

**CRIMES (COMPUTERS AND FORGERY) AMENDMENT  
ACT 1989 No. 71**

NEW SOUTH WALES



**TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Amendment of Crimes Act 1900 No. 40

SCHEDULE 1—AMENDMENTS

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**CRIMES (COMPUTERS AND FORGERY) AMENDMENT ACT 1989**  
**No. 71**

NEW SOUTH WALES



**Act No. 71, 1989**

An Act to amend the Crimes Act 1900 with respect to computers and forgery; and for other purposes. [Assented to 29 May 1989]

*Crimes (Computers and Forgery) Amendment 1989*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Crimes (Computers and Forgery) Amendment Act 1989.

**Commencement**

2. This Act commences on a day or days to be appointed by proclamation.

**Amendment of Crimes Act 1900 No. 40**

3. The Crimes Act 1900 is amended as set out in Schedule 1.

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**SCHEDULE 1—AMENDMENTS**

(Sec. 3)

(1) Section 1 (**Short title and contents of Act**)—

Omit the matter relating to Part 5, insert instead:

**PART 5—FORGERY AND FALSE INSTRUMENT OFFENCES—**

**CHAPTER 1—*Forgery*—**

- (1) *Declaratory and general*—ss. 250, 251
- (2) *Forgery, etc., of public seals*—s. 253
- (3) *Forgery of Acts, Proclamations, etc.*—s. 255
- (4) *Forgery of India bonds, Exchequer bills, etc.*—s. 260
- (5) *Forgery, etc., of, or engraving plate, etc., for, Bank notes, etc.*—ss. 265–270
- (6) *Forgery, etc., of wills, etc.*—s. 271
- (7) *Forgery of signatures of Judge*—s. 278
- (8) *Forgery, etc., of instruments of evidence*—ss. 285–291
- (9) *Falsifying entries of births, deaths, etc.*—ss. 296, 297
- (10) *Obtaining or demanding property on forged instruments*—s. 298

**CHAPTER 2—*False instruments*—**

- (1) *False instruments*—ss. 299–307

**PART 6—OFFENCES RELATING TO COMPUTERS—ss. 308–310**

SCHEDULE 1—AMENDMENTS—*continued*(2) Section 178BA (**Obtaining money etc. by deception**)—

Omit section 178BA (2), insert instead:

## (2) In subsection (1)—

“deception” means deception (whether deliberate or reckless) by words or conduct as to fact or as to law, including—

(a) a deception as to the present intentions of the person using the deception or of any other person; and

(b) 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,

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.

## (3) Section 184A—

After section 184, insert:

**Personating owner of stock or property**

184A. A person who falsely and deceitfully personates—

(a) any owner of any share or interest of or in any stock, annuities or other public funds or of or in the capital stock of any body corporate; or

(b) any owner of any dividend or money payable in respect of a share or interest referred to in paragraph (a); or

(c) any owner of any property, or any estate or interest in or charge or encumbrance on property,

and transfers, or endeavours to transfer, any share, estate or interest belonging to the owner or receives, or endeavours to receive, any money due to the owner as if the person were the true owner is liable to penal servitude for 10 years.

## (4) Part 5, heading—

Omit the heading, insert instead:

**PART 5—FORGERY AND FALSE INSTRUMENT  
OFFENCES****CHAPTER 1—*Forgery***

## (5) Sections 252, 254, 256–259, 261–264, 272–277, 279–284, 286–288, 290, 292–295—

Omit the sections.

*Crimes (Computers and Forgery) Amendment 1989*SCHEDULE 1—AMENDMENTS—*continued*

- (6) Sections 252, 256–259, 264, 279–283, 293, 294, 295, short headings—  
Omit the short headings.
- (7) Section 253, short heading—  
Omit “*or official signatures*”.
- (8) Sections 271–276, short heading—  
Omit “, *deeds, bills of exchange*”.
- (9) Sections 277–278, short heading—  
Omit the short heading, insert instead:  
*Forgery of signature of Judge*
- (10) Sections 299–307—  
At the end of Part 5, insert:

CHAPTER 2—*False instruments***Interpretation**

299. (1) In this Chapter—  
“instrument” means—
- (a) any document, whether of a formal or informal character; or
  - (b) a card by means of which property or credit can be obtained; or
  - (c) a disc, tape, sound track or other device on or in which information is recorded or stored by mechanical, electronic or other means.
- (2) For the purposes of this Chapter, an instrument 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
  - (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
  - (e) to have been altered in any respect by a person who did not in fact alter it in that respect; or

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SCHEDULE 1—AMENDMENTS—*continued*

- (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
- (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.

