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Unleashing Open Access: Law Reporting in an AI Generation

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Abstract

The rapid advancement of technology and the increasing digital literacy of individuals have revolutionised access to legal information. The outbreak of COVID-19 necessitated a swift transition to the virtual environment for many, and alongside the rapid development of Generative Artificial Intelligence, the practice of law is fundamentally altered. This shift towards digital platforms created a unique opportunity to re-evaluate traditional methods of accessing legal information. As the world re-establishes customary practices, it becomes imperative to critically examine the transformative effects of this change and explore prospects for law reporting. This article aims to provide a concise historical overview of law reporting in Australia, clarify the current state of law reporting, assess the impact of technology on the field, explore alternative publishing approaches, and engage in a strategic vision discourse on the future of law reporting.

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I Introduction

‘The future is now, old man’ - Classic Meme.¹

In the wake of COVID-19 and the meteoric rise of Generative AI, Australia’s legal system is on the brink of a tech-driven transformation. Now is the time to reflect on the role of law reporting and authorised law reports to imagine the next metamorphic event in the long history of law reporting. With courts willing to reconsider the role of technology in the justice system, there is the opportunity to evaluate and shape the future of law reporting in Australia. Significant advancements have marked the history of law reporting. Noteworthy milestones include the establishment of the Incorporated Council of Law Reporting in 1865, medium-neutral citation in 1992, and the emergence of online publications of judgments in the 2000s. Looking beyond 2025, there is a potential window of opportunity for the next transformative leap.

In addition to technological change, a review of Australian law reporting within the broader landscape of the free law movement and the expansive open community is crucial. Australia and the global community are grappling with the open movement, seeking to ensure the availability and accessibility of publicly funded information. The history of law reporting reveals that the abundance of information sources has posed challenges for the legal profession and researchers, inundating them with a plethora of resources at all different levels of access. As information access continues to expand, coupled with the growing inclination of individuals to obtain and utilise it, addressing this challenge becomes imperative.

This article will provide a short history of law reporting in the common law world with a focus on Australia and with comparative examples with the United Kingdom (‘UK’). A current state of play of law reporting will be presented, demonstrating practices in the states, territories and federal jurisdictions. The article will then speculate on how open access movements and technology could change law reporting in Australia by exploring alternative publishing approaches. We conclude by engaging in a speculative discourse on the future of law reporting.

A *Law Reports: Where Do They Come From?*

Law reporting is the system used to relay judicial decision-making; it is the practice of recording and publishing court decisions. The core component of the common law legal system, *stare decisis*, promotes legal certainty and uniformity in deciding subsequent cases with similar

¹ A playful reference to someone out of touch with new technology or new ways of thinking from ‘Lois’s Makeover’, *Malcolm in the Middle* (Satin City, Season 3, Episode 10, 2001).

legal issues or facts. We look back on the past to create a more predictable future.

Emerging from an oral tradition in the early development of the common law legal system, law reporting quickly advanced to textualisation with the need for judicial and legal professions to rely on written documents.² Although it is unclear who the first law reporters were, it is likely the first law students, practitioners, and the judiciary themselves wrote the first examples of what has happened in the courts.³ These often handwritten notes were followed by legal treatises that attempted to consolidate and explain the law.⁴ These treatises fell out of fashion and were replaced with the Year Books, comprising compilations of cases.⁵ Law reports continued to adapt with the arrival of the printing press, and by the 1590s, there was a preference for printed reports over memory or manuscripts.⁶

Continuing changes in technology led to further advancements in law reporting and accessibility. Printing law reports made them easier to access, and by the 1640s, reports moved from the law-French used in oral tradition to the more accessible English.⁷ The increased ability to print reports and for people interested in purchasing and reading them created an industry that could make and sell law reports as a product. With the commercialisation of law reports, barristers and trained solicitors could produce and sell their reports.

The next stage of law reporting arrived in the mid-19th century, with commercial publishers releasing various reports. Publishing also moved from one-person operations to more professional-style journals.⁸ Law reporting became entertainment in some instances, and cases were published widely in journals and newspapers. Some were published for a popular audience rather than for their precedential value and were a commercial success.⁹

One limit of early law reports was also at the mercy of the reporter, who would select the cases to be reported. For example, John Campbell, later Chief Justice and Lord Chancellor, said that when publishing his law reports in the early 1800s, he refused to publish cases he disagreed

² For a more detailed history see Peter M Tiersma, 'The Textualization of Precedent' (2007) 82(3) *Notre Dame Law Review* 1187, 1187.

³ Frank Pegues, 'The Medieval Origins of Modern Law Reporting' (1952) 38(4) *Cornell Law Quarterly* 491.

⁴ See the examples in Sarah Tullis, 'Glanvill after Glanvill: The Afterlife of a Medieval Legal Treatise' in Susanne Jenks, Jonathan Rose and Christopher Whittick (eds), *Medieval Law and its Practice* (Brill, 2012) vol 13, 327.

⁵ *Ibid.*

⁶ Tiersma (n 2) 1200.

⁷ Ian Williams, 'Law Language and the Printing Press in the Reign of Charles I: Explaining the Printing of the Common Law in English' (2020) 28(2) *Law and History Review* 339.

⁸ Michael Bryan 'The Modern History of Law Reporting' (2010) 20(2) *Australian Law Librarian* 65.

⁹ See, eg, 'Publishing History of the Proceedings', *The Proceedings of the Old Bailey About the Proceedings* (Web Page) <<https://www.oldbaileyonline.org/static/Publishinghistory.jsp>>.

with.¹⁰ All the different reports made it difficult to access coverage of cases. By the mid-19th century, a person who wanted court coverage would need to purchase 17 different reports.¹¹ In addition to the selection of cases covered, reports themselves held inconsistencies and incorrect reporting of the facts. There were variations in how the case was reported; for example, one case may be published in four or more reports, all contradictory and inconsistent.¹² It was increasingly becoming a problem for courts to access high-quality reports.

