

A. AI REGULATIONS AND GUIDELINES - AUSTRALIA

Last checked for currency by the KM team 09 June 2026

1 GENERAL REGULATORY LANDSCAPE

Regulatory responses specific to AI governance in Australia have to date been mainly through voluntary ethical frameworks, such as the [Department of Industry, Science, and Resources - Australia's AI Ethics Principles](#) (last updated 2 December 2025), which consists of eight voluntary principles for the development and use of AI and the [Guidance for AI Adoption publication](#) (21 October 2025), supplementing the previous *Voluntary AI Safety Standard*. The Framework is consistent with the [OECD's AI Principles](#) (May 2024), to which Australia is a signatory. The Australian Signals Directorate in a joint paper with AUKUS members released a strategic AI adoption roadmap focusing on five key areas entitled '[Careful adoption of agentic AI services](#)' (1 May 2026).

While there is currently no legislation specifically addressing the use of AI in Australia, existing laws and publications (in areas such as privacy; competition and consumer protection; data protection; copyright and intellectual property; and anti-discrimination) address some of the risks.

- (a) [Privacy Act 1988 \(Cth\)](#)
- (b) [Australian Privacy Principles guidelines](#)
- (c) [Competition and Consumer Act 2010 \(Cth\) sch 2 \('ACL'\)](#)
- (d) [Guidance on privacy and the use of commercially available AI products](#)

2 REPORTS AND DEVELOPMENTS

- (a) Treasury Review

A [review](#) by the Treasury department, published 3 October 2025, found that the ACL, when combined with other laws, can generally handle challenges that come with AI products and services.

- (b) Productivity Commission

On 19 December, *Harnessing data and digital technology: Inquiry report (Final Report)* was released by the Productivity Commission. The Final Report presents recommendations focused on five key policy reform areas, with recommendation 1.2 indicating that "AI-specific regulation should be a last resort".

- (c) Department of Industry, Science and Resources

The Australian Government has announced the establishment of an [Australian Artificial Intelligence Safety Institute \(AISII\)](#) (25 November 2025) to respond to AI-related risks and harms, with operations expected in 2026; indicating a 'light touch' approach relying on existing laws/regulators rather than standalone AI legislation at this stage.

Additionally, the government has also recently released the [National AI Plan](#) (2 December 2025), which is the Australian Government's plan to grow the AI industry in Australia, including an ongoing review of the current regulatory framework.

On April 1, 2026, the Government signed [a new collaborative Memorandum of Understanding \(MoU\) with Anthropic](#) to build on the National AI Plan launched by Government in late 2025. This is the first arrangement signed under the National AI Plan, a commitment by Anthropic expanded in their Memorandum of Understanding to align any future Australian operations with the Australian Government's Expectations of data centres and AI infrastructure developers, released on 23 March 2026. Similarly, Microsoft has signed the same [Memorandum of Understanding](#) to align to these standards on 23 April 2026.

Furthermore, on 1 April 2026 the Australian Government issued its [response](#) to the [Senate Select Committee on Adopting Artificial Intelligence \(AI\) report](#), reaffirming a practical, risk-based approach to AI regulation, continued reliance on existing legal frameworks supplemented by targeted reform, new Privacy Act transparency requirements for substantially automated decisions from 10 December 2026, and ongoing consultation on copyright and AI issues.

(d) Australian Cyber Security Centre

On 1 May 2026, the ACSC issued joint advice with international partners to help organisations that design, develop, deploy and operate agentic AI systems, to make informed risk assessments and mitigation entitled [ACSC: Careful adoption of agentic AI services](#). This guidance primarily addresses both threats to and vulnerabilities within agentic AI systems, as well as risks arising from agentic AI behaviour, including integrations and downstream use. The guidance concludes with actionable recommendations to help organisations prepare for and defend against emerging and future agentic AI threats.

(e) Australian Prudential Regulation Authority (APRA)

In a letter to the industry on 30 April 2026, the [Australian Prudential Regulation Authority \(APRA\) has called for](#) a significant enhancement in the management and governance of AI-related risks among banks, insurers, and superannuation trustees, highlighting that current practices are lagging behind the rapid evolution of AI technology. APRA noted findings from a supervisory review indicating that the increased use of advanced AI is creating new financial and operational vulnerabilities, with existing information security measures struggling to keep pace.