**Making or using false instruments**

300. (1) A person who makes a false instrument, with the intention that he or she, or another person, will use it to induce another person—

- (a) to accept the instrument as genuine; and
- (b) because of that acceptance, to do or not do some act to that other person's, or to another person's, prejudice,

is liable to penal servitude for 10 years.

(2) A person who uses an instrument which is, and which the person knows to be, false, with the intention of inducing another person—

- (a) to accept the instrument as genuine; and
- (b) because of that acceptance, to do or not do some act to that other person's, or to another person's, prejudice,

is liable to penal servitude for 10 years.

**Making or using copies of false instruments**

301. (1) A person who makes a copy of an instrument which is, and which the person knows to be, a false instrument, with the intention that he or she, or another person, will use it to induce another person—

- (a) to accept the copy as a copy of a genuine instrument; and
- (b) because of that acceptance, to do or not do some act to that other person's, or to another person's, prejudice,

is liable to penal servitude for 10 years.

(2) A person who uses a copy of an instrument which is, and which he or she knows to be a false instrument, with the intention of inducing another person—

- (a) to accept the copy as a copy of a genuine instrument; and
- (b) because of that acceptance, to do or not do some act to that other person's, or to another person's, prejudice,

is liable to penal servitude for 10 years.

SCHEDULE 1—AMENDMENTS—*continued***Custody of false instruments etc.**

302. A person who has in his or her custody, or under his or her control, an instrument which is false, and which he or she knows to be false, with the intention that the person or another person will use it to induce another person—

- (a) to accept the instrument as genuine; and
- (b) because of that acceptance, to do or not do some act to that other person's, or to another person's, prejudice,

is liable to penal servitude for 10 years.

**Response of machine to false instrument etc.**

303. (1) In this Chapter, a reference to inducing a person to accept—

- (a) a false instrument as genuine; or
- (b) a copy of a false instrument as a copy of a genuine instrument,

includes a reference to causing a machine to respond to the instrument or copy as if it were a genuine instrument or a copy of a genuine instrument.

(2) If—

- (a) a machine responds to an instrument or copy in that way; and
- (b) the act or omission intended to be caused by the response is an act or omission that would be (if it were an act or omission of a person) to a person's prejudice,

the act or omission intended to be caused by the machine's so responding shall, for the purposes of this Chapter, be taken to be an act or omission to a person's prejudice.

**When a false instrument is made**

304. For the purposes of this Chapter, a person is to be treated as making a false instrument if the person alters an instrument so as to make it false in any respect (whether or not it is false in some other respect apart from that alteration).

**When an act or omission is prejudicial**

305. For the purposes of this Chapter, 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



*Crimes (Computers and Forgery) Amendment 1989*SCHEDULE 1—AMENDMENTS—*continued*

- (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
- (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
- (c) will be the result of the person's having accepted a false instrument as genuine, or a copy of a false instrument as a copy of a genuine one, in connection with the person's performance of a duty.

**Intention to induce may be general**

306. In proceedings for an offence against this Chapter, if it is necessary to allege an intent to induce a person to accept—

- (a) a false instrument as genuine; or
- (b) a copy of a false instrument as a copy of a genuine one,

it is not necessary to allege that the accused intended so to induce a particular person.

**Abolition of common law offence**

307. The offence of forgery at common law is abolished for all purposes not relating to offences committed before the commencement of this Chapter (as inserted by the Crimes (Computers and Forgery) Amendment Act 1989).

## (11) Part 6—

After Part 5, insert:

**PART 6—OFFENCES RELATING TO COMPUTERS****Definitions**

308. In this Part—

- (a) a reference to data includes a reference to information; and
- (b) a reference to a program or data includes a reference to part of the program or data; and
- (c) a reference to data stored in a computer includes a reference to data entered or copied into the computer.

SCHEDULE 1—AMENDMENTS—*continued***Unlawful access to data in computer**

309. (1) A person who, without authority or lawful excuse, intentionally obtains access to a program or data stored in a computer is liable, on conviction before two justices, to imprisonment for 6 months, or to a fine of \$5,000, or both.

