



Submission by the Coroners Court to the Inquiry into Artificial Intelligence in Victoria's Courts and Tribunals

Overview

This submission is provided on behalf of the Coroners Court of Victoria (**Coroners Court**) in response to the Victorian Law Reform Commission's request for submissions to its inquiry into Artificial Intelligence in Victoria's Courts and Tribunals (**Inquiry**).

This submission:

- contextualises the role of the Coroners Court and the environment in which it operates
- outlines the potential benefits of using artificial intelligence (**AI**) to support coronial investigations
- explains how the Coroners Court is currently exploring opportunities to safely and responsibly use AI and emerging technologies to assist its work
- sets out the views of the Coroners Court on an appropriate framework to guide the safe and responsible use of AI in Victoria's courts and tribunals.

Role of the Coroners Court

In considering the risks and benefits of using AI in Victoria's courts and tribunals, this must be put in the context of the functions and purposes of the relevant court or tribunal. The opportunities and risks presented by AI will differ between jurisdictions, and any framework or regulatory mechanism guiding the use of AI in courts and tribunals must take into account these jurisdictional differences.

The Coroners Court is a specialist court established to independently investigate certain deaths and fires. A coronial investigation seeks to establish the facts - when, where, how and why the death or fire happened - and to identify opportunities to prevent similar deaths or fires occurring in the future. It is not the role of the coroner to lay or apportion blame, or to determine any criminal or civil liability arising from a reportable death or fire.¹ The primary purpose of the Coroners Court is to contribute to the reduction of the number of preventable deaths and fires and to promote public health and safety and the administration of justice.

The Coroners Court is unique among Victoria's courts and tribunals in being an inquisitorial, rather than adversarial jurisdiction. Consistent with this inquisitorial framework, the coroner leads and directs the investigation into the death or fire. The coroner may inform themselves as they reasonably see fit and is not bound by the rules of evidence as apply in other jurisdictions.²

In exercising their functions, the coroner is also required to take into account certain objectives, including that:

- (a) the death of a family member, friend or community member is distressing and distressed persons may require referral for professional support or other support;

¹ *Keown v Khan* (1999) 1 VR 69; *Coroners Act 2008* (Vic), s 69(1).

² *Coroners Act 2008* (Vic), s 62.



- (b) unnecessarily lengthy or protracted coronial investigations may exacerbate the distress of family, friends and others affected by the death;
- (c) that different cultures have different beliefs and practices surrounding the death that should, where appropriate, be respected;
- (d) that family members affected by a death being investigated should, where appropriate be kept informed of the particulars and progress of the investigation;
- (e) that there is a need to balance the public interest in protecting a living or deceased person's personal or health information with the public interest in the legitimate use of that information;
- (f) the desirability of promoting public health and safety and the administration of justice; and
- (g) that the coronial system should operate in a fair and efficient manner.³

These objectives guide the Coroners Court in its work as a modern, innovative and caring court which supports critical health and safety outcomes for the Victorian community.

Benefits of using AI to support coronial investigations

The Coroners Court must be responsive to and meet the needs of the community in conducting its investigations, including – where appropriate – by exploring opportunities to use AI to assist it in meeting the objectives of the *Coroners Act 2008* (Vic) (**the Act**).

This aligns with the court's strategic goals to use technology in a responsible and ethical way to improve efficiency in court processes and to contribute to a safer community.

In the context of coronial investigations, AI has the potential to substantially assist this work by:

- (a) reducing exposure to distressing and confronting images to better manage and alleviate risks of vicarious trauma for court staff, families, interested parties and legal representatives
- (b) assisting coroners, solicitors and investigators to analyse and review voluminous case materials more effectively and efficiently, which in turn will enable coroners to expedite the investigation of deaths and fires
- (c) facilitating timely and cost-effective production of transcripts of court hearings and other audio recordings to assist in case management and investigations
- (d) assisting in coding and reviewing case data to identify patterns and themes to inform death prevention activities and promote public health and safety
- (e) reducing time and cost spent in repetitive administrative tasks to enable coroners and staff to focus on more impactful, high value work that provides the most benefit for the community.

The use of AI in these contexts is designed to support coroners and staff in performing their roles. Human oversight remains a critical component of using emerging technologies, and it is not intended or proposed that AI would displace judicial decision-making in coronial investigations.

The Coroners Court is only in the preliminary stages of exploring the use of AI in its work. There are likely to be many other new and innovative ways beyond those identified above where AI can assist the court in its work.

