

# SOCIETY NEWS

## QUEENSLAND SOCIETY

**New Committee** Greg Williams advises that there have been some changes to the QSCL executive. Pressure of full time studies has forced him to resign as secretary. John de Groot has resigned from the presidency. The new committee is as follows:

**President:** Warrent Tealby, Deputy Computer Manager at Queensland Institute of Technology QIT

**Vice President:** Alun Preece, Lecturer in Law, QIT

**Secretary:** Andrew Greenwood, Solicitor, Morris, Fletcher and Cross

**Treasurer:** Bob Adcock, Partner, Hall Chadwick & Co., Chartered Accountants

**Ordinary Member:** Greg Williams, Managing Director, Legal & Judicial Systems Pty Ltd; Gail Hindsley, Law Librarian, Feez Ruthning

**Contracts seminar** More than 60 people attended the March contracts seminar. Most come from the computer industry, particularly small software houses and computer consultancies.

Other seminars in the planning stage include: *Computers and the law of evidence*, and *Law office automation*. Speakers, dates and venues have not yet been decided. More finalized are plans for the seminar on 21 June on Computerisation of the Land Titles office. See Coming Events.

**Computer contracts book** The QSCL under the direction of Mr Justice Derrington is compiling a book on computer contracts. People engaged on this project are — Warren Tealby, John de Groot, Andrew Greenwood, Ross McNab, Bob Wensley and Martin Kriewaldt. Contributions of bibliographic details or actual written material which would save the editors from the necessity of reinventing the wheel will be received gratefully. Please direct such information to:

Warren Tealby  
Computer Centre  
QIT  
GPO Box 2434  
Brisbane Qld 4001

**CLIRS Committee** The Queensland Attorney-General [Mr Harper] has agreed to a representative of the Society being invited to attend all future meetings of the Committee advising the Attorney-General on CLIRS. This came about after John de Groot and Greg Williams discussed with Mr Harper the advantages of involving the Society in an area closely aligned to the aims of the Society.

## VICTORIAN SOCIETY

**Competition** The VSCL has announced a competition for papers on subjects related to computers and the law. The authors of the two best papers will receive prizes of \$1,000 and \$500 respectively. Papers should be approximately 10,000 to 15,000 words in length, although papers which are longer (or shorter) are eligible.

The competition closes on 30 September 1984. For further details see the application form reproduced on the back page of this issue of the newsletter.

**Bibliography** The VSCL has now completed its bibliography of publications relating to computers and law. Although the bibliography is comprehensive, it does not claim to be exhaustive. Nevertheless, it does provide a substantial range of material to which recourse can be had on almost every aspect of computers and law.

Each major subject category in the bibliography is divided books, periodicals and articles published in that category. See details of subject categories and sales under Recent Papers in this issue of the newsletter.

**Coming events** The Society reminds members of two forthcoming day seminars. On 29 August the topic will be *Computers and banking*. On 31 October it will be *Legal office automation*.

### Bali Conference 1984

During Easter 1984 the Victorian Young Barristers Committee held a Computer Law Conference in that well known hi-tech haven called Bali. Five lengthy papers were presented. Richard Vines of Directline Systems Pty Ltd presented two papers introducing computer technology to lawyers. Julian Burnside delivered a paper on evidence and discovery and a paper on software protection Malcolm Harrison of Computer Power spoke about CLIRS, and a workshop session dealt with the practical exigencies of negotiating computer contracts. All who attended appeared to benefit by the conference sessions, and no-one seemed unhappy about the weather. Burnside was seen to abandon an umbrella at Tullarmarine on boarding, and was unsuccessful in locating it again on his return. Vines took a micro computer for the purpose of illustrating his papers, but the Indonesian Customs (no doubt suspecting unwarranted incursions into the local computer industry) x-rayed the disks and left the machine unbootable.

The success of the conference overall prompted the VSCL to undertake the organisation of a similar conference in 1985. Anyone with suggestions about an appropriate venue should contact the VSCL 205 William Street, Melbourne.

## ACT SOCIETY

An ACT Society has been formed. An interim committee established in December 1983 has now been replaced by an ongoing committee which comprises

Peter Harris — President 71-9067 (W)  
 Roger Clarke — Vice-President 49-3666 (W)  
 Joanna Longley — Treasurer 71-9575 (W)  
 Richard Cumpston — Secretary 49-7211 (W)  
 Lisa Slade — Committee Member 71-9574 (W)  
 David Grainger — Committee Member 49-4068 (W)  
 Fergus Farrow — Committee Member  
 Gary Tamsitt — Committee Member.