(2) A person who, with intent—

- (a) to defraud any person; or
- (b) to obtain for himself or herself or another person any financial advantage of any kind; or
- (c) to cause loss or injury to any person,

obtains access to a program or data stored in a computer is liable to imprisonment for 2 years, or to a fine of \$50,000, or both.

(3) A person who, without authority or lawful excuse, intentionally obtains access to a program or data stored in a computer, being a program or data that the person knows or ought reasonably to know relates to—

- (a) confidential government information in relation to security, defence or inter-governmental relations; or
- (b) the existence or identity of any confidential source of information in relation to the enforcement or administration of the law; or
- (c) the enforcement or administration of the criminal law; or
- (d) the maintenance or enforcement of any lawful method or procedure for protecting public safety; or
- (e) the personal affairs of any person (whether living or deceased); or
- (f) trade secrets; or
- (g) records of a financial institution; or
- (h) information (other than trade secrets) that has a commercial value to any person that could be destroyed or diminished if disclosed,

is liable to imprisonment for 2 years, or to a fine of \$50,000, or both.

(4) A person who—

- (a) without authority or lawful excuse, has intentionally obtained access to a program or data stored in a computer; and

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SCHEDULE 1—AMENDMENTS—*continued*

(b) after examining part of that program or data, knows or ought reasonably to know that the part of the program or data examined relates wholly or partly to any of the matters referred to in subsection (3); and

(c) continues to examine that program or data,  
is liable to imprisonment for 2 years, or to a fine of \$50,000, or both.

**Damaging data in computer**

310. A person who intentionally and without authority or lawful excuse—

(a) destroys, erases or alters data stored in or inserts data into a computer; or

(b) interferes with, or interrupts or obstructs the lawful use of a computer,

is liable to penal servitude for 10 years, or to a fine of \$100,000, or both.

(12) Section 476 (**Indictable offences punishable summarily with consent of accused**)—

(a) Section 476 (6) (a) (iii)—

Omit “, 249F, 273, 274 or 275” insert instead “or 249F”.

(b) Section 476 (6) (d)—

Omit “or 252”, insert instead “, 300, 301, 302, 309 (2), (3) or (4) or 310”.

(13) Tenth Schedule (**Offences punishable by the Supreme Court in its summary jurisdiction**)—

From paragraph (f) (i), omit “185, 252, 256, 257, 258, 259, 272, 273, 274, 275, 276, 292”, insert instead “184A, 185”.

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[*Minister's second reading speech made in—  
Legislative Assembly on 3 May 1989  
Legislative Council on 11 May 1989*]

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that this is crucial for ensuring the integrity of the financial statements and for providing a clear audit trail. The text also mentions that proper record-keeping is essential for identifying trends and anomalies in the data.

2. The second part of the document focuses on the role of internal controls in preventing fraud and errors. It describes how a well-designed system of internal controls can help to minimize the risk of misstatements and ensure that the organization's assets are protected. The text also discusses the importance of regular monitoring and evaluation of these controls to ensure they remain effective over time.

3. The third part of the document addresses the need for transparency and communication in financial reporting. It highlights that providing clear and concise information to stakeholders is essential for building trust and confidence in the organization's financial performance. The text also discusses the importance of disclosing any potential risks and uncertainties that may affect the financial statements.

4. The fourth part of the document discusses the importance of staying up-to-date with changes in accounting standards and regulations. It emphasizes that compliance with these standards is essential for ensuring the accuracy and reliability of the financial statements. The text also discusses the importance of seeking professional advice when needed to ensure that the organization is fully compliant with all applicable laws and regulations.

5. The fifth part of the document concludes by summarizing the key points discussed throughout the document. It reiterates the importance of maintaining accurate records, implementing strong internal controls, ensuring transparency and communication, and staying up-to-date with changes in accounting standards and regulations. The text also expresses confidence that these measures will help to ensure the organization's financial success and long-term sustainability.

**CRIMES (COMPUTERS AND FORGERY) AMENDMENT  
BILL 1989**

NEW SOUTH WALES



**EXPLANATORY NOTE**

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

The objects of this Bill are—

- (a) to make further provision relating to the use of computers to obtain money or a valuable thing or financial advantage by deception; and
- (b) to create offences relating to unauthorised access to, and damaging of data in, computers; and
- (c) to make fresh provision with respect to forgery and similar offences.

