Artificial Intelligence in Victoria's Courts and Tribunals

Response to Victoria Law Reform Commission's Consultation Paper

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1   Introduction and context

Court Services Victoria (CSV) makes this submission to assist the Victorian Law Reform Commission in its consideration of the safe use of AI within the justice system.

CSV's function is to provide, or arrange for the provision of, the administrative services and facilities necessary to support the judicial, quasi-judicial and administrative functions of Victoria's courts and tribunals, the Judicial College and Judicial Commission.

To support the use of AI within Victoria's courts and tribunals, CSV has established a governance approach that enables effective system-wide coordination while recognising the autonomy of individual jurisdictions in their operations and decision-making.

This submission focuses on CSV's enabling role in supporting safe and responsible AI implementation across the court system, with particular emphasis on:

- Current state of AI readiness and infrastructure,
- Proposed governance frameworks and risk management approaches,
- System-wide support mechanisms,
- Information security and data governance.

The VLRC has undertaken a thorough and comprehensive consultation process with various jurisdictions to date, actively seeking input and feedback on key matters. This process has involved multiple stages of engagement, ensuring that a wide range of perspectives are considered. As a result, a number of detailed responses have been submitted directly by the jurisdictions, reflecting their insights, concerns and recommendations.

Where CSV has not provided a specific response to the VLRC's questions, please refer to the individual jurisdiction's responses.

2   General Principles for Governance and Risk Management

Our approach to AI governance operates through multiple complimentary layers, designed to ensure comprehensive oversight while respecting judicial independence.

2.1   Courts Council and AI oversight

Courts Council (Council) is the governing body of CSV, and directs its strategy, governance and risk management. Council is chaired by the Chief Justice of the Supreme Court of Victoria and is comprised of the six Heads of Jurisdiction and two non-judicial independent members appointed by the Heads of Jurisdiction.

Council is responsible for the general direction and superintendence of CSV and, subject to the *Court Services Victoria Act 2014* (CSV Act), may perform the functions and exercise the powers of CSV.

As the governing body of CSV, Council has a role in respect of the implementation of AI systems across the court system. This role requires balancing technological advancement with the fundamental principles of justice administration and public trust and confidence in the Victorian courts.

Equally important is Council's role in exercising prudent resource stewardship. This includes monitoring ongoing effectiveness of AI investments and fostering cross-jurisdictional collaboration to optimise investments. Council ensures investments in AI technology deliver demonstrable benefits while maintaining operational sustainability and system-wide integrity.

2.2   AI Risk Management Framework

CSV is aware AI has the potential to significantly enhance access to justice, court operations as well as overall case management efficiency. Each potential opportunity needs to be carefully considered individually for the risks and benefits it provides.

CSV adopts a comprehensive approach to AI risk management, operating within established government frameworks including the Administrative Guideline for the safe and responsible use of Generative Artificial Intelligence in the Victorian Public Sector and associated guidance. These frameworks provide structured guidance for public sector employees through scenario-based learning and risk mitigation strategies. CSV would look to incorporate any future guidance or policy provided via the Department of Government Services in its risk management practices where necessary.

Risk assessment and management is conducted through multiple governance layers:

- The AI Framework (currently under development) will provide consistent risk assessment methodology across jurisdictions,

- An AI Working Group maintains dedicated oversight through the Courts Group Digital Risk Register,

- Regular monitoring and review processes ensure emerging risks are identified and addressed,

- Systematic documentation and reporting mechanisms that track risk management effectiveness.

2.3   Audit & Risk Committee

The Audit and Risk Committee (ARC) is a specialised oversight body, established under s.19 of the *CSV Act 2014,* that assists Council in fulfilling its governance responsibilities. The ARC's membership includes Council representatives, members of the judiciary and an independent external specialist with expertise in ICT.

Subject to the direction of Council, and with appropriate assistance from management and external expert advisers, the ARC has a general obligation to address any matters that fall within its responsibilities including both continuing and emerging matters. As per its Terms of Reference, specific functions and responsibilities of the ARC include:

a) performing the activities required to address its responsibilities or require management to undertake further activities before making recommendations to Council;
b) selecting, engaging and approving the fees for any professional advisers that the ARC may require to carry out its duties;
c) investigating/enquiring into any activity within its terms of reference, seeking independent professional advice as required. The ARC is tasked with recommending to Council any appropriate actions emanating from its investigations or enquiries;
d) having access to management, employees and information it considers relevant to its responsibilities; and
e) resolving any disagreement between management and CSV's external auditor, with areas of significant disagreement advised to Council.

Through its membership and specialised expertise, the ARC strengthens Council's capacity for informed decision-making on AI frameworks and adoption while ensuring robust risk management and accountability frameworks are maintained.

