Victoria

It is now about four years since the re-emergence of the Victorian Society for Computers and the Law.

The Society continues to generate a great deal of interest and increased involvement, not only for members of the legal profession, but from other disciplines and professions, including the accounting profession and the computer industry. In 1995, for the first year, we had a non-lawyer, Jon Kenfield, join the Executive Committee. The involvement of people from differing professions generates a greater range of issues which the Society is able to address and, of course, attracts a wider array of interest. Indeed, at the monthly VSCL meetings held during 1995, attendances were significant. These meetings provided an interesting and informative program for the year.

The meetings commenced in March with one of the largest attendances ever seen at a VSCL meeting. Jason Romney addressed the Society with a presentation entitled "Internet - What's in it for Lawyers". With his brief excursion on the Internet and his entertaining style, Jason's presentation was the initiating factor for the VSCL seminar held on the Internet later in the year.

Ken Steel, the Manager of the ICARIS Project at the University of Melbourne, spoke to the Society on this project which concerns the facilitation of universal electronic trading. Mr Steel is at the forefront of developing EDI standards; his commentary is sought after from all over the world and we were indeed privileged to have him present to the Society.

This meeting was followed in July by a presentation from Richard Mendelsohn of AUSTEL. Mr Mendelsohn provided a summary of the AUSTEL Report on Telecommunications Service Providers and was the first of two presenters we heard from during the year on recent AUSTEL reports.

In August, we heard a presentation from Merrill Pierce of Educom on the issues and pitfalls relating to Document Management Systems. This demonstration also included a practical demonstration of Educom's system and provided members with a number of interesting insights into establishing their own Document Management Systems.

In keeping with a much more practical air to meetings, Peter Verreck from Computer Forensic Limited gave, in early November, a presentation on disk copying techniques for real evidence. The presentation included a demonstration of Computer Forensic's hard disk image backup system. The increased use of technology in court proceedings perhaps presents a pointer to the type of issues which the Society will be addressing in future meetings.

Finally, in late November, Kent Davey from the Australian Government Solicitor and a member of the VSCL Committee, gave a presentation of AUSTEL's Report on telemarketing and the privacy of individuals. Kent talked about telemarketing generally and provided an insight into the issues relating to the privacy of individuals in the context of the growing business of telemarketing.

In addition to the monthly meetings held by the VSCL, the year was notable for the Internet conference organised by the VSCL. Entitled "Business on the Internet - Opportunity or Black Hole?", the conference which was held at the Hilton Hotel in Melbourne on 4 October 1995 was very well attended. The conference mixed both practical demonstrations of the Internet and various applications of the Internet in business as well as a number of papers on legal issues in relation to doing business on the Internet. In addition the conference hosted "The Age Shootout" which was a session in which the four major electronic communication providers (an Internet Service Provider, Compuserve, On Australia and Apple eWorld) discussed the benefits of their particular service in a bid to convince attendees that their service was the best for business use.

Having picked up the Internet theme ahead of most other Societies, the VSCL looks like having a bigger year in 1996. We will continue to pursue this theme and provide specific Internet related input to the Journal and the other Australian Societies.

The VSCL will continue hosting its monthly meetings this year and we will be looking to increase this activity to become involved in feedback on changes to the law in relation to technology issues as well as in relation to the implementation of technology within the legal profession.

Victorian Society office bearers

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New Zealand

It was an active year in 1995 with a wide range of issues being raised by reform of the Copyright Act (NZ) and increasing interest in the Internet. The following seminars were held during the year.

March - The New Copyright Act

Clive Elliot, a partner of Baldwin, Son & Carey, gave a seminar on the new Copyright Act (NZ) which came into effect on 1 January 1995. The Act includes broad provisions to protect new technologies such as multimedia and databases. Late amendment to the Act to introduce this broadened language has however resulted in some peculiarities as to ownership. For example, a commissioner may own copyright in a "computer program" whereas the author retains ownership of the "multimedia work" and other "literary works" (e.g. help files). This may result in strange divisions as to ownership.