**Clause 1** specifies the short title of the proposed Act.

**Clause 2** provides for the proposed Act to commence on a day or days to be appointed by proclamation.

**Clause 3** is a formal provision giving effect to the Schedule of amendments.

**SCHEDULE 1—AMENDMENTS**

**Obtaining money etc. by deception**

Schedule 1 (2) substitutes the definition of “deception” in section 178BA (2) of the Act (obtaining money etc. by deception) to include acts done with the intention of causing computer systems or certain machines to make unauthorised responses.

The amendment will enable a person who, for example, obtains access dishonestly to a computer system without making any payment where payment would normally be required, to be prosecuted for obtaining financial advantage by deception.

**Forgery—repealed provisions**

Schedule 1 (3)–(9) repeals a number of sections containing offences relating to forgery of documents and makes consequential amendments to various short headings. The repealed provisions (other than section 257) will be replaced by proposed sections 299–306. The provisions of section 257 will be replaced by proposed section 184A which re-enacts section 257 in modern form.

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The sections to be repealed are as follows:

- section 252 (Forgeries not specially provided for)
- section 254 (Signature of Governor, Minister of the Crown etc.)
- section 256 (Transfer of certain stock, or power of attorney relating thereto)
- section 257 (Personating owner of stock or property)
- section 258 (Falsifying books of public funds)
- section 259 (Public servant making false dividend warrants etc.)
- section 261 (Making plates etc. like those used for Exchequer bills etc.)
- section 262 (Making paper like that used for Exchequer bills etc.)
- section 263 (Having paper etc. to be used for Exchequer bills etc.)
- section 264 (Forging stamps or possessing false dies etc.)
- section 272 (Forging deeds)
- section 273 (Forging bills, notes or orders, receipts for goods etc.)
- section 274 (Signing bill, note etc. by procuration without authority)
- section 275 (Obliterating crossings on cheques)
- section 276 (Forging debentures)
- section 277 (Forging instruments etc. made by Judges etc. or signature thereto)
- section 279 (Term "Court"—ss. 280–284)
- section 280 (Forging records etc. of any Court)
- section 281 (Forging seal or stamp on records etc.)
- section 282 (Forging copy or certificate of record etc.)
- section 283 (Serving etc. forged process)
- section 284 (Forging documents etc. used as evidence)
- section 286 (Forgery of signature to certificate etc. admissible in evidence of facts relating to trials etc.)
- section 287 (Clerk of Court or other officer wilfully certifying false copy of record of conviction etc. or of public document)
- section 288 (Forgery of seal etc. on such copy etc. or on examined copy of any document inspected by order of Judge)
- section 290 (Forging signature or seal on copy admissible in evidence of treaty etc. of a State or proceeding of a Court outside New South Wales)
- section 292 (Forging instruments made evidence by statute)
- section 293 (Forgery of deeds etc. made etc. under registration legislation)
- section 294 (Acknowledging recognizances etc. in the name of another)
- section 295 (Forging marriage certificate etc.)

Schedule 1 (13) amends the Tenth Schedule to the Act to omit references to the repealed provisions.

**Forgery—proposed sections 299–307**

Schedule 1 (10) inserts proposed Chapter 2 (sections 299–307) into Part 5 of the Act.

Proposed sections 299–306 create 5 offences relating to the falsification of instruments. The provisions closely follow provisions in Part 1 of the Forgery and Counterfeiting Act 1981 of the United Kingdom and will replace the existing provisions of the Act relating to forgery of documents to be repealed by Schedule 1 (5).

*Crimes (Computers and Forgery) Amendment 1989*

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The existing provisions contain a number of offences differentiated by the nature of the document forged and carrying different penalties. The new provisions simplify the law by providing widely defined offences to cover conduct possessing the same basic features in place of separate offences each covering a particular set of circumstances.

The provisions will prohibit conduct of the kind constituting forgery in relation to instruments such as credit cards and modern devices such as discs and tapes in or on which information or instructions are stored. The new provisions will overcome any doubt as to whether the existing forgery offences apply to such things.

Existing forgery offences require that it be shown that an instrument was forged with intent to defraud. In the case of the new offences relating to false instruments it will be necessary to show an intention to induce someone to accept a false instrument as genuine and by reason of that, to do or refrain from doing some act to the prejudice of that person or another person (for example, an act that will result in the person's loss of money or property or of an opportunity to obtain some financial advantage).

Section 299 specifies the circumstances in which an instrument can be found to be false because it purports to be what it is not. An instrument is defined to cover any means of storing information on a device (for example, microfilm records of bank accounts and transactions, instructions for the payment or crediting of money put on magnetic tape and discs containing information on which a computer can operate) and to include a card by means of which property or credit can be obtained.

