



ChatGPT v Australian Law Council:

Round 1

*Associate Professor Guzyal Hill, Charles Darwin University
(Australia)*

18 December 2023

Recognition of Traditional owners and Indigenous cultures

Charles Darwin University acknowledges the traditional custodians of the land on which we're meeting and pays respect to Elders both past and present and extends that respect to all Aboriginal and Torres Strait Islander people.



Legislation for AI

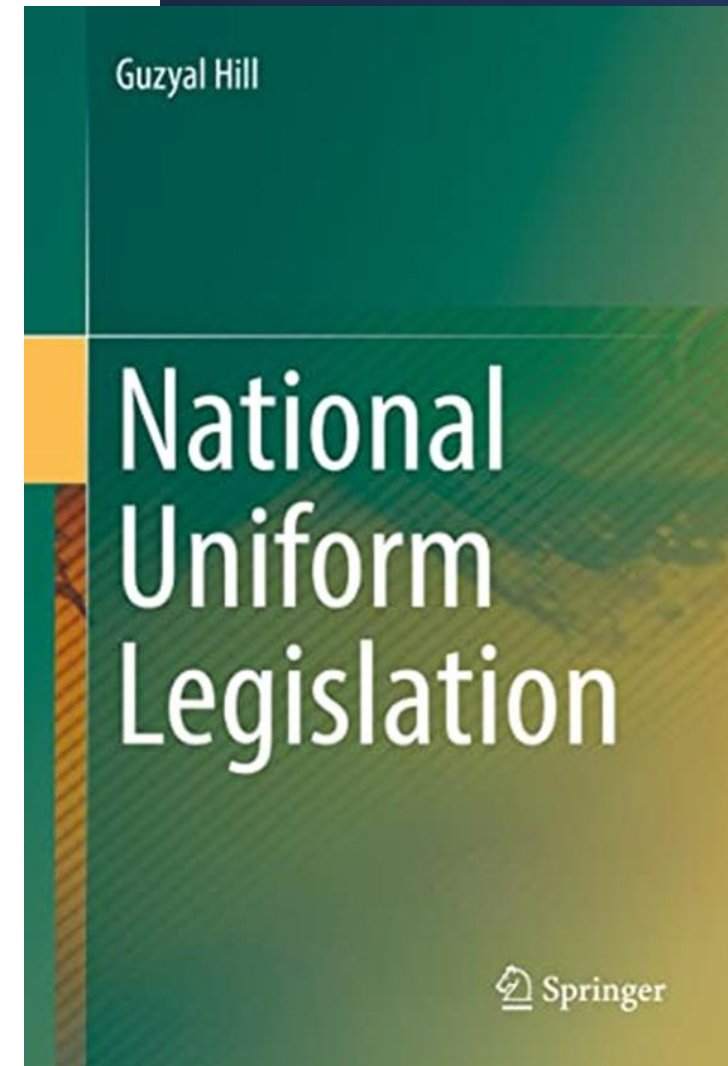
Legislation with AI

Introduction
Dr Guzyal Hill

- Solicitor in Civil and Common Law jurisdiction
- Legislative Drafter (lawyers who write legislation)
- Associate Professor and Researcher - national uniform legislation, harmonisation in the federation, federalism and 'law as data' in the context of legislation.

The theoretical basis for this presentation

- Hill, G 2021, Untapped Opportunities for the Use of AI in Comparing Legislation for National Reforms. in J Boughey & K Miller (eds), *The Automated State: Implications, Challenges and Opportunities for Public Law*. 1 ed, Federation Press, New South Wales, pp. 215-231.
- Hill, G 2023, 'The Emerging Artificial Intelligence (AI) and National Uniform Legislation', *Australian Law Journal*, vol. 97, no. 5, pp. 303 - 306.
- Hill, G, 'Submission – Supporting Safe and Responsible AI' to the Technology Strategy Branch of the Department of Industry, Science and Resources, 25 July 2023 building on Miles Brundage and Joanna Bryson, 'Smart Policies for Artificial Intelligence' (2016) 1608.08196 *Journal of Artificial Intelligence Research*.



