

New South Wales

1993 promises to be a very active year for the Society. I extend a warm welcome to the new committee and to new members. A large number of meetings have already been planned including topics such as Patenting Software, OECD Data Protection Guidelines, Parallel Importation, Product Liability, Electronic Data Interchange, Outsourcing, Copyright Law Review Committee, Alternative Dispute Resolution for Computer Contract Disputes and Open Systems.

In February, the International Bar Association will hold its Pacific Rim 1993 Biennial Computer Law Conference at the Intercontinental Hotel, Sydney. The Conference will focus on Doing Business in the Pacific Rim and promises to be most informative and interesting. Speakers include members of the Society and many well known international authorities. The Society will be holding a cocktail party on the final night of the conference Friday 26 February 1993. All members

are invited to attend. I look forward to seeing you at the Conference, the dinner or the cocktail party.

The next edition of the journal will be published in April. It will focus on International Computer Law and Doing Business in the Pacific Rim (to coincide with the IBA conference). Please send your contributions to Virginia Gore at Blake Dawson Waldron, DX 355, Sydney.

New Zealand

For its last function of 1992, the New Zealand Society for Computers & the Law hosted an address by Mr Bruce Slane, Privacy commission, who spoke about Data Privacy and Computer Use. Over 70 people attended, no doubt attracted by the speaker and his topic as well as the prospect of refreshments to follow. The Committee deliberately extended the mailing list in an effort to promote the Society, and those who attended were able to pick up membership application forms and other Society material.

Mr Slane outlined progress in his task of reviewing the proposed privacy legislation and considering submissions from organisations and individuals on the proposed legislation and other matters. He also

recounted some interesting but worrying examples, from within New Zealand, of the misuse of information and drew attention to some of the lessons to be learnt from the report of the New South Wales Independent Commission Against Corruption. Mr Slane kindly presented a copy of the Commission's 1,300 page report to the Society and that will be held with our other library material.

It was obvious from the range of questions, and the discussion over the refreshments which followed, that the issues of data privacy and computer applications will be the subject of further discussion.

The Society's financial year ends on 31 December, and the Com-

mittee will report to members at the AGM, proposed for Tuesday 16 March, 1993 at 1.45pm. The Committee hopes to conduct a seminar before the AGM, but is still finalising the topic.

The Committee has details about forthcoming computer law conferences, including the 1993 Biennial Computer Law Conference, 'Doing Business in the Pacific Rim', Sydney 25-26 February, 1993 and the World Computer Law Congress, San Diego, California, 25-28 April 1993.

For more information about the New Zealand Society please contact Gavin Adlam in Wellington on (04) 472 4899, fax (04) 473 8232.

Western Australia

Use of Computers in Small Practice

A seminar showing how computers can benefit small practices will be held jointly with the Small Practices Sub-Committee of the Law Society in late February 1993.

Electronic Mail and the Perth Legal Profession

Another joint seminar, this time with the Computerisation Sub-Committee of the Law Society, will be held in March or April. It will cover recent developments in setting up an electronic mail system or the Perth legal profession.'

Current Legal Problems Facing the Computer Industry

Hopefully in April, a panel of lawyers will field questions on topical issues affecting the computer industry. Members of the Australian Computer Society, Australian Information Industry Association,

Prize Winning Essay

Software Industry Association and Electronics Industry Association will be invited to attend.

The seminar may be followed by the opportunity for free 30 minute

appointments where people from the industry can ask practitioners in the area about more specific problems.

For more information about the Western Australian Society please contact Michael Paterson on (09) 385 1389, fax (09) 385 2125.

What legal protection should be given to computer programmes and is the current law adequate?

by Darren Charles Ho

[The following is the prize winning entry from the Queensland Society for Computers & the Law student essay competition.]

Foreword: The Clever Country

In 1969, the United States of America redefined the line between the realms of science fiction and reality. In that year, as a result of its vision and planning, it successfully achieved its goal of landing the first man on the moon. Australia, today, urgently requires a similar injection of such vision and planning into its attempt to achieve its goal of becoming the 'clever country'.

The 'clever country' policy of the current Australian government is a belated acknowledgment of the fact that computer technology is with the nations of the world to stay. In a short period of time, the so-called 'new technology' has infiltrated and revolutionised every aspect of the ordinary Australian's life. Indeed, who of the new generation of Australians could imagine living in a world without such things as automatic teller machines, digital watches, word processors or computer games? Computer technology, in short, has not only revolutionised life in Australia, but has become an integral part of every Australian's life.

As with any new innovation that promises great advances and benefits to mankind, the problems, both perceived and real, created by computer

technology have the potential of being far greater than those which such advances and benefits solved. Such problems challenge the Australian legal system to provide adequate protection to those interested and compensation to those aggrieved.

It is the challenge of providing adequate legal protection to the computer programme that is the problem area focussed on by this document. The computer programme is at the heart of computer technology. It is the device that allows a computer the flexibility to adapt to the environment imposed by the user's problem. It is this nature of computing technology, in allowing multiple applications, that allows its infiltration into every aspect of life.

While the focus of the document is on the protection of the computer programme, it must constantly be remembered that this is just one of the many problems, created by computer technology, with which the law must deal. With this in mind, and as any consideration of the adequacy of Australian legal protection must include a consideration of the 'clever country' policy, the author is of the opinion that a code of law, which deals with all the problems (e.g. the safe-guarding of privacy) arising from computer

technology, would provide the optimal legal protection for the computer programme and the computer technology field.

The combination of a code of law, providing protection from all the problems arising out of the advent of computer technology, and the integration of industry structures, allowing the harnessing of resources and the development and marketing of innovative products, will provide Australia with the base it desperately requires in its attempt to become the 'clever country'.

Introduction

Information technology has been also described as the 'electronic estate' or the 'fourth estate'.¹ The fourth estate's rapid growth 'supplements the declining primary (agricultural), secondary (manufacturing) and tertiary (service) sectors of the economy'.² The growth of this new estate has, either directly or indirectly, had a corresponding impact on every aspect of the law.

The most important element of information technology is the computer programme. It is the device that allows a computer to adapt to differing environments and circum-