From the 1860s onwards, there was a need to address the issues of modern law reporting. In 1865, there was a push to create official published reports that the court could rely on as a good quality source of information. This led to the reform movement of law reporting, which formed the modern system of law reporting. Interestingly, one possible solution at the early stages was to create a government publication that would remain non-commercial; this argument is still debated today in Australia and discussed below. In any case, that idea was rejected in favour of creating a Council of Law Reporting, later to become the Incorporated Council of Law Reporting ('ICLR') that would be administered by the legal profession. These reported cases were preferred in the sense that the judge/s that made the decision would then confirm the report by checking the accuracy of the reported judgement.¹³ The cases would also be selectively chosen to be reported based on their importance and precedent value from 1863, at least, according to the Lindley Principles.¹⁴ This reduced the number of reported cases and limited the commercial publication of reports, although other specialised reports and commercial publications exist. Today, ICLR provides access to law reports, and its mission is to provide an official law reporting service that is available at a moderate price.¹⁵

This short history of the origins of law reporting has demonstrated different aspects that are important to the future of law reporting. Firstly, that law reports are adaptable to circumstances. As technology and the needs of society changed, so did the format and rationale around law reporting.

¹⁰ Bryan (n 8).

¹¹ Ibid.

¹² Ibid.

¹³ Ibid.

¹⁴ 'The ICLR Guide to Reportability', *Incorporated Council of Law Reporting* (Web Page) <<https://www.iclr.co.uk/knowledge/guides/the-iclr-guide-to-reportability/>>; Paul Magrath, 'Law Reporting and Public Access in the Courts: Is Too Much a Good Thing? Part 1: The English Experience' (2019) 19(4) *Legal Information Management* 224, 227.

¹⁵ 'About', *Incorporated Council of Law Reporting* (Webpage) <<https://www.iclr.co.uk/about/>>.

II Modern Law Reporting in Australia

Australia followed a very similar pattern for early reporting. Early reporting in the colonies before the 1860s was sporadic. There were private publishers of case law that varied in quality and were published at irregular intervals.¹⁶ Australia adopted a modified version of the UK reformed report, the Councils of Law Reporting. Victoria implemented a system of authorised law reporting in 1876, and other colonies were to follow.¹⁷ Australia now had authorised reports that can be relied on in court; the Consultative Council of Australasian Law Reporting ('CCALR') maintains standards of law reporting in Australia and New Zealand.¹⁸ However, Australia did not adopt a centralised ICLR model; rather, each jurisdiction had a different approach to publishing its reports.

In Australia, there are three primary methods of publication. Firstly, since the 2000s, decisions have been available on individual court websites with some limited access to historical cases; these cases are also published on freely accessible open access platforms. Secondly, they are published in various specialist and generalist commercial reports. Finally, the authorised reports, some of which are freely available, and others published commercially. Australia followed the UK tradition, with select cases to be published, either online through court or other websites or selected to be published in reports both authorised and others. The Councils of Law Reporting are responsible for law reporting in each jurisdiction. Currently, the High Court, the Federal Court, and each state and territory Supreme Court have a set of authorised reports.¹⁹

One example of the Australian publishing model can be demonstrated by cases handed down by the High Court of Australia. The case will appear shortly on the High Court and other free websites. The case may also be published in other reports and the authorised reports for the High Court, the Commonwealth Law Reports ('CLR's'). The older versions of the CLR's are available from the commercial publisher and on the Australasian Legal Information Institute ('AustLii'), and the latest editions are available through a commercial publisher.

All states and territories follow a similar law reporting process. The exception is the Queensland Reports published by the Incorporated Council of Law Reporting for the State of Queensland ('ICLRQ'), a

¹⁶ FE Chipman, 'Australian Law Reports, Official and Otherwise' (1916) 9 *Law Library Journal* 62.

¹⁷ Ibid.

¹⁸ John McKenna, 'Consultative Council of Australasian Law Reporting: A Brief Note about Law Reporting' (2022) *Hearsay* 90 (Web Page) <<https://www.hearsay.org.au/consultative-council-of-australasian-law-reporting-a-brief-note-about-law-reporting/>>.

¹⁹ See for example *Australian Guide to Legal Citation* (Melbourne University Law Review and the Melbourne Journal of International Law, 4th ed, 2018), rule 2.2.2. Law Report Series.

charitable institution established in 1907.²⁰ The Queensland Reports are available to the public through the Queensland Judgments website.²¹ The website follows an open access model, making the reports publicly available. In 2020, a new series of the Queensland Reports commenced with three volumes published annually.²² Quality is assured as the ICLRQ is responsible for selecting, revising, and publishing the most significant judgments of the Supreme Court.

III Do We Still Need Authorised Reports?

Law reporting and technology have significantly changed since the incorporation of the Lindley Principles. The primary purpose of authorised reports was to shift and organise cases to help identify which were important to creating or applying a rule, to settle questions of law or were instructive.²³ Today in Australia, authorised reports are selected on these principles, amongst other criteria made by law reporters. Of the published and available in free access online cases, very few make it to the authorised law reports; one example is from New South Wales, where about 2 per cent of cases are published in authorised law reports.²⁴ The question that this paper will explore in this section is whether authorised law reports are still needed in a world where information can be sorted, organised and retrieved beyond the need to look only at specific reports.

One reason to continue with authorised reports is to distinguish cases by where they are published. It has been argued that ‘discrimination in the selection of cases is a virtue’ to highlight the most important and relevant cases.²⁵ This argument has gained currency in the internet age with the publication on court websites of almost every written decision, multiplying the ‘wilderness of single instances’ bemoaned by Tennyson in 1793 in *Aylmer’s Field* and again by Griffith CJ in the early days of the High Court in 1909.²⁶ It is said now that editors of law reports perform the valuable social and professional function of curating the morass of decisions that would otherwise be overwhelming for researchers.

Similarly, authorised reports are still intrinsically important to the judiciary, legal practice and academia. For most law students and the

²⁰ The Incorporated Council of Law Reporting for the State of Queensland Charity, *Australian Charities and Non-for-profits Commission* (Web Page) <<https://www.acnc.gov.au/charity/charities/8f47023d-38af-e811-a963-000d3ad24077/profile>>.

²¹ ‘Queensland Judgements’ (Web Page) <<https://www.queenslandjudgments.com.au/>>.

²² *Ibid.*

²³ The ICLR Guide to Reportability (n 14).

²⁴ ‘NSW Law Reports’, *Council of Law Reporting New South Wales* (Web Page)

<<https://nswlr.com.au/about-reports>>.

²⁵ *Ibid.* 50.

