI technologies becomes increasingly mainstream as a useful tool for people to understand and navigate the everyday legal problems they face.

## 1.1 Benefits & risks – Victorian Courts and Tribunals

*Note: Given the rapid evolution of AI technologies and the varying needs of different court systems, these recommendations provide a general framework rather than a one-size-fits-all approach. The appropriate use of AI will depend on specific tools, use cases, and legal contexts, requiring ongoing assessment and adaptation.*

In terms of benefits, AI can significantly improve efficiency and resource allocation in the justice system by automating administrative tasks such as document processing and case triaging. This allows court staff and judicial officers to dedicate more time to complex legal matters and in relationship with people moving through the system. Additionally, AI enhances decision support by providing data-driven insights that assist judicial decision making, ensuring greater consistency and reducing human biases. Furthermore, AI-powered chatbots and self-help tools improve public access to the justice system by offering guidance and support to individuals navigating court processes, making legal assistance more accessible to many of those who need it.

The key risks of using AI in the justice system include:

- Algorithmic bias and fairness, as AI models trained on historical data may reinforce existing biases and affect outcomes.<sup>2</sup>
- Transparency and accountability are critical, as AI-driven decisions must be explainable and open to challenge to maintain public trust.
- Data privacy and security must be safeguarded to protect sensitive legal information and ensure compliance with privacy laws.

## RECOMMENDATIONS – VICTORIAN COURTS & TRIBUNALS

### 1. ETHICAL GUIDELINES FOR AI USE

Court Services Victoria should develop clear **Ethical Guidelines for AI use in Victorian Courts & Tribunals**, guided by principles for fairness, transparency, and accountability to ensure AI systems do not reinforce biases and remain explainable.

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<sup>2</sup> See Australian Human Rights Commission, [Technical Paper: Addressing Algorithmic Bias](#) (24 November 2020).

## 2. HUMAN OVERSIGHT IN AI-DRIVEN DECISION MAKING

Victorian Courts and Tribunals should incorporate **human oversight** and review to maintain judicial oversight over AI-driven decision-making processes to prevent unjust outcomes and allow for contestability.

## 3. ROBUST DATA PROTECTION MEASURES

Victorian Courts and Tribunals should implement robust **data protection** measures to comply with privacy laws and safeguard sensitive legal information.

## 4. HUMAN CENTERED DESIGN IN AI TOOL DEVELOPMENT

Victorian Courts and Tribunals should ensure AI tools, such as chatbots and self-help platforms, are designed with accessibility in mind to enhance public trust and engagement. **Human centered design** will be an important part of this.

## 5. REGULAR MONITORING & EVALUATION

Victorian Courts and Tribunals should regularly **monitor and evaluate** AI systems to identify risks, measure effectiveness, and make necessary improvements.

### 1.2 Benefits & risks – legal professionals & prosecutorial bodies

AI offers significant benefits to legal professionals and prosecutorial bodies by improving efficiency, enhancing legal advice, and reducing workload. By assisting with legal research, document review, and evidence analysis, AI reduces the time spent on routine tasks, allowing professionals to focus on more complex legal matters and in relationship with clients. AI tools can provide preliminary legal assessments, equipping legal professionals with better insights to offer more informed guidance to clients. The automation of administrative functions further reduces workload, enabling lawyers and prosecutors to dedicate more time to advocacy and strategic decision-making.

While AI offers many benefits to legal professionals and prosecutorial bodies, it also presents several risks that must be carefully managed. Over-reliance on AI can be a concern, as legal professionals must retain oversight and ensure that AI-generated outputs do not replace critical human judgment. AI can make errors or hallucinate by generating incorrect or misleading information, especially when it lacks reliable data or misinterprets context. Ethical considerations are also important, particularly in maintaining confidentiality and upholding the duty of care when using AI tools. There are also equity concerns in resourcing available to develop AI tools to support preparation for court and tribunal matters. For example, the Office of Public Prosecutions has the resources to use the Amicus system which is linked to the Appian AI Process Platform and accelerates prosecutions using automated technology. However, many law firms and legal assistance services representing defendants do not have the centralised resources to access or develop similar AI assisted systems.

Additionally, skill gaps may arise, making continuous professional development essential to ensure that legal practitioners can effectively work alongside AI and maximise its potential while mitigating risks. The following recommendations should apply for all legal practices, including law firms, prosecutorial bodies, and legal services.

## RECOMMENDATIONS – LEGAL PROFESSIONALS & PROSECUTORIAL BODIES

### 6. GUIDELINES FOR LAWYERS ON OVERSIGHT OF AI

Legal practices should integrate AI as a **support tool** rather than a replacement for human judgment, with **clear guidelines** ensuring legal professionals maintain oversight of AI-generated outputs. **AI tools should complement**, not replace, human legal expertise, ensuring professional judgment is available for complex cases.