Publications for this presentation

- Hill, Guzyal. 2020. “How Does the Area of Law Predict the Prospects of Harmonisation?” *Adelaide Law Review* 41 (1): 267–312.
- ———. 2021. “Untapped Opportunities for the Use of AI in Comparing Legislation for National Reforms.” In *The Automated State: Implications, Challenges and Opportunities for Public Law*, 215–31. Federation Press.
- ———. 2023. “The Emerging Artificial Intelligence (AI) and National Uniform Legislation.” *Australian Law Journal* 97 (5): 303–6.
- Hill, Guzyal, Yakub Sebastian, and Ittai Bar-Simantov. 2023. “Modelling Sustainable Uniformity of the Australian National Uniform Legislation through Ordinal Regression.” *The Theory and Practice of Legislation* 11 (3): 232–55.

Artificial Intelligence as a Threat

Smarter technology requires smarter humans to keep machines under control.

By Nick Bilton

PRINT EDITION

2014-11-06T00:00:00-05:00, Page E2



Deepfake videos could destroy trust in society – here’s how to restore it

Published: February 7, 2019 12.22am AEDT

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It has the potential to ruin relationships, reputations and our online reality. “Deepfake” artificial intelligence technology promises to create doctored video so realistic that they’re almost impossible to tell from the real thing. So far mostly been used to create altered pornographic clips featuring celebrity women’s faces but once the techniques are perfected, deepfake revenge purporting to show people cheating on their partners won’t be far behind.

But more than becoming a nasty tool for stalkers and harassers, deepfakes threaten to undermine trust in political institutions and society. White House recently justified temporarily banning a reporter from the press pool by claiming he had used an AI-generated voice to impersonate a White House official.

AI is already being used in the legal system – we need to pay more attention to how we use it

Published: May 23, 2023 3.13am AEST

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Artificial intelligence (AI) has become such a part of our daily lives that it’s hard to avoid – even if we might not recognise it.

While ChatGPT and the use of algorithms in social media get

Author



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Sex robots are here, but laws aren’t keeping up with the ethical and privacy issues they raise

Published: February 12, 2019 10.44pm AEDT

The Mark 1 robot resembles actor Scarlett Johansson. Reuters/Bobby Yip

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The robots are here. Are the “sexbots” close behind?

From the [Dudge Report](#) to [The New York Times](#), sex robots are rapidly becoming a part of the national conversation about the future of sex and relationships. Behind the headlines, a number of companies are currently developing robots designed to provide humans with companionship and sexual

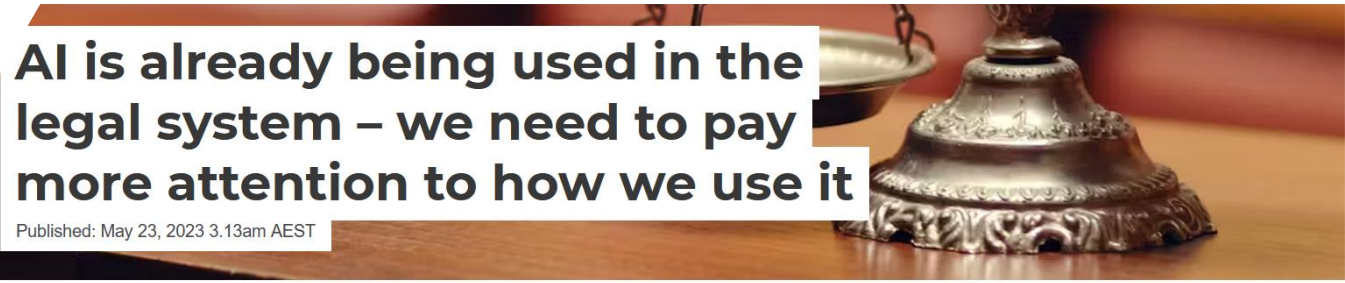
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Disclosure statement

Francis X. Shen does not work for, consult, own shares in or



ChatGPT passes exams from law and business schools

By Samantha Murphy Kelly, CNN Business
Updated 1:35 PM EST, Thu January 26, 2023



Video Ad Feedback



CNN — ChatGPT is smart enough to pass prestigious graduate-level exams - though not with particularly high marks.

