

408E Computer hacking and misuse

- (1) person who uses a restricted computer without the consent of the computer's controller commits an offence.

Maximum penalty—2 years imprisonment.

- (2) If the person causes or intends to cause detriment or damage, or gains or intends to gain a benefit, the person commits a crime and is liable to imprisonment for 5 years.
- (3) If the person causes a detriment or damage or obtains a benefit for any person to the value of more than \$5,000, or intends to commit an indictable offence, the person commits a crime and is liable to imprisonment for 10 years.
- (4) It is a defence to a charge under this section to prove that the use of the restricted computer was authorised, justified or excused by law.
- (5) In this section—

benefit includes a benefit obtained by or delivered to any person.

computer means all or part of a computer, computer system or computer network and includes, for example, all external devices connected to the computer in any way or capable of communicating with each other as part of a system or network.

controller means a person who has a right to control the computer's use.

damage includes—

- (a) damage to any computer hardware or software; and
- (b) for information—any alteration, addition, removal or loss of, or other damage to, information.

detriment includes any detriment, pecuniary or otherwise, to any person.

information includes data, file, document, or computer language or coding.

restricted computer means a computer for which—

- (a) a device, code or a particular sequence of electronic impulses is necessary in order to gain access to or to use the computer; and
- (b) the controller—
 - (i) withholds or takes steps to withhold access to the device, or knowledge of the code or of the sequence or of the way of producing the code or the sequence, from other persons; or
 - (ii) restricts access or takes steps to restrict access to the device or knowledge of the code or of the sequence, or to the way of producing the sequence, to a person or a class of person authorised by the controller.

use, of a restricted computer, includes accessing or altering any information stored in, or communicate information directly or indirectly to or from, the restricted computer, or cause a virus to become installed on or to otherwise affect, the computer.