There are 15 individual members and 4 corporate members.

Steps have been taken to commence incorporation and adoption of a constitution.

Three meetings have been held. At the first, on 14 March, Mr Makkinga, Registrar of the ACT Land Titles Office spoke on computerisation of the ACT land titles. On 11 April Mr Ward, Director, Information Retrieval Section of Commonwealth Attorney-General's Department, reviewed the computer system used for computerised legal research within the Department which will be available for all levels of government, private and academic sectors. On 9 May Mr Roger Clarke, Reader Information Systems, ANU spoke on "Privacy Legislation. Where to now?"

The following discussions have been arranged:

13 June: Mr W. Dee, Senior Project Officer, Trade Practices Commission will talk on "Buying a microcomputer: Some hints on how to avoid problems and what to do if things go wrong".

11 July: Mr A. Gould of Computer Power Ltd will talk on the National Computerised Legal Information Retrieval System (CLIRS).

\* Sue Castleman  
 Interim Secretary

## WA SOCIETY

Gail Howlett reports that WASCL held a very enjoyable Christmas function at the Montmartre Restaurant which was attended by 20 members and friends.

**Guided Tour** The first activity for 1984 was a guided tour of the computer installations of Messrs Muir, Williams and Nicholson. More than 50 people attended including the senior and managing partners of other Perth firms. Subsequently several other firms have offered to arrange similar tours of their own systems and the Society welcomes this development.

### Future activities

The Society's 1984 workshop has the theme "Computers, Law and People". Arrangements for this whole day event to be held on 14 July at Churchlands are well in hand. There will be many displays and demonstrations including one on the ergonomics of the VDU workplace. People requiring further information may contact the organizer, Colin Ash on (09) 387 9412.

## NSW SOCIETY

### President's Report

#### Membership renewals

Membership renewals for 1984 indicate a strong continuing interest in the Society by its members. Of our 216 inaugural 1983 members, 169 renewed their membership by April, a renewal rate of 78%. Another 70 new members have joined, up to April 1984, giving the Society a total membership of 235. It seems therefore, that membership is likely to grow to at least 300 during 1984. Many of our members are, of course, corporate members, so that the number of individuals enjoying membership benefits is somewhat larger than membership numbers indicate.

#### 1983 Committee members

The 1983 Committee comprised: Graham Greenleaf (President), David Lewis (Secretary), Alan Davidson (Meetings Officer), Phil Argy (Vice-President and National Co-ordinator), Greg Prior (Treasurer), Pam Norman (Media Officer), Bridgett Pers (Proceedings Editor), Jim Fizzesimons (Minutes Secretary), Martin Friedman (Membership Secretary) and members without portfolio, Meg Alexander, Roger Brown, David Jeffrey, Jane Levine, Martin Long, Gary Cohen, Les Lawrence, Bob McConnell and Rod Storrie.

#### 1984 Committee

The first Annual General Meeting saw the re-election of the 1983 Committee and Office Bearers. Roger Brown, Bob McConnell and Meg Alexander did not stand for re-election. Jill Matthews, Ian Walker, Michael Saunders and Jan Wells were elected as new Committee members.

#### Greater Things

A number of Committee members have recently obtained appointments which are directly related to the Society's interests. Roger Brown is to take up the Chair in Law at the University of Tasmania, on the understanding that this will involve the Law School in a significant involvement in law and technology issues. David Lewis has been appointed Database Manager for Computer Power's CLIRS system. Philip Argy has been appointed to the Commonwealth Attorney-General's CLIRS Advisory Committee. Jane Levine is a Director of the University of New South Wales' new Centre for the Study of Law and Technology. On behalf of the Society, congratulations to one and all.

#### Society Policy on Contentious Issues

Recently, a number of issues concerning computers and the law became matters of public controversy, including the best means of developing computerised legal information retrieval, and the extent of legal protection of software. Since its formation the Society has held four monthly meetings on these topics, and has played a major part in stimulating public understanding of the issues involved.

The Society sees its function as providing its members with information on computers and law developments and issues, and also as providing forums in which members and others can express their opinions on contentious issues. In stimulating informed public discussion the Society can

perform a valuable function even if it does not adopt a corporate position on contentious issues. The Society's present Committee has not taken such positions, seeing its role as stimulatory rather than advocatory, but subsequent Committees may take a different view.

