

NSW Young Lawyers Email Use Policy

Definitions

Members – Members as defined in clause 3 of the NSW Young Lawyers Constitution (Constitution).

Email – means an electronic message sent by a Member to:

- (a) any one of more of the Lists (as defined below); and/ or
- (b) another Member or Members of NSW Young Lawyers in respect of the activities of NSW Young Lawyers.

Purpose of this policy

- i. Emails are the principal form of communication between Members of NSW Young Lawyers. Emails relating to the work of NSW Young Lawyers are principally distributed to Members through NSW Young Lawyers' email lists (Lists). Whilst Members also interact during committee meetings and have the opportunity to communicate orally during NSW Young Lawyers assemblies, email remains, and for the foreseeable future will remain, the primary form of communication within NSW Young Lawyers. This prominence and centrality is primarily as a result of the ease with which our Members can use and access email messages.
- ii. Notwithstanding the primacy of email messages, it must not be forgotten that NSW Young Lawyers Members communicate in other forms, such as on NSW Young Lawyers' website, by SMS messages, and orally on the telephone or in person. Whilst this policy is intended primarily to regulate the content of communications in email messages, the propriety or otherwise of other communications should also be determined with reference to this policy.
- iii. A large number of Emails are distributed through the Lists every day. These emails carry communications that are received not only by Members, but may ultimately also be received by non-Members. Our Members subscribe to the Lists to receive these communications because they want to be involved in our committees' activities and contribute to the work of NSW Young Lawyers. Other Emails are sent by Members to other Members outside of the Lists for the purposes of, or with respect to, the activities of NSW Young Lawyers. Members do not expect to, and indeed should not be expected to, tolerate receiving communications by email, which fall within the definition of prohibited content contained in sections 3.2 and 3.3 below.
- iv. Moreover, Members may subscribe to the Lists using their personal accounts or an email account provided by their employer. In the event that Members subscribe using an email account provided by their employer, any communication made or received by them is likely to be subject to their employer's email and internet policy, if it has one. The consequences of the breach of such policies are often severe and can include dismissal and subsequent legal action against the Member.
- v. Emails distributed through the Lists may also ultimately be received by non-members, either because they have been wrongly subscribed to a List or because an email distributed to a List has been forwarded by a Member. NSW Young Lawyers cannot exert any direct control over the Emails that are forwarded to non-members, who could potentially include persons within media and other organisations.
- vi. The policy reflected in this document is designed to provide guidance to Members when communicating by email and make recommendations in respect of the content of all communications between Members, including Emails, whilst ensuring that the purposes of NSW Young Lawyers are achieved effectively.

vii. This policy is designed to operate together with the various email use policies adopted by each Committee or List (including Lists not administered in respect of a Committee). However, wherever this policy conflicts with one of the List-specific policies, this policy should be followed.

1. Who is covered by this policy

Everyone (including Members, but not staff in the NSW Young Lawyers office, who are subject to the Law Society's email policy) who uses any of the Lists or who otherwise participates in the activities of NSW Young Lawyers should comply with this policy.

2. Who may access the Lists

Only Members are eligible to send Emails to the Lists. Other persons may also send Emails to the Lists from time to time at the invitation of the President.

Chairs may subscribe an eligible Member to a list, which they moderate.

Membership of the Executive Council of NSW Young Lawyers (Council), Office Bearers and any ad hoc lists is limited to persons who have been elected or appropriately selected to those positions.

3. Proper and Improper use of Email

NSW Young Lawyers provides the Lists as a tool for communication between Members, Committee Chairs (Chairs) and Council. The Lists must be utilised in accordance with this policy. This ensures that the Lists are used for their proper purpose.

3.1 Proper use of Email

Members should be encouraged to make use of the Lists to promote and further the aims of NSW Young Lawyers (as defined in clause 2.1 of the Constitution). Proper use of the Lists includes, but is not limited to, Emails:

- informing Members about upcoming meetings, events and other activities, whether they are organised or hosted by NSW Young Lawyers or other affiliated organisations;
- containing information by way of update in relation to the various areas of law covered by the Lists;
- informing members about possible job opportunities, as long as this use of the Lists does not exceed reasonable and fair limits;
- requesting help or assistance in relation to the various areas of law covered by the Lists.