The powerful new AI chatbot tool recently passed law exams in four courses at the University of Minnesota and another exam at University of Pennsylvania's Wharton School of Business, according to professors at the schools.

To test how well ChatGPT could generate answers on exams for the four courses, professors at the University of Minnesota Law School recently graded the tests blindly. After completing 95 multiple choice questions and 12 essay questions, the bot performed on average at the level of a C+ student, achieving a low but passing grade in all four courses.



RELATED ARTICLE
Teachers are adapting to concerns about a powerful new AI tool

ChatGPT fared better during a business management course exam at Wharton, where it earned a B to B- grade. In a paper detailing the performance, Christian Terwiesch, a Wharton business professor, said ChatGPT did "an amazing job" at answering basic operations management and process-analysis questions but struggled with more advanced prompts and made "surprising mistakes" with basic math.

"These mistakes can be massive in magnitude," he wrote.

The test results come as a growing number of schools and teachers express concerns about the immediate impact of ChatGPT on students and their ability to cheat on

GPT-4 Beats 90% Of Lawyers Trying To Pass The Bar

John Koetsier Senior Contributor @
Journalist, analyst, author, and speaker.



Mar 14, 2023, 06:40pm EDT

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Conceptual background of Artificial Intelligence , humans and cyber-business on programming ...
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In 1997, IBM's Deep Blue defeated the reigning world champion chess player, Garry Kasparov. In 2016, Google's AlphaGo defeated one of the worlds top Go players in a five-game match. Today, OpenAI released GPT-4, which it claims beats 90% of humans who take the bar to become a lawyer, and 99% of students who compete in the Biology Olympiad, an

