

478.3 Possession or control of data with intent to commit a computer offence

- (1) A person is guilty of an offence if:
 - (a) the person has possession or control of data; and
 - (b) the person has that possession or control with the intention that the data be used, by the person or another person, in:
 - (i) committing an offence against Division 477; or
 - (ii) facilitating the commission of such an offence.

Penalty: 3 years imprisonment.

- (2) A person may be found guilty of an offence against this section even if committing the offence against Division 477 is impossible.

No offence of attempt

- (3) It is not an offence to attempt to commit an offence against this section.

Meaning of possession or control of data

- (4) In this section, a reference to a person having possession or control of data includes a reference to the person:
 - (a) having possession of a computer or data storage device that holds or contains the data; or
 - (b) having possession of a document in which the data is recorded; or
 - (c) having control of data held in a computer that is in the possession of another person (whether inside or outside Australia).