²⁶ *Fraser v Victorian Railways Commissioners* (1909) 8 CLR 54, 58.

academy, authorised law reports are required by the *Australian Guide to Legal Citation* ('AGLC'), a standard referencing style.²⁷ These institutions see value in specifying authorised law reports for many reasons, including consistency and traditional formatting, among other preferences. The authors of this paper see the value in consistent citations and references to the authorised reports with pinpoints that can be checked and easily verified. Similarly, having all students use the same version of the case for teaching purposes creates uniformity for easy referencing. Not all agree with this approach; Stuhmcke provides examples of a full citation, including the context of where the student found the case, for example, in their textbooks.²⁸ It is debatable whether it is particularly useful for students only to use the authorised reports where available; however, if this is also recommended in legal practice, students should follow these rules in preparation for potential future careers.

Australian courts provide guidance that authorised law reports are preferred.²⁹ One example is the practice direction given by the Supreme Court of the Northern Territory that specifically requires authorised reports to be used over other reports.³⁰ The rationale is to ensure the most functional and authoritative versions are provided to the court and to encourage parties to limit their authority citations.³¹ Gleeson notes that modern courts are affected '...not only by the proliferation of judicial decisions that are reported or otherwise accessible, either in hard copy or electronically, but also by the use, or abuse, that is made of those decisions'.³² However, Gleeson J explains that excess information is not fatal, as the deeper issue beyond over-citation is in the way that the precedent is used, for example, finding the binding principle.³³ Hutchinson made a similar argument of over-citation, which may be an issue of identifying legal principles, to a more simplistic fact comparison.³⁴ Relying on fact comparison can lead to

²⁷ See rule 2.2.2 in *Australian Guide to Legal Citation* (n 19).

²⁸ Anita Stuhmcke, 'Learning Plagiarism: Law Students Really Must be Special' (2015) *University of Technology Sydney Law Research Series* 14.

²⁹ High Court of Australia, Practice Direction 1 of 2019; Federal Court of Australia Lists of Authorities and Citations Practice Note; Supreme Court of the ACT, Practice Direction 2 of 2022; Supreme Court of NSW, Practice Note No SC Gen 20; Supreme Court of the Northern Territory, Practice Direction No 2 of 2007; Supreme Court of Qld, Practice Direction Number 16 of 2013; Supreme Court of South Australia, Uniform Civil Rules 2020 South Australia-218.8; Supreme Court of Tasmania, Practice Direction No 3 of 2014; Supreme Court of Victoria, Practice Note SC Gen 3, Supreme Court of Western Australia, Consolidated Practice Direction PD 2.1.

³⁰ Supreme Court of the Northern Territory, Practice Direction No 2 of 2007- Citation of Authorities, 25 May 2007.

³¹ Kylie Downes, 'Citation with Authority: New Practice Directions Set the Standard' (2013) 33(11) *The Proctor* 26, 26.

³² Justice Murry Gleeson, 'Some Legal Scenery' (2007) 8(4) *Judicial Review* 415, 424.

³³ *Ibid.*

³⁴ Terry Hutchinson, 'Legal Research in the Fourth Industrial Revolution' (2017) 43(2) *Monash University Law Review* 567, 590.

excessive use of citations when the main authoritative case on the principle would be preferable. Perhaps the issue here is not the need for authorised reports to be used but rather the application of their use.

Using authorised reports has a practical attraction in a clear and consistent format and with certainty that the case selected as an important source in a sea of other similar cases. It makes sense in the academic and legal profession to refer to the same version of an authorised case, making it easy to ensure consistency of version and reference to the page and paragraph numbers from one report. Other features may not appear in unreported cases, such as a summary of the arguments presented by counsel. Although increasingly, some unreported cases have some features, and some case summaries are available.³⁵ Authorised reports endure a rigorous production process aimed at removing all errors. One editor gives an example of the value of authorised reports by using unauthorised reports to prepare arguments and then copying the CLR on the morning of the hearing to use in court.³⁶ The word that had been ‘not’ in the unauthorised reports was ‘now’ in the CLR version, completely reversing the effect of the decision. John McKenna KC notes that there are limits upon the court's power to amend a formal judgment; it is sometimes necessary to use the complexity of judgements, time pressure, and limitations on resources.³⁷ Therefore, some medium-neutral judgements contain notes that they are subject to a formal revised publication.³⁸ Having a final and official version of the case can assist with avoiding any problems or inconsistencies with previous versions.

Authorised law reporting is not without its critics, including criticism of the precedential values of authorised reports, access, and commercialisation. One academic noted ‘...you might as well throw all the cases in the air and catch 100 random ones and put those in the authorised report’ challenging the notion that if it appears in an authorised report it must be of value.³⁹ Similarly, if a case is reported in an authorised report, it does not automatically give it precedent over other relevant cases that apply to the facts of a case. As to the issue of the precedent clause, the *Guide to Uniform Production of Judgements* is a possible system of citations, adopted by some courts, that indicate cases that have significant discussion or application of legal principles, those that are routine, or some that are indicative of the level of

³⁵ See, eg, ‘Case Summaries 2024’ *High Court of Australia* (Web Page, 2024) <<https://www.hcourt.gov.au/registry/case-summaries-2024>>.

³⁶ Dr Cameron Ford OAM, editor of the *Northern Territory Law Reports*.

³⁷ McKenna (n 18).

³⁸ For further discussion on judgments and revisions see *ibid*.

³⁹ Hutchinson (n 34) 569, 581.

damages.⁴⁰ This system could be used by the courts to denote the precedential value of a case rather than a reliance on authorised law reporting.

Another issue is their continued relevance; originally designed to report selected cases, increased publishing options have expanded the possibilities of cases now available outside the authorised reports. For example, law reports have been described as ‘Heralds of the Law...Guardians of Precedents, or as Lord Denning MR once put it, Watchdogs of Justices...’.⁴¹ However, with the rise of the internet age and the open access movement, the need to rely on law reports as the only source of information significantly challenges the idea of authorised law reports being the gatekeepers to the law. The next question is whether we need to continue to have law reporters as ‘watchdogs’; perhaps the burden has moved onto legal practitioners to evaluate the cases they use critically. Another issue is the need for law reporters to edit and reformat what has been provided by the court. There have been criticisms of censorship issues in reports, which relate to their ability to be an absolute source of the truth without context.⁴² If the medium-neutral court decisions published on the court websites are a source of truth, as the judges themselves have written and approved, then there may be no more need for further editing or selection.

In the next part of the paper, we will consider law reporting in the context of the open-access movement, potential for new models of publishing, and then examine law reporting and technological advancements such as generative Artificial Intelligence (Gen AI) on law reporting.

