From the Editor, Kylie Howard

Welcome to the December edition of *Computers & Law* and a Happy New Year to all of our readers and authors. 2006 was a very busy year for many IT lawyers and professionals and 2007 looks as though it will be just as busy.

We have a range of topics in this edition, with the first two articles being written by Catherine Bond and Eli Ball, two high achievers that have recently completed law degrees at Macquarie University. Both graduated with first class honours. I also happened to coach Catherine and Eli in the recent John Marshall Law School International Moot Court Competition - a moot in Information Technology and Privacy Law held in Chicago. The team, representing Macquarie University won the Ambassador Round, which was a fantastic result. Catherine is now undertaking her PhD at the University of New South Wales, as part of the ARC-funded "Unlocking IP" project while Eli is studying hard for the New York Bar Exam. Both have excellent careers ahead of them, and I wish them all the best.

Our first article is written by Catherine Bond. Catherine's article discusses a number of the new copyright provisions introduced by the Federal Government in the last month. It seems that Australian copyright law is finally catching up with modern technology and these new additions to the Copyright Act 1968 (Cth) will mean that taping programs off the television to watch at a later time and copying music from a CD onto an iPod will be legal in Australia. However, Catherine notes, that these provisions are far from perfect and it will be interesting to see whether these changes have any effect at all on consumer behaviour. Given the growing disparity between copyright law and consumer use of copyright material, it is arguable that users will only pay attention to the new provisions.

Next, we have Eli Ball's article which plays devil's advocate in who should bear the onus in protecting privacy in a world with ever evolving technologies. Eli's article argues that, based upon jurisprudence from the United States, the law of privacy could not and should not alleviate the responsibility falling on technology users to guard against invasions of their privacy. The article concludes that as information technologies become more pervasive, people should not expect the law to pick up the slack where they fail to take measures protecting themselves.

Our third article is written by Peter Mulligan, a Senior Associate at Henry Davis York. Peter takes a closer look at the legal issues relating to selling ICT to the NSW Government, including NSW procurement policy and legislative requirements, the NSW ICT Strategic Plan, relevant NSW codes and guidelines and the Procure IT contractual framework. The article also provides an in-depth analysis of intellectual property, risk, liability and indemnities in NSW Government contracts as well as suggestions for suppliers seeking to negotiate these provisions. This is a highly topical area at the moment, given the dynamic and evolving nature of the NSW Government ICT procurement market. It is also a timely reminder to ICT suppliers of the minefield of legal issues which need to be considered when supplying ICT to the NSW Government.

George Arronis is our next author who has written about a very topical issue - protection of customer data. Organisations operating globally, in particular Financial Services Institutions, face the challenge of complying with multiple regulatory jurisdictions when it comes to the security and privacy of customer data. The spate of reported cases of customer data breaches at various organisations, weighs on their reputation and investor confidence in general. George identifies that by using the presenting regulatory regime as a driver for building a security controls framework, organisations can identify some of the key requirements for managing and protecting the confidentiality and integrity of information assets.

Next we have an article written by Timothy Webb. Timothy's article focuses on the concerted movement towards electronic case management ("ECM") to enhance the efficiency of legal proceedings in New South Wales. The article provides a detailed overview of the relevant developments, from legislative reform by the NSW Government to the making of appropriate instruments, rules and practice notes. The article concludes that the movement towards ECM in NSW should be a welcome development because it is likely to facilitate the more efficient conduct of both civil and criminal proceedings. This has advantages for the Government, the courts, practitioners and litigants.

The final article is written by me. It is a brief overview of "ITIL" - the Information Technology Infrastructure Library. ITIL is a quality management standard for IT Service Management and has crept its way into the IT world including into many IT agreements. My article explains what ITIL is, where it came from and some issues to think about when including it as a contractual obligation in an agreement.

I would like to say a big thank you to Lucinda Yeung and Christopher Allen for helping me put this edition together.

Enjoy reading and all the best for a successful 2007.