3.2 You must not use any Email:

- to participate in illegal or other inappropriate activities such as the dissemination of inappropriate matter, gambling or in furtherance of acts, which are illegal or in contravention of NSW Young Lawyers' Constitution;
- for advertising or other commercial use not related to the Objects of NSW Young Lawyers (as defined by clause 2 of the Constitution), unless such advertising is permitted by section 3.1 above;
- for dissemination of commercial or personal advertisements, solicitations or on-line dating;
- for dissemination of promotions, political or religious material of any kind;

- to breach any intellectual property laws (including, but not limited to, breach of copyright);
- for destructive programs (i.e. viruses or self-replicating codes);
- in such a way that adversely affects (or might, if known to others, adversely affect) the reputation of NSW Young Lawyers and its standing in the legal profession in NSW and nationally;
- to disseminate or compose an email message or other communication which is or contains material (including but not limited to sexually explicit material) which:
 - (a) may offend, humiliate, embarrass or intimidate another person; or
 - (b) is defamatory in that it makes a reasonable reader make one think less of the person who is the subject of the communication or exposes the person to ridicule, hatred or contempt or injures the person in his or her trade, profession or financial standing; or
 - (c) infringes another person's rights in respect of the handling of personal information under the Privacy Act 1988 (Cth).

3.3 Generally, unless you are otherwise authorised expressly by the President of NSW Young Lawyers, never write anything in an email which you would feel uncomfortable to:

- see reported on the front page of a national newspaper;
- be cross examined about; or
- give to a regulatory body.

If you cannot express your thoughts in a way which passes these tests, it might mean that the thought should not be expressed at all. Email is a form of written communication and is a permanent record. In particular, Emails sent to email accounts, which Members also use for the purposes of their employment, are backed up regularly and may be retrievable as evidence in subsequent litigation even after the Member has deleted them.

4. Monitoring the lists

The Lists are monitored by Committee Chairs, Office Bearers and IT staff. This monitoring is ongoing and continuous. Chairs and others responsible for maintaining the integrity of the Lists should inform the Council of all Email on relevant Lists (or otherwise) that is in contravention of the rules in sections 3.2 and 3.3 above, in the manner set out in section 5 below.

5. What should I do if I receive an inappropriate email?

5.1 Receipt of an Email that breaches this Policy

If you receive an Email (or other electronic communication) which contains inappropriate material, links or attachments or you think breaches this policy or another NSW Young Lawyers policy, you should bring it to the attention of the administrator of the relevant List.

5.2 Obligations of List Administrators

If the List administrator has received an email in accordance with this section and the administrator considers that the Email is of significant concern, the administrator should bring the Email to the attention of the Office Bearers, who may deal with it informally or refer it to the Council.

5.3 Action by the Council

If the Council's attention is brought to an Email in breach of this policy, it may decide to take appropriate action, including any one or more of the following:

- (d) asking the sender of the Email to apologise in respect of the offending communication, and if the sender refuses, taking some other appropriate action;
- (e) giving a warning to the sender of the Email as to his/her offending conduct;
- (f) issuing a statement to the Lists setting out the facts, matters and circumstances of the Email, including, if considered appropriate, the identity of the sender;
- (g) directing that steps be taken to restrict the sender's access to one or more of the Lists, including by disallowing the sender from sending Emails to any of the Lists or unsubscribing the sender from one or more of the Lists;
- (h) in appropriate cases, removing the sender from positions he/she holds within NSW Young Lawyers, including as an Office Bearer (in accordance with clause 4.5(d) and (e) of the Constitution), Executive Councillor (in accordance with clause 7.4 of the Constitution) and as a Member (including Chairs) (in accordance with clause 7.4(b)) of the Constitution;