Criminal provisions have also been introduced where copyright is knowingly infringed for commercial gain. Managers may be liable where they should have known an offence was being committed and failed to take all reasonable steps to stop it. Border protection measures have been broadened so that all pirated goods can be detained by customs. Parallel imports may not, however, be detained and customs will merely notify the owner if they have filed a notice with customs.

May - Multimedia and the Law

Ross Johnson, a partner of Kensington Swan, led a seminar investigating what multimedia is, how multimedia may be protected and what multimedia developers need to know. Ross worked through examples of the multitude of rights that may exist in a single product and the difficulties developers may encounter in obtaining clearance for the variety of rights required to produce a multimedia product.

June - Consumer Guarantees Act

Stephen Revill, a partner of Bell Gully Buddle Weir, led a seminar on the Consumer Guarantees Act looking at issues such as who the Act is intended to protect, what guarantees the Act requires to be given, how the Act affects the information technology industry and what the consequences are of breaching the Act.

July - Censorship of Electronic Transmission of Information Across State Boundaries

Bill Hastings, a lecturer at Victoria University, led this seminar and considered censorship in its broadest context and two censorship Bills directed at the Internet. The first is the Exon Bill passing through the United States Senate and the second is the Rogers Bill in New Zealand. Both Bills attempt to censor the flow of electronic information across state borders in ways that many perceive to be both heavy handed and misconceived. The Rogers Bill for example would allow a telecommunications provider to be fined a substantial amount for connecting a subscriber to a banned phone number from which pornographic material has been transmitted. Fortunately, the Rogers Bill seems to be dying a silent death.

August - New Zealand Computer Society Annual Conference

The New Zealand Society for Computers and the Law combined with the New Zealand Computer Society to give a number of seminars relating to the computer industry at their annual conference. John Terry, Cathie Harrison and Tina Suddel presented a seminar looking at intellectual property issues relating to the development of a multimedia product. John Terry and Cathie Harrison acted as advisors to their client Tina Suddel whose product was being copied by a competitor.

Stephen Revill, Kara Daley of Rudd Watts and Stone and Peter Dengate-Thrush, a barrister and solicitor,

presented a session on computer contract negotiation where Steven and Kara acted as representatives for respective negotiating parties and Peter Dengate-Thrush acted as arbiter.

November - An Internet Primer and End of Year Drinks

John Hine, a lecturer from Victoria University, gave a truly interactive session on the Internet where, using a live connection and video display, he took users through the Internet and discussed many of the topical issues. This session was followed by the end of year drinks.

1996 Series: Convergence of Computer and Telecommunications Law

A series of lectures will be presented in 1996 on the convergence of computer and telecommunications law. The proposed topics are as follows:

Seminar 1 - Personal rights and information security and information law

The basic principles of privacy law are affected by modern ability to process, match and cross-reference data. What connections and uses of data should be barred and how are personal rights protected?

Seminar 2 - An introduction on the future of law in cyberspace

Can current law simply be adapted to the information era or must we think in terms of new paradigms and new approaches to managing electronic information assets? Massive changes in communications, technology and consumer demands require that even the most practical lawyer begin with a broad view of how new environments may or should change traditional legal concepts. This seminar will examine:

- the changing business practices that are emerging with new information technology;

- whether current laws will reflect new business methodologies for the next millennium;

- recent controversies over efforts to restrict the content of information on the Internet; and how these issues are shaping up internationally.

Seminar 3 - Liability Issues and Information

When information is a commodity, its distribution raises questions about liability risk with respect to third party users of the information. This presentation will examine the various sources and theories of liability for distributing inaccurate or harmful information.

Seminar 4 - New Intellectual Property and the Information Era

Information as property

Beyond concepts of traditional intellectual property, we need a paradigm of how to treat and discuss rights in information. That paradigm draws from sources as diverse as privacy law, criminal law and communications law. What does it mean to consider information as a form of property?

Copyright on the Superhighway

Copyright concepts often assume that works are produced and reproduced in tangible form, but modern distribution systems do not rely on paper or tangible copies. How do we fit current law to current technology?

Enforcement issues on the Superhighway

Even if a right exists, it has no substance unless it can be enforced. This presentation looks at how a rights owner can actually enforce the rights the law purports to create.