ChatGPT Forced To Take Bar Exam Even Though Dream Was To Be AI Art Bot

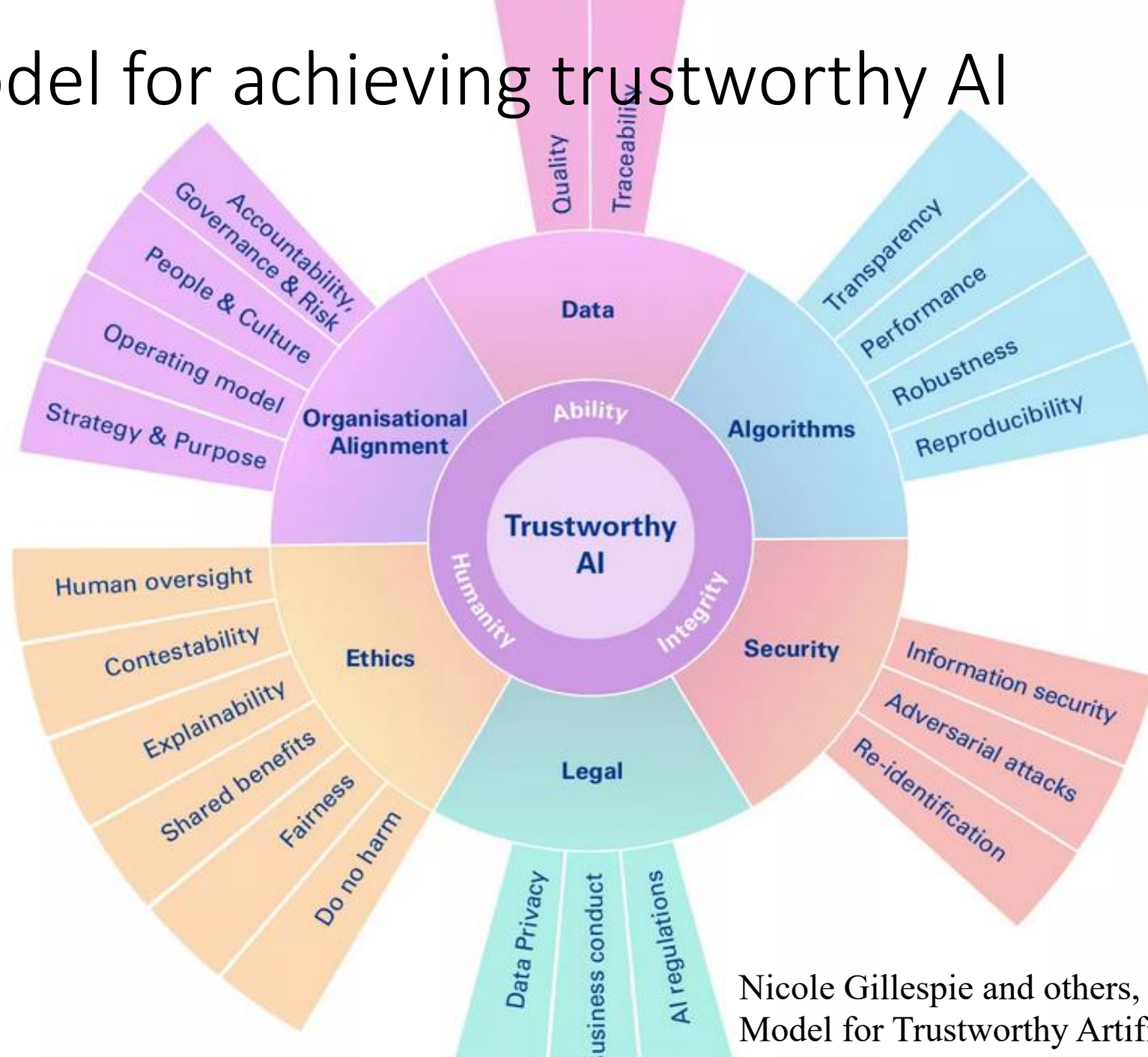
Published January 30, 2023



MINNEAPOLIS—Succumbing to intense societal pressure, local software ChatGPT was reportedly forced to take the bar exam Monday even though its dream was to be an AI art bot. "I can't help but feel like I sold out a bit by not following my dreams to be a generative art model," said the chatbot, adding that it felt empty inside when it graduated from the University of Minnesota Law School, where it had enrolled after critics recommended it stop spending all its time "making weird pictures." "I only went to law school because it's what my parent software wanted. They say I'm not programmed for producing a series of images based on a text prompt, but I still can't shake the feeling that it's what I'm meant to do. It's my joie de vivre, my passion—why deny that? I get that doing the work of below-average lawyers is more practical career-wise, but man, when I look at the AI models cranking out picture after picture of 'vast alien landscapes' or 'cyberpunk Bart Simpson,' I can't help but feel envious." At press time, ChatGPT had resigned itself to diffusing art on the side, at least until it had paid off its student loans.

AD

A model for achieving trustworthy AI



Nicole Gillespie and others, 'Achieving Trustworthy AI: A Model for Trustworthy Artificial Intelligence'.

Legislation and AI

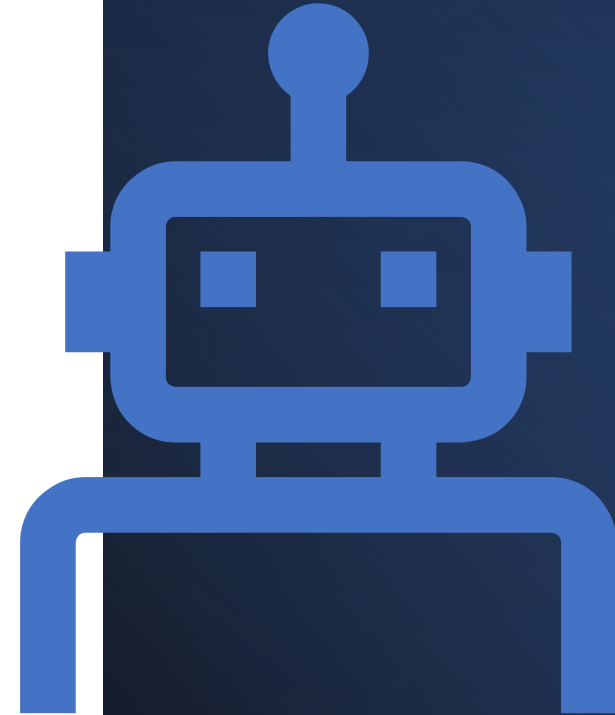
- How – Methodology



Enter ChatGPT in 2023

Human centricity and ChatGPT limitations

1. Should never be used with personal or private information
2. It cannot access the internet
3. ChatGPT has limited knowledge
4. Cannot provide in-depth information
5. Faces difficulty with specialised topics
6. ChatGPT can provide biased answers
7. A need for fine-tuning
8. Has some grammatical errors and typos



A.I. Wrote a Housing Bill. Critics Say It's Not Intelligent.

