

## **New South Wales**

Since we last spoke the Society has held its June meeting on Electronic Data Interchange. This meeting looked at several applications of EDI developed by AT&T and the legal issues arising from EDI.

On Wednesday 14 July, the Society in conjunction with the College of Law will present a half day on Computer Law Issues. This will include a review of the law of copyright as it relates to computers and particularly

the implications of the *Autodesk* case. It will also include a discussion of computer contracting, particularly distribution and licensing agreements, system supply or acquisition agreements and outsourcing and systems integration agreements. The last two sessions will focus on the law relating to computer misuse and abuse and the current state of Patent Law in Australia as it relates to Information Technology. This conference will be held at the Masonic

Centre, Crn Goulburn and Castlereagh Sts, Sydney and will start at 2pm.

The next edition of the Journal will be devoted to Legal Technology and will look at the use of technology in law firms, by barristers, by in-house corporate counsel and generally in the legal arena. If you do have any articles, book or product reviews or abstracts please send them to Virginia Gore, c/- Blake Dawson Waldron, Sydney, DX 355.

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## **Victoria**

The Victorian Society commenced the new year with a presentation by Mr Daniel Hunter about the effect of recent US computer copyright cases on Australian law. However, uppermost in the minds of most attendees was the High Court decision in *Autodesk (No 2)* and Daniel Hunter obliged by including as part of his presentation a short discussion of the High Court decision.

The next meeting of the VSCL was held on 21 April 1993. Attendees sat back and were entertained with a very interesting talk by Mr Philip

Argy on 'Product Liability and High Technology'.

This was followed by an address to the Society by Mr David Lewis, Managing Director of DLA Technology Management Consultants on 18 May 1993. The topic of Mr Lewis' talk was 'Computer Security: Practical Problems'. Mr Lewis focused on forms of attack, privacy and fraud, with particular emphasis on security in relation to computers.

The June meeting was very well attended and with good reason as the

members were treated to an 'Update on Computer Crim Laws' by Dr Gordon Hughes. Dr Hughes is the President of the Society as is well renowned for his expertise in the area of computer law. He addressed the members on the present state of Australian computer crime laws and recent Australian and English decisions of interest.

If you have any queries about the VSCL, please contact the Secretary, Amanda Bodger at Mallesons Stephen Jaques on (03) 619 0619.

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## **Western Australia**

A panel discussion of current legal issues affecting the computer industry will be held on 20 July, 1993. Members of the Australian Computer Society, Australian Information Industry Association, Electronic and Information Industries Chamber and the Software Industry Association have been circularised for legal issues they see affecting the computer industry. A panel of lawyers will discuss the questions that are raised in the responses at the meeting.

Our AGM will be held on 25 August, 1993. It will be the first of a series of seminars on the use of EDI, E-Mail and EFT in the legal profession. A simple strategic statement outlining WASCAL's ideas of future computer-assisted practice of law will be delivered. If there is enough time, this will be followed by a member of the Information System Managers group who will discuss Electronic Messaging - what it is, why have it, how it happens and what people are doing.

In early October there will be a seminar on Planning for Open Systems. It will look at the ideal scenario and work back to examine what people are doing to go part way towards achieving the ideal.

In late November, the second seminar in the series on EDI, E-Mail and EFT will be held.

For further information on WASCAL's activities please contact Michael Paterson on Ph (09) 385 1389.

## **New Zealand**

Since the AGM on 16 March, 1993 the Society has conducted two seminars in Wellington and members of the Committee have been involved in other activities related to the computer and technology industry.

On 4 May the Society held a one hour seminar entitled 'Computer and Tax Update' where we were very pleased be addressed by Tony Tait, Executive Director of the Information Technology Association of New Zealand. Tony spoke on the government proposals to amend the depreciation regime as it related to tax deductions for computer software. Tony has been closely involved in the preparation of submissions to the Select Committee, as well as representations to the Inland Revenue Department, on the impact of the proposed tax changes. At the same seminar, Gavin Adlam and Richard Scouler of Rudd Watts & Stone gave a brief overview of other taxation issues relevant to the use of computers and the performance of computer contracts. Written material prepared for the seminar can be made available to members on request.

Since the seminar, the Commissioner of Inland Revenue has finalised a policy statement on the tax treatment of computer software from 1 July, 1993. In summary:

(a) software 'purchased' or acquired on financing leases, including

upgrades, must be capitalised and depreciated;

(b) maintenance costs may be deducted;

(c) software development inhouse, or commissioned, for use in business must be capitalised until the project is completed, then depreciated;

(d) costs of unsuccessful developments may be deducted;

(e) software developed for sale or licence must be treated as trading stock at balance date, at value, and treated as income; and

(f) depreciation may be 40% diminishing value or 30% straight line.

The Society held a further presentation on 10 June, in Wellington, to explain the availability of New Zealand statute law on electronic databases. The Committee is grateful to Phil Shattky of the Law Commission for coordinating this presentation, which was attended by between 40 and 50 people. The Committee will be considering whether a similar demonstration can be arranged for Auckland.

The next seminar is still being planned, but is likely to deal with copyright and other protection issues for databases. The Committee has a number of other topics in mind, but would welcome further suggestions. Members of the Soci-

ety will be interested in the impact of the Privacy Act, which takes effect from 1 July, 1993. A number of seminars have been conducted by other bodies since the Society's presentation late last year, and Committee members have some material relating to those. The Committee will consider whether a further seminar on that topic is justified later in the year.

The Society's membership list and mailing list have been taken over by Paul Perniskie of Brookers, phone Wellington 385 6683. Members are encouraged to write to the Society or contact Paul if membership information needs correction or if they know of people who would be interested in receiving information about the Society. The Committee intends to maintain and improve the level of contact with organisations having complementary interests, and will continue to be in touch with the Information Technology Association of New Zealand, the New Zealand Computer Society, the New Zealand Electronic Date Interchange Association, the Technology Committee of the New Zealand Law Society and others.

Members and others wanting further information are welcome to contact any of the Committee. President - Gavin Adlam Ph (04) 472 4899, Vice President - John Terry (04) 472 1084.