



BOOK REVIEWS

AUSTRALASIAN COMPUTERISED LEGAL INFORMATION HANDBOOK, *GW Greenleaf, AS Mowbray and DP Lewis*. Sydney, Butterworths, 1988.

Four years after the introduction to the Australian public of CLIRS and SCALE, full text retrieval systems to the primary sources of our law, this book is timely and welcomed. It fills a lacuna increasingly experienced by those the Handbook addresses, being lawyers, law students and librarians, of a need for a formalised, thorough yet understandable multipurpose guide. In short, a state of the art to legal information systems in Australasia. The book confines its discussion to Australia and New Zealand.

The authors recognise and acknowledge the pioneering efforts of those who wrote the earlier manuals of various systems discussed. However, a coordinated overview of the area in a single source is needed if computerised legal information retrieval is to be understood and its full potential realised in this country. I agree with Jon Bing, who says in the foreword 'Very few jurisdictions have developed handbooks like this for their national legal information services', and congratulates the authors 'on a comprehensive and easily understood introduction to the Australasian systems' (xii).

The information claims to be current to 30 May 1988. Since then CLIRS has changed its name to INFO-ONE International, and the information is dated in so far as they have altered their Services Menu screen, and pricing structure. A further enhancement is the facility to execute global searches. NEWSFILE no longer includes titles and catchwords of unreported judgments. These are loaded in full text as soon as they are received. INFO-ONE have diversified also and are publishing a significant part of their legal databases on CD-ROM. Searching CD-ROM is made easier with the development of local interface software, which is intended to be carried through for online updating. Other changes and advancements occurring inevitably while this review is being written, nevertheless, detract little from the fundamental value of the book.

Documented are the development and slow actualisation of legal information retrieval systems with particular reference to Australia. (See Chapter 4 *Legal information retrieval in Australia*). The story concerns the Australian government's copyright claim to material put out by Courts and Parliament, and the State Attorneys-General's insistence on the

adoption of STATUS software to conform with Commonwealth practice and create one national system. This culminated in the formation of the SCALE and CLIRS monopolies and the variations between CLIRS State agreements.

The book assumes a first year law student's knowledge of legal materials and primary sources of law(3) but no computing experience. The book is divided into four parts. Part A acts as an introduction while Part B provides a set of step-by-step 'hands on' tutorials on how to use the CLIRS and SCALE systems.(3) Part C provides a survey of other computerised information systems of relevance to Australasian lawyers, and Part D is a *Directory of Australasian Legal Databases*. An *Index* produced by Jill Matthews, HiTech Editing Sydney, follows. The book concludes with a *Glossary of acronyms*. The *Index* and the *Glossary of acronyms* are best used together with the section at the beginning of Part D called 'Databases in order of appearance'. The acronym FEDDEC, for Decisions of the Federal Court, for example, is listed there but not in the *Index* or *Glossary*. When you look in the *Index* under 'decisions' you are referred to 'judgments' where the Federal Court is mentioned. References in bold in the index indicate they are to databases in the Part D Database Directory. There are some where highlighting has been omitted, for example, Victoria Land Index, and Judgments of the Federal Court.

The organisation of the material is to be commended. This comprehensive book explains basic and complex concepts, in a simple and clear manner. Equipment, communications and costs for accessing various systems are considered throughout the book. In Part D the authors have rearranged, in some cases added, and summarised material covered in Parts B and C, to allow for flexibility in the use of the Handbook, whether for detailed consultation or as a reference manual. Their use of cross-references are excellent as are their suggested further reading and bibliographical citations, listed in the body of the text. Good explanations of terminology and alternative names are given.

The four parts are divided into chapters, each prefaced by a detailed contents table. The information is well organised and matters under discussion highlighted by bold headings. The chapters are interspersed with clear diagrams and occasional relief is provided by cartoons. The scope of various databases and a comparison of commands and operators appear regularly in tabulated form. For example, there is a 'Summary of STATUS Retrieval Commands' at page 58, while chapter 18 includes a *STATUS manual*. A helpful feature is a CLIRS search planner guide on page 78. Search techniques are reinforced by reproducing the information from a database as it appears on a computer screen. What I find particularly useful is the Summary table at the end of each chapter in Part B. The sixteen exercises following are intended to be used with the AIRS Legal Information Retrieval Training System, however, the answers provided in chapter 23 of Part B are helpful because they are search strategies. Chapter 25 in Part C has Tutorials and Exercises on LEXIS supplied by Butterworths, as the AIRS LEXIS training system is still under development.