Multimedia issues

Digital systems blend previously separate objects of value. Bringing these together in a coherent licensing and commercial package involves understanding the disciplines and the contents of the rights they entail.

Seminar 5 - Telecommunications

Will or can legislation set the framework for tomorrow and how will regulation affect intellectual property, liability and other substantive rights? This presentation examines current legislation and the information-telecom interface.

Seminar 6 - Contract Practices in the Information Era

Part I - Contracting for data and databases

Information is a commodity and the object of trade. This session examines the issues faced in putting together a transaction in which the transfer and use of data are the focus of the commercial deal.

Part II - Publishing under electronic media: real experiences from the digital revolution

The remunerations of a lawyer dealing "hands on" with electronic publication as a publisher, including technical and contractual hurdles involved in creating and distributing information for electronic systems.

New Zealand Society office bearers

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New South Wales

1995 activities

The Society's focus in 1995 was on the application and reform of existing laws (principally intellectual property, contract and privacy law) in the context of the emerging technological and social requirements of the converging market place.

The Society also undertook some self assessment by issuing a survey to members about the performance and activities of the Society.

There were 31 members of the Committee in 1995, the largest number ever. The Committee arranged a seminar calendar for the year which exceeded the standards even of previous years.

In February 1995 Gwen Andrews (Assistant Secretary, Department of Communications and the Arts) detailed government technology and communications policy initiatives. Society icon Phillip Argy spoke in March on Professional Standards. Dan Milevich, General Counsel of Silicon Graphics, addressed the Society in April on Doing IT Business in Asia together with Fleur Bayley of the Australian Information Industry Association. In May the Internet came into focus with a presentation from Stephen Peach, a partner in Gilbert & Tobin, on Internet and the Law. This was followed by an illuminating talk by Gerry Davis, the CEO of On Australia Pty Limited, the joint venture between Microsoft and Telstra. In June Matthew Kennedy of Clayton Utz spoke on Gatt - the Implementation of TRIPS. July has traditionally been reserved by the Society for the joint presentation with the College of Law on Computers and the Law and in 1995 Les Lawrence addressed the seminar about system security issues.

Peter Banki, of the Copyright Law Review Committee, gave a valuable speech in August on the Copyright Bill: the New Copyright Proposals for Change. This was followed by an address from Chris Woodforde, the Corporate Counsel to Microsoft Australia Limited. In September Penny Ward and Ted Satchell spoke on Digital Mobile Networks - Privacy and Other Matters. Sarah Bower of Cutler Hughes Harris presented to the Society in October about the Legal Implications of Teleworking. In November Duncan Black, CEO of GE Information Services and Roger Buckridge of Cutler & Co spoke on Broadband Services.

Finally, the Society's Gala Seminar in December took the form of a Hypothetical for the first time. The Hypothetical featured a large panel of expert lawyers, publishers, regulators, authors and computing and other technologists. The panel grappled with the legal, commercial and regulatory hurdles confronting intrepid entrepreneur Alice On The Internet in developing her business plan. The issues surrounding gambling, privacy, security, censorship, copyright, telephony and broadcasting over distributed networks were explored for the amusement of a large audience. The panel Hypothetical was the brainchild of 1995 Society President Connie Carnabuci of Mallesons and was moderated by Michael Green, the Director of the Copyright Law Review Committee Secretariat. The Hypothetical was an outstanding success and was very well received.

During the year the Society surveyed members. The results indicated that members rated this Journal highest of all activities of the Society, with over 50% describing it as excellent. Respondents considered that the Society should undertake interactive and challengin workshops and have a role in appropriate lobbying of government. Workshop topics suggested included electronic commerce, regulation of on-line services, interconnection and associated telecommunications issues, multimedia and the Internet and other new technologies. Interestingly, over 50% of respondents would prefer to receive the Journal and the Proceedings in soft rather than hard copy. Participation in international events including the annual Computer Law Institute seminar in Los Angeles, the US Computer Law Association and UK Society for Computers and Law events were supported by 69%of respondents.