(f) National AI Centre

On 7 May 2026, The [National AI Centre](#) has launched [AI.gov.au](#), a digital platform designed to assist organizations in understanding and utilizing AI safely and responsibly. Informed by user research, the initial release targets

small and medium enterprises (SMEs) and the not-for-profit sector, featuring guidance on AI adoption, AI-generated content clarity, AI skills courses, an event calendar, a directory of Australian businesses, and an AI ecosystem report. On 4 June 2026, the Australian Government has introduced an [agentic AI addendum](#) to address the growing autonomy and influence of AI systems, emphasizing the need for clearer definitions and standards to ensure the safe design, development, and operation of these systems. Agencies must comply with relevant legislation, policies, and standards, including the Technical Standard for Government's Use of AI, Australian Signal Directorate guidelines, and the Australian Privacy Principles, while adopting human oversight models to maintain accountability and explainability of AI outcomes.

(g) ASIC

The [Australian Securities and Investments Commission \(ASIC\)](#) has issued an urgent call for all licensees and market participants to enhance their cyber resilience measures in response to escalating threats from advanced AI technologies, as highlighted in a letter from ASIC Commissioner Simone Constant. They have emphasised that cyber resilience is a core licensing obligation that must be prioritized at the leadership level to withstand AI-accelerated threats.

B. AI USE IN AUSTRALIAN LEGAL PRACTICE AND COURTS: CURRENT PRACTITIONER READING LIST

This section is a practitioner reading list of current Australian materials relevant to AI use in litigation and legal practice. It includes binding court practice notes, court guidance, a few cases, professional guidance, and law reform materials. Not all items are legally binding, but all are relevant to competent and responsible practice.

1 FEDERAL

1.1 Practice notes, directions, and procedural requirements

[Use of Generative Artificial Intelligence Practice Note \(GPN-AI\) dated 16 April 2026](#)

The recent Federal Court Practice Note reiterates previous warnings that the use of AI must be consistent with existing obligations to the Court and other parties, setting out specifics of how AI can impact those obligations.

Clause 4.10 of the Practice Note imposes a disclosure requirement. Disclosure is required when GenAI tools have been used:

- to summarise or analyse information upon which a witness relies to make a statement of fact or express an opinion (including creation of images and other materials) – 4.10 (a) and (b)
- in any other manner that might reasonably be expected to affect the admissibility of that evidence, or what use is made of it by the Court – 4.10 (c)

Clause 4.11 provides that disclosure should occur in the body of the document at the start of the document. It should say as concisely as possible where in the document Generative AI has been used, and how it has been used.

The Practice Note also sets out certain expectations of the Court in relation to AI use in relation to proceedings, such as the expectation that any person who uses Generative AI will have a basic understanding of its capabilities, and its limitations and risks (section 2)

Consequences are also flagged – where Generative AI is used in way that is inconsistent with this Practice Note or the Court’s orders or directions, all persons should expect that there could be consequences including adverse costs orders and issues as to compliance with legal and professional obligations (section 5).

1.2 Case law

[Mertz & Mertz \(No 3\) \[2025\] FedCFamC1A 222](#) is a landmark Australian family law case where the Full Court sanctioned legal practitioners for submitting court documents containing fake, AI-generated citations. The court emphasized that

regardless of delegation, practitioners remain strictly accountable for the accuracy of their work, particularly junior staff or AI tools.

Many more cases are available to read in the [GenAI, Fake Law & Fallout report](#) published on the 28 November 2025, shaping judicial discussion as GenAI misuse escalates across courts.

1.3 Court guidance and Commentary

[Justice Jane Needham, *AI and the Courts in 2025: Where are we, and how did we get here* \(27 June 2025\)](#)

[Law Council of Australia, *Artificial intelligence use in the Federal Court of Australia* \(16 June 2025\)](#)

2 NEW SOUTH WALES

2.1 Practice notes, directions, and procedural requirements

(a) Supreme Court of NSW

The Supreme Court released [Practice Note SC Gen 23 - Use of Generative Artificial Intelligence](#). This was amended 28 January 2025, prohibiting the use of GenAI in certain circumstances (generating the content of affidavits, witness statements and character references). It requires leave of the Court in specific instances of use and mandates verification of all citations.

(b) District and Local Court of NSW

Other NSW courts and tribunals have either adopted the Supreme Court Practice Note or issued directions closely based upon it. [The NSW Local Court \(12 Jan 2026\)](#) adopted the Supreme Court's SC gen 23 Practice Note from 12 January 2026; the [District Court](#) issued General Practice Note 2 - Generative AI Practice Note, commencing 3 February 2025; and while NCAT issued [NCAT Procedural Direction 7](#), commencing 7 April 2025, based on SC Gen 23 with changes for tribunal proceedings.

(c) Uniform Civil Procedure Rules

On 31 January 2025, the Uniform Rules Committee published the *Uniform Civil Procedure (Amendment No 104) Rule 2025* under the *Civil Procedure Act 2005*. This restricted the use of Generative AI in legal proceedings, ensuring courts retain control over evidence and submissions. It established that AI cannot be used to generate affidavits or witness evidence, while permitting its use in expert reports and submissions only under strict conditions.

