

APPENDIX 5

Cybercrime: Commonwealth legislation¹

The Australian Crime Commission Act 2002 establishes the ACC as an intelligence collection and dissemination body, for cybercrime offences (among others).

Criminal Code Act 1995 incorporates the Cybercrime Act – Computer Offences and law enforcement powers, fraud offences and other crimes which may be committed using information technology.

Classification (Publications, Films, and Computer Games) Act 1995 – complements State classification legislation.

Customs Act 1901 – covers import and export of child pornography.

Electronic Transactions Act 1999 regulates the use of electronic transactions.

Financial Transactions Reports Act 1988 establishes AUSTRAC, and the framework for the collection and analysis of financial intelligence .

Mutual Assistance in Business Regulation Act 1992 allows ASIC, the ACCC and APRA to provide assistance to foreign regulators, but not to gather evidence for criminal prosecutions.

Mutual Assistance in Criminal Matters Act (1987) allows Australia to provide prosecution material to countries with which it has no formal treaty-based relationship.

Payment Systems Regulation Act 1998 regulates payments systems such as credit and debit cards and stored value cards.

Proceeds of Crime Act 2002 allows courts to deal with assets which, on the balance of probabilities, are proceeds of crime or were acquired by a person who has engaged in criminal activities in the previous six years.

Privacy Act 1988 protects the collection storage and use of personal information.

Telecommunications Act 1997 requires telecommunications carriers to endeavour to prevent their facilities from being used to commit offences against the laws of the Commonwealth, States and Territories.

1 Submission no. 19, Australian Bankers' Association pp.30ff.

The *Telecommunications (Interception) Act 1979* was amended in 2002 to allow telecommunications interception warrants to be sought for child pornography related offences.