



COURTS OF NEW ZEALAND | NGĀ KŌTI O AOTEAROA

# MEDIA RELEASE

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## JUDICIARY PUBLISHES GUIDELINES FOR USE OF GENERATIVE ARTIFICIAL INTELLIGENCE IN COURTS AND TRIBUNALS

The New Zealand judiciary has today published guidance for court and tribunal participants on the use of Generative Artificial Intelligence (GenAI) in relation to proceedings.

Chief Justice Dame Helen Winkelmann said:

*"The use of new GenAI technology in the Aotearoa New Zealand legal context is increasing. These guidelines have been developed to help judicial officers, lawyers and non-lawyers appropriately use GenAI tools in court or tribunal proceedings."*

*"GenAI chatbots are not a substitute for a qualified lawyer, but there is potential for GenAI – when used responsibly – to enhance access to justice by making legal knowledge and information more accessible to non-lawyers."*

Justice Paul Radich, Chair of the judiciary's AI Advisory Group who led development of the guidelines said:

*"These guidelines offer practical advice in plain language on what GenAI is, the risks inherent in its use, and situations in which its use may be appropriate or inappropriate. New Zealand is amongst the first to develop guidelines, although all jurisdictions are navigating the opportunities and challenges presented by GenAI technology."*

*"It is in the interest of justice that a consistent approach to these issues is taken across judicial forums to the extent practicable, despite the differing administrative arrangements. I am pleased that we have been able to partner with the Tribunals Aotearoa executive and with individual tribunal chairs to produce a consistent set of guidance for both courts and tribunals."*

*"I acknowledge with gratitude the work of the Advisory Group members, as well as all of those who provided comments and suggestions on earlier drafts".*

These guidelines apply to all courts, to the Waitangi Tribunal, and to the 28 other tribunals and authorities who have adopted them. Copies of the guidelines are available on the [Courts of NZ website](#):

- [Guidelines for Judges, Judicial Officers, Tribunal Members and Judicial Support Staff](#)
- [Guidelines for Lawyers](#)
- [Guidelines for Non-lawyers](#)

[ENDS]

## Background:

- The use of generative AI in the legal context is a reality internationally and in New Zealand. For example, there are several documented instances [of lawyers in offshore jurisdictions using generative AI tools](#), such as ChatGPT, Google Bard or Bing Chat, to produce submissions which have included fictitious citations. In New Zealand, law librarians have cited [increasing calls to provide access to non-existent cases](#) owing to the use of such tools by lawyers. More recently in the United Kingdom, an [AI platform passed the Solicitors Qualifying Exam with a grade of 74%](#).
- Generative AI tools offer significant potential benefits to the courts and court users, including enhancing access to justice by making legal knowledge and information more accessible to non-lawyers.
- It is important, therefore, that early adopters of these new technologies understand their risks and limitations and are given some practical guidance as to how to use such tools in a responsible way.
- As with all New Zealand institutions, the courts are ensuring they have the knowledge to deal with its use in both positive and negative contexts and to fulfil the judiciary's overarching obligation to protect the integrity of the administration of justice and court/tribunal processes.
- In late April 2023 the Chief Justice commissioned a judicial Artificial Intelligence Advisory Group. The group is led by the Hon Justice Paul Radich of the High Court, and includes representatives from the Senior Courts and District Court, judicial support staff, court registries, and the Ministry of Justice. The group's initial priority was to prepare guidelines regarding generative AI in the context of New Zealand courts.
- The Advisory Group undertook extensive research and met several times during early phases to discuss and develop the initial draft guidelines. At that point, it liaised with several members of the legal profession with a particular interest in AI (as nominated by the New Zealand Law Society and the New Zealand Bar Association), and with academics and senior Community Law Centre representatives.
- Feedback on draft guidelines was then sought from more than 400 interested parties – including legal profession membership groups, law student associations, academics, and community organisations. The draft guidelines were also shared with judiciaries in the United Kingdom, Australia, Canada and Singapore.
- Having taken account of comments received during the consultation process, three final sets of guidelines have now been issued, tailored to different audiences: judiciary and judicial support staff, lawyers, and non-lawyers who appear in court.
- The guidelines provide information on what generative AI is, risks inherent in its use (including security risks), situations in which its use may be appropriate or helpful to use generative AI, and those situations where it would be inappropriate and unhelpful to use generative AI.
- The final guidelines have been endorsed by the Heads of Bench Committee (for the Courts of New Zealand and the Waitangi Tribunal) and by respective tribunal chairs (for the other listed tribunals and authorities). The final page of each guideline lists the courts and tribunals to which they apply.

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