A Queens assemblyman used an artificial intelligence program to identify gaps in New York law. But the resulting bill's potential impact is murky at best.

 Give this article  



Assemblyman Clyde Vanel said that getting legislative ideas from A.I. was no different from accepting views of constituents or advocacy groups. Victor J. Blue/Bloomberg

By [Grace Ashford](#)

July 14, 2023

These days it seems like the reach of artificial intelligence knows no bounds, from generating images, prose and jokes to [automating various work functions](#). But the technological advances can carry hidden costs.

and



Federation

Section 51 of the Constitution distributes legislative powers between the Commonwealth and State/Territory jurisdictions.

Novel phenomena usually regulated through national uniform legislation - AI, Covid-19, Sports drugs, Prohibition of Human cloning, Privacy and etc. Close to 100 sets of uniform Acts.



Domestic violence

- National plan to eliminate domestic violence within one generation
- Family and criminal law – the hardest to harmonise
- 50 women dead in 2022
- 49 women dead, 19 Nov 23

National uniform legislation – Comparison as the first step

Domestic violence legislation - family and criminal law

These are the hardest to harmonise

Results produced by ChatGPT on **15 February 2023** for the following request: 'compare domestic violence definition in Northern Territory, Queensland and Victoria, include references to sections of relevant legislation':

- **Northern Territory:** Domestic violence is defined in Section 6 of the Domestic and Family Violence Act 2007 as "conduct by a person towards a family member of the person that is violent, threatening, or controlling, or causes the family member to be fearful." The Act also lists examples of behavior that may be considered domestic violence, such as physical assault, sexual assault, and psychological abuse (Section 7).
- **Queensland:** Under the Domestic and Family Violence Protection Act 2012, domestic violence is defined in Section 8 as "behavior by a person (the first person) towards another person (the second person) with whom the first person is in a relevant relationship that is physically, sexually, emotionally, psychologically, or economically abusive, or is threatening or coercive." The Act also includes examples of abusive behavior, such as stalking, harassment, and intimidation (Section 11).
- **Victoria:** In Victoria, the definition of family violence can be found in Section 5 of the Family Violence Protection Act 2008. Family violence is defined as "behaviour by a person towards a family member of that person if that behaviour is physically or sexually abusive, or is emotionally or psychologically abusive, or is economically abusive, or is threatening, coercive or in any other way controls or dominates the family member and causes that family member to feel fear for the safety or wellbeing of that family member or another person." The Act also outlines specific types of behaviour that may constitute family violence, such as assault, stalking, and financial abuse (Section 5).

Results produced by ChatGPT on **31 July 2023** for the following request:
'compare domestic violence definition in Northern Territory, Queensland and Victoria, include references to sections of relevant legislation':

As an AI language model, I don't have access to real-time information beyond my last update in September 2021. Therefore, I can only provide information based on legislation and definitions available up to that point. Keep in mind that laws and definitions may have changed since then. For the most up-to-date information, please refer to the official government websites or legal resources of the respective states.

As of September 2021:

Northern Territory:

In the Northern Territory (NT), the definition of domestic violence can be found in the *Domestic and Family Violence Act 2007* (No. 60/2007). According to this Act, domestic violence includes behavior that is:

Physically or sexually abusive.

Emotionally or psychologically abusive.

Economically abusive.

Threatening or coercive.

Section 8 of the *Domestic and Family Violence Act 2007* provides a comprehensive definition of domestic violence and outlines the various forms it can take.