3 VICTORIA

3.1 Practice notes, directions, and procedural requirements

(a) Supreme Court

The Supreme Court and County Court of Victoria have each published AI guidelines – the guidelines are high-level and principles-based, including a glossary of terms.

This Supreme Court Guidelines have since been replaced by SC Gen 25 below. The Supreme Court released [Guidelines for litigants: responsible use of artificial intelligence in litigation](#) (May 2024), while the County Court released [Guidelines for Litigants: Responsible Use of Artificial Intelligence in Litigation](#) (July 2024).

[SC Gen 25 - The use of Artificial Intelligence by Court users](#)

Released on Thursday 14 May, the Supreme Court of Victoria issued a practice note on use of Gen AI in the Court – [SC Gen 25 - The use of Artificial Intelligence by Court users](#). The practice note replaces the *Guidelines for Litigants: Responsible Use of Artificial Intelligence in Litigation* from May 2024.

The Victorian practice note does not go as far as the NSW Supreme Court practice note ([SC Gen 23](#)), in that there is no prohibition imposed. Nor does it impose an up-front disclosure obligation (as seen in both the NSW practice note and the recent practice note from the Federal Court ([GPN-AI](#))). However, it does impose a specific verification requirement and flags that the Court may require Court users to identify AI-assisted portions of Court documents and explain how the output was verified. In summary, the practice note:

- permits the use of AI in the preparation of Court documents if Court users comply with the Practice Note (clause 1.5);
- reminds Court users of existing obligations and duties (section 6);
- calls for particular caution if GenAI tools are used in the preparation of evidence (clauses 6.10 to 6.12);
- imposes a specific obligation that content produced using AI must be verified with meaningful human control (clause 7.1), noting that asking another AI tool to confirm AI-generated material is not sufficient (clause 7.4(e));
- reminds lawyers that if they rely on unverified AI outputs in Court documents, they may be referred to the VLSB+C and may be subject to personal costs orders (clause 6.7)

- notes that the Court may require Court users to identify AI-assisted portions of Court documents and explain how the output was verified (clause 7.6)

(b) County Court

- (c) The County Court has released Practice note PNCCV 1-2026 on 9 June, superseding the Guidelines for Litigants: Responsible Use of Artificial Intelligence in Litigation. It implements the principles and recommendations of the Victorian Law Reform Commission's 'Artificial Intelligence in Victoria's Courts and Tribunals' Report, mirroring the Supreme Court's SC 25. VCAT

The Victorian Civil and Administrative Tribunal (VCAT) has released their [Practice Note PNVCAT11 - Use of Generative Artificial Intelligence \(effective 22 December 2025\)](#). This document applies to all proceedings in all divisions, provides guardrails for GenAI use by parties, and states that expert witnesses must also comply with the practice note.

3.2 Law reform material

The Victorian Law Reform Commission released the [Artificial Intelligence in Victoria's Courts and Tribunals: Report](#) (Feb 2026). This is Australia's first inquiry into AI use in courts and tribunals, tabled on 3 February 2026. This report contains 30 recommendations to guide the safe use of AI. This is an excellent resource for understanding the AI legislation and regulatory environment in Australia and internationally.

4 QUEENSLAND

4.1 Practice notes, directions, and procedural requirements

(a) Supreme and District

[Supreme Court Practice Direction Number 5 of 2025: Accuracy of References in Submissions](#) (24 September 2025) and [District Court PD 12 of 2025](#) in the same terms. These practice directions require a ‘responsible person’ (not a firm) to be named at the end of written submissions. Also sets out the duty to verify and comply with professional and ethical obligations.

4.2 Court guidance

The Queensland Courts website includes AI guidelines explaining the capabilities and limitations of GenAI tools for both judicial officers and non-lawyer advocates, emphasising the need to verify and take personal responsibility for the content of all court documents, entitled [Using Generative AI](#) (26 September 2025). There is guidance for judicial officers and non-lawyers available on that page.