### 7. ETHICAL FRAMEWORKS FOR AI USE BY LAWYERS

Legal practices should develop robust **ethical frameworks** to safeguard confidentiality, uphold duty of care, and ensure AI applications align with professional responsibilities.

### 8. LEGAL TRAINING TO WORK ALONGSIDE AI

The Law Institute of Victoria and Victorian Bar should prioritise ongoing **training and professional development** to equip legal practitioners with the necessary skills to effectively work alongside AI, and legal practices should promote capacity building in AI use for lawyers.

### 9. EQUITY IN ACCESS TO AI TOOLS

The Victorian Government should ensure that lawyers on both sides have **equitable access** to use AI tools to prepare for court and tribunal matters.

### 10. REGULAR MONITORING OF AI USE

Legal practices should ensure AI adoption is accompanied by regular assessments to **monitor its impact and accuracy**, address emerging challenges, with the use, output and operation of AI models and refine its use to better support legal decision-making and prosecutorial functions.

## 1.3 Benefits & risks – the public

AI offers significant benefit for court users, self-represented litigants and witnesses, by making access to legal information more accessible, affordable, available and timely. AI tools can simplify complex legal processes, providing user-friendly self-help options that empower many individuals to navigate the justice system more effectively. By reducing the cost of obtaining legal information and advice, AI-powered platforms make legal support more affordable for those who may not have the means to hire a lawyer. Additionally, AI can offer immediate assistance, enabling some individuals to take early action in legal matters, helping them better understand their rights and options before issues escalate.

While AI can greatly enhance access to justice, there are risks that must be addressed to ensure its benefits reach everyone. The digital divide remains a challenge, as individuals with limited digital literacy or access may struggle to use AI-powered legal tools effectively. Trust and confidence in AI-generated advice are also crucial, as users need assurance that the information they receive is accurate, impartial, and reliable. Additionally, while AI can simplify legal processes, it should complement rather than replace human legal support, particularly for complicated or sensitive matters, or for people with complex needs, where professional judgment and personalised assistance are essential.

## RECOMMENDATIONS – THE PUBLIC

### 11. PROVIDE ACCESSIBLE RESOURCES TO BUILD DIGITAL SKILLS

To **support digital literacy**, Court Services Victoria should provide training and accessible resources that help individuals develop the digital skills needed to use AI-powered legal tools effectively.

### 12. TRANSPARENT USE OF AI

AI systems should be **transparent**, regardless of which body is using them, to allow court and service users to understand how decisions are made and where the data comes from. This transparency builds trust and ensures that AI-generated advice is impartial and accurate.

### 13. USER FEEDBACK FOR AI TOOLS

User feedback should be incorporated to continuously improve AI tools over time. Allowing the public to report issues or inaccuracies with AI-generated advice will ensure that the **system can adapt to users' needs** and enhance its reliability.

### 14. PRIVACY & DATA SECURITY

Privacy and data security should be prioritised in AI systems to build public trust and ensure the **safe handling of sensitive legal information**.

## 2. HOW COURTS & TRIBUNALS CAN ETHICALLY DEVELOP AI TOOLS

To date, much of the debate around AI tools and their intersection with legal systems has been focused on how courts and tribunals should manage risks posed by court users and lawyers using AI tools. In this section, we outline our views on necessary guiding principles to manage risks. However, this lens is primarily defensive, and presupposes a very narrow conception of the use case for AI tools (e.g. using ChatGPT to help draft a court document).

In our view, the more important question is how Victorian Courts and Tribunals should resource and approach the development of AI tools to improve access to justice for people to quickly, easily and affordably resolve their legal disputes. This is core to the mission of the Victorian legal system, and community legal centres.

Justice Connect's AI Project is a clear example of how AI can be used to make it easier to connect people with legal help, extending beyond Justice Connect's own services to strengthen the sector's ability to develop information and connect people with the right support.

### CASE STUDY: JUSTICE CONNECT AI PROJECT

Justice Connect built a language processor to help overcome barriers between people seeking legal help and legal help providers in Australia. Our AI Project was developed based on research that when people search for legal help online, they often struggle to correctly articulate their legal problem.

Stretched funding is placing the community legal sector under pressure – creating barriers for lawyers to provide efficient and effective legal help without having to manually determine every single legal problem. Investing in tools and resources is rendered ineffective unless we can build them to reach and serve the people who need them.

#### **How we're doing it: inclusive design**

Most AI-driven text classification models are problematically biased, performing substantially worse for under-represented or socially disadvantaged communities. Often language processors are only built using samples from key majority groups. Our project has been intentionally designed to address potential issues experienced by people from marginalised community groups by capturing the voices of different groups across the country.