IV Open Access Movement

The accessibility of the law has long been an issue of intrigue and debate. For example, Rastell, lawyer and printer noted in the 1520s that the law is ‘kept so secretly’ that it can be hidden and hard to access.⁴³ Throughout the history of law reporting, access to law reports has been difficult, and this struggle has continued in modern times to find a model that is fit for purpose. The challenges in open access to law are also reflected in the modern open access movement for academic

⁴⁰ Justice L T Olsson, *Guide to Uniform Production of Judgments* (The Australian Institute of Judicial Administration Incorporated, 2nd ed, 1999). See also, eg, that recent decisions by the Supreme Court of the Northern Territory use judgment category classification.

⁴¹ Magrath (n 14) 227.

⁴² See, eg, Colin Fong, ‘Censorship in the Law Reports?’ (2023) 31(2) *Australian Law Librarian* 58.

⁴³ John Rastell, *Exposiciones Terminorum Legum Anglorum* (John Rastell, c.1525) cited in Ian Williams, ‘Law Language and the Printing Press in the Reign of Charles I: Explaining the Printing of the Common Law in English’ (2020) 28(2) *Law and History Review* 339, 341.

research, including the FAIR Access Policy Statement⁴⁴ and Open Access Australasia.⁴⁵ A sustainable and modern model has yet to be created for academic research in Australia. Debate is still ongoing about what model would work; for example, Australia's Chief Scientist, Dr Cathy Foley, has proposed a model that allows free access to journal articles with an Australian-based author,⁴⁶ while the Council of Australian University Librarians ('CAUL') does not support the proposal as it argues this type of module is '...at odds with the principles of open access'.⁴⁷ A similar situation exists for law reporting; it suffers from issues of open access, as not all authorised law reports are freely available; there are different models to choose from, but which one would suit remains a question that this article will explore.

The birth of open access in law started to grow with the first free law movement, which began in 1992 through the Cornell Law School and the Legal Information Institute.⁴⁸ This movement only continued to grow with advancements in technology and with the courts and judiciary to share their content. Michael Kirby refers to the arrival of the internet as a 'new hope for relief' to increase free access to the law.⁴⁹ The free law movement has led to websites that enable free access to law and case law. There are also increasingly free online sources for law consumers to understand the law's principles and sources beyond law reports.⁵⁰

One example of the open law movement is AustLii. AustLii provides free access to legal material, including most cases, and is seen as 'reliable, speedy and well respected'.⁵¹ AustLii also fills in gaps of material not reported in law reports; for example, it is sometimes the only place where courts and tribunal decisions are published and are not often covered by commercial legal publishers.⁵²

⁴⁴ FAIR, *Policy Statement on F.A.I.R. Access to Australia's Research Outputs* (Statement, 2017) <https://www.fair-access.net.au/_data/assets/pdf_file/0029/74198/F.A.I.R.-Statement_Jan_2017.pdf>.

⁴⁵ 'Open Access Australasia' (Web Page) <<https://oaaustralasia.org/>>.

⁴⁶ Office of the Chief Scientist, *Advice on Open Access Models: Unlocking Knowledge for National Benefit* (Report, 2024) <https://www.chiefscientist.gov.au/sites/default/files/2024-08/Chief_Scientist%27s_advice_on_open_access.pdf>.

⁴⁷ Jane Angle, *CAUL Response to the Chief Scientist's Advice on Open Access Models* (Transcript, 12 September 2024) <https://www.caul.edu.au/sites/default/files/documents/caul_response_to_the_cs_advice_september_2024_final_0.pdf>.

⁴⁸ Free Access to Law Movement (Web Page) <<http://www.fatlm.org/>>.

⁴⁹ Michael Kirby, 'Freeing the Law: Beyond the Dark Chaos' (1999) 22(2) *The University of New South Wales Law Journal* 585.

⁵⁰ See, eg, the AustLii Communities *Northern Territory Law Handbook* <<https://austlii.community/foswiki/NTLawHbk/WebHome>>.

⁵¹ Phillip Leith, 'BAILII - Towards a National Law Library?' (2007) 7(1) *Legal Information Management* 42, 43.

⁵² Andrew Mowbray, Philip Chung and Graham Greenleaf, *Free Access Case Law Enhancements for Australian Law* (Paper, 2009) <<https://aija.org.au/wp-content/uploads/2018/03/MowbrayChung.pdf>>.

Other sources of cases are provided on court websites, from the lower to the superior right across Australia. The speed at which this can be accessed makes them a timely source of information. However, these websites have some limitations; for example, most have limited searching features, significant indexing infrastructure, and limited access to historical material.

V Open Justice v Open Access

Currently, in Australia, most cases are available to the public freely. However, the question remains whether all Australians should be able to access the authorised law reports that are only produced by commercial publishers. The inability to locate and use the authorised law reports does not necessarily limit access to justice. For example, having access to the lack of the value-added material found in the authorised reports (catchwords, head notes and cases cited) does not deny meaningful access to justice. While theoretically, the head note should distil the facts and principles in the case well enough for most people to understand it, many may not be able to understand or apply the case. This seems to come down to what is meant by ‘access to justice’. If it means that every person of average intellectual ability but without legal training should be able to understand the law, that is not an issue of availability of the law but of its simplicity. If the law remains as complex as it is, no amount of availability is going to provide the requisite level of access if understanding is the definitional standard. And while lawyers exist, and while every judge is legally trained, the law is going to remain and become more complex.

We argue that the access to justice argument, to have any hope of being realistic and attainable, comes down to the following principles: (1) laws should be freely available to people in the simplest language possible; (2) lawyers should be available to people at accessible cost; (3) while ever they are required by the court, authorised reports should be available at accessible cost. Principle (1) is satisfied by parliamentary and court websites publishing statutes and cases. Principle (2) is addressed (not yet satisfied) by legal aid, pro bono work and cases being taken speculatively. Principle (3) is the real issue at the moment, which the publishers are attempting to address by making single authorised decisions available at nominal cost to non-subscribers. Whether this is enough is a real question.

Peter Dunning KC was very strong in opposition against the publishers at the CCALR conference, noting how much ICLR was able to do the same at 1/20th of the cost.⁵³ One option, of course, is for the courts not to insist on authorised reports. They allow everyone to hand up non-authorised versions. In practice, people representing themselves

⁵³ Peter Dunning KC, Speech, Consultative Council of Australian Law Reporting (2 June 2023).

in court are often able to access court resources, including the court libraries. Some jurisdictions have access to public law libraries, such as the Queensland Court Library⁵⁴ and the Victoria Legal Aid Library.⁵⁵ This may provide one model of several for citizens to access high-quality legal information. Similarly, it is unlikely that a judge would not accept an unauthorised report from a self-representative litigant.