Section 300 creates the offences of making or using a false instrument in the circumstances described above.

Section 301 creates the offences of making or using a copy of a false instrument in the circumstances described above.

Section 302 creates an offence of possessing a false instrument in the circumstances described above.

Section 303 deals with cases where a false instrument is made or used to cause a machine to respond as if the instrument were genuine (rather than inducing a person to accept it as genuine and act on it). An example is the use of a false card to cause a bank teller machine to dispense money.

Section 304 sets out the circumstances in which an instrument will be treated as being false for the purposes of the Part.

Section 305 defines when an act or omission is "to a person's prejudice" for the purposes of the Part.

Section 306 provides that, in proceedings for an offence against the Part, it is not necessary to allege that the accused intended to induce a particular person to accept a false instrument as genuine or a copy of a false instrument as a copy of a genuine one.

Section 307 abolishes the common law offence of forgery.

Schedule 1 (1) contains a consequential amendment to section 1 (short title and contents of Act).

**Offences relating to computers**

Schedule 1 (11) inserts proposed Part 6 into the Act.

*Crimes (Computers and Forgery) Amendment 1989*

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The provisions of the proposed Part (sections 308–310) create a number of offences relating to computer trespass or “hacking”. The provisions will prohibit persons from obtaining unauthorised access to data stored in computers and make it an offence to damage data in a computer in certain circumstances. The activities prohibited will be unlawful whether or not accompanied by a fraudulent act or intent.

The proposed Part includes the following provisions:

Section 308 contains an interpretation provision.

Section 309 creates offences of, without authority or lawful excuse, intentionally obtaining access to data stored in a computer. A person who does so knowing, or who ought to have known, that the data relates to certain categories of information (for example, the personal affairs of a person or law enforcement) or who continues to examine data after becoming aware that it falls within those categories is liable to higher penalties.

Section 310 creates offences of intentionally damaging without authority or lawful excuse data in a computer (for example, by erasure of data in, or insertion of data into, a computer) and of interfering with or interrupting or obstructing the lawful use of a computer.

**Summary proceedings for offences relating to false instruments and computers**

Schedule 1 (12) amends section 476 (indictable offences punishable summarily with consent of accused) so that offences under proposed sections 300–302, 309 (2)–(4) and 310 may be dealt with summarily and so as to omit references to sections to be repealed by the proposed Act.

