

Hon. Robert McClelland MP

Attorney-General

MEDIA RELEASE

Friday, 15 July 2011

KEY ALLIES FOCUS ON CYBER CRIME AT SYDNEY 'QUINTET'

Attorneys-General from the United States, United Kingdom, Canada, New Zealand and Australia today met in Sydney to develop a joint action plan to combat the growing threat of cyber crime.

Australian Attorney-General Robert McClelland hosted the third 'Quintet' meeting of Attorneys-General, which meets annually to share ideas and deal with issues of mutual concern such as counter-terrorism national security, countering extremism, organised crime and legal cooperation.

"Cyber crime is increasing in sophistication, inherently transnational, and increasingly linked to organised crime, posing a growing threat to consumers, business and government alike," Mr McClelland said.

"A safe and secure internet is essential to the global economy and the community.

"It is a complex policy and law enforcement challenge because of its transnational nature and use of rapidly evolving technology.

"The global nature of cyber crime is such that no nation can fight the problem alone, making international cooperation and working closely with our key allies a critical part of the response."

The Quintet discussed how to more effectively work together to combat cyber threats, including harnessing the opportunities offered by the Council of Europe Convention on Cybercrime; working with industry to combat cyber threats; and ensuring domestic laws keep pace with technological change.

The Quintet was attended by:

- Hon Eric H. Holder, Jr Attorney-General, United States of America
- Rt Hon Dominic Grieve QC MP Attorney-General, United Kingdom
- Hon Rob Nicholson QC Attorney-General & Minister for Justice, Canada
- Hon Chris Finlayson Attorney-General, New Zealand
- Hon Robert McClelland MP Attorney-General, Australia

Mr McClelland said Australia also briefed its allies on the Government's Countering-Violent Extremism (CVE) program.

"The CVE program aims to reduce the risk of home-grown terrorism by building community resilience to radicalisation and extremist views," Mr McClelland said.

"This is a very important initiative in Australia. While we have learnt from overseas experiences, Australia has been innovative in developing new programs that other countries are looking at with interest.

Each Attorney-General led discussions on a range of key national security and legal policy issues, including:

- Intelligence and Evidence in Legal Proceedings (Canada);
- Disclosure of Digitally Stored Material (United Kingdom);
- Extradition (New Zealand);
- Sentencing (United States); and
- Countering Violent Extremism (Australia).

"The Quintet represents a unique opportunity for the Australian Government to work with our key allies to address challenges and progress matters of mutual interest from the perspective of a shared legal tradition and common values," Mr McClelland said.

Note: A copy of the Communique of the Quintet of Attorneys-General is attached.

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Communiqué –Quintet of Attorneys General Action Plan to Fight Cyber Crime

Following the meeting of Commonwealth Law Ministers, Attorneys General from Canada, the United States, the United Kingdom, New Zealand and Australia met in Sydney today to develop an action plan to address the significant and growing issue of cyber crime.

Attorneys General agreed that a safe and secure internet is essential to the global economy and global community as a whole and that its integrity must be protected. Attorneys General noted that cyber crime is increasing in sophistication, inherently transnational, and increasingly linked to organised crime, posing a growing threat to consumers, businesses and government alike. Attorneys General concluded that having appropriate tools to meet the challenges and risks presented by the online environment are essential for all countries.

Further, Attorneys General concluded there is a real need to ensure consumers, business and the community have sufficient information to take appropriate steps to protect themselves in the online environment, and to provide developing nations with support to develop appropriate cyber crime laws and law enforcement capabilities.

Attorneys General recognised:

- that international cooperation is critical to effectively address cyber crime
- that governments, industry and consumers share responsibility for minimising the risks inherent in using the internet, and
- the importance of being proactive in dealing with the challenges of new technologies upon domestic laws and international arrangements.

Attorneys General discussed the Council of Europe Convention on Cybercrime, the only multilateral international treaty on crimes committed via the Internet and other computer networks. The Convention provides for a range of offences, enhanced international cooperation and necessary investigative tools.

Attorneys General concluded that all Quintet countries should:

- take steps to become parties to the Convention
- consider how the Convention can assist Quintet countries to share information and help to solve practical issues, and
- promote the Convention as the key international instrument for dealing with cyber crime and use the Convention as a basis for delivering capacity building and awareness raising activities.



Communiqué - Quintet of Attorneys General

Attorneys General also concluded that Quintet nations should:

- take steps to ensure domestic laws in relation to online telecommunications interception keep pace with technological change
- consider the desirability of enacting data breach notification laws
- encourage domain name registries to take all appropriate steps to strengthen the registration of domain names, to help prevent criminals from using the internet to commit crimes
- note the value of online crime reporting facilities and scope the ability to link Quintet facilities to each other
- consider the development of codes of practice for Internet Service Providers, drawing on such examples as Australia's icode, and
- support the work being done by our Foreign Ministers to develop international cyber principles to guide behaviour of countries, including the need to work collectively to tackle the threat from criminals acting online.

Each Attorney General also led a discussion on key national security and legal policy issues.

- The Attorney General of Canada discussed intelligence and evidence in legal proceedings, focusing on the need to protect intelligence while maintaining the fairness of proceedings.
- The Attorney-General of New Zealand discussed extradition proceedings in New Zealand, including discussion on how to facilitate closer liaison between Quintet countries in extradition matters.
- The Attorney General of the United Kingdom discussed the operation of prosecution disclosure obligations with respect to digitally-stored evidence.
- The Attorney General of the United States discussed the role of plea bargaining, including in circumstances where more than one Quintet jurisdiction is involved.
- The Attorney-General for Australia discussed Australia's strategy for countering violent extremism, which aims to enhance resilience to extremism and lessen the appeal of extremist influences and beliefs that fuel terrorism.