VI The Future is Now

There are five possible options for the future of law reporting. Firstly, the option is to do nothing and make no changes; commercial publishers continue to publish authorised law reports (apart from Queensland), and unreported decisions continue to be shared via court and other websites. Secondly, Australia could move to a system such as the ICLR, which has a national platform whose role is to record the law and give affordable access. Thirdly, Australia could replicate the Queensland model across all jurisdictions; each state or territory empowering⁵⁶ or creating its independent reporting body to enable free access. Fourthly, Australia could take a national approach to law reporting, developing its open-access module. The last and fifth option is to end authorised law reporting altogether. The next part of this article will discuss each option in further detail.

1 *Do Nothing and Make No Changes*

As outlined earlier in this article, Australia has a system with some freely available cases, while authorised law reports are published by commercial publishers, except for in Queensland. The benefit of maintaining this model is that it is a known and functioning system; there is something to be said about maintaining the status quo, as any change will require vast contributions to infrastructure and public funding. There would also have to be some consensus on the model to be used and a modicum of agreement among the judiciary, legal practitioners, law societies, law reporters, the academy, state and federal governments and the public in general, who would likely be financing any publishing model change. As discussed above concerning the open access movement, reaching a consensus on publishing models is far from simple and more difficult to create.

One advantage of using commercial publishers to produce authorised law reports is the placement of the burden of costs. Commercial suppliers also bear the burden of building robust and complex legal research tools and curating, indexing, and generating legal information. Creating specialised databases with a limited

⁵⁴ 'Supreme Court Library Queensland' (Web Page) <<https://www.sclqld.org.au/>>.

⁵⁵ Fiona MacDowall, 'Victoria Legal Aid Library' (2023) 31(1) *Australian Law Librarian* 40.

⁵⁶ Several jurisdictions already have such bodies in their law reporting council.

audience takes considerable investment, effort, and dedication. Commercial publishers must pass that cost on to subscribers and be rewarded for producing a product that is commercially viable.

There are, however, limitations to remaining with a commercial publishing model. Consolidating the legal information industry and exclusive production of information has created upward pressure on the pricing of products.⁵⁷ The courts, government departments, and universities are then required to purchase that information back. Many small firms, non-profit organisations, legal aid services, and sole practitioners are challenged by the fact that many products are beyond their means. It is challenging to remain in a system where the public first pays to have the information produced through the courts and then pays to access that information in the authorised format as required by the courts.

If this model did not continue, there would still be opportunities for commercial publishing beyond supplying authorised law reports. Leith states that there will be a merger of ways where some aspects of law reporting will be free, such as the data and authorised reports. However, commercial publishers will provide value-added aspects.⁵⁸ Commercial publishers can distinguish themselves by providing search and other capabilities that may not be available in freely available tools.⁵⁹ For example, ‘greater open access to legal scholarship and legal information could positively influence the broader marketplace by incentivising entrepreneurs to create new business models in the legal information industry’.⁶⁰ We have seen this recently with commercial publishers providing unique content and enhanced capabilities with Gen AI, as discussed further below on technology.

2 *Australia Could Move to a System Such as the ICLR, Which has a National Platform Whose Role is to Record the Law and Give Affordable Access*

ICLR provides access to law reports, and its mission is to provide an official law reporting service that is available at a moderate price.⁶¹ The advantage of this system is that without the commercial price, law reports become more accessible but still retain many elements of commercially published reports, including experienced law reporters and search capabilities. Australia could adopt a similar approach to the UK, with a centralised body that provides affordable access by creating

⁵⁷ See Olufunmilayo B Arewa, ‘Open Access in a Closed Universe: Lexis, Westlaw, Law Schools, and the Legal Information Market’ (2005) 10(4) *Lewis & Clark Law Review* 797, 824, discussing the consolidation of legal information published in the US.

⁵⁸ Leith (n 51) 43.

⁵⁹ Olufunmilayo (n 57) 799.

⁶⁰ Ibid 826.

⁶¹ ‘About’ (n 15).

a non-profit law reporting body. Some infrastructure exists in the knowledge and experience of the current Councils of Law Reporting. However, creating a platform to host and search for authorised reports would be a new and significant investment.

Australia and the UK have similarities in structure and organisation that would provide an opportunity to create and adapt based on existing systems. For example, since 2022 in the UK, the Find Case Law Database, run by the National Archive, has been the primary distribution point for all judgments and can distribute copies of the judgements.⁶² This method is very efficient, and new judgments are often available on the same day.⁶³ Another benefit is that this National Archive in the UK allows bulk re-use and data analysis.⁶⁴ Australia has the National Archives of Australia, a similar organisation that is an agency and official repository for all federal government documents and could be the foundation of the system in Australia.⁶⁵

3 *Australia Could Replicate the Queensland Model Across the Individual Jurisdictions*

The Queensland model allows free access to their authorised law reports. This could be across all jurisdictions, with each state or territory empowering⁶⁶ or creating its own independent reporting body to enable free access. This model is attractive in that it is currently in use in Australia. However, each jurisdiction would need to invest in the online infrastructure, the benefits of this investment would outweigh the initial investment.

4 *Australia Could Take a National Free Approach to Law Reporting*

Supporting the fourth option - the national approach – is the now-accepted position that '[t]here is but one common law in Australia which is declared by this [High] Court as the final court of appeal.'⁶⁷ The decisions, comprising the common law of Australia, could be seen as a source of vital Australian information akin to legislation and other public information necessary for citizens' lives. Governments have already accepted this proposition in relation to legislation by making it

⁶² Paul Magrath, 'How Technology Can Support Open Justice and Transparency: A UK Perspective' (2024) 32(3) *Australian Law Librarian* 68, 70.

⁶³ Ibid.

⁶⁴ Ibid.

⁶⁵ 'What We Do' *National Archives of Australia* (Web Page) <<https://www.naa.gov.au/about-us/what-we-do>>.

⁶⁶ Several jurisdictions already have such bodies in their law reporting council.

