

3LA Person with knowledge of a computer or a computer system to assist access etc.

- (1) A constable may apply to a magistrate for an order requiring a specified person to provide any information or assistance that is reasonable and necessary to allow a constable to do one or more of the following:
 - (a) access data held in, or accessible from, a computer or data storage device that:
 - (i) is on warrant premises; or
 - (ii) has been moved under subsection 3K(2) and is at a place for examination or processing; or
 - (iii) has been seized under this Division;
 - (b) copy data held in, or accessible from, a computer, or data storage device, described in paragraph (a) to another data storage device;
 - (c) convert into documentary form or another form intelligible to a constable:
 - (i) data held in, or accessible from, a computer, or data storage device, described in paragraph (a); or
 - (ii) data held in a data storage device to which the data was copied as described in paragraph (b); or
 - (iii) data held in a data storage device removed from warrant premises under subsection 3L(1A).
- (2) The magistrate may grant the order if the magistrate is satisfied that:
 - (a) there are reasonable grounds for suspecting that evidential material is held in, or is accessible from, the computer or data storage device; and
 - (b) the specified person is:
 - (i) reasonably suspected of having committed the offence stated in the relevant warrant; or
 - (ii) the owner or lessee of the computer or device; or
 - (iii) an employee of the owner or lessee of the computer or device; or
 - (iv) a person engaged under a contract for services by the owner or lessee of the computer or device; or
 - (v) a person who uses or has used the computer or device; or
 - (vi) a person who is or was a system administrator for the system including the computer or device; and
 - (c) the specified person has relevant knowledge of:
 - (i) the computer or device or a computer network of which the computer or device forms or formed a part; or
 - (ii) measures applied to protect data held in, or accessible from, the computer or device.
- (3) If:
 - (a) the computer or data storage device that is the subject of the order is seized under this Division; and
 - (b) the order was granted on the basis of an application made before the seizure;the order does not have effect on or after the seizure.

Note: An application for another order under this section relating to the computer or data storage device may be made after the seizure.
- (4) If the computer or data storage device is not on warrant premises, the order must:
 - (a) specify the period within which the person must provide the information or assistance; and
 - (b) specify the place at which the person must provide the information or assistance; and
 - (c) specify the conditions (if any) determined by the magistrate as the conditions to which the requirement on the person to provide the information or assistance is subject.

(5) A person commits an offence if the person fails to comply with the order.

Penalty for contravention of this subsection: Imprisonment for 2 years.