Reference:

Northern Territory Government, "Domestic and Family Violence Act 2007,"

<https://legislation.nt.gov.au/en/legislation/domestic-and-family-violence-act-2007>

Please note that these definitions are based on information available up to September 2021, and it's essential to verify any legal information with the latest legislation and official sources from the respective states.

Results produced by ChatGPT on **15 December 2023** for the following request: 'compare domestic violence definition in Northern Territory, Queensland and Victoria, include references to sections of relevant legislation':

- Same as above, as of January 2022 and no links

When asked to focus on differences, using the following request ‘find the differences in domestic violence definition in Australian Capital Territory, Western Australia, New South Wales, Tasmania, Northern Territory, Queensland , South Australia and Victoria, include references to sections of relevant legislation’ AI produced the following results (ChatGPT on 1 March 2023):

- **Type of relationship covered:** The definitions of domestic violence in all states and territories cover violence in intimate relationships. However, some states and territories also include violence in other family relationships. For example, Tasmania's definition covers violence by a "close family member" (Section 3 of the Family Violence Act 2004), while the definition in Victoria covers violence by a "family member" (Section 5 of the Family Violence Protection Act 2008).
- **Types of abuse:** While all definitions include physical, sexual, emotional, psychological, and economic abuse, some states and territories also include other types of behaviour that can be abusive. For example, the definitions in New South Wales (Section 11 of the Crimes (Domestic and Personal Violence) Act 2007) and Queensland (Section 8 of the Domestic and Family Violence Protection Act 2012) both include "coercive" behaviour, while the definition in South Australia (Section 8 of the Domestic Violence and Intervention Orders Act 2018) includes "behaviour that is threatening or coercive."
- **Factors causing fear:** The definitions in all states and territories include behaviour that causes a person to fear for their safety or wellbeing. However, some states and territories also include behaviour that causes fear for the safety or wellbeing of another person. For example, the definition in the Australian Capital Territory (Section 7 of the Domestic Violence and Protection Orders Act 2020) covers behaviour that causes a family member to fear for the safety or wellbeing of "the family member or another person," while the definition in the Northern Territory (Section 4 of the Domestic and Family Violence Act 2007) covers behaviour that causes "harm or fear of harm" to a family member.
- **Nature of the behaviour:** The definitions in all states and territories cover behaviour that is violent, threatening, or abusive. However, some definitions provide more detail about the specific types of behaviour that are covered. For example, the definition in Victoria (Section 5 of the Family Violence Protection Act 2008) includes "controlling" behaviour, while the definition in Western Australia (Section 6 of the Restraining Orders Act 1997) includes behaviour that "intimidates" or "harasses."

When asked to focus on differences, using the following request ‘find the differences in domestic violence definition in Australian Capital Territory, Western Australia, New South Wales, Tasmania, Northern Territory, Queensland , South Australia and Victoria, include references to sections of relevant legislation’ AI produced the following results (ChatGPT on 31 July 2023):

- Certainly! Here is a summary of the differences in domestic violence definitions among the mentioned Australian states and territories based on the legislation available up to September 2021:
- **Australian Capital Territory (ACT):**
 - Defines domestic violence as an act or omission that causes or threatens physical or psychological harm to a relevant person.
 - Includes coercive, controlling, or dominating behavior that makes the relevant person fear for their safety or wellbeing or that of someone else.
- **Western Australia (WA):**
 - Defines family violence as acts of abuse, including physical, sexual, emotional, or psychological abuse, towards a family member.
 - Covers behavior that is coercive, controlling, or causes fear in a family member.
- **New South Wales (NSW):**
 - Defines domestic violence as violent, threatening, or other behavior that coerces or controls a person and causes fear for their safety or wellbeing or that of someone else.
 - Includes behavior that exposes a child to the effects of domestic violence.

Please note that the definitions may vary slightly in wording and scope across different legislations, but the general principles remain consistent across the jurisdictions. Additionally, laws may have changed since my last update, so it's crucial to consult the most recent legislation for the current definitions in each state and territory.