We actively incorporated ethical AI and inclusive technology best practice principles released by the Australian Human Rights Commission, focused on eliminating bias in decision-making AI algorithms and ensuring AI includes human rights principles by design.

#### **Our impact so far**

Around 250 pro bono lawyers have so far worked through over 20,000 of these language samples, making over 90,000 annotations in several ways to ensure accuracy. This means that when a person in need of legal help makes an inquiry, the AI tool will translate the request and direct them to the service they need. While the project is still in its early stages, once developed it will be made freely available to anyone, and can be rolled out across any legal intake process, whether it is an online form or a phone line.

#### **Integrating our artificial intelligence (AI) model with our Intake Tool**

Our AI model was integrated into our Intake Tool in 2022. Since then, we have seen it transform access to legal help by turning uncertainty into confidence. With 90 per cent of users trusting its guidance, it cuts incomplete applications nearly in half meaning more people get the support they need, faster. By making complex legal issues clear and actionable, it empowers people seeking help to move forward while reducing pressure on intake teams.

Implementing frameworks and regulations to guide ethical use of AI in legal systems and decision making to address potential risks is critical. However, significant investment and project management is also critical for Victorian Courts and Tribunals to implement AI tools in recognition of the benefits of AI systems. It is important to invest at least as much time, energy and resources in the clear opportunities for AI systems to increase access to justice in Victoria, as is put towards managing potential risks from unregulated and ad hoc use of third-party AI, particularly while more ethical AI tools have not been developed for use within Victoria's legal system.

Many parts of the legal assistance sector do not have the funding or resources to develop AI systems, and here is also a disparity between different organisations in Victoria's legal system. For example, large government agencies such as Victoria Police have a centralised, well-resourced ability to develop bespoke systems, whereas many legal services do not. For this reason, adequate resourcing for Victorian Courts and Tribunals to develop effective AI systems is crucial to support court users and the public to better understand their legal rights, how to navigate court processes and to resolve their legal problems. As highlighted above, resourcing for legal assistance services to develop AI systems is also important to ensure equitable access to AI tools in preparing for matters heard by courts and tribunals.



Proactive development of closed AI systems will lead to fairer outcomes and more accessible court processes for court users. These AI systems must be trained on ethical datasets, be co-designed with court users, collect and implement user feedback, and incorporate ongoing improvement in response to ongoing monitoring and evaluation. Recognising the critical need for these projects to ensuring community members can access justice is an important part of the Commission’s inquiry. We are excited for this opportunity to highlight how AI systems can be ethically developed and used by Victorian Courts and Tribunals to ensure court users can better understand their legal rights and how to resolve their legal problems.

### RECOMMENDATION 15: RESOURCE IMPLEMENTATION OF AI SYSTEMS

The Victorian Department of Justice and Community Safety should resource **AI implementation projects** to support Victorian courts, tribunals and legal services to develop and deploy AI tools that will improve user access to information and justice. Funding determinations should be made based on adherence to safe and ethical AI projects, with a proven track record of social impact.

## 3. GUIDING PRINCIPLES FOR AI USE IN VICTORIA’S LEGAL SYSTEM

We support the implementation of guiding principles grounded in Justice Connect’s practice experience in digital innovation alongside the ethical AI and inclusive technology best practice principles released by the Australian Human Rights Commission.

In practice, we believe that guiding principles will be more useful than prescriptive regulations as principles are useful parameters to guide AI use and development and can more easily be updated in response to emerging AI technologies than regulation. Ideally, there should be a manageable number of principles, and ensuring the right principles are implemented is critical to ensuring AI tools are appropriately used in ways that improve and assist the operation of Victorian Courts and Tribunals to achieve justice for community members.

Justice Connect’s six AI Ethics Principles are:

1. Beneficial Social impact
2. Fairness & Inclusivity
3. Privacy & Security
4. Transparency
5. Accountability
6. Environment

The principles outlined in the Consultation Point are a useful starting point. We believe that there are additional principles that would assist in guiding how AI tools are developed and used, and consider that some of the proposed principles could be combined or clarified. Below, we set out suggested changes to the proposed principles, drawing on community legal centres’ experience in developing and using AI tools in practice and supporting marginalised community members to access courts and tribunals to resolve the everyday legal problems they face.

## RECOMMENDED PRINCIPLES

### **Principle 1: Fairness**

AI systems should be fair and equitable, and not discriminatory.

Courts and tribunals should understand the risk of algorithmic bias when using AI technology, and ensure that AI tools used in legal decision making do not lead to discriminatory outcomes. They should understand any data used to train AI systems is ethically sourced, relevant and free from discriminatory patterns that could lead to unfair or unjust outcomes.

Legal professionals and experts relying on AI should be aware of potential bias and ensure AI systems are not used in legal matters where this could result in unfair or discriminatory outcomes.