#### Activities in 1984

The emphasis so far this year has been on the continuance of high quality monthly meetings, details of which are contained elsewhere in this issue of the newsletter. In addition, we have commenced Special Meetings, held at short notice when issues are very topical and good speakers available. The first was *'The case for software liberation'*, featuring Albert Langer, and another will be held following the Full Court's decision in the *Apple Case*. Barry Jones, Minister for Science and Technology, will address the Society in September. We have some interesting topics for future meetings under consideration, including robotics, computer insurance, cryptography for software protection, and the NSW Freedom of Information Bill. Any further suggestions are always welcome!

The Society has also been involved in a number of educational activities reported elsewhere in this newsletter, including the joint sponsorship (with the College of Law) of a conference on computers in legal education, and participation in the Australian law students' conference.

#### Honorary Membership

Mr Justice Michael Kirby, Chairman of the Australian Law Reform Commission, will become the Society's first Honorary Member when he addresses the Society on privacy and the computer industry in June. The Honorary Membership is in recognition of Mr Justice Kirby's having been at the forefront in stressing the importance and inter-relation of all aspects of 'computers and the law'. He was one of the first people in Australia to see the connections between many of the problems our Society is concerned with, and the Commission has dealt with many of these problems in its References on Privacy, Criminal Investigations, Evidence, Contempt and Defamation. He also chaired an OECD inter-governmental group dealing with the legal aspects of trans-border data flows from 1978-80. A distinguished 'first' for the Society.

 Graham Greenleaf, President

#### NSWSCL Seminars

The NSWSCL has continued its programme of seminars, alternating between lunchtime and evening, and held, as before, on the first Wednesday of each month.

For 1984, we were fortunate in obtaining the use of the Price Waterhouse conference room on the 11th floor of the new AMP Centre at 50 Bridge Street. This change brings the seminars' venue back closer to the centre of the business district, making attendance easier for many of our members in that area (especially for lunchtime seminars!). We intend to continue in this venue in the foreseeable future.

Since November, the Society has held a half-day Christmas seminar, four ordinary seminars, and one 'extraordinary' meeting (with Albert Langer, see below).

Following is a brief summary of the topics covered, taken largely from the Society press releases issued by Media Officer Pamela Norman after each meeting.

#### Information Retrieval Software (December)

As it was both a celebration of the completion of the Society's first year, and of the festive season, the normal one-hour-long meeting was expanded into an afternoon seminar for December.

A panel of five speakers discussed the systems or software with which they are most familiar: Mr David Jackson, General Manager of Butterworths Telepublishing (LEXIS); Mr Arthur Poole of IBM (STAIRS retrieval software); Mr Chris Stevens, Manager of Computer Law Services Pty Ltd (DATAFUSION); Mr Maarten Koster, Computer Power Pty Ltd (STATUS software); and Mr Mark Furst, who spoke on BASIS software.

The well-attended four-hour seminar ended with a Christmas buffet supper.

#### Copyright: The "Apple" case (February)

A discussion of the issues raised by the *Apple v Computer Edge* case was headed by Mr Frank Smith, a former Commissioner of Patents. He discussed the problematic features of the computer business (from a legal point of view) which had combined to delay a decision on whether programs were patentable.

Mr Phillip Crisp (Attorney-General's Dept) outlined action being taken currently by government to face up to the problem, and Mr David Catterns (a barrister) compared the patent and copyright approaches in the light of recent cases.

#### Duties, Taxes and Software (March)

This lunchtime meeting was addressed by Mr Pat Lanigan (barrister) and Mr Graham Hill (barrister, lecturer at the University of Sydney and author of the well-known text *Stamp Duties*). The Commissioner's attempts to clarify the sales tax law in relation to software were discussed by Mr Lanigan, who referred to the *Sales Tax Assessment Act (No.1)* and other legislation. Mr Hill spoke about the uses of legal 'instruments' by and in the computer industry, suggesting that the issue of stamp duty would be clarified by a judicial tribunal in the coming year or so.

#### Towards a Law of Information (April)

In giving his first Presidential Address, the Society's President Mr Graham Greenleaf called on the Federal Government to refer the whole issue of the law's treatment of information to the Australian Law Reform Commission. He argued that the attention of the law should shift from the medium to the message itself and that the convergence of technologies would make a more uniform approach essential. He felt that the ALRC was ideally suited to examine the problem: it had previously amassed materials, experienced staff, and a Chairman (Mr Justice Michael Kirby) who has been at the forefront of information law discussion in recent years.