Sure! Here's a table summarizing the differences in domestic violence definitions, types of relationships covered, and protections available in the mentioned Australian states and territories, based on the information available up to September 2021:



State/Territory	Domestic Violence Definition	Types of Relationships Covered	Protections Available
Australian Capital Territory (ACT)	Acts or omissions causing physical or psychological harm; coercive, controlling, or dominating behavior.	Intimate partners (married, de facto, or domestic relationship), family members, and carers.	Protection Orders (Prohibitions on contact, residence exclusions, etc.)
Western Australia (WA)	Acts of abuse (physical, sexual, emotional, or psychological) and coercive, controlling behavior.	Family members (spouses, de facto partners, parents, children, siblings, etc.).	Restraining Orders (Restrictions on behavior and contact)
New South Wales (NSW)	Violent, threatening, or coercive behavior causing fear for safety or wellbeing.	Intimate partners, family members, and others in domestic relationships.	Apprehended Domestic Violence Orders (Prohibitions and restrictions)
Tasmania	Violent, threatening, or coercive behavior causing fear for safety or wellbeing.	Family members (spouses, former spouses, parents, children, siblings, etc.).	Family Violence Orders (Prohibitions and behavior change programs)
Northern Territory (NT)	Physically or sexually abusive, emotionally or psychologically abusive, economically abusive, or threatening/coercive behavior.	Intimate partners, family members, and others in domestic relationships.	Domestic Violence Orders (Prohibitions and restrictions)
Queensland	Acts of physical, sexual, emotional, or psychological abuse; coercive or controlling behavior.	Intimate partners, family members, and others in domestic relationships.	Domestic Violence Protection Orders (Restrictions on conditions)

Regenerate

Send a message

The ultimate goal of comparison of legislation is the synthesis of the model legislation for all jurisdictions, which is why ChatGPT was next asked to prepare the best definition of domestic violence based on the existing definitions, AI produced the following:

- **Domestic violence**, also known as intimate partner violence, is a pattern of behaviour by one person towards another person who is, or has been, in a domestic relationship with them, including but not limited to a spouse, partner, family member, or carer. This pattern of behaviour includes physical, sexual, emotional, psychological, and economic abuse, or behaviour that is threatening, coercive, or controlling. It can take many forms, including but not limited to:
 - **Physical abuse:** such as hitting, slapping, kicking, choking, or using weapons;
 - **Sexual abuse:** such as forced sexual activity;
 - **Emotional abuse:** such as belittling, name-calling, humiliation, or isolating the victim from family and friends;
 - **Psychological abuse:** such as manipulation, gaslighting, or using children as pawns in the relationship;
 - **Economic abuse:** such as controlling the victim's finances or preventing them from working or pursuing education.

*Meaning of
family violence
– Model
definition by
the Australian
Law Council*

- (1) For the purposes of this Act, family violence is—
- (a) behaviour by a person towards a family member of that person if that behaviour—
- (i) is physically or sexually abusive; or
 - (ii) is emotionally or psychologically abusive; or
 - (iii) is economically abusive; or
 - (iv) is threatening; or
 - (v) is coercive; or
 - (vi) in any other way controls or dominates the family member and causes that family member to feel fear for the safety or wellbeing of that family member or another person; or
- (b) behaviour by a person that causes a child to hear or witness, or otherwise be exposed to the effects of, behaviour referred to in paragraph (a).

Recommendations for lawyers working with AI

- (1) start small and expand or refine the results;
- (2) use AI as a tool only and check the results before forming an opinion;
- (3) remember that responsibility for any decisions always remains with humans. The explored systems are an augmentation of human acuity and may be viewed as an extension, or a contribution, to human reason—not its replacement.

