



Statutory Rules 1990 No. 32¹

Crimes Regulations² (Amendment)

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council and pursuant to section 4 of the *Acts Interpretation Act 1901*, hereby make the following Regulation under the *Crimes Act 1914*.

Dated 7 February 1990.

BILL HAYDEN
Governor-General

By His Excellency's Command,

CLYDE HOLDING
Minister of State for the Arts, Tourism and Territories
for and on behalf of the
Attorney-General

After regulation 4 of the Crimes Regulations the following regulation is inserted:

Specified circumstances—paragraph 85ZKB (2) (c) of the Act

“5. For the purposes of paragraph 85ZKB (2) (c) of the Act, the following circumstances are specified:

- (a) in relation to the advertising, displaying, offering for sale or sale of an apparatus or device, where the apparatus or device:
 - (i) is advertised, displayed or offered for sale; or
 - (ii) is sold;
 for a purpose related to interception of communications that is not in contravention of subsection 7 (1) of the *Telecommunications (Interception) Act 1979* because of subsection 6 (3) or 7 (2) of that Act;
- (b) in relation to the manufacture or possession of an apparatus or device, where the apparatus or device:
 - (i) is manufactured; or
 - (ii) is in the possession of a person;
 for a purpose related to a circumstance specified in paragraph (a);

- (c) in relation to the manufacture of an apparatus or device, where the apparatus or device is manufactured for a purpose related to interception by a person in the course of the person's duties relating to interception of communications passing over a telecommunications system (being a telecommunications system within the meaning of the *Telecommunications (Interception) Act 1979*), that is interception of communications otherwise than in contravention of subsection 7 (1) of that Act;
 - (d) in relation to the manufacture, sale or possession of an apparatus or device, where the apparatus or device is to be exported from Australia;
 - (e) in relation to the manufacture, offering for sale, sale or possession of an apparatus or device, where the apparatus or device:
 - (i) is manufactured; or
 - (ii) is offered for sale; or
 - (iii) is sold; or
 - (iv) is in the possession of a person;for a purpose related to the use of a listening device under Division 1A of Part XII of the *Customs Act 1901*, Division 2 of Part II of the *Australian Federal Police Act 1979*, Division 2 of Part III of the *Australian Security Intelligence Organization Act 1979* or a law of a State or Territory;
 - (f) in relation to the possession of an apparatus or device, where the possession of the apparatus or device is related to the person's duties relating to the investigation or prosecution of offences under the *Telecommunications (Interception) Act 1979* or Part VIIB of the *Crimes Act 1914*."
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NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 13 February 1990.
2. Statutory Rules 1982 No. 296 as amended by 1985 No. 179; 1987 No. 43.