

LEGISLATIVE ASSEMBLY

Read 1° 12 April 1988

(Brought from the Legislative Council)

A BILL

for

An Act to amend the *Crimes Act 1958* and the *Summary Offences Act 1966* and for other purposes.

Crimes (Computers) Bill 1987

The Parliament of Victoria enacts as follows:

Purposes.

1. The purposes of this Act are—

- 5 (a) to make further provision for offences relating to the manipulation of computers and other machines and the falsification of documents; and
(b) to amend certain penalties.

Commencement.

2. This Act comes into operation on a day or days to be proclaimed.

10 Principal Act.

3. In this Act, the *Crimes Act 1958* is called the Principal Act.

No. 6231.
Reprinted to
No. 19/1987.

Amendment of section 74.

4. In section 74 of the Principal Act—

- (a) after “74.” insert “(1)”; and
- (b) at the end of the section insert—

“(2) Section 80A applies as if the reference in that section to sections 81–87 (both inclusive) were a reference to this section.”. 5

New section 80A inserted.

5. After the heading “*Fraud and blackmail*” and before section 81 of the Principal Act insert— 10

Extra-territorial offences.

“80A. (1) If—

- (a) a person does, or omits to do, an act or thing referred to in sections 81–87 (both inclusive) outside, or partly outside, Victoria; and 15
- (b) there is a real and substantial link within the meaning of sub-section (2) between doing, or omitting to do, the act or thing and Victoria—

those sections apply to the act or thing or the omission as if it had been done, or omitted to be done, wholly within Victoria. 20

(2) For the purposes of sub-section (1), there is a real and substantial link with Victoria—

- (a) if a significant part of the conduct relating to, or constituting the doing of the act or thing, or the omission, occurred in Victoria; or 25
- (b) where the act or thing was done, or the omission occurred, wholly outside Victoria, if the act or thing was done, or omitted to be done, with the intention that substantial harmful effects arise in Victoria and such effects did arise.”.

Amendment of section 81. 30

6. In section 81 of the Principal Act, for sub-section (4) substitute—

“(4) For the purposes of this section, “deception”—

- (a) means any deception (whether deliberate or reckless) by words or conduct as to fact or as to law, including a deception as to the present intentions of the person using the deception or any other person; and 35
- (b) includes an act or thing done or omitted to be done with the intention of causing—
 - (i) a computer system; or

(ii) a machine that is designed to operate by means of payment or identification—

5 to make a response that the person doing or omitting to do the act or thing is not authorised to cause the computer system or machine to make.’.

New section 83A inserted.

7. After section 83 of the Principal Act insert—

Falsification of documents.

10 “83A. (1) A person must not make a false document with the intention that he or she, or another person, shall use it to induce another person to accept it as genuine, and by reason of so accepting it to do or not to do some act to that other person’s, or to another person’s prejudice.

Penalty: Imprisonment for 10 years.

15 (2) A person must not use a document which is, and which he or she knows to be, false, with the intention of inducing another person to accept it as genuine, and by reason of so accepting it to do or not to do some act to that other person’s, or to another person’s prejudice.

Penalty: Imprisonment for 10 years.

20 (3) A person must not make a copy of a document which is, and which he or she knows to be, a false document, with the intention that he or she, or another person, shall use it to induce another person to accept it as a copy of a genuine document and by reason of so accepting it to do or not to do some act to that other person’s, or to another person’s prejudice.

25 Penalty: Imprisonment for 10 years.

30 (4) A person must not use a copy of a document which is, and which he or she knows to be, a false document, with the intention of inducing another person to accept it as a copy of a genuine document and by reason of so accepting it to do or not to do some act to that other person’s, or to another person’s prejudice.

Penalty: Imprisonment for 10 years.

35 (5) A person must not have in his or her custody, or under his or her control, a document which is, and which he or she knows to be, false, with the intention that the person or another shall use it to induce another person to accept it as genuine, and by reason of so accepting it to do or not to do some act to that other person’s, or to another person’s, prejudice.

Penalty: Imprisonment for 10 years.

