

## AUSTRALIA TO MAKE UNLAWFUL COMPUTER ACCESS A CRIMINAL OFFENCE

Australia is set to make a criminal offence of gaining access by telecommunications link to a database or computer files holding details on individuals, as well as other categories of public and private sector information. Destruction, erasure or altering of data would carry a penalty of up to 10 years in prison. Australia is following several other countries which have already enacted computer crime laws (PL&B February '89 p.25).

The Commonwealth (federal) Crimes Legislation Amendment Bill 1989, currently before Parliament, introduces a criminal offence for unlawful access or hacking, committed through use of the telephone system. The bill specifically includes both public sector and "other computers."

This broad measure carries substantial penalties. For committing an offence by means of a telecommunications system operated or provided by the Commonwealth, (for example, the Australian Telecommunications Commission), section 76D states:

- (1) A person is liable to incur 6 months imprisonment for "intentionally and without authority" obtaining "access to data stored in a computer."
- (2) A person is liable to incur 2 years imprisonment if:
  - (a) "...with intent to defraud any person and without authority obtains access to data stored in a computer; or"
  - (b) "...intentionally and without authority obtains access to data stored in a computer, being data that the person knows or ought reasonably to know relates to:"  
specified types of public sector information; "the personal affairs of any person; trade secrets; records of a financial institution; or commercial information the disclosure of which would cause advantage or disadvantage to any person."
- (3) A person is liable to incur 2 years imprisonment if he "intentionally and without authority obtained access to data stored in a computer" and if he continues to examine that data after he "knows or ought reasonably to know" it relates wholly or partly to any of the categories in paragraph (2)(b).
- (4) A person is liable to incur 10 years imprisonment if he "intentionally and without authority or lawful excuse:"
  - (a) "destroys, erases or alters data stored in or inserts data into a computer;"
  - (b) "interferes with, or interrupts or obstructs the lawful use of a computer; or"
  - (c) "impedes or prevents access to, or impairs the usefulness or effectiveness of data stored in a computer."