

his house and he was subsequently charged. It was argued that the defendant did not lack "lawful authority" to access the system because as an enrolled student he had access to the Institute's computers and there had been a flouting of procedural requirements by many students who used their own diskettes for reasons of convenience. The prosecution argued that if the accused had been attempting to spread a virus then his authority to use the system did not extend to access for that type of activity. The prosecution conceded that a breach of 'in-house' rules in itself did not deprive a person of lawful authority to access the computer. Ultimately the prosecution failed to prove that the accused had acted with the intent of introducing the virus and accordingly the charge was dismissed.

### **Piracy**

It is doubtful whether the proposed section would cover an act of piracy, that is, the unauthorised copying of a computer software program as that act is not gaining access to a "restricted-access system" within the

meaning of that term. It is doubtful whether the offence of stealing would cover this as what is being taken is the intellectual property which the Review Committee themselves have conceded is outside the traditional definition of 'property' and therefore not capable of being stolen. The owners of software programs would of course have civil remedies against pirates, however, the section is deficient in that piracy is not made a criminal offence and is disappointing for software owners as the potential to save on the cost and time involved in bringing a civil action is lost.

### **Criminal Damage**

The proposed section would undoubtedly cover the situation of criminal damage where for instance an accused had deleted and added files, put on messages, made sets of his own users and operated them for his own purpose, and changed the passwords of authorised users even though the computer disks affected were despite the accused's action still capable of performing the functions they were designed to perform. This

was because the accused it was held had altered the particles on the computer disks in such a way as to cause the impairment of the value or usefulness of the disk to the owner. *R v Whiteley* (1991) 93Cr.App.R25.

Further, it has been held that a defendant who deliberately erased a computer program from the plastic circuit card of a computerised saw so as to render the saw inoperable had caused 'damage' as what had been done by the defendant's action had made it necessary for time, labour and money to be expended in order to replace the relevant programs on the printed circuit cards. *Cox v Riley* (1986) 83Cr.App.R.54.

### **Conclusion**

The proposed section is a timely amendment to the Criminal Code which was drafted before the advent of the motor vehicle let alone the computer. The law must keep pace with the increasingly sophisticated criminal in a technological society. The legislating of this new section is undoubtedly a step towards this. ❧

*John Miller is a solicitor with Bilshenan & Luton, Brisbane.*

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## **Press Release**

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# **FaxLaw - Legal Information Tailored to Your Needs**

FaxLaw, a new service recently launched by Butterworths (legal tax and commercial publishers), is an example of the way in which computer technology can be used to bring flexibility to a publication. Each subscriber is able to act as their own publisher, by tailoring the information to suit their individual needs.

FaxLaw encompasses summaries of all superior court decisions as well as new statutes, regulations and leg-

islation for both the state and federal governments.

Subscribers select up to six topics on which they wish to receive current information on a weekly basis. Butterworths' unique computer system then creates a customised issue for each subscriber by selecting the appropriate topics from its extensive database, and this is automatically faxed to the subscriber.

'This service is the most sophisticated legal publication available in

Australia today', says Alistair McLean, Product Manager for Electronic Publishing at Butterworths. 'Only FaxLaw offers subscribers the opportunity to select the subjects they are interested in, and combines this flexibility with the speed and accuracy of electronic publishing.'

'The next step is to eliminate paper completely, and FaxLaw will soon be available for computer networks. Information will be sent directly from the Butterworths' database to

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## Press Release

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a subscriber's fileserver, where it can be shared by all users on the network.'

'Legal publishers face the challenge of keeping pace with the increas-

ingly specialised needs of the legal market, without compromising speed, efficiency and reliability. Butterworths recognise electronic publishing as the most effective way of meeting this challenge.'

For more information and interview arrangements please contact:

Mari Kauppinen, Butterworths on (02) 335 4452.

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# New CD-ROMS Provide Low Cost Access to Australian Legislation

*All NSW State Acts and Regulations and the Acts and Regulations of the Commonwealth of Australia on CD-Rom for \$195.00 each.*

*Sydney 21 July 1994*

Aunty Abha's Electronic Publishing Pty Ltd has announced two new CD-Rom releases, one incorporating all NSW (Consolidated) State Acts and Regulations (200 Megabytes) and the other the (Consolidated) Acts and Regulations of the Commonwealth of Australia (150 megabytes).

Aunty Abha's, a Sydney-based electronic publishing house which counts Commander Paul Willee QC as one of its directors, is dedicated to supplying the public with large volumes of electronic information in an accessible form and at a reasonable price.

These two CD-Roms are available for \$195 each for a single copy including Folio Views software, or \$395 for a yearly subscription which includes automatic updates on CD-Rom. This pricing is well below that of other electronic versions of the same information, which start at \$1,750 and climb from there.

The pricing is not the only difference. The main advantage Aunty Abha's products have over other electronic versions in the market is that they are so easy to use. Access to electronic data is only half the information revolution - for the real ex-

plosion to happen, people need to be able to use it.

This is where Aunty Abha's takes the lead by utilising the best software in the world designed for this very purpose - Folio Views.

Folio Views software, the dynamite environment for electronic publishing, has become the standard for legal and accounting publishing in the US and is fast becoming the standard in Australia also.

Legal practitioners, accountants, politicians and others who need immediate and accurate access to these State and Federal Acts and Regulations will benefit from this user-friendly program which requires only the minimum of computer knowledge.

Scantext Pty Ltd, who is the sole Australian distributor of Folio Views and one of the most expert in the world at designing the implementing infobases, prepares all Aunty Abha's electronic products and provides constant updates and technical support.

There are many other advantages to Folio Views. Products published using this software are instantly ready

for use under Windows, Dos or Macintosh.

The electronic data looks the way it does on paper. It reads just like a book, complete with table of contents and headings. Once in the text, you can do everything you do when reading a book - add highlights, notes, yellow stickers, jump from place to place or volume to volume - all with a click on the mouse or keyboard, and with no danger of losing your notes or spilling your coffee all over your books.

One of the major strengths of Folio Views is its sophisticated search ability. No more thumbing through pages of indexes and wading through volumes of text. The software allows you to search in many different ways in just seconds.

The combination of all these features allows users to access the information instantly and adapt it in a variety of ways to meet their specific needs.

A media release issued by the Attorney-General's Department on 13 May stated:

*'Easy, low cost access to legislation is an important step in the pro-*