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# CRIMES (COMPUTERS AND FORGERY) AMENDMENT BILL 1989

NEW SOUTH WALES

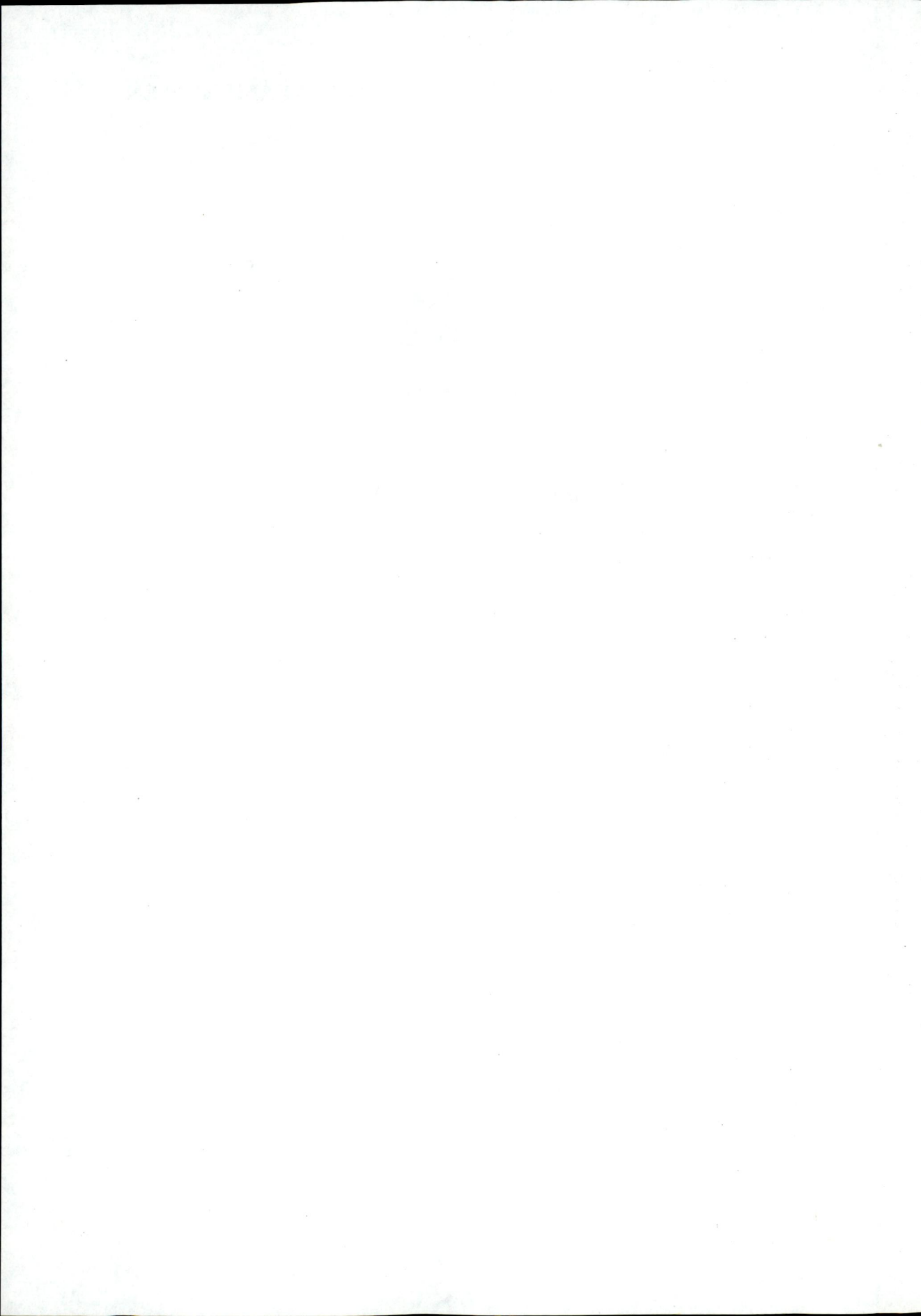


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2. Commencement
3. Amendment of Crimes Act 1900 No. 40

SCHEDULE 1—AMENDMENTS

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**CRIMES (COMPUTERS AND FORGERY) AMENDMENT  
BILL 1989**

NEW SOUTH WALES



No. , 1989

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**A BILL FOR**

An Act to amend the Crimes Act 1900 with respect to computers and forgery; and for other purposes.

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*Crimes (Computers and Forgery) Amendment 1989*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Crimes (Computers and Forgery) Amendment Act 1989.

**5 Commencement**

2. This Act commences on a day or days to be appointed by proclamation.

**Amendment of Crimes Act 1900 No. 40**

3. The Crimes Act 1900 is amended as set out in Schedule 1.

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**SCHEDULE 1—AMENDMENTS**

(Sec. 3)

(1) Section 1 (**Short title and contents of Act**)—

Omit the matter relating to Part 5, insert instead:

15

**PART 5—FORGERY AND FALSE INSTRUMENT OFFENCES—**

**CHAPTER 1—*Forgery*—**

20

- (1) *Declaratory and general*—ss. 250, 251
- (2) *Forgery, etc., of public seals*—s. 253
- (3) *Forgery of Acts, Proclamations, etc.*—s. 255
- (4) *Forgery of India bonds, Exchequer bills, etc.*—s. 260
- (5) *Forgery, etc., of, or engraving plate, etc., for, Bank notes, etc.*—ss. 265–270
- (6) *Forgery, etc., of wills, etc.*—s. 271
- (7) *Forgery of signatures of Judge*—s. 278
- (8) *Forgery, etc., of instruments of evidence*—ss. 285–291
- (9) *Falsifying entries of births, deaths, etc.*—ss. 296, 297
- (10) *Obtaining or demanding property on forged instruments*—s. 298

25

**CHAPTER 2—*False instruments*—**

30

- (1) *False instruments*—ss. 299–307

**PART 6—OFFENCES RELATING TO COMPUTERS—ss. 308–310**

*Crimes (Computers and Forgery) Amendment 1989*SCHEDULE 1—AMENDMENTS—*continued*(2) Section 178BA (**Obtaining money etc. by deception**)—

Omit section 178BA (2), insert instead:

## (2) In subsection (1)—

“deception” means deception (whether deliberate or reckless) by words or conduct as to fact or as to law, including—

(a) a deception as to the present intentions of the person using the deception or of any other person; and

(b) 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,

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.