One of the key functions of the ARC is to review Organisational Risk Profiles (ORP). CSV intends to establish an ORP specifically for AI so that the causes and controls are documented, reviewed and appropriately monitored. The ORP also includes specific actions to implement to mitigate any risk including timeframes on when these need to be completed by. This will be complemented by a Courts Group Digital Risk Register which will include shared AI related risks across the Courts Group. The Courts Group Digital Risk Register will be managed and monitored by the relevant working groups, in this case the AI Working Group.

2.4   Courts Executive

The Courts Executive is comprised of the CSV Chief Executive Officer, the CEOs of the jurisdictions, and the centralised functional leads within CSV. The Courts Executive is committed to the efficient and effective functioning of CSV through best practice provision of corporate services, planning and management.

It does so by supporting:

- CSV's Chief Executive Officer as the accountable officer and agency head for all CSV bodies and staff,
- Council in the governance of CSV, including its specialist sub-committees (e.g. Audit & Risk; Finance; Health, Safety and Culture),
- Continuous improvement and optimisation of corporate services across CSV.

3   Implementation Framework

3.1   Digital Governance

CSV has established a multi-layered implementation structure to support the safe and effective adoption of AI across Victoria's courts and tribunals.

CSV has a Chief Digital Officer role whose remit includes all digital functions such as ICT, data, information security, architecture, applications and AI across Courts Group. CSV Digital is the division which manages these functions, as well as the below governance structure.

AI Working Group

The AI Working Group (AIWG) serves as a central coordination point for AI initiatives across CSV, operating with a clear mandate to ensure responsible and effective implementation of AI technologies. With representation from all jurisdictions, the AIWG's scope encompasses the development of frameworks and principles, evaluation of AI tools, and assessment of information security requirements. The AIWG plays a key role in monitoring pilot projects and ensuring adherence to ethical standards and regulatory requirements. Through its oversight function, the AIWG facilitates knowledge sharing across jurisdictions and provides guidance on best practices, while maintaining a strong focus on risk assessment and mitigation strategies. This collaborative approach enables CSV and the courts to benefit from shared learnings while ensuring consistent standards are maintained across all AI initiatives. The AIWG will be the main governance body responsible for overseeing the criteria for which any AI is endorsed for usage across the Courts Group. These criteria will be regularly monitored and updated as needed.

Information Security Working Group

The Information Security Working Group (ISWG) is established to ensure the protection and resilience of the Courts Group's digital and information assets. The primary purpose of the ISWG is to develop, implement, and oversee comprehensive information security strategies and practices that align with the Courts Group broader digital governance framework.

The ISWG is dedicated to:

- Safeguarding the confidentiality, integrity, and availability (CIA) of the Courts Group data and systems,

- Ensuring compliance with national and international information security regulations and standards,

- Proactively identifying, assessing, and mitigating security risks to protect against potential threats and vulnerabilities,

- Promoting a culture of security awareness and continuous improvement across the Courts Group.

By fulfilling these purposes, the ISWG aims to enhance the overall security posture of the Courts Group, ensuring the trust and confidence of all stakeholders in the judicial systems digital services. The ISWG will also account for all AI related technologies in setting the approach to information security. This includes performing risk and privacy assessments.

Data and Insights Working Group

The Data and Insights Working Group (DIWG) is established to oversee, manage, and improve the Courts Group data management.

The DIWG primary aim is to ensure that data management services are:

- Aligned with the Courts Group strategic and operational goals,

- Delivered efficiently and effectively to meet business needs and optimise resource utilisation,

- Continuously improved to support innovation and digital transformation.

The DIWG will promote a collaborative environment, exchange of information, consultation and ensure open communication among all stakeholders and the other Working Groups.

Along with the ISWG, the DIWG will incorporate any AI related technologies into discussions and coordinate with the AI Working to ensure consistency in approach.

3.2   Assessment

CSV has developed a structured approach to assessing and monitoring AI implementation.

AI Proof of Concept (POC) Lab

Established with the assistance of a Victorian Legal Services Board grant CSV is in the process of establishing an AI POC Lab that will test AI related use cases identified across the Courts Group. This will be tested to determine the relevant efficacy, efficiency, ease of implementation and value prospect for all jurisdictions across the Courts Group. The POC Lac will be established separate from CSV's corporate network for security purposes and only use test data to prove particular use cases. It will also test different Large Language Models (LLMs) for different use cases to determine which work better for particular use cases. This includes the possibility of utilising multiple LLMs for a single use case. The POC Lab provides for a highly controlled environment to determine the potential opportunity that AI has to offer across the Courts Group.

Additionally, as the usage of AI is particularly new and emerging within the digital industry, each new use case proposed to be implemented into production will be piloted on a very small scale in closed environments to reduce risk. These will then be scaled up and tested on User Acceptance Testing or Development environments to prove any benefits or concepts. Individual Project Control Groups will be stood up to manage this process in an AGILE fashion.

