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CURRENT ISSUES – Editor: Justice François Kunc

A New Chief Justice of the Federal Court of Australia	373
The Voice – Arguments for and Against	373
Referendum Diary	373
The Curated Page	374

FROM THE LAW SCHOOLS – Editor: Emeritus Professor David Barker AM

Update	376
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CRIME AND EVIDENCE – Editor: Justice Phillip Priest

Codifying Jury Directions: The Jury Direction Act 2015 (Vic)	378
--	-----

TECHNOLOGY AND THE LAW – Editors: Lyria Bennett Moses and Angelina Gomez

The Privacy Act Review Report 2022	382
--	-----

ENVIRONMENTAL LAW – Editor: Justice Rachel Pepper

Commonwealth	385
Significant Environmental Decisions of the Federal Court	387
New South Wales	389
Northern Territory	391
Queensland	393
South Australia	394
Tasmania	395
Victoria	396
Western Australia	398

ARTICLES

THE VOICE – A STEP FORWARD FOR AUSTRALIAN NATIONHOOD

The Hon Robert French AC and Professor Geoffrey Lindell AM

The proposal for the establishment, in the Constitution, of an Aboriginal and Torres Strait Islander Voice to Parliament and the Executive Government has engendered debate. That debate has raised issues about its substantive merits and the legal implications of the draft proposal. In this article the authors, who support the draft proposal, set out some of the historical context and discuss legal issues which have been ventilated. 400

VERY HIGH RISK, VERY LOW REWARD: THIS VOICE REFERENDUM DESERVES TO BE DEFEATED

Professor James Allan

This author was invited by the editor of this journal to make the “No” case to the upcoming Voice referendum while replying to former Chief Justice French’s address arguing the “Yes” case. The author makes both political, legal and moral arguments for voting “No”. 411

AN ETHICAL PERSPECTIVE IN THE JUDICIAL USE OF ARTIFICIAL INTELLIGENCE: WHERE WILL THE NEW EU ARTIFICIAL INTELLIGENCE ACT TAKE US?

Tania Sourdin, Bin Li and Alexei Brown

In the judicial arena, the extension and development of systems of artificial intelligence (AI) that enable new levels of automation are causing judges, and others, to not only rethink theoretical and practical approaches to law but also to reconsider the judicial role in the technological age. In some jurisdictions, judges have at their disposal AI tools that assist them at varying stages of the judicial process (supportive Judge AI) that may shift how work is conducted. In other jurisdictions, steps are being taken to develop AI which could effectively displace some human judges (AI Judge). The proposed *EU Artificial Intelligence Act* recognises these tensions and proposes that AI systems that are developed in relation to judicial work be classified as high risk because significant risks arise where AI is implemented. The authors of this article argue that there is a need to develop specific material that can assist judges and others to respond to the novel ethical issues raised by judicial use of AI and to also consider these developments in terms of new regulatory approaches. 421

BOOK REVIEW – Editor: Angelina Gomez

Learning to Litigate: A Guide for Young Lawyers, by Neil Williams SC and Alison Hammond 436

Australian Law Journal Reports

HIGH COURT REPORTS – Staff of Thomson Reuters

DECISIONS RECEIVED IN MARCH/MAY 2023

<i>Attorney-General (Cth) v Huynh</i> ([2023] HCA 13) (<i>Constitutional Law; Criminal Law; High Court and Federal Court</i>)	298
<i>BA v The King</i> ([2023] HCA 14) (<i>Criminal Law; Landlord and Tenant</i>)	358
<i>BDO v The Queen</i> ([2023] HCA 16) (<i>Criminal Law</i>)	377
<i>Self Care IP Holdings Pty Ltd v Allergan Holdings Pty Ltd</i> ([2023] HCA 8) (<i>Intellectual Property; Trade and Commerce</i>)	388