## (3) Section 184A—

After section 184, insert:

**Personating owner of stock or property**

184A. A person who falsely and deceitfully personates—

(a) any owner of any share or interest of or in any stock, annuities or other public funds or of or in the capital stock of any body corporate; or

(b) any owner of any dividend or money payable in respect of a share or interest referred to in paragraph (a); or

(c) any owner of any property, or any estate or interest in or charge or encumbrance on property,

and transfers, or endeavours to transfer, any share, estate or interest belonging to the owner or receives, or endeavours to receive, any money due to the owner as if the person were the true owner is liable to penal servitude for 10 years.

## (4) Part 5, heading—

Omit the heading, insert instead:

**PART 5—FORGERY AND FALSE INSTRUMENT OFFENCES****CHAPTER 1—*Forgery***

## (5) Sections 252, 254, 256–259, 261–264, 272–277, 279–284, 286–288, 290, 292–295—

Omit the sections.

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SCHEDULE 1—AMENDMENTS—*continued*

(6) Sections 252, 256–259, 264, 279–283, 293, 294, 295, short headings—  
Omit the short headings.

(7) Section 253, short heading—  
Omit “*or official signatures*”.

5 (8) Sections 271–276, short heading—  
Omit “, *deeds, bills of exchange*”.

(9) Sections 277–278, short heading—  
Omit the short heading, insert instead:  
*Forgery of signature of Judge*

10 (10) Sections 299–307—  
At the end of Part 5, insert:  
*CHAPTER 2—False instruments*

**Interpretation**

299. (1) In this Chapter—

15 “instrument” means—

(a) any document, whether of a formal or informal character; or

(b) a card by means of which property or credit can be obtained; or

20 (c) a disc, tape, sound track or other device on or in which information is recorded or stored by mechanical, electronic or other means.

(2) For the purposes of this Chapter, an instrument is false if it purports—

25 (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

30 (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

35 (e) to have been altered in any respect by a person who did not in fact alter it in that respect; or

SCHEDULE 1—AMENDMENTS—*continued*

(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

5 (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.

**Making or using false instruments**

10 300. (1) A person who makes a false instrument, with the intention that he or she, or another person, will use it to induce another person—

(a) to accept the instrument as genuine; and

15 (b) because of that acceptance, to do or not do some act to that other person's, or to another person's, prejudice,

is liable to penal servitude for 10 years.

(2) A person who uses an instrument which is, and which the person knows to be, false, with the intention of inducing another person—

20 (a) to accept the instrument as genuine; and

(b) because of that acceptance, to do or not do some act to that other person's, or to another person's, prejudice,

is liable to penal servitude for 10 years.

**Making or using copies of false instruments**

25 301. (1) A person who makes a copy of an instrument which is, and which the person knows to be, a false instrument, with the intention that he or she, or another person, will use it to induce another person—

(a) to accept the copy as a copy of a genuine instrument; and

30 (b) because of that acceptance, to do or not do some act to that other person's, or to another person's, prejudice,

is liable to penal servitude for 10 years.

(2) A person who uses a copy of an instrument which is, and which he or she knows to be a false instrument, with the intention of inducing another person—

35 (a) to accept the copy as a copy of a genuine instrument; and

(b) because of that acceptance, to do or not do some act to that other person's, or to another person's, prejudice,

is liable to penal servitude for 10 years.

SCHEDULE 1—AMENDMENTS—*continued***Custody of false instruments etc.**

302. A person who has in his or her custody, or under his or her control, an instrument which is false, and which he or she knows to be false, with the intention that the person or another person will use it to induce another person—

- (a) to accept the instrument as genuine; and
- (b) because of that acceptance, to do or not do some act to that other person's, or to another person's, prejudice,

is liable to penal servitude for 10 years.

**Response of machine to false instrument etc.**

303. (1) In this Chapter, a reference to inducing a person to accept—

- (a) a false instrument as genuine; or
- (b) a copy of a false instrument as a copy of a genuine instrument,

includes a reference to causing a machine to respond to the instrument or copy as if it were a genuine instrument or a copy of a genuine instrument.

(2) If—

- (a) a machine responds to an instrument or copy in that way; and
- (b) the act or omission intended to be caused by the response is an act or omission that would be (if it were an act or omission of a person) to a person's prejudice,

the act or omission intended to be caused by the machine's so responding shall, for the purposes of this Chapter, be taken to be an act or omission to a person's prejudice.