³ *Coroners Act 2008* (Vic), ss 8, 9.



Exploring how AI may be used at the Coroners Court

The Coroners Court has adopted a proactive, strategic and considered approach to exploring how AI could be integrated into the work of the Court.

In 2023-4, the Coroners Court initiated a pilot program to identify and explore workflows and tasks within the Court that could be improved or enhanced with the assistance of AI and Generative AI (**GenAI**). Court staff with existing skills in computer science developed primitive prototypes to understand how AI could be used to support the court's work in targeted processes. The pilot confirmed it was feasible for AI tools to be used in these contexts to support the Court's work.

Following this successful pilot, the Coroners Court has commenced a phased program of works to test concepts in secure isolated systems to ascertain whether they could be effective and appropriate in the Court's environment. Initial concepts being tested in the development phase include tools to:

- automatically redact images in coronial briefs and/or provide a written summary describing the contents of the image to reduce exposure to distressing images
- prepare a short summary about the nature of a matter for provision to news media organisations for the purposes of informing them about upcoming hearings
- manage and organise voluminous records, and assist in the preparation of chronologies of key events from a coronial brief and other source materials
- extract key data and enable the coroner to interrogate the coronial brief to identify evidentiary gaps and efficiently locate relevant evidence.

The use of AI and GenAI in these contexts does not override judicial decision making or independence; rather it will aid staff and coroners to perform essential tasks more easily and efficiently, consistent with legislative requirements for the coronial system to operate in a fair and efficient manner.

The program of works has been progressed consistently with principles for the safe and responsible use of AI, having regard to relevant privacy, data security, ethical and legal considerations.

As each stage has progressed, the Court has sought input and advice from digital and security experts within Court Services Victoria (**CSV**) to manage data security and privacy concerns in accordance with the Court's well-established governance, data privacy and security frameworks. Appropriate strategies have been implemented to identify, mitigate and monitor risks throughout the program in consultation with key stakeholders. The Court has also reported on the pilot program and its ongoing work in exploring integration of AI into court processes in its Annual Report 2023-4, in line with the principles of accountability and transparency.

Exploratory work will continue to be undertaken with strict security and data protection controls in place, having regard to the sensitive nature of court documents. Any rollout of an AI tool across the Court will be subject to the approval of the State Coroner and the Court's Executive Team, with appropriate governance frameworks in place to protect the integrity of court processes and the administration of justice.



Framework to guide responsible use of AI in courts and tribunals

The Coroners Court agrees with the eight broad principles identified by the Inquiry to guide the safe use of AI in Victoria's courts and tribunals: impartiality and fairness; accountability and independence; transparency and open justice; contestability and procedural fairness; privacy and data security; access to justice; efficiency; and human oversight and monitoring. These overarching principles are appropriate to guide the responsible use of AI in courts and tribunals and underpin the Court's approach to exploring use of AI technology within existing legislative and governance frameworks.

The Coroners Court also supports the development of a guideline or framework to assist courts and tribunals in identifying, assessing and managing risks of AI specific to their jurisdiction. Such a framework must be sufficiently flexible and adaptable to enable courts and tribunals to explore opportunities to use AI in ways appropriate for the relevant jurisdiction. It should not be overly prescriptive or rigid, given the rapidly evolving nature of AI and the as-yet-unknown opportunities and solutions that may arise as AI continues to develop. Existing guidelines for the safe and responsible use of AI in the Victorian public sector may assist in informing the development of a guideline specific to Victoria's courts and tribunals.⁴

In developing an appropriate framework for use by Victoria's courts and tribunals, the Coroners Court suggests that this could take the form of a checklist of matters that jurisdictions may take into account or consider in approaching use of AI in their jurisdiction. It would also be beneficial for the framework to incorporate examples of best practice approaches to guide the approach of courts and tribunals in exploring and adopting AI.

The Coroners Court is optimistic about the opportunities that AI presents to assist the Court in achieving its objectives and purposes. If managed safely and responsibly, AI tools have the potential to greatly enhance the administration of justice and improve outcomes for families and the wider community.

⁴ See e.g. [Administrative Guideline on safe and responsible use of Generative AI in the Victorian Public Sector \(Administrative Guidelines\)](#), published by the Department of Premier and Cabinet on 29 November 2024. While the Administrative Guidelines do not apply to the Coroners Court as the Court is an exempt body under the *Public Administration Act 2004*, the Court endeavours to follow relevant State and national guidelines on the use of AI as a matter of best practice.