
Book Reviews

Journal of Law and Information Science, Volume 2 Number 2

Edited by Eugene Clark

Faculty of Law, University of Tasmania, 1991, 257 pages

\$25.00 per issue

Some years ago a small scholarly journal appeared which was edited by Professor Roger Brown at the University of Technology, Sydney and subsequently the Faculty of Law, University of Tasmania. The journal was the Journal of Law and Information Science (JLIS) which, though devoted to a fascinating and emerging field of law, only reached volume 2 number 1 before disappearing. Early in 1991 a cadre of interested people at the University led by managing editor Eugene Clark mooted the idea of continuing the work of the JLIS and the journal was reborn.

The journal has a strong editorial board, combining a mixture of legal and computer science academics from several universities around Australia. From volume 2, number 2, the first issue of the relaunched journal, the editorial board decided to devote each issue to a particular theme. Though *Computers & Law* cannot claim to have pre-empted the JLIS, it is interesting to note that JLIS vol 2, no 2 is devoted to Artificial Intelligence and law, the same theme as the last issue of *Computers & Law*.

Vol 2 no 2 canvasses many different viewpoints on AI and law. Bob Moles from the Faculty of Law, ANU writes on the application of logic programming to law. He is quite scathing of the use of logic programming and finds that it has

not lived up to potential. He makes the interesting point that the grandiose claims of logic programmers have tended to devalue the entire field of AI and law research.

John Zeleznikow of the Applied Computing Research Institute of La Trobe University writes on building intelligent tools for lawyers. His work, an extension of his paper in the last edition of *Computers & Law*, revolves around building practical support tools for lawyers. The paper describes some of the work performed at La Trobe University in this area.

Andrzej Kowalski of the University of Melbourne Law School writes of the challenges and techniques of teaching artificial intelligence concepts to law students. His paper arises out of his work teaching a course entitled 'Legal Reasoning, Expert Systems and Artificial Intelligence' to University of Melbourne law students. He describes some of the theoretical foundations of the field and then gives examples of the projects undertaken by the students, which included legal expert systems on medical negligence, confidential information, assault, and false imprisonment.

Richard Volpato, a lecturer in Sociology at the University of Tasmania writes on legal professionalism and informatics. He approaches the availability and use of information from a sociological perspective. His arguments are interesting in their potential to affect the quality of service given by lawyers and the legal profession.

There follows a number of shorter papers, comment and reviews. For example Dave Brown of the University of Melbourne Law School

reviews the Third International Conference on Artificial Intelligence and Law and Eugene Clark reviews a number of relevant books.

The next edition which is due out in mid-1992 focuses on Data Protection. Professor Colin Tapper of Oxford University, Graham Greenleaf of the University of New South Wales (featured in this issue of *Computers & Law*) and Justice Michael Kirby have all promised articles on data protection. As well as these learned authors, several articles will be published on AI and law, in response to articles in vol 2 no 2. There will also be reports on a new program for computers and law at the University of Paris, and a Centre recently established in the Republic of Slovenia. It looks to be a truly international issue.

Themes for subsequent issues include computer contracts, computer crime, intellectual property and litigation support packages. At \$25.00 per issue, the JLIS represents excellent value for money, particularly since one need only subscribe for those issues covering themes of interest. Contribution and subscription enquiries should be directed to:

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Information Privacy Law in Australia

by Greg Tucker

Longman Professional, 1992, 251 pages

\$47.00

At every turn we are confronted with new books, seminars, speakers, conferences and centres, all concerning information privacy law or data protection law (depending on the school which you attended). A moment's reflection reveals why this is so: computers have the potential to collect and collate personal information in a way which manual systems never could. As computers become more powerful and pervasive, issues of privacy and protection of data will become more urgent. Mr Tucker's book, 'Information Privacy Law in Australia' provides a useful introduction to these issues, and to the way in which the Australian legal system addresses them.

The preface is written by Justice Michael Kirby, President of the New South Wales Court of Appeals and Chairman of the Organization for Economic Cooperation and Development (OECD) Expert Group on Transborder Data Barriers and the Protection of Privacy. He gives a brief outline of international moves in the field, a subject taken up at greater length by Mr Tucker.

The book is divided into seven main chapters and several appendices. The first chapter provides definitions for the remainder of the book. Perhaps the most important definition is that of 'information privacy'. Mr Tucker notes that this term is much wider than mere prevention of disclosure of personal information. It covers for example collection of informa-

tion, completeness and accuracy of data, purpose of data collection, disclosure, security measures necessary to guard against unauthorised use, and accountability of the data holder. The federal *Privacy Act, 1988* enacts these principles and so practitioners must be aware of the extent of privacy protection. Assuming a narrower definition will lead to unfortunate professional negligence actions.

The second and third chapters give an historical perspective both on international treaties and legislation, as well as Australian common law. In the absence of explicit legislation, courts have been slow to infer a right of privacy. Many will remember the words of Latham CJ in *Victoria Park Racing and Recreation Grounds Co Ltd v Taylor*. 'However desirable some limitations upon invasions of privacy might be, no authority was cited which shows any general right of privacy exists.' Some commentators have said that this judgment marks the stillbirth of the common law of privacy in Australia.

Chapter four deals with legislation relating to privacy, notably the *Privacy Act*. Mr Tucker's treatment of the Act is useful and quite detailed. As an introduction to the Act's Information Privacy Principles the text walks the fine line between oversimplification and unnecessary detail. This section will be of particular value to advisers of credit organizations, government agencies and other similar institutions who are most affected by the Act. He also discusses Freedom of Information legislation and the powers of ombudsmen.

The fifth chapter briefly touches on some criminal aspects of privacy infringement, before chapters six and seven focus on international consid-

erations and transborder data flow. Here the book provides an interesting comparative table of privacy protection regimes in various countries. It would be impossible for it to give all the relevant laws of each country, however the brief synopses are of use in determining whether data privacy issues may be raised where clients may be exporting to or importing from a country listed.

Overall the book is a good albeit brief introduction to the area. Its strengths are its clear and accessible language, and its treatment of the federal legislation. Half the length of the only other Australian book in the field, Hughes' 'Data Protection in Australia' (which interestingly Tucker's work fails to mention in the bibliography), it cannot hope to cover every possible cause of action or piece of legislation which may be of relevance. Data privacy as a field unfortunately comprises a patchwork of Acts and cases, along with international treaties, conventions and associated countries' municipal laws. This book does not seek to be an encyclopaedia or picture of the entire patchwork. However, it succeeds as an overview and guide to the most relevant Australian provisions. £

The Law of Information Technology in Europe 1992

Edited by A.P. Meijboom & C. Prins

Deventer: Kluwer, 1991, XXI + 261 pages

This edition of *Computers & Law* went to press before we could arrange a review. We hope to organize a review in a subsequent issue. £