⁶⁷ *Lange v Australian Broadcasting Corporation* (1997) 189 CLR 520, 563 (per curiam); *Lipohar v The Queen* (1999) 200 CLR 485, 500 [24] (Gleeson CJ), 509 [57] (Gaudron, Gummow and Hayne JJ), 557 [179] (Kirby J).

freely available on public websites.⁶⁸ A prepopulated platform exists in the form of AustLii and many court websites, and additional search functionality could be added with funding from various jurisdictions. This would also address fears that the information could be sorted and indexed by bots, technology can be deployed to prevent searching by names, and the decision can be updated or removed as needed.

There are risks to this national approach. Anything publicly funded can also be defunded and vulnerable to political trends and exigencies. Although, as Kristin van Barneveld and Osmond Chiu explain, looking after cultural institutions, non-government funding sources has been seen as a possible solution, 'this funding is limited, potentially unstable, and could adversely influence which parts of Australia's heritage are collected, preserve, and made available publicly'.⁶⁹ The authors suggest this could also be a problem with law reports as a cultural artifice. Australia has a repository of historical case law in Trove, but funding issues demonstrate the risks in maintaining funding. Trove is a public research database the National Library has created that allows access to material while allowing the public greater access to cultural information and being socially equitable.⁷⁰ Trove is vital to historical case research with access to its historical collation.⁷¹ For example, original case files also provide an important source of non-published material.⁷² However, with budget cuts, the database was constantly threatened with campaigns in 2016⁷³ and 2023 and likely again.⁷⁴ As Mike Jones and Deb Verhoeven point out, it is tantamount to an attack on democratic accountability when historical documents important to Australia are not recorded or accessible.⁷⁵ Recently, Trove has secured funding to continue highlighting the tenuous nature of public funding for free

⁶⁸ See Asha Swift, 'A New Home for the Federal Register of Legislation' (2023) 31(1) *Australian Law Librarian* 15, for a short history of the publishing of federal legislation online, and ideas for the future to enhance online access through file formats, complete point-in-time versions and improved accessibility of documents.

⁶⁹ Kristen van Barneveld and Osmond Chiu, 'A Portrait of Failure: Ongoing Funding Cuts to Australia's Cultural Institutions' (2007) 77(1) *Australian Journal of Public Administration* 3, 3.

⁷⁰ Ibid 14.

⁷¹ Emma Wynne, 'Bigamy Case that Captivated Perth in 1910 and Fascinated Public for Decades Catches Eye of Marriage Researcher' *ABC News* (Web Page, 19 March 2023) <<https://www.abc.net.au/news/2023-03-19/bigamy-studies-uncovers-attitude-to-marriage/102094956>>.

⁷² Ibid.

⁷³ Barneveld and Chiu (n 69) 15.

⁷⁴ National Library of Australia, A Strategic Vision for Trove: Access Without Barriers (Strategic Plan, 2022) <https://www.nla.gov.au/sites/default/files/2022-10/Trove%20Strategy_1.pdf>.

⁷⁵ Mike Jones and Deb Verhoeven, 'Trove's Funding Runs Out in July 2023, and the National Library is Threatening to Pull the Plug. It's Time for a Radical Overhaul' *The Conversation* (Web Page, 23 December 2022) <<https://theconversation.com/troves-funding-runs-out-in-july-2023-and-the-national-library-is-threatening-to-pull-the-plug-its-time-for-a-radical-overhaul-197025>>.

access to Australian information.⁷⁶ If Australian case law is reported openly and freely via the National Library, further stable and continuous investment and infrastructure would need to be relied on.

5 *An End to Authorised Law Reporting Altogether*

The last option is to redesign the whole concept of law reporting without relying on any authorised report. The public will continue to access judgements directly from the court website or other free search tools. The fifth and last option is to change our understanding of ‘reports’ for the future. Reports were, as we have seen in the history of law reporting, actual reports of speech that happened in the courtroom.⁷⁷ Although today we still call ‘reports’ as they are, they are no longer the product of a reporter but the written judgment itself, usually published verbatim, with useful information in the catchwords and head note by an esteemed reporter. However, as the unreported cases are available on the court websites, there is a question of whether the traditional notion of reports is needed or whether the judges’ verbatims are sufficient. Paglia points out that open-access reporting can be accurate and reliable and that many court-published depictions are standard publications with paragraph numbers for easy referencing; the authority is also there as the source is from the courts and the judiciary.⁷⁸ The need for reporting itself will be removed if access to the court-published version of the case becomes the standard acceptable format. The courts’ administration and the judiciary would then need to ensure consistency in format and citation and establish their own review and approval process for publications considering this adjustment.

Judgments can be updated or made ‘final’ to allow for changes, similar to the authorised law reports. The value of authorised law reports as it stood in 1865 is diminished, the ‘value’ added services of authorised reports may no longer be needed, and the court’s version may be sufficient. This might be considered particularly so with internet and document searching capabilities and with the advent of Gen AI and its likely ability to find and summarise cases quickly. In a decade or less, the debate over authorised reports may seem as quaint as the debate over remote appearances, electronic signatures, or bell ringers going before automobiles. Even without those facilities, it is simple and undemanding of resources for courts to select the important cases,⁷⁹

⁷⁶ Georgia Roberts, ‘Trove Secures Funding as Federal Government Comes to Rescue of National Library of Australia’s Digitised Archive’ *ABC News* (Web Page, 3 April 2023) <<https://www.abc.net.au/news/2023-04-03/funding-for-trove-announced-by-federal-government/102177488>>.

⁷⁷ Tiersma (n 2).

⁷⁸ Jenny Paglia, ‘Policy Issues in the Publication of Case Law: Do We Still Need Authorised Law Reports?’ (2018) 40(8) *Bulletin (Law Society of South Australia)* 38.

⁷⁹ A number of courts already have a system by which the judge categorises the decision as reportable or not.

write catchwords and headnotes, and perhaps publish them on a 'notable cases' section of their website.

6 Which Model Would Work?

Each of the five options discussed above produces a workable model; which one is the best option for Australian law reporting is debatable. Option one is likely to continue, at least in the near future. Commercial publishers have been integral to reporting the law with investment and the capability to publish authorised law reports.⁸⁰ However, it is suggested by these authors that there is still an important role for commercial interests beyond law reporting. Options two and three are based on two current models, the UK and Queensland examples, demonstrating their applicability and success as real-world models that can be followed. Option four may be the overall preferred model with free and easy access, but its major limitation is that it would require funding and infrastructure. Option five is also possible, but a cultural change would be required to move beyond the authorised law report. The authors of this paper see value and limitations in each model. Whatever model comes next, the increasing online environment and the development of Gen AI means it is time to act on law reporting; maintaining the status quo will be risky.