Part A is an *Introduction to Information Retrieval*, and is essential reading. It is interesting to learn that research into performance of boolean types of retrieval systems have been inconclusive 'because there is as yet

no comprehensive theoretical foundation for information retrieval, and in particular because there are no generally accepted measurements of the relevance of documents retrieved'.(22) The authors explain the differences in organisation between full-text, citation and subject computerised retrieval systems. The conclusion reached is that retrieval performance will be enhanced if full-text and intellectual indexing (abstracts, catchwords or indices) are combined.(23)

The authors evaluate CLIRS and SCALE. They point out the need for new database additions of Commonwealth and ACT law to SCALE, especially a family law database.(32) Another weakness is the lack of hard copy page numbers to the CLRs or FLRs in the HIGHCT and FEDDEC databases, which diminishes their utility.(32) In the SCALE caselaw databases, headnotes are not available in any of these databases except for High Court decisions reported in the CLRs.(164) Lack of standardization between the two systems is brought to our attention. It is recommended for SCALE to follow CLIRS and delete punctuation for abbreviations and acronyms. This places a control on abbreviations and acronyms enabling them to be searched as words rather than endless single letters.(164) Also CLIRS and SCALE follow different practices in their citation of sections of Acts and Regulations in caselaw databases.(36) SCALE legislative databases are not consolidated and standards do not reinforce this practice.(36)

Finally the authors agree with Bing's recommendation for developing a more interactive system. Improvements proposed are the addition of a spelling checker, an automatic list of synonyms, and a list of possible truncations for the searcher to choose from.(23-24) Chapter 3 *Improved retrieval and storage techniques* gives the state of the art of existing retrieval systems and speculates on improved retrieval systems such as conceptual retrieval systems, vector-based retrieval, STATUS with IQ, and so on. Future developments in computerised legal information and retrieval technologies are exciting as they are unpredictable.

Part C, *Other Systems* is particularly useful for practitioners as it includes accessing information other than full text Australian legal primary sources (AUSINET, however, has full text databases of Australian newspapers and business journals), like government legal data registries, other databases including those comprising cases citations, and legal and general information services. Overall the scope of the databases are given their anomalies, strengths and weaknesses. Comparisons are made between gateways, for example, LINK and CLIRS, between software, for example STAIRS AND STATUS, between the comprehensiveness of databases, for example, ESTOPL, CLIRS and SCALE (234), as well as between the commands and operators used by the systems. This section can be difficult to digest for those not previously exposed to these systems, and it is best to skim through the commands and concentrate on sections of interest. The practicalities of using the computer as a device for electronic communications are also considered.

Part D, The Database Directory (see *Structure of the Database Directory*) provides profiles of databases containing Australian, New Zealand and common law discussed in the book, detailing their structure and search hints. Example searches are provided. The directory is excellent for finding out details regarding contents, comprehensiveness and the currency of a database.

We are on the verge of harnessing this technology and as the authors envisage, by the early 1990s 'the use of computers will be an unavoidable aspect of most Australian lawyers' work'.⁽⁵⁾ Legal information retrieval will be one of the many uses lawyers will make of computers. The likely scenario is the global networking of systems as well as the development of a variety of local computer applications with information technology. The Handbook does well in providing a picture of the 'wide diversity of systems and software'^(vii) available in Australasia.

The book offers a systematic approach to those of us who have made sporadic attempts to master some survival search strategies, forgetting with time the more sophisticated options. With the gradual computerisation of law schools throughout Australia endeavouring to make law students computer literate, this book with its subsequent editions will become an indispensable text for novices alike. It is required reading for all in the legal information arena.

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AUSTRALIAN JOURNAL OF LABOUR LAW *Richard Mitchell* (ed) Vol 1, No 1 Butterworths 1988

The debut issue of the Australian Journal of Labour Law is welcome given the lack of a forum in the past where analysis of current developments in industrial law could be discussed. Some analysis of the legal issues surrounding industrial disputes had been discussed in journals like the Journal of Industrial Relations and other nonspecific journals such as the Australian Law Journal. However, the Journal of Industrial Relations is primarily concerned, as its name suggests, with industrial relations rather than the law governing those relationships, and the nonspecific journals are by their nature, hit and miss in their coverage of industrial affairs. A valuable updating service is provided by the Australian Industrial Law Review which lists recent cases and legislative reform. But again little in the way of analysis or comment is offered by this service.