- (6) For the purpose of this section, a document is false if it purports—
- (a) to have been made in the form in which it is made by a person who did not in fact make it in that form; or
 - (b) to have been made in the form in which it is made on the authority of a person who did not in fact authorise its making in that form; or 5
 - (c) to have been made in the terms in which it is made by a person who did not in fact make it in those terms; or
 - (d) to have been made in the terms in which it is made on the authority of a person who did not in fact authorise its making in those terms; or 10
 - (e) to have been altered in any respect by a person who did not in fact alter it in that respect; or
 - (f) to have been altered in any respect on the authority of a person who did not in fact authorise the alteration in that respect; or 15
 - (g) to have been made or altered on a date on which, or at a place at which, or otherwise in circumstances in which, it was not in fact made or altered; or
 - (h) to have been made or altered by an existing person who did not in fact exist. 20
- (7) For the purposes of this section, a person is to be treated as making a false document if the person alters a document so as to make it false in any respect (whether or not it is false in some other respect apart from that alteration). 25
- (8) For the purposes of this section, an act or omission is to a person's prejudice if, and only if, it is one that, if it occurs—
- (a) will result—
 - (i) in the person's temporary or permanent loss of property; or 30
 - (ii) in the person's being deprived of an opportunity to earn remuneration or greater remuneration; or
 - (iii) in the person's being deprived of an opportunity to obtain a financial advantage otherwise than by way of remuneration; or 35
 - (b) will result in any person being given an opportunity—
 - (i) to earn remuneration or greater remuneration from the first-mentioned person; or
 - (ii) to obtain a financial advantage from the first-mentioned person otherwise than by way of remuneration; or 40
 - (c) will be the result of the person's having accepted a false document as genuine, or a copy of a false document as a copy of a genuine one, in connection with the person's performance of a duty.

(9) In this section—

- 5 (a) a reference to inducing a person to accept a false document as genuine, or a copy of a false document as a copy of a genuine document, shall be read as including a reference to causing a machine to respond to the document or copy as if it were a genuine document or a copy of a genuine document, as the case may be; and
- 10 (b) if—
- (i) a machine so responds to a document or copy; and
- 15 (ii) the act or omission intended to be caused by the machine's so responding is an act or omission that, if it were an act or omission of a person, would be to a person's prejudice within the meaning of sub-section (1)—
- the act or omission intended to be caused by the machine's so responding shall be deemed to be an act or omission to a person's prejudice.

- 20 (10) In proceedings for an offence against this section, if it is necessary to allege an intent to induce a person to accept a false document as genuine, or a copy of a false document as a copy of a genuine one, it is not necessary to allege that the accused intended so to induce a particular person.”.

Amendment of certain penalties.**8. The Principal Act is amended as follows:**

- 25 (a) In section 176 (2)—
- (i) for “100” (where twice occurring) substitute “1000”;
- and
- (ii) for “two years” substitute “ten years”; and
- (iii) omit all words after “aforesaid”;
- 30 (b) In section 178—
- (i) for “100” (where twice occurring) substitute “1000”;
- and
- (ii) for “two years” substitute “ten years”; and
- (iii) omit all words after “aforesaid”;
- 35 (c) In section 179 (3)—
- (i) in paragraph (a) for “100” (where twice occurring) substitute “1000”; and
- (ii) in paragraph (a) for “two years” substitute “ten years”;
- and
- 40 (iii) paragraph (b) is repealed;
- (d) In section 180—
- (i) in paragraph (a) for “100” (where twice occurring) substitute “1000”; and

- (ii) in paragraph (a) for “two years” substitute “ten years”;
and
 - (iii) paragraph (b) is repealed;
 - (e) In section 181—
 - (i) for “100” (where twice occurring) substitute “1000”; 5
and
 - (ii) for “two years” substitute “ten years”; and
 - (iii) omit all words after “aforesaid”;
 - (f) In section 182—
 - (i) in paragraph (a) for “100” (where twice occurring) 10
substitute “1000”; and
 - (ii) in paragraph (a) for “two years” substitute “ten years”;
and
 - (iii) paragraph (b) is repealed.
- Insertion of section 9A in the *Summary Offences Act 1966*. 15**
9. After section 9 of the *Summary Offences Act 1966* insert—
- Computer trespass.**
- “9A. A person must not gain access to, or enter, a computer system or part of a computer system without lawful authority to do so.
- Penalty: 25 penalty units or imprisonment for 6 months.” 20