

# EXPLANATORY STATEMENT

## COMMONWEALTH OF AUSTRALIA

### CRIMES REGULATIONS (AMENDMENT)

1990 NO. 32

The Crimes Regulations (Amendment) prescribe circumstances, for the purposes of section 85ZKB(2)(c) of the Crimes Act 1914, in which the new offence prohibiting a person from manufacturing, advertising, displaying, offering for sale, selling or possessing a device which the person knows is of a kind capable of being used to intercept a communication in contravention of section 7(1) of the Telecommunications (Interception) Act 1979 (the Interception Act) does not apply. The circumstances are -

- (a) in relation to the advertising, displaying, offering for sale or sale of an apparatus or device, for a purpose related to the interception of communications that is not in contravention of section 7(1) of the Interception Act because of section 6(3) or 7(2) of that Act;
- (b) in relation to the manufacture or possession of an apparatus or device, for a purpose related to a circumstance specified in paragraph (a);
- (c) in relation to the manufacture of an apparatus or device, for a purpose related to section 85ZKB(2)(b) of the Crimes Act 1914;
- (d) in relation to the manufacture or possession of an apparatus or device, where the apparatus or device is to be exported;
- (e) in relation to the manufacture, offering for sale, sale or possession of an apparatus or device, for a purpose related to the use of a listening device under relevant Commonwealth and State law; and
- (f) in relation to the possession of an apparatus or device, where the possession of the device relates to the investigation or prosecution of specified offences.

Authorised by the Attorney-General