The first issue of the journal contains two articles, legislative commentary, commentary on recent cases and commentary on recent legislative initiatives. The lead article by Andrew Stewart, Lecturer in Law at Sydney University, is entitled 'Confidentiality and the Employment Relationship'. It summarises clearly and concisely the various avenues of redress should an employee disclose confidential information. In particular, it discusses the Court of Appeal judgment of *Faccenda Chicken Ltd v Fowler*¹ and the role of restrictive covenants. The writer concludes that the competing interests surrounding confidentiality and the employment relationship would be best served by subjecting employees to an equitable duty of confidence, enforceable on a flexible and fair basis.

The second article by Marilyn J Pittard, Lecturer in Law at Monash University, is entitled 'Trade Practices Law and the Mudginberri Dispute'. The subject matter of this article, having attracted wide media coverage would be well known to most readers. However, not many would have at their disposal a chronological description of the events leading up to the award of damages against the AMIEU nor such a clear summary of the various legal actions that arose out of those events. In conclusion, the article mentions some of the policy issues created by the imposition of damages and penal sanctions against trade unions in the context of industrial disputation.

'Legislative Commentary' is written by DR Hall and is concerned with recent attempts to deregulate the Queensland labour market. So far the legislative amendments made to accommodate the deregulation have led to bitter debate. The trade union movement in Queensland is totally opposed to the amendments and it remains to be seen how rebel employers paying below award wages will be treated.

The recent cases and legislation discussed briefly in the rest of the journal provide the industrial lawyer with a quick and easy reference to recent developments. But some of the developments listed as 'recent' hardly merit description as such. The Workers Rehabilitation and Compensation Act 1986 which came into operation in South Australia on 30 September 1987, for instance, had been subject to trenchant public debate for at least 12 months before this comment was published. Perhaps it would have been better to discuss and analyse the new legislation in a longer article. Similar criticisms could be made of the comment on the New South Wales Workers Compensation Act 1987.

However, given that this is the debut issue of the journal, the above criticism is minor, provided more up to date information is included in the future. Overall, the Australian Journal of Labour Law fulfills a long unanswered need for clear analysis and comment upon industrial law issues.

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LAW FOR THE MEDICAL PROFESSION, A Dix M Errington, K Nicholson and R Powe, First Edition, page 356, 1988, Butterworths

The authors have correctly identified a lacuna in the overloaded armoury of medical literature. Given the enormous output in medical publications, that is an achievement by itself.

In the preface they identify 'the lack of a single book to which practitioners could turn for straightforward practical advice on the law affecting them in their professional lives'.

In the introduction, their aim has changed such that '...the intent of the book is to provide an overview of the law as it relates to medical practice rather than a 'how to' guide'.

The problem for a book targeted at the profession in general is that they have written the second book rather than the first.

Plueckhahn's excellent book 'Ethics, Legal Medicine and Forensic Pathology' covers the area in a general way, particularly for undergraduates. The opportunity exists for an expanded account for those in practice wanting advice on the same recurring problems.

In reality, most medical practitioners are not interested in the law per se. What they are interested in is avoiding conflict with the law. Problem-solving is the name of the game in medicine. When a legal issue arises in medical practice, they will look to a book like this to help them avoid conflict. They cannot, of course, (as the authors have pointed out) avoid responsibility.

The casualty officer, refused consent for a blood alcohol specimen after a vehicle accident or the country general practitioner, asked to take pubic hair samples from a person in custody, will have to look elsewhere. It is curious that statutory regulations are quoted in detail for New South Wales, Victoria and Queensland, but not for the other States. Some innovative legislation pertaining to medical practitioners has come from other than the Eastern States. The authors obviously made a conscious decision to go this way, but it does limit the use of this book in areas of practice. Even the appendices relating to restricted drugs and notifiable diseases use this limited format. The table of more than a hundred legal cases listed after the preface is enough to frighten any doctor and would have been better placed with the index.

While various areas are well worked over in the American literature, some of the subjects covered here have been almost completely ignored in Australian medical literature. This is the strength of the book. The chapter on Health Insurance should be required reading for anyone in practice. While the book gives an overview of the law in this area, what most readers will really want is the earlier aim - how to live with Medicare and stay out of gaol. Chapter three on the commercial aspects of conducting a practice is worth the cost of the book alone. The twenty pages of concise information left me looking for more. Equally, the legal glossary is a high yield area that merits expansion.

The chapter on bioethics provides a fascinating example of medical innovation dragging a reluctant legal process into modern times. Until the 1977 Law Reform Commission, the transplant surgeons worked the muddied waters of untested Civil Law. A decade later the relevant chapter proudly trumpets the relevant legislation, showing how simple it all is. I hope a future edition will similarly resolve the current hot buttons relating to reproductive technology and surrogate motherhood.

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