VII What Can Technology Do, and Why Does it Matter to Law Reporting?

As technology evolves, the use and production of information, including law reports, also transform. Although technology can be seen as something 'modern', Magrath points out that technology has been there from the start, and changes in writing, word processing, and the internet, amongst others, have continued to see changes in the justice system and law reporting.⁸¹ The sheer volume of legal information was one factor that drove the use of computers and online legal research.⁸² Technology could continue to improve access to information with better, more intuitive ways of teaching, organising, classifying and accessing information that is more accessible and organised than it has ever been. Opportunities of Gen AI may elevate many factors that lead to the need for law reporting, including the limit on resources (such as skill and time to search, collect and analyse), dealing with large data sets, retrieving relevant and contextual information and presenting information in a meaningful and useful way to people. An example of this is Gen AI, which could be used to find cases on a topic speedily,

⁸⁰ See, eg, the discussion throughout the article Tiersma (n 2).

⁸¹ Magrath (n 62).

⁸² See Olufunmilayo (n 57) for a description of early examples of online legal information services.

can be taught to distinguish between facts and points of law and can provide an interface between person and case to find the right case with the right precedential value as needed. In this scenario, the volume of data will become irrelevant and not a limiting factor as it has been with research in the past. Future Gen AI search could find relevant cases on a topic and articulate why these cases were making the law more accessible than ever.

The future of Gen AI and law reporting is ‘now’. Asking simple questions about a free Gen AI tool produces some usable answers, including references to relevant cases and legislation.⁸³ Although these answers were basic, they demonstrate the potential for Gen AI for information retrieval. Similarly, some databases already offer AI solutions to present legal research and find information.⁸⁴ It is suggested that we ‘won’t have to search for ourselves, but we would need expertise to know that what we’ve been presented with is correct’.⁸⁵ Former High Court Judge, Michael Kirby, has some interesting predictions for the future of legal research. He predicts that ‘lawyers of the future will walk around with implanted microchips that expand their mind to an instant knowledge of very word that has ever been uttered in the Commonwealth Law Reports’ and that ‘a thinking machine will do in minutes the analysis that it would take a contemporary lawyer a thousand hours’.⁸⁶ Although we are not at this stage yet, lawyers and the judiciary, in some cases, are embracing AI to shift through enormous amounts of information to summarise areas of law, find key evidence, save time and money to conduct legal research, document review and undertake case prediction.⁸⁷

New products are entering the market that can assist people to access and understand the legal process beyond. These products are aimed at consumers rather than practitioners but will offer an affordable alternative. One example is Amica, an AI product that can assist ‘...Australian couples to create formal documents addressing parenting and money matters when they separate’.⁸⁸ This product saved an

⁸³ See, eg, ChatGPT, Open AI output 21 October 2024; when asked about what cases would be relevant if I fell off a cliff in Australia, ChatGPT was able to identify *Nagel v Rottneest Island Authority* (1993), *Romeo v Conservation Commission for the Northern Territory* (1998) and *Wyong Shire Council v Shirt* (1980) amongst others, each entry had a case summary but no citation was provided.

⁸⁴ See, eg, Case Genie from ICLR. Other examples exist for other major publishers in Australia. See, eg, ‘Welcome to the Case Genie Information Page’ *Incorporated Council of Law Reporting* (Web Page) <<https://www.iclr.co.uk/products/iclr-4/case-genie/>>.

⁸⁵ Khyim Lam Fidler, ‘ChatGPT - The Blurst of Times’ (2023) 31(1) *Australian Law Librarian* 19.

⁸⁶ Michael Kirby, ‘A Law Libraries Love Affair’ (2004) 12(4) *Australian Law Librarian* 7, 10-1.

⁸⁷ Anil Balan, ‘Lawyers are Rapidly Embracing AI: Here’s How to Avoid an Ethical Disaster’ *The Conversation* (Web Page, 20 January 2024) <<https://theconversation.com/lawyers-are-rapidly-embracing-ai-heres-how-to-avoid-an-ethical-disaster-221135>>.

⁸⁸ ‘Amica’ (Web Page) <<https://amica.gov.au/>>.

estimated 80 million dollars from out-of-court agreements and generated more than 1,400 parenting plans and agreements.⁸⁹ There is potential for these types of tools powered by AI to expand and assist in practical assistance to both people using the legal system and legal practitioners.

The rise of Gen AI makes it important to consider what features of law reporting need to be retained or protected. For example, the integrity of a common law legal system is precarious if the accuracy, authority and reliability of information about the law is compromised.⁹⁰ While legal professionals can agree on the importance of having a properly curated system of law reporting in Australia, many are concerned that, despite the benefits of authorised law reporting, issues of cost and convenience prevent many, including members of the legal profession, from accessing authorised law reports as their core sources of authority. Instead, they turn to cheaper - often free - more immediately available sources of legal decisions, made possible by advances in technology. Using Gen AI may provide another challenge in accessing the technology and information needed at an affordable price. Those who are unable to them may be left behind by larger, more well-funded organisations that will not support a more open and transparent system.

An opportunity exists to improve transparency in the justice system. Technology has already expanded people's access to the justice system and simple things such as making the daily court lists online, information on court websites about what to expect in court information for self-represented litigants and video streaming of decisions direct to the public. COVID lockdowns boosted remote video hearings and, in some cases, created a 'virtual public gallery'.⁹¹ In Australia, cases continue to be of interest to the public and are reported in the news, online and in print. Australians are also experiencing law reports directly from the court, which are delivered via live streaming. Recent public cases, including Ben Roberts-Smith and Bruce Lehrmann's defamation cases, the latter of which included 125,000 people watching Brittany Higgins give evidence.⁹² This has opened the courts geographically but also created transparency for proceedings, with the public now able to hear the evidence presented in real-time and without another medium through which the information is filtered. As Crabb states, 'live broadcast of trials has created a brand new and -often-

⁸⁹ Ibid.

⁹⁰ See William C Vickrey, Douglas G Denton and Wallace B Jefferson, 'Opinions as the Voice of the Court: How State Supreme Courts Can Communicate Effectively and Promote Procedural Fairness' (2012) 48(3) *Court Review* 74.

⁹¹ Magrath (n 62) 72.