Assessment Process

The AI Working Group applies structured prioritisation criteria to evaluate and sequence implementation of identified opportunities. Several high-value use cases with multi-jurisdictional applicability have been identified and are progressing through controlled trials (detailed in Section 9 Case Studies). The assessment process will include:

- Mandatory questions for technology procurement regarding whether AI is included in any response.

- Specific vendor requirements for safe, ethical and responsible use of any AI component in their response.

- Specific focus on:

    o Data security and privacy (utilising existing legislation and data security frameworks),

    o Data sovereignty,

    o AI / Large Language Model transparency,

    o Testing and development protocols,

    o Transition to production requirements,

    o Demonstrations of AI in use and its future predictability.

CSV Digital will work closely with the wider judiciary to ensure that any proposed AI related implementation is carefully considered and managed within acceptable risk levels. CSV Digital will also determine current concerns and risks for court operations through judicial workshops. This is so that any potential risks or issues can be documented and managed such as legal professional usage of AI and how this might be identified in court proceedings and what the jurisdictions approach to this is. CSV is keen to ensure that any approach adopted is fully considered and is in the best interest of the judiciary and court users.

3.3   Education and Support

CSV is implementing a comprehensive education and support program.

Along with the *Administrative Guideline for the safe and responsible use of Generative Artificial Intelligence in the Victorian Public Sector* and the associated *Guidance for the safe and responsible use of generative artificial intelligence in the Victorian public sector*, the Department of Government Services provided some eLearn modules and other training artefacts to CSV. CSV plans to review and amend these for the Courts Group. Additionally, as part of the Courts Group wide induction, a short reminder will be provided to new starters on the safe and responsible use of AI.

CSV Digital will also be holding AI awareness workshops and issuing advice surrounding the safe use of AI. This will be done on an ongoing basis and updated to reflect the latest guidance. It will also include practical scenarios for responsible usage of AI both professionally and personally given the risk of AI extending beyond the workplace.

CSV has also adopted a Victorian Government wide initiative of providing reminders to users when visiting GenAI related websites and blocking some high risk GenAI related websites. The reminder provides some useful information for how to responsibly use GenAI in the courts.

This structure will enable CSV to:

- Maintain clear separation between judicial and administrative functions;

- Ensure appropriate safeguards at each state of AI adoption;

- Foster innovation while protecting core judicial principles; and

- Build expertise gradually across different aspects of AI.

All of the above will be supported by CSV Digital technical support staff who will be trained to understand the risks of AI and how to support staff in the use of AI. This also includes working with key Managed Servies Providers to ensure they can support staff on the safe and responsible use of AI.

4   Maintenance and Review

Given the rapid development of AI, CSV recognises that capabilities will be significantly more advanced in the future than today. Our maintenance and review framework encompasses both continual monitoring and regular formal reviews.

4.1   Continuous Improvement Approach

4.1.1 Existing Foundation

There is a general acceptance that AI would need additional computer resources, so CSV has been working with its ICT managed services providers to determine if there are any challenges with meeting the perceived technical requirements in implementing any AI based technology. While there might be some additional requirements in the future, CSV believes we can meet these now or scale up to meet any technical requirements should this be needed.

CSV has also already established an AI Working Group to oversight and support the use and implementation of AI across the Courts Group. The AI Framework forms the foundation for decision making on the use and management of AI.

4.1.2 Future Stage

CSV aims to expand upon the POC Lab by fully developing and transitioning the use cases into production environments.

CSV will introduce robust processes across the lifecycle of AI usage. This includes the purchasing of any technology that includes AI. CSV will have mandatory questions for any technology related procurement for vendors to inform CSV if they use or have AI in their technology. Where they do, this will trigger additional questions about the safe, ethical and responsible use of AI including data security, privacy, data sovereignty, AI / Large Language Models used and transparency around how the AI models work. These questions will be based on existing legislation and the AI Framework. CSV will also include requirements around testing and developing a transition to production. CSV would also request a demonstration of the technology and would aim to understand the technology as best as possible so as to make an informed decision about how it will work now, but also, in the future.

Given the rapid development of AI, the capability it will have in the future will be significantly more advanced than what we have today. Once implemented, AI related technology will require continual monitoring for any potential risks or issues. This is particularly important given the varying nature in which outputs can be provided and potentially inform decision making.

An AI continual monitoring service will be implemented to ensure that any outputs are in line with expectations and set criteria. It is likely that this service will be supported by technology that continually reviews the outputs of AI and records any deviations to set criteria.

While internal audit scopes will be agreed as per the annual Internal Audit Plan, other formal reviews will be reviewing interactions between AI related technology and other systems as well as ensuring that data protection and access control measures are working as expected.

