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This month's books cover social security and family assistance law, technology law, and how the law silences women.



Technology Law: Cases, Commentary and Materials

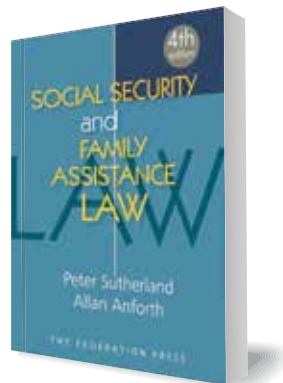
Marcus Smith, LexisNexis, 2022 pb \$95

This book provides a helpful collation of the main commentary, legislation and case law across the diverse areas of law regulating technology. After an overview of technology law and regulatory theory, it steps through a range of important areas, including privacy, law enforcement, cyber security, artificial intelligence, intellectual property and the use of technology in business, communications and medicine. In each of these, the book extracts sections of the most important commentary and judicial reasoning, with prompts for the reader to evaluate the broader context and potential developments. The chapters discuss contentious issues such as facial recognition, bitcoin, and human cloning and gene editing. Each chapter contains a set of questions at the end designed to strengthen the reader's understanding of and reflection on the legal issues raised by technology.

Many of the issues canvassed by the book are likely to become increasingly complex in coming years. For the law to keep pace, we will need practitioners, students and academics with a strong grasp of the interrelating issues who are able to make an informed contribution to the debates on how technology should be regulated.

This book is a valuable guide to the field of technology law and is an excellent resource for the purposes of fostering discussion and encouraging insightful and practical application of, and reform of, the law.

Sarah Daniell, director, Lextechia



Social Security and Family Assistance law

Peter Sutherland and Allan Anforth, (4th edn), The Federation Press, 2022, pb \$145

For practitioners unfamiliar with the *Social Securities Act 1991* (Cth) it can be a large and, at times, unwieldy piece of legislation. The realm of family assistance law, while situated in a more accessible piece of legislation, is also worthy of examination.

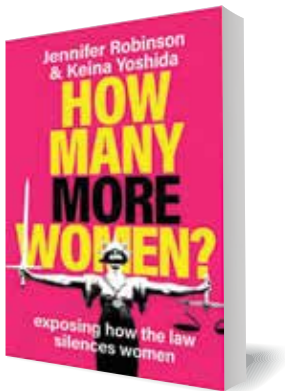
This latest edition of *Social Security and Family Assistance Law* provides a valuable guide for negotiating these two statutory schemes and the myriad legal concerns that clients or lawyers may be confronted with.

Whether it be negotiating the ins and outs of Centrelink or disability support pension eligibility requirements, advising on cashless welfare or representing clients in the Administrative Appeals Tribunal (AAT), this comprehensive text steers lawyers to key legal provisions with useful commentary and up-to-date case summaries.

The structure of the text is intuitively useful. It sits somewhere between an annotated Act and text book. The resource is set out in logical sections, with ready reference to relevant provisions. The articulation of statutory requirements is followed by discussion of core legal tests and the recent interpretations and applications of the law by the AAT and courts. Definitions of legal terms are inserted where relevant. This, in particular, saves practitioners the time of having to jump back and forth between statutory definitions. The text also appropriately directs readers to first principles before they need to apply the law to various factual considerations.

All of this makes for a valuable and effective text. It would work well as a useful guide for experienced operators and all stage-of-career lawyers seeking to apply or learn more about this area of law. I would recommend this text to both specialised practitioners and to those who encounter social security or family assistance issues in their practices on a more ad hoc basis.

Jacinta Lewin, special counsel, Maurice Blackburn



How Many More Women? Exposing how the law silences women

Jennifer Robinson and Keina Yoshida, Allen & Unwin, 2022, pb \$35

The legal systems in many countries do not service the interests of women and other disadvantaged groups well. This is particularly so when women wish to speak out about violence or sexual abuse. Sexual abuse complaints can range from a heinous crime such as rape to the aberrant behaviour of a workplace sex pest.

This book describes the legal techniques used to silence women. It covers the most frequently used strategy – defamation action – in some depth, giving recent examples of how perpetrators have used defamation laws to silence their victims. The book explains the nuances of defamation law and other causes of action and how these are twisted to suit wealthy perpetrators to prevent women from exposing crimes, frankly and publicly.

If you do not know anything about defamation, you might (correctly) think that truth is a defence but having a defence does not stop a perpetrator from suing you and tying you up in court for years. Even if you win you don't really win because you may not recover all your costs and the costs could easily exceed the amount of any award.

The book also explores workplace "protections" and how the use of non-disclosure agreements helps to prevent victims from speaking about abuse forever, again relying on the perpetrator's greater bargaining power.

In addition to the strictly legal analysis of impediments to freedom of speech, there are threads and sub-texts that run through this book questioning why victims do not report incidents when they first occur when the evidence is fresh or what some victims might seek to achieve by reporting incidents but not necessarily wanting legal sanctions against a perpetrator. The book tries to address these although not completely successfully.

It's also clear from cases cited that there has been a cultural acquiescence to behaviours that discriminate against women in the courts, by the judicial demographic most often represented in superior courts (old white men). A powerful example of this is the case of *Stocker v Stocker* [2019] UKSC 17 where a wife posted about her husband's violent actions ("he tried to strangle me"). Her millionaire property developer husband sued for libel and the Court of Appeal found in his favour because they thought a reasonable reader might have thought that he was trying to kill his wife rather than only compressing her neck with his hands. This would result in a distorting overstatement of what is a common assault, according to Mitting J, the trial judge. Fortunately, the case was overturned by the Supreme Court in the UK, but it demonstrated the difficulty women encounter when speaking out about domestic violence when a perpetrator has significant resources, and the judicial officer may have an outdated attitude towards women.

This is a book worth reading but it will make you angry. ■

Sharman Grant, solicitor



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