

Welcome to the December 2007 edition of *Computers & Law*. A slightly belated Merry Christmas to all of you - we trust that you have had a safe and relaxing break to welcome in the start of 2008. We have an interesting set out articles in this edition which we hope you will enjoy.

Our first article of this edition is written by Nihal Samara. It outlines the increasing role of corporate governance within health organisations and how Electronic Regulatory Manual's can be used to maintain compliance and also improve the quality of clinical care provided. The article comments on corporate governance issues continuing to make headlines. As a result of this exposure, Board Members, CEOs and Managers are coming under greater scrutiny to ensure that the organisations they work for are compliant with a myriad of regulations particularly in clinical care where it is also extremely important to deliver safe and efficient clinical services. The article analyses a recent court case, reviews management theories and implements these learnings into clinical practice. Finally a case study is used to demonstrate how an Electronic Regulatory Manual has been implemented in a Victorian Community Health Service as a useful tool in achieving and maintaining compliance with governance obligations and improving the quality clinical care.

Our next article is written by Louise Fahy - Louise's article is about Internet proxy voting which has proven to be a legitimate forum for minority shareholders to voice their financial and social concerns about the operation of the corporation which they hold shares in. Louise mentions key benefits of Internet proxy voting as greatly improving shareholder participation in Annual General Meetings as well as helping to overcome general shareholder apathy towards corporations in Australia. As a result of the success of this technological innovation, it has been suggested that the use of more advanced technology in the form of web-casts or bulletin boards should further improve shareholder participation in corporate life. Only a

limited amount of empirical data is available on these approaches, and the only country providing such data is the United States. The United States evidence corroborates the view that further technological advances may improve shareholder participation. However, a great deal of criticism has emerged from other sources. Response to proposed legislation for the use of technology in meetings with shareholders has been overwhelmingly negative - reasons include the fact that many shareholders lack the means to access web-casts and bulletin boards, as well as the cost and demands on computer band-width. Most importantly, shareholders fear the loss of face-to-face accountability of directors and corporate accountability in general. Have a read, and form your own view!

Megan Walsh is the author of our third article - "Names Policy Panel paves the way for a secondary domain name market." In this article, Megan discusses the final recommendations of the 2007 Names Policy Panel, which was established by the auDA Board to review the .au policy framework. One of the most significant changes recommended by the Panel is the relaxation of the current domain name transfer policy, essentially paving the way for a secondary market in domain names. I would also like to quickly mention that we are very lucky to have an article from Megan for our December edition as Megan has just recently returned to work after getting married in November - congratulations Megan!

Our final article is written by Brent Salter and Dr Niloufer Selvadurai. - this article is a topical article that you may have heard about in the media. In 2008 the High Court will have one of its first opportunities to examine the complexities of next generation broadband. In *Telstra Corporation Limited v Commonwealth of Australia & Ors* Telstra argues under the provisions of Part XIC of the Trade Practices Act 1974 (Cth) that they are being forced to allow its competitors to access its copper network infrastructure at a price that is significantly undervalued. Telstra

claim that this was comparable to having its property, the copper infrastructure, compulsorily acquired without 'just' compensation. In this hearing note the authors explore the arguments of the applicants and respondents in what is likely to be a landmark judgment for not only section 51(xxxi) of the Constitution and the telecommunications access provisions of Part XIC of the Trade Practices Act, but also the intersection of law and technological change.

I would like to say a big thank you to Lucinda Yeung and Melissa Miller for helping me put this edition together. Melissa Miller is a Summer Clerk at Mallesons Stephen Jaques and has been a fantastic help to me for this edition.

We are looking forward to receiving many more submissions in 2008 - if you have any questions at all, please do not hesitate to contact me.

We wish you all the very best for 2008 - let's hope that it is a goody.

Enjoy!