SUPREME COURT OF QUEENSLAND

PRACTICE DIRECTION NUMBER 5 OF 2025

ACCURACY OF REFERENCES IN SUBMISSIONS

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1. The Court acknowledges the increasing use of artificial intelligence as a tool in the conduct of litigation.

2. One of the risks associated with using generative artificial intelligence tools is that they may produce apparently coherent and plausible responses to prompts, but the responses may be inaccurate or fictitious, including because they refer to non-existent sources (case authorities, legislative references, legal and academic resources). Another risk arises if generative artificial intelligence is used to formulate or reformulate the manner of expression of a submission, without the result being sufficiently checked.

3. Written or oral reliance on material produced in this way has the potential to mislead the Court and the other parties, to cause delay and wasted costs, to undermine the integrity of the Court's processes and ultimately to harm public confidence in the administration of justice.

4. The purpose of this Practice Direction is to address this risk.

Identification of the responsible person

5. For written submissions to the Court, the person or persons who take responsibility for the contents of the document (**the responsible person(s)**) must be identified by name at the end of the document.

6. Where a responsible person is a legal practitioner, it is the individual legal practitioner (whether solicitor or barrister) who must be named. It is not sufficient for a firm of solicitors on the record for a party to be named.

7. For oral submissions to the Court, the responsible person is the person making the oral submissions. To avoid doubt, the person making the oral submissions also becomes a responsible person in relation to the written submissions.

Where the responsible person is a legal practitioner

8. The administration of justice depends upon the Court being able to rely on the integrity of the legal practitioners who appear before it and on their professionalism in only advancing to the Court written or oral submissions which can be properly supported.[1]

9. For written submissions, the responsible person must –
   (a) verify the accuracy and relevance of any references to legislation, authorities or other sources; and
   (b) ensure that the document is expressed in terms which reflect their judgment as to the proper discharge of their professional and ethical obligations.

10. By placing their name on a written submission as a responsible person, or by allowing that to occur, a legal practitioner informs the Court that they have performed this obligation.

11. For oral submissions, the responsible person must –
   (a) verify the accuracy and relevance of any references to legislation, authorities or other sources; and
   (b) ensure that the oral submissions are expressed in terms which reflect their judgment as to the proper discharge of their professional and ethical obligations.

12. By advancing oral submissions to the Court, a legal practitioner impliedly informs the Court that they have performed the obligations in paragraphs 9 and 11.

13. The obligations in paragraphs 9 and 11 above reflect the professional and ethical obligations owed by barristers and solicitors, including under rules 12, 25, 26, 37, 41 and 57 of the *Barristers' Conduct Rules*, and under rules 3, 4, 5, 17, 19 and 37 of the *Solicitors' Conduct Rules*.[2]

14. Legal practitioners who are responsible persons for written or oral submissions which are found to contain reference to non-existent cases, legislation or other material, may be the subject of a referral to the Legal Services Commissioner for investigation and/or be required to show cause why a costs order should not be made against them personally.

Self-represented litigants

15. Self-represented litigants should read the Queensland Courts Guidelines for Responsible Use of Generative AI by Non-Lawyers, a copy of which is published with this Practice Direction.

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1 *Ayinde v Haringey* [2025] EWHC 1383 at [5].

2 See also the Queensland Law Society's Guidance Statement on Artificial Intelligence in Legal Practice, published on the QLS Resource Centre webpage.

16. Self-represented litigants must also endeavour to ensure the accuracy of references to any legislation, authorities or other sources referred to in any document prepared by them and relied upon in Court, and in any oral submissions made by them, for example, by referring to publicly available legal resources such as:

- Australasian Legal Information Institute (austlii.edu.au)
- Queensland Judgments (queenslandjudgments.com.au)
- Queensland Legislation (legislation.qld.gov.au)
- Commonwealth Legislation (legislation.gov.au)

17. Relying on a document which contains reference to non-existent cases, legislation or other material may result in an adjournment of the hearing and potentially an adverse costs order against the party who relied on the document.

Review

18. Due to the rapidly developing nature of generative artificial intelligence, the Court's approach to regulating the responsible use of generative artificial intelligence in court proceedings, and this Practice Direction, will be reviewed regularly.

H Bowskill
Chief Justice
24 September 2025