**When a false instrument is made**

304. For the purposes of this Chapter, a person is to be treated as making a false instrument if the person alters an instrument so as to make it false in any respect (whether or not it is false in some other respect apart from that alteration).

**When an act or omission is prejudicial**

305. For the purposes of this Chapter, 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



SCHEDULE 1—AMENDMENTS—*continued*

- 5
- (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
- (b) will result in any person being given an opportunity—
- 10
- (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
- 15
- (c) will be the result of the person's having accepted a false instrument as genuine, or a copy of a false instrument as a copy of a genuine one, in connection with the person's performance of a duty.

**Intention to induce may be general**

306. In proceedings for an offence against this Chapter, if it is necessary to allege an intent to induce a person to accept—

- 20
- (a) a false instrument as genuine; or
- (b) a copy of a false instrument as a copy of a genuine one, it is not necessary to allege that the accused intended so to induce a particular person.

**Abolition of common law offence**

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307. The offence of forgery at common law is abolished for all purposes not relating to offences committed before the commencement of this Chapter (as inserted by the Crimes (Computers and Forgery) Amendment Act 1989).

## (11) Part 6—

After Part 5, insert:

30 **PART 6—OFFENCES RELATING TO COMPUTERS****Definitions**

- 35
308. In this Part—
- (a) a reference to data includes a reference to information; and
- (b) a reference to a program or data includes a reference to part of the program or data; and
- (c) a reference to data stored in a computer includes a reference to data entered or copied into the computer.

SCHEDULE 1—AMENDMENTS—*continued***Unlawful access to data in computer**

5 309. (1) A person who, without authority or lawful excuse, intentionally obtains access to a program or data stored in a computer is liable, on conviction before two justices, to imprisonment for 6 months, or to a fine of \$5,000, or both.

(2) A person who, with intent—

(a) to defraud any person; or

(b) to obtain for himself or herself or another person any financial advantage of any kind; or

10 (c) to cause loss or injury to any person,

obtains access to a program or data stored in a computer is liable to imprisonment for 2 years, or to a fine of \$50,000, or both.

15 (3) A person who, without authority or lawful excuse, intentionally obtains access to a program or data stored in a computer, being a program or data that the person knows or ought reasonably to know relates to—

(a) confidential government information in relation to security, defence or inter-governmental relations; or

20 (b) the existence or identity of any confidential source of information in relation to the enforcement or administration of the law; or

(c) the enforcement or administration of the criminal law; or

(d) the maintenance or enforcement of any lawful method or procedure for protecting public safety; or

25 (e) the personal affairs of any person (whether living or deceased); or

(f) trade secrets; or

(g) records of a financial institution; or

30 (h) information (other than trade secrets) that has a commercial value to any person that could be destroyed or diminished if disclosed,

is liable to imprisonment for 2 years, or to a fine of \$50,000, or both.

(4) A person who—

35 (a) without authority or lawful excuse, has intentionally obtained access to a program or data stored in a computer; and

*Crimes (Computers and Forgery) Amendment 1989*SCHEDULE 1—AMENDMENTS—*continued*

(b) after examining part of that program or data, knows or ought reasonably to know that the part of the program or data examined relates wholly or partly to any of the matters referred to in subsection (3); and

5 (c) continues to examine that program or data,  
is liable to imprisonment for 2 years, or to a fine of \$50,000, or both.

**Damaging data in computer**

10 310. A person who intentionally and without authority or lawful excuse—

(a) destroys, erases or alters data stored in or inserts data into a computer; or

(b) interferes with, or interrupts or obstructs the lawful use of a computer,

15 is liable to penal servitude for 10 years, or to a fine of \$100,000, or both.

(12) Section 476 (**Indictable offences punishable summarily with consent of accused**)—

(a) Section 476 (6) (a) (iii)—

20 Omit “, 249F, 273, 274 or 275” insert instead “or 249F”.

(b) Section 476 (6) (d)—

Omit “or 252”, insert instead “, 300, 301, 302, 309 (2), (3) or (4) or 310”.

25 (13) Tenth Schedule (**Offences punishable by the Supreme Court in its summary jurisdiction**)—

From paragraph (f) (i), omit “185, 252, 256, 257, 258, 259, 272, 273, 274, 275, 276, 292”, insert instead “184A, 185”.