### **Principle 2: Accountability**

Courts should be accountable for the use of AI in court processes or decision making, and court users accountable for their own use of AI. In applying the principle of accountability, courts and tribunals should consider how accurate the tool is and how to explain and understand it.

Courts and tribunals retain their judicial independence and ultimate decision-making authority. AI can assist, but the responsibility for final rulings remains with judges, magistrates and tribunal members, who are accountable for their decisions.

People whose rights or interests are affected by AI can challenge the use or output of an AI system as part of an appeal or complaint.

### **Principle 3: Transparency**

Courts and tribunals should ensure processes and decisions supported by AI systems are transparent to court users. It should be clear how AI systems generate their outputs, including the data and models they use, and how AI systems informed decisions, with appropriate human oversight and judgment. Ensuring this information is available will allow people to contest the use of AI where their rights are affected.

The principle of transparency also applies to court users. Disclosure by parties about the use of AI tools in courts and tribunals may be appropriate to assess its potential misuse and to minimise unintended consequences.

### **Principle 4: Privacy and data security**

AI systems must comply with legal frameworks protecting privacy and data security in Victoria. Confidential or privileged information should never be entered into public AI tools. Courts and tribunals should assess AI tools for data security risks before use, ensuring compliance with Australian privacy laws. Courts and tribunals should ensure AI systems protect the personal data of individuals, including minimising data collection and ensuring secure use and storage of data with appropriate data governance and management.

### **Principle 5: Access to justice**

People should be able to access the justice system in a fair, timely and cost-effective way. Courts and tribunals should use AI to support access to justice and minimise existing barriers or inequalities, particularly for court users from marginalised and disadvantaged backgrounds.

Courts and tribunals should explain how AI systems are used in ways that court users can understand, including using simple terms to explain its capabilities and limitations.



### Principle 6: Human oversight and monitoring

Human oversight in AI should support decision-making, not take it over. AI can be used for tasks where it adds value, such as administrative tasks, document review or legal research, but should not replace the nuanced human judgment required for complex legal analysis and decision making. AI-generated content must be reviewed by a human expert to avoid potential risks relating to algorithmic bias, reliability and accuracy.

AI systems should be

- co-designed with court users
- evaluated and tested before use, and
- monitored and audited after implementation.

Ongoing assessment of AI systems' outcomes will ensure they comply with these principles and meet ethical standards, especially identifying and mitigating biases in algorithms, training datasets and decision models. User feedback should be applied to ensure that AI systems can be improved and updated to ensure outcomes remain fair, accurate and ethical.

### Principle 7: Public interest

AI should be used in ways that contribute to positive social, environmental and economic outcomes for Victorians. Courts and tribunals should ensure that AI systems:

- are subject to a Human Rights Impact Assessment to determine how an AI tool could impact privacy, fairness, equality, due process and other rights before adoption, in compliance with human rights principles and the Victorian Charter of Human Rights and Responsibilities.
- reduce environmental harm and support sustainable practices, including ensuring AI use is only used to meet a genuine need.

## RECOMMENDATION 16: PRIORITISE THE PUBLIC INTEREST IN PRINCIPLES

The Victorian Department of Justice and Community Safety should **introduce Principles** for courts and tribunals to guide AI use.

We recommend the following changes to the proposed principles in the Consultation Paper:

- Combining principles of accountability and contestability, and
- Replacing the principle of efficiency with a principle to promote the public interest.

## ABOUT JUSTICE CONNECT

Justice Connect is a specialist community legal centre committed to taking an impact-focused approach, applying research and design principles to develop our services to make a tangible difference for our clients. We deliver services that assist both people and not-for-profit organisations, to prevent negative impacts on people's lives and empower the community to use the law as a force for good. Given the scale of the challenges we address, we use digital innovation to extend our reach and impact, supporting us to be more efficient and accessible, while helping us capture and use data to better understand legal need and structural issues.

## ABOUT THE FEDERATION OF COMMUNITY LEGAL CENTRES

The Federation is the peak body for Victoria's 50 community legal centres. Our members are at the forefront of helping those facing economic, cultural or social disadvantage and whose life circumstances are severely affected by their legal problem. For over 50 years community legal centres have been part of a powerful movement for social change, reshaping how people access justice, creating stronger more equitable laws, and more accountable government and democracy. We pursue our vision of a fair, inclusive, thriving community through challenging injustice, defending rights and building the power of our members and communities.

For more information, please contact:

**Tom O'Doherty** (he/him)  
Head of Innovation  
Justice Connect  
Tom.ODoherty@justiceconnect.org.au

**Lee Carnie** (they/them)  
Director of Policy & Advocacy  
Federation of Community Legal Centres  
Lee.Carnie@fclc.org.au

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