The year ahead in 1996

The 1995 Committee has established a stellar program for the 1996 calendar of events. Following the Society AGM in February 1996, Catherine Sainty of Allen Allen & Hemsley addressed the meeting on the government's initiatives in the Innovate Australia package. This was followed by a perceptive and amusing speech from David Lance, Chairman of securities dealer Technology Transactions Limited. Gordon Murray, a prominent visiting UK academic at the University of Sydney, also gave a fascinating rundown on his research into the venture capital industry worldwide.

The remainder of the year is equally exciting. [Please note that where speakers are nominated below they are provisional or tentative and may be substituted or replaced]. In March speakers from IBM and Sydney Organising Committee for the Olympic Games (SOCOG) will review the challenges for Technology and the Olympics. In April the government's new Chief Information Officer, Andy MacDonald, will detail his functions. In May Les Lawrence will review the field of information security. June will see Julie Cameron from the Australian Privacy Foundation and Maureen Tagney speak about Privacy. The Society traditionally co-hosts the College of Law seminar on Computers and the Law in July.

Next up, in August, Associate Professor Gavin MacDonald will speak on the Philosophy of Science and Technology and their Impact on Society. In September Robert Neely will convene a seminar on Electronic Records. Robert will also be a speaker, along with possibly David Lieberman of the ACCC, at the seminar in

October on Trade Practices Issues in Information Technology. November will feature Regulation and Censorship of On-Line Services with guest speaker hopefully Peter Webb of the Australian Broadcasting Authority. Of course, December will once again be the Society's annual Gala, which may focus on pay television and multimedia and include product demonstrations along with the usual festivities.

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Queensland

1995 in review

1995 has been a very successful year for the Queensland Society.

Membership

Membership stayed static during 1995. Membership fees did not increase and will not increase for 1996. In fact there has not been a fee increase since the formation of the Society five years ago.

Member's seminars

The following seminars were conducted during the year:

1. OS/2 Warp;
2. An introduction to the Internet for lawyers;
3. The Government Information Technology Conditions version 2;
4. Remote access to the office computer: an introduction to telecommuting;
5. Legal learning beyond 2000: multimedia perspectives and demonstration;
6. Law Society lotus notes - the benefits for members;
7. Windows 95;
8. Litigation support on a shoestring budget.

Annual General Meeting

The Society's Annual General Meeting was held at the Hilton Hotel in Brisbane on Tuesday 6 December 1994. The guest speakers included representatives from News Limited, AAP Telecommunications, Queensland Newspapers Pty Ltd, Channel 7 Brisbane Limited and Telstra. The topic was "Convergence: what will it mean?".

The Society would like to thank all those speakers who were involved with the member seminars and at the Annual General Meeting.

1996

The Committee is looking forward to a bigger and brighter 1996 with at least seven members' seminars planned and one or two public seminars. Details of the up and coming seminars will be published in the next issue of the Computers and the Law Journal.

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Treasurer	David Abercrombie	Lecturer, Faculty of Information Technology Queensland University of Technology	07 3864 1927	07 3864 1969
Committee Members	Mary Hockaday Allan Mason Mark Winn Bob Gurney			

Western Australia

On 27 September 1995, the WASCAL AGM was held in conjunction with a seminar on the Internet. Michael Paterson and David Garnsworthy gave a presentation consisting of:

- a live Internet demonstration with comments on how it is useful for lawyers and how the Law Society will make it more useful for its members;

- a live Electronic Mail demonstration with comments on how it can be useful for lawyers and how the Law Society will make it more useful for its members; and

- an overview of the steps the Law Society is taking to achieve this.

Previous seminars in 1995 included:

- a seminar on the Meaning of Life, the Universe and Everything at the Wentworth Plaza Hotel;

- a Document Management seminar;

- a Video Conferencing seminar at Com Tech Communications in West Perth;

- a Mock Trial run in conjunction with the Security SIG of the Australian Computer Society;

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For the first part of 1996 we have the following events in the process of being organised:

- a demonstration of Windows '95 in late February;

- launch of the Law Society's Web Page and Internet package for WA lawyers in early March;

- a legal mini-expo in late March where various vendors will display software and hardware relevant to the legal industry; and

- a members' dinner in April with speakers addressing the topic *Traffic, Road Rules, Black Spots, Cops and the Super Highway - addressing some of the legal issues associated with the Internet*