

INPRINT

This month's reviews cover management of electronic information, statutory demands and winding up, commercial law principles in Australia, and mediation.



Electronic Information and The Law

Margaret Jackson and Marita Shelly, *Electronic Information and The Law*, 2011, Thomson Reuters (Professional), pb \$165.

In an environment where e-commerce and electronic information sharing is becoming the norm, it is important for legal professionals to understand the landscape governing the storage, sharing and use of such information. The capacity for electronic information to be instantly disseminated worldwide has legal implications for those who provide the information and those who access, collect and store it.

Electronic information is defined in the book as information “created, recorded, transmitted or stored in digital or other intangible format by electronic, magnetic or optical means”. This book aims to identify the different forms of electronic information, discuss the problems associated with electronic information and outline the relevant law.

Electronic information may be generated by individuals, private organisations or governments. It may be shared privately or publicly through social media, websites or other online forums. Generating, storing, using and sharing this information is governed by contract law, copyright law, privacy law and defamation, among others.

The book considers several contemporary issues regarding the management of electronic information in Australia. One issue is the federal government's proposed

Personally Controlled Electronic Health Records system. This system demonstrates how the effective management of electronic information is essential to the development of both government and private initiatives. To be successful, the e-health system will need to address issues of consent, information privacy, security and access. Issues of data quality, ownership, liability and indemnity must also be considered.

This book is of interest to inhouse and private practice legal advisers who are involved with the management of electronic information. Privacy lawyers and inhouse counsel will appreciate the overview of the relevant legal regimes. This book will also be a valuable resource to students and information technology professionals who are seeking a general understanding of this evolving area of law.

Electronic Information and the Law provides comprehensive coverage of the legal issues associated with electronic information. It will assist those interested in informing themselves or their clients about the evolving challenges associated with working with electronic information.

PHILIP AITKEN
FREEHILLS

Statutory Demands and Winding Up in Insolvency

Farid Assaf, *Statutory Demands and Winding Up in Insolvency* (2nd edn), 2012, LexisNexis, hb \$199.

Unlike the law relating to the natural person equivalent, the bankruptcy notice, (Division

3 of Part 5.4 of the *Corporations Act*) provides a specific statutory code for the resolution of disputes in relation to statutory demands. Failure to comply with a statutory demand will also create a presumption of insolvency. Therefore, a text that covers both statutory demands and winding-up in insolvency and the relationship between those concepts is invaluable.

This second edition of Mr Assaf's excellent text is up-to-date, scholarly and uses plain English. It is well set out and analyses inconsistent authorities in a digestible way in relation to some deceptively simple questions including whether a creditor may issue multiple statutory demands; whether a claim in a statutory demand for an amount in a foreign currency is a claim in debt or a claim for damages; and whether a claim which includes an amount which is not “due and payable” is a “defect”.

Equally, in the context of winding-up applications, the text notes the uncertainty as to the correct interpretation of s459S(2) and, in that context, extracts and comments upon the recent observations of the High Court in *ASIC v Lanepoint Enterprises Pty Ltd* (2011) 244 CLR 1.

The text also manages to be practical with chapters that helpfully delineate the issues. It is well-indexed, readable and contains useful checklists for statutory demands as well as precedent forms in winding-up matters.

While the purpose of statutory demands within the insolvency regime is to act as a method of creating the presumption of insolvency, in reality the statutory demand is often used by creditors as a powerful and effective