### **The Case for Software Liberation (special meeting: 9 April)**

The society took advantage of the presence in Sydney of Mr Albert Langer, champion of the free market for software at an earlier seminar, to arrange a special meeting on this topic.

Mr Langer and his Public Domain Software Library group felt that, in the long term, the best method of financing software development was public funding, since copyright legislation was proving unenforceable. This should be implemented before Australia became locked into a network of "vested interests". He denounced the use of 'panic' or 'stop-gap' legislation, preferring a full public inquiry involving micro-computer users as well as software producers.

### **Automation and the Small Legal Firm (May)**

This was practically-oriented meeting aimed at small practices. Ms Dianne Trethewey from Wang explained the benefits of wordprocessing, especially with the implementation of a computerised legal information system (CLIRS) imminent. The benefits flowing to small firms from developmental work carried out for the bigger systems were pointed out by Mr Jim Newlove (IBM), who explained how a one or two-lawyer firm could outfit itself with IBM's Personal Computer, a printer and appropriate software for around \$15,000 to \$18,000.

✳ Pamela Norman, Media Officer  
NSWSCL

### **NATIONAL CO-ORDINATOR REPORT**

Last December representatives from Societies for Computers and The Law in New South Wales, Victoria, Queensland and Western Australia met at the home of Julian Burnside in Melbourne to discuss matters of common interest including the publication of the first issue of this Newsletter and the feasibility of establishing a National Society for Computers and the Law.

After discussion on the last point, it was agreed that I should be National Co-ordinator with the following functions:-

1. to promote the formation of Societies for Computers and The Law in Tasmania, South Australia, Northern Territory and The Australian Capital Territory
2. to co-ordinate available speakers so that papers delivered in one State would be made available to other States
3. to report on the structure and establishment of an Australian Society for Computers and the Law, including drafting a Constitution for such a body
4. to establish and maintain liaison with international societies with similar interests
5. to investigate and report on the possibility of involvement of the state societies in national level conferences such as ANZAAS and the Australian Legal Convention, etc
6. to report regularly to state societies through their nominees
7. to publish in the Newsletter relevant information about the progress of this work.

**ACT Society** — I am pleased to be able to report to you that Mr Peter Harris from the Attorney-General's Department in Canberra has convened the ACT Society for Computers and The Law and they have had a number of meetings but, as is the case with all of the Societies, would like an increase in their membership. Anybody interested in joining any of the State Societies (whether yet formed or not) should write to me at the address set forth at the foot of this article and I will take the necessary action.

**South Australian Society** — Interest in a South Australian Society for Computers and The Law will have been heightened by a series of meetings arranged during May by the Law Society of South Australia, and I will be certainly following up that series of meetings with a view to having an inaugural meeting for a South Australian Society for Computers and The Law.

**Australian Society** — So far as an Australian society for computers and the law is concerned, my understanding of the views of the various state societies is that such a national body would be premature at this stage and that it would be preferable for each of the State Societies to develop some strength of membership before we embark on a national society. I would like to think that with good liaison and co-ordination between societies, which I hope my role will fulfill, we will be able to achieve the benefits of a national society without necessarily having such a body in existence.

**Mutual Speakers** — It seems to me that the most important requirement if new and proposed societies for computers and the law are to attract members (and retain their interest) is to hold meetings at which good quality topics and speakers can be presented. To this end, therefore, I would like all societies to keep me advised of their proposed meetings with lists of topics and speakers and, more importantly, to let me know whenever particularly good speakers or papers are discovered so that I can then investigate the feasibility of having a repeat presentation for one of the other societies. At the very least, there could be the possibility of making the papers available to members of other societies.

**Reciprocity** — One issue that has recently come up for consideration is the question of transfer between societies. I would think that without hesitation all societies would automatically agree to grant a reciprocal membership to a member transferring from another society and, in the New South Wales Society for Computers and The Law of which I am the Vice President, we have recently resolved to accept without fee a member transferring from the Victorian Society. That person will simply be sent a renewal notice when all of our other members receive their renewal notices but between now and the end of this year he will be accorded the benefits of financial membership.

For the next Newsletter I hope to obtain from representatives of each of the State societies a report on activities for 1984 to date, together with their proposals for the remainder of the year. Members from all societies (and indeed non-members for that matter) are welcome to contact me at the following address and phone number:-

GPO Box 206  
Sydney NSW 2001  
Telephone (02) 239-1749

✳ Philip N. Argy  
National Co-ordinator