5 WESTERN AUSTRALIA

5.1 Practice notes, directions, and procedural requirements

(a) Supreme Court

On 10 December 2025 the Supreme Court of Western Australia issued guidelines on the use of AI (incorporated into the consolidated practice directions as PD 9.21): [Guidelines for the use of generative AI Introduction](#)

5.2 Consultation and professional submission

[Submission to Supreme Court of Western Australia - Artificial Intelligence - The Law Society of Western Australia \(April 2025\)](#)

6 SOUTH AUSTRALIA

6.1 Practice notes, directions, and procedural requirements

(a) Supreme Court

Following consultation with the broader profession, the Judges of the Supreme Court have approved guidelines for the use of Gen AI. The guidelines have been adopted from 1 January 2026 and are available here [Generative AI Guidelines](#) (Jan 2026), governed by the [Uniform Civil Rules 2020 \(SA\) \(UCRs\)](#), [Uniform Special Statutory Rules 2022 \(SA\) \(USSRs\)](#) and the [Joint Criminal Rules 2022 \(SA\) \(JCRs\)](#)

6.2 Background

Supreme Court of South Australia - [A statement from The Honourable Chris Kourakis, Chief Justice of South Australia launching a survey about use of Generative AI in the South Australian courts](#) (30 May 2025)

7 LEGAL REGULATOR GUIDELINES

7.1 Practice guidance, ethical frameworks, and practice directions

These documents are issued by professional bodies rather than court procedural rules stressing that existing ethical, confidentiality, and competency obligations apply to AI use. They are useful reminders about the obligations that the boards place upon lawyers and assist in meeting those obligations.

The Law Society of New South Wales, Legal Practice Board of Western Australia, and Victorian Legal Services Board and Commissioner have issued a joint statement: [Statement on the use of artificial intelligence in Australian legal practice](#) (December 2024)

Queensland Law Society, [No.37 Artificial Intelligence in Legal Practice](#) (June 2024)

Queensland Law Society, [AI Companion Guide](#) (September 2024)

The Law Society of New South Wales has issued a [Solicitor's Guide to a Responsible Use of AI \(Jan 2026\)](#), providing practical, profession-focused implementation guidance for solicitors.

7.2 Templates and implementation tools

The following by the various law societies to support lawyers in responsibly using and advising clients on AI and are a robust starting point.

(a) QLS Client template

The QLS has released a template providing practitioners with a [warning to Clients - Client use of AI and Confidential Information](#). The template provides an overview of privilege (LPP), the specific risks of AI and confidential Information for legal information, explaining best practices if a client will use generative ai, compliance requirements for clients with examples, and examples of risks which might be appropriate.

(b) Law Society AI selection and use checklist for Legal Practitioners

A joint initiative by Queensland Law Society in collaboration with the law societies of all Australian jurisdictions but NSW has drafted an [AI selection and use checklist for Legal Practitioners \(Feb 2026\)](#) with a list of companion materials, risk assessment guidelines for appropriate implementation, vendor terms and conditions, professional and business considerations, and final steps.

C. OTHER RESOURCES

1 LEGAL RESEARCH AND AWARENESS RESOURCES

1.1 Thomson Reuters

Thomson Reuters have recently added a number of useful resources to the Practical Law platform:

- (a) [AI regulatory developments](#) – A tracker monitoring the progress of key developments in the regulation of artificial intelligence (AI) in Australia, including the publication of government or industry recommendations or guidelines directly relevant to AI.
- (b) [AI governance: roadmap](#) – A roadmap of key steps to consider when implementing an artificial intelligence (AI) governance framework to address the management of risks associated with the development, use and deployment of AI.
- (c) [AI jargon buster](#) – this is a dictionary of rather technical terms but may prove useful.
- (d) [AI Toolkit](#) – A toolkit highlighting Practical Law's content on artificial intelligence (AI). This includes resources addressing legal issues in relation to commissioning AI, such as intellectual property (IP), product liability and data protection.

1.2 Law Library of Victoria

The Law Library of Victoria has issued a lovely research guide entitled '[Artificial Intelligence \(AI\) in the Law and Hallucinations](#)', including case law from multiple jurisdictions, links to AI hallucination case trackers, relevant articles, a print collection of resources, and related research guides.

In September 2025, the Law Institute of Victoria published comprehensive guidelines for the ethical use of AI in legal practice. These guidelines emphasise the importance of maintaining confidentiality, verifying outputs, and ensuring transparency with clients and the courts. [Ethical and Responsible Use of Artificial Intelligence | The Law Institute of Victoria](#) (Sept 2025)

Additionally the Law Library of Victoria has provided a research guide entitled '[Artificial Intelligence \(AI\) in the Law for Legal Practitioners](#)', including AI guidelines, research, and tools. For more details on managing the risks of emerging technologies, referring to their [Digital Literacy Framework for Legal Practice](#).

1.3 Others

The Law Society of Western Australia has introduced an [Artificial Intelligence Hub](#) to support practitioners.

The Law Council of Australia has published their central resource entitled [Artificial Intelligence and the Legal Profession](#).

The Law Society of NSW has released a portal presenting resources on [AI for legal professionals](#).