⁹² Annabel Crabb, 'How Defamation Became Australia's New Fight Club', *Australian Broadcasting Corporation* (Online, 22 September 2024) <<https://www.abc.net.au/news/2024-09-22/how-defamation-became-australias-new-fight-club/104366932>>.

genuinely thrilling form of reality TV'.⁹³ There are, of course, both benefits of transparently carrying out justice in the eyes of the public, but it can also hinder. Unlike reality TV and starts, the purpose of the courts is not pure entertainment, and without the support of expert court and law reporters, the context of what is happening and what the decision means can be lost. As stated in *Scott v Scott*:

The hearing of a case in public may be, and often is, no doubt, painful, humiliating, or deterrent both to parties and witnesses, and in many cases, especially those of a criminal nature, the details may be so indecent as to tend to injure public morals.⁹⁴

No one likes to see their dirty laundry aired in court. The content can be distressing to the participants and the public. However, Lord Atkinson explained in the same case that a public trial is the best means for the impartial and efficient administration of justices and to win public confidence and respect.⁹⁵

There will be some extreme examples where limitations may be placed on what is publicly available. Or content warnings may be presented.⁹⁶ However, technology can enhance the transparency of the legal system.

Gen AI and other advances may continue to improve access with the possibility of live translation in any language. Gen AI may be able to translate and provide context to what is happening in the court. One example of where this might address issues in the Northern Territory is the current challenge of many people accessing the justice system delivered in English. An example of this is from the Northern Territory Aboriginal Interpreter Service ('AIS'), where, under role-play, the judicial system is replaced by First Nations-speaking people and non-speaking Yolŋu Matha.⁹⁷ In addition to professional interrupter services, Gen AI could assist in translating when a decision is delivered. People sitting in court or streaming live could access a Yolŋu Matha or Murrinhpatha to make the process transparent and accessible. This translation also expands into law reporting, where the law is reported and recorded as it is delivered and in a useful and usable format for the participants and the public.

⁹³ Ibid.

⁹⁴ [1913] AC 417, 463.

⁹⁵ See further discussion of open justice in Magrath (n 14) 228.

⁹⁶ See, eg, the recent sentencing remarks in Transcript of Proceedings, *R v Britton* (Supreme Court of the Northern Territory, SCC22212255, Grant CJ, 8 August 2024) 2. Grant CJ explained 'these proceedings will involve graphic descriptions of what can only be described as grotesque depravity and cruelty towards animals. In my assessment, those descriptions have the potential to cause nervous shock or some other adverse psychological reaction in persons who are exposed to them. For that reason, I provide this very clear warning that any person who considers themselves susceptible to such a reaction should not be present in the courtroom during the balance of these proceedings while I make these sentencing remarks'.

⁹⁷ Stefanie Graber, 'NT Judge Lost in Translation', *Lawyers Weekly* (Online, 11 June 2015) <<https://www.lawyersweekly.com.au/sme-law/16645-former-nt-judge-lost-in-translation>>.

In addition to opportunities for transparency, there is a need to maintain authority, accuracy, and accountability for information. In other words, where technology is used needs to be used and protected ethically. For example, protections in systems to ensure a balance between transparency and the need to protect privacy. For example, it would be unfair if sentencing decisions were indexed in a web search engine, and after that, when a person's name was searched, their criminal or other matter appeared. Clear boundaries would be needed regarding information storage and access to ensure that access was fair while protecting it from misuse.

Safeguards in law reporting or sources of the law are also needed to ensure that information can be verified and checked, but also protect and serve the purpose of a justice system. Gen AI has 'hallucinating' cases and can be a trap for legal practitioners to access quality sources of law reporting.⁹⁸ In a world where deepfakes are striking, and there is the potential for deep-fake law reports or videos, having a protected source of truth in law reporting is essential as we have seen in situations where AI has 'hallucinating' cases. If we no longer have authorised law reports, how will that impact whether the information can be trusted? Are there going to be fake law reports? And if the judicial process is increasingly online and no one is sitting face-to-face and actually experiencing the process of law, how can we be sure that what we are being presented with online is actually real? A careful consideration of protecting legal information and law reporting would need to consider these questions.

Another issue is the 'closed box' type Gen AI tools. These tools recommend and can summarise material, but it cannot explain why that material has been selected.⁹⁹ The benefit of these systems, however, is that they are limited to the content in which they are searching. Therefore, there are no fake citations or 'hallucinating', and they refer to human-generated material such as catchwords, subject headings, or the text of the document.¹⁰⁰

The benefits of technology include faster and cheaper legal information communication. If unauthorised reports are published faster, these reports will be cited, as opposed to authorised reports with year/s long gaps. It is said that justice delayed is denied justice, so improving the speed of access to relevant information and applying and implementing laws can enhance justice. On the other hand, the

⁹⁸ Michael Legg and Vicki McNamara, 'AI is Creating Fake Legal Cases and Making its Way into Real Courtrooms, with Disastrous Results' *The Conversation* (Web Page, 13 March 2024) <<https://theconversation.com/ai-is-creating-fake-legal-cases-and-making-its-way-into-real-courtrooms-with-disastrous-results-225080>>.

⁹⁹ Magrath (n 62) 73-4.

¹⁰⁰ *Ibid.*

unauthorised reports combined with the court's original published decision should be sufficient to prevent injustice.

It is essential to ensure the accuracy and veracity of Gen AI when either reporting the law or summarising or interpreting the law. Bruce Schneier warns, 'if we let computers think for us and the underlying input data is corrupt, they'll do the thinking badly and we might not ever know it.'¹⁰¹ However, Gen AI can provide opportunities in law reporting, but it would need to be balanced against some of the limitations and risks.

VIII Conclusion

The future is now for law reporting, driven by an advantage in technology, including Gen AI, which makes it essential to rethink how the law is reported in Australia. While questions remain about which model would best align Australian law reporting with the principles of open justice and transparency, a national approach is recommended. This could involve either adapting the ICLR model, an initiative with the National Library of Australia or harmonising with the Queensland model for all states and territories. Although each of these options has risks and limitations, there is also a risk in not adapting and keeping the law reporting system as it is. As Australia navigates this transformation, law reporting has the chance not just to keep pace with the future but to set a new standard for accessible and transparent justice in a digital age.

¹⁰¹ Bruce Schneier, *Click Here to Kill Everybody: Security and Survival in a Hyper-Connected World* (WW Norton & Company, 2018).