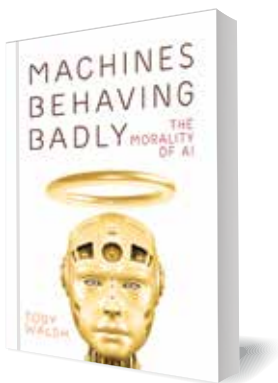


IN_PRINT

This month's books cover ethics and AI, asylum seekers, leave to appeal to the High Court, and judicial review.



Machines Behaving Badly: The Morality of AI

Toby Walsh, La Trobe University Press, 2022, pb \$33

Toby Walsh, a leading researcher in the field of artificial intelligence (AI), has authored a thought-provoking book which examines the origins of AI and its present use, and considers how AI will continue to develop over time and impact our lives.

Walsh demonstrates that, while often unseen, AI is integrated into the everyday lives of society at large and continues to develop at a rapid pace. Walsh explores how the use of AI is ever increasing from smart phones, predictive elements of our online searches, self-driving cars, and algorithms utilised in some judicial systems in sentencing to assess the risk of a person reoffending.

Throughout the text, Walsh contends that AI must be used as a force for good, not evil. In doing so, Walsh provides an intriguing discussion of the benefits of AI along with its unintended consequences. The exploration of ethical considerations in the development of AI is fascinating. Moral judgment in decision-making is inherently human, so how can we apply this to a machine to ensure ethical decisions are made? Walsh importantly notes that "ethics cannot be reduced to a simple checklist. There is no universal set of ethical values with which we need to align our AI systems. Similarly, it is not a simple dichotomy between systems that are ethical and systems that are unethical".

A fascinating read I would recommend to all colleagues in the profession.

Carly Erwin, lawyer



Seeking Asylum: Our Stories

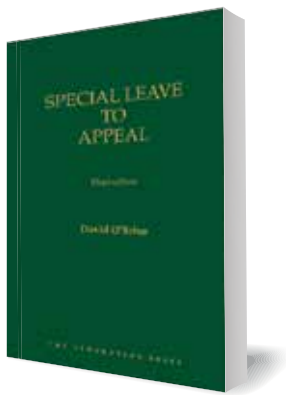
Asylum Seeker Resource Centre, Black Inc, 2021, hb \$40

This beautifully illustrated book tells the individual stories of those who have come to Australia as refugees through the humanitarian program, by plane and by boat. It also reflects on the harsh consequences of those caught up in our current border protection system and asylum policies. The book enables reflection by allowing those who have made those journeys to tell their stories. Some still carry the weight of their journey and periods in detention and what asylum seekers lose when fleeing home countries.

It also includes an excellent timeline and summary of the historical background of changes to migration legislation over the past two decades. The balance of harrowing stories about people's journeys and losses, and wasted time in detention is evenly balanced with the success of refugees when given the opportunity to make Australia home and be able to re-train, be educated and become part of the Australian community.

The book makes for compelling reading. It is suitable for all ages and those who may want to learn more about making the perilous journey by sea to seek freedom and what those who do it face when they arrive in Australia. The combination of photos and stories brings the book to life and makes for an excellent gift or coffee table book for your office or home. It finishes with a chapter on the Asylum Seeker Resource Centre and what you can do to make a difference. I highly recommend it.

Carina Ford, Carina Ford Immigration Lawyers



Special Leave to Appeal

David O'Brien, (3rd edn), The Federation Press, 2021, hb \$180

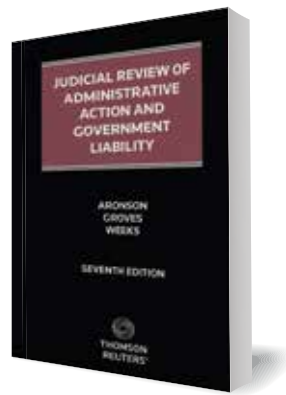
Many apply for special leave to appeal to the High Court of Australia, but few applications are granted. The requirement of special leave was introduced in 1984 to manage the Court's workload. A significant majority of the applications are now determined on the papers. When an application is listed for an oral hearing, the time allowed for oral argument is limited to 20 minutes each, and five minutes in reply.

How then does the Court decide which appeals to hear? The principal function of the High Court is to develop and settle the law. However, it is also its function to maintain the public's confidence in the administration of justice by correcting errors.

The statutory criteria give some indication of the special features of a case that may warrant a grant of special leave. The High Court may have regard to whether the judgment involves a question of law that is of public importance, or on which a decision of the High Court is required to resolve differences between courts on the state of the law. The High Court may also have regard to the interests of the administration of justice generally or in the particular case.

This book begins with first principles, analyses the criteria for special leave in civil and criminal cases, explains the relevant procedure for applications and concludes with a guide to preparing persuasive written and oral submissions. It is a valuable and up to date guide for practitioners advising on or handling special leave applications.

Andrew Westcott, Ashurst



Judicial Review of Administrative Action and Government Liability

Mark Aronson, Matthew Groves and Greg Weeks (7th edn), Thomson Reuters, 2021, pb \$242

In my review of the 2017 edition of this book, I described it as a superb text, written in a lively and provocative style. Its focus on judicial review (rather than administrative law generally) enables deep and comprehensive analysis of issues and cases (the table of cited cases alone runs to more than 150 pages). Yet, the authors do not rely on mere description, and weave broader themes into their analysis. As a result, the book has become a basic reference point for studies in judicial review, and indeed a legal authority in its own right.

What does this new edition offer? There is a new chapter on statements of reasons, expanding on the previous edition's discussion of this topic. There is an entirely new chapter on the language and structure of judicial review, which rises above doctrinal questions to discuss broader issues about the value of general approaches to the topic. Further, the authors have rewritten and updated substantial passages in previous chapters. My eye was caught by discussions on decision-making by computers and the materiality condition for jurisdictional error.

The book's famous and tongue-in-cheek index now contains entries on "cute remedies" "heroes, deified" and "singing, drunkenly". For some reason, the authors have omitted the opening quote to the first chapter of the previous edition, which referred to administrative law as "not for sissies". I doubt that much can be read into this.

Highly recommended as a legal text, essential for public law practitioners. ■

Daniel Lovric, Commonwealth Office of Parliamentary Counsel



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