These assessment and monitoring processes will be documented in an AI Monitoring Framework and presented for endorsement to the AI Working Group.

For the judicial function, the reviews will also be conducted in the same continual manner such as the legal professions uptake of AI. Once the approach and criteria for the use of AI for the judiciary is established, CSV Digital will ensure that this approach is adhered to utilising technology where required.

4.2   Infrastructure and Architecture Evolution

CSV has adopted a cloud first approach to its core ICT infrastructure. This approach fully complements any implementation of AI given the need for higher computer resources needed for AI and the ability of the cloud to be scaled up with relative ease.

CSV's main ICT managed service providers have either moved or are in the process of transitioning to fully cloud based infrastructure. This would provide the foundations for any large-scale implementation of AI technology.

The vast majority of the jurisdictions in the Court Group share a network amongst most of the Victorian Government Departments. This allows CSV to leverage the capability of a secure and stable network, including internet access.

4.3   Ongoing Security and Privacy Management

Information Security and Privacy Assessment

Privacy considerations are paramount in CSV's AI implementation strategy, reflecting both legislative requirements and commitment to protecting individual rights.

CSV will ensure that any assessment completed on any one AI technology or tool is done in conjunction with the jurisdictions so that they are aware, but also so that it is completed to an agreed standard. The information security and privacy standards for AI will be proposed by the ISWG and adopted by the AI Working Group as part of the wider AI Framework. These standards will be based on current legislation such as the *Victorian Data Protection and Privacy Act* and the *Commonwealth's Privacy Act*. Any new legislation will be accounted for when reviewing the AI Framework.

Special consideration will be given to the following:

- Protection of judicial officer privacy,
- Safeguarding of court user information,
- Security of witness and victim data,
- Confidentiality of legal proceedings.

Enhancements and some changes to information security may be required due to threats from AI used by threat actors. Additionally, enhanced monitoring will be needed to ensure any AI powered technology is working within set criteria. This also includes enhanced data protection protocols and access controls and will be included in the AI Continual Monitoring Framework, as noted above.

4.4   Cross-Jurisdictional Benefits Realisation

CSV will take a collective and collaborative approach to individual use cases so that the benefits of any one jurisdiction's use case can be scaled or extended to another jurisdiction. Priority will obviously be given to those use cases that offer the greatest benefits to all jurisdictions where

possible. The draft AI Framework will include criteria for prioritisation of use cases to be used at the AI Working Group. CSV has already identified several use cases that offer significant value to multiple or all jurisdictions and is working to trial these. *See Section 5 Case Studies for more.*

5   Case studies

5.1   Coroners Court of Victoria AI Powered Image Redaction Tool

The Coroners Court processes thousands of document requests annually that contain distressing images requiring careful redaction before release. This critical but time consuming and psychologically demanding task exposes court administration staff to potentially traumatic content.

To address these challenges, the Court is advancing efforts to develop and integrate an AI-powered image redaction tool. The aim is for the technology to automatically identify and redact distressing images from case documents, significantly reducing staff exposure to traumatic content while accelerating document processing times.

The program emphasises strong governance through controlled testing, regular audits, and clear human oversight. The initiative promises dual benefits: enhanced staff protection from vicarious trauma and improved operational efficiency. By reducing manual redaction/image removal time, staff can focus on higher-value activities that support case resolution.

The Court envisions this tool becoming a valuable resource across the other CSV jurisdictions, where similar challenges exist in managing sensitive visual content. Success will be measured through staff wellbeing indicators and document processing efficiency metrics.

Implementation will be phased, with initial deployment focused on testing and refinement before broader rollout.

5.2   County Court of Victoria AI Powered Transcription Pilot

The County Court of Victoria currently processes thousands of cases every year and each has to be transcribed manually. This includes recording the hearing and processing the transcription following the hearing. Transcribing a hearing can take anywhere from 1 to 14 days to complete, depending upon the length and time sensitivity of the hearing.

The current acceptable error rate for a transcriptionist is 5%. The current error rate for AI powered transcription technology is between 3-7% depending upon the technology setup. Additionally, AI powered transcription technology has strict security controls in place such as access controls, encryption and data sovereignty remaining in Australia.

The Court is trialling an AI powered transcription solution to determine its suitability, accuracy and security. So far, the trial has been particularly successful as it has demonstrated several enhancements over manual transcribing. These include the ability to review the transcripts in real-time, review transcripts from previous hearings related to the same case as well as real-time corrections. It would provide for a significant reduction in the need for manual transcribing.

This AI powered transcription capability would allow CSV to not use expensive out-sourced transcription providers where a premium is paid for the quick turnarounds needed. It would also allow CSV to scale the solution out to other jurisdictions with relative ease for numerous other use cases.