
Golden Gavel judges and participants



Golden Gavel judges and constants - Chief Justice Brian Martin, Raelene Fryer, Dara Read, Steve Ledek, Sally Gearin, Darren Parker, Sharon Krause and Peggy Cheong

INFORMATION TECHNOLOGY & THE LAW

Important Christmas message

Technology can be a great addition to your family, as long as you are aware of, and prepared to accept, the ongoing responsibilities. This Christmas, when considering purchasing technology, you should consider the following issues:

* A gadget or other technology item should never be a surprise gift — too many electronic organisers, mp3 players, laptops and other novelty gadgets that were never wanted in the first place end up in bottom drawers or worse. Most abandoned or surrendered gadgets find their way to the dark recesses of your desk drawer or the bottom of a storage bin, in around six to nine months after Christmas, when the novelty or cuteness starts to wear off and the reality of caring for, maintaining and updating the gadget for life sinks in.

* Purchasing a gadget at Christmas, or any other time,

should never be considered before the potential owner (whether this is the purchaser or gift recipient) has thought long and hard about the time, money, space and energy that gadget ownership entails, and whether you/they are willing and able to accept these responsibilities. However, if you're getting a gadget at Christmas or any other time, consider the adoption option and ask your friends if they have any gadgets they have acquired and are not using. You could be the one to save a gadget from the back of a desk draw and give it the kind of love and attention it was built for, the kind it deserves. The best Christmas present for a gadget in need is a committed, permanent and caring home.

* Rather than give a gadget at Christmas, why not give the wrapped gift of an accessory. With so many third party options, you



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can find an accessory for any need. You and the gift recipient can go together to a Dick Smith or Tandy store to choose the new gadget, with trustworthy advice from their experienced staff (don't let the fact they are 12 years old fool you, kids

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these days are experienced technologists).

* Consider getting your new gadget later in January, when the Christmas chaos has died down, travel is over and done with, but you still have time at home to spend with your new gadget reading the manual. You are also likely to get the gadget at a bargain price in the post Christmas sales!

* Parents and partners may wish to give their loved ones a gadget at Christmas, but they will likely end up the primary carer for the gadget, and should be willing to accept this responsibility. This means finding somewhere to store the gadget so it is not in the way, replacing its batteries,



where required updating its onboard software or firmware and keeping it free of dust and away from liquids.

* In the last year, nationally around 1,958,207 gadgets have been abandoned or "lost". Of this number, only one in five were re-gifted or re-homed.

If, having considered the issues above, you are still interested in purchasing a gadget this Christmas, for yourself or someone else, then consider:

* Sony's new marine

range (<http://www.sony.com.au/marine>) - now you can get Sony quality audio in your boat. You can get a splash-proof head unit which also has an auxiliary-in, allowing you to play music or the latest "Tales from the Tinny" from any compatible portable music device. There are four sets of 6" speakers, a 10" subwoofer and a four-channel amplifier. Coolest of all is the remote control. The remote lets you control your Sony stereo from anywhere in your boat, while your stereo remains safely mounted away from the elements. The remote is UV and salt tested, and comes with an 18-foot extension cable so you can mount it anywhere in your tinny.

*A digital pen - The Pulse smartpen by Livescribe (<http://www.livescribe.com/>) revolutionises the act of writing, by recording and linking audio to handwriting, so users never miss a word. This looks seriously cool, but I want a fountain pen version! As an alternative you can try the Mobile Digital Scribe by IOGEAR (<http://www.iogear.com/product/GPEN200N/>) which captures natural handwriting from any surface.

* Computerised runners - while not new, a pair of Nike runners and an iPod Sport Kit is a "sporty" gadget option satisfying your technology and health needs.

Noticeboard

High and Federal Court Notes October 2008

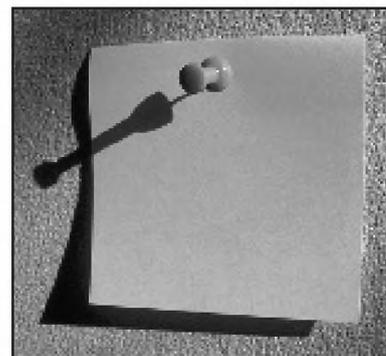
Statutes – Interpretation – Foreign treaties – Designs Act 1906 (Cth) – Exception for design exhibited at certain exhibitions

In *Chiropedic Bedding Pty Ltd v Radburg Pty Ltd* [2008] FCAFC 142; 14 Aug 08 the primary judge had concluded that the exception from the priority date for goods exhibited at certain international exhibitions in s 47 of the *Designs Act 1906 (Cth)* was to be interpreted to give effect to the Paris Convention of 1883. The Full Court concluded this was in error. It held the Convention was only part of the context that underlay the Act but the words did not have this meaning. Consideration of the role of extrinsic material in interpreting legislation considered.

Migration – Review - Decisions reviewable by the Federal Court – Notice of intention to make a decision

In *Fernando v MIC [No2]* [2008] FCA 1216; 13 Aug 08 Siopis J concluded the "decision" to give notice

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that consideration could be given to cancelling a visa under s 501 of the *Migration Act* was conduct that was within the definition in s 474 (3) and in the absence of evidence that the activity was engaged in by the Minister personally the Federal Court had no jurisdiction over it.

Income Tax – Deferral of losses from non-commercial activity

In *Watson v C of T* [2008] FCA 1173; 8 Aug 08 Mansfield J considered the benefits received by a financial planner who ran his business while partially