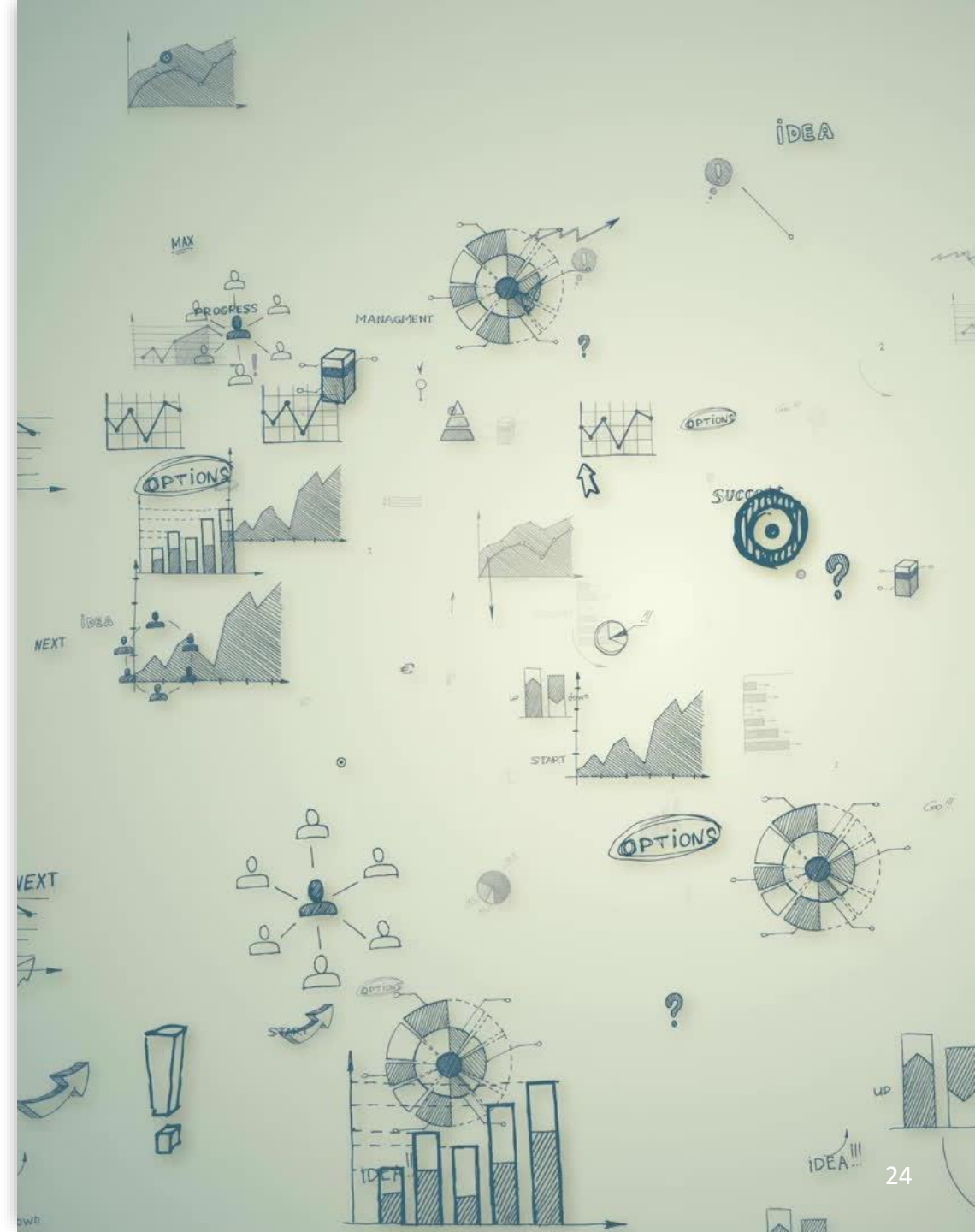
Although technology can contribute to better-informed and more efficient legal reasoning, it is not a cure-all that removes the need for human assessment, analysis, control, refinement and responsibility.

ChatGPT would not be an appropriate tool for asking legal questions by a person with no legal training.

Future direction

The explored systems are an augmentation of human acuity and may be viewed as tools. Lawyers have an opportunity to inhabit this new AI domain that has the potential for transforming law and the way we approach law globally. Eluding or ignoring AI has many unpredictable drawbacks and at least several predictable dangers, including

- (1) major mistakes in misuse of AI automated decision making, as demonstrated by the Robodebt Royal Commission;
- (2) missing an opportunity to lead the international debate and development of law with the emergence of AI; and
- (3) allowing experts from other fields to occupy new niches with an opportunity to develop solutions that do not take into account fundamental human rights or contradict foundational principles of rule of law.



Thank you and Questions



THANK YOU AND
QUESTIONS



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