

QUINTET MEETING of Attorneys-General



OFFICIAL COMMUNIQUÉ

On 30 August 2018, the Quintet meeting of Attorneys-General was held in Queensland, Australia.

This year marks ten years of collaboration between Attorneys-General from Australia, Canada, New Zealand, the United Kingdom and the United States of America. The 2018 meeting allowed for robust discussion on a number of issues of common interest and gave Attorneys-General the opportunity to hold separate bilateral talks with their counterparts.

Additionally, on 29 August, Attorneys-General joined Ministers attending the annual Five Country Ministerial meeting for a joint discussion on four agreed topics.

The following matters were discussed during the Quintet meeting:

Challenges in international crime cooperation: including investigating and prosecuting foreign fighters and terrorist offenders

Attorneys-General noted that the escalating threats associated with foreign fighters and terrorist offenders are presenting new challenges for our existing international crime cooperation frameworks. To address these threats, Attorneys-General note the robust international crime cooperation between our five countries and note our collective efforts to make international crime cooperation more effective. To support these efforts, Attorneys-General agreed their Central Authorities and law enforcement agencies share experiences on how evidence can be obtained and utilised more effectively in investigations and subsequent prosecutions, while respecting our international human rights obligations.

Trial Issues

The Quintet of Attorneys-General shared initiatives aimed at improving mechanisms to protect vulnerable witnesses; developing problem-solving and therapeutic courts; and addressing the challenges of criminal disclosure.

Family law and family violence matters

Quintet parties shared information about recent initiatives and promising practices in their family law systems, including to address family violence. To address these issues, they agreed on the need, within the context of their respective systems, to explore multi-disciplinary approaches, alternatives to judicial proceedings, the treatment of family violence and tailored approaches for Indigenous and culturally diverse communities in family law matters. Quintet parties also agreed to continue discussions and information sharing to identify better practice approaches in the family law and family violence systems, including more in-depth analysis of risks, challenges and innovative practices.

Over-representation of indigenous peoples and ethnic minorities in the criminal justice system

Attorneys-General agreed that there is a need for greater understanding of the diverse factors, both inside and outside the criminal justice system, that contribute to over-representation of Indigenous peoples and ethnic minorities. Over-representation in the criminal justice system is itself an issue with long-standing and significant negative effects on the individual and the community.

Attorneys-General tasked the *Over-representation of Indigenous Peoples and Ethnic Minorities in the Criminal Justice System* Working Group to continue to exchange information, including key challenges to the reduction of over-representation and promising approaches to addressing it.

Attorneys-General also tasked the Working Group to report back to the next Quintet meeting of Attorneys-General on a more specific study of the following:

1. Incorporation of restorative justice and of Indigenous legal practices or legal practices tailored to Indigenous peoples into the justice system, where appropriate;
2. Multi-sectoral responses to break the cycle of harm, victimization, and offending and to support reintegration and rehabilitation for Indigenous peoples and ethnic minorities;
3. Links between child welfare and the criminal justice system, and actions taken to reduce the involvement of “crossover kids” who are involved both in the criminal justice system and the child welfare system;
4. Data and metrics, and methodologies for gathering accurate data and metrics, on over-representation, diversity and the effectiveness of policies designed to address these issues.

Joint meeting of FCM and Quintet of Attorneys-General

The joint meeting of the Quintet of Attorneys-General and Five Country Ministerial included discussion on four key items of mutual interest including:

Countering Foreign Interference

We condemned foreign interference, being the coercive, deceptive and clandestine activities of foreign governments, actors, and their proxies, to sow discord, manipulate public discourse, bias the development of policy, or disrupt markets for the purpose of undermining our nations and our allies. Foreign interference threatens a nation’s sovereignty, values and national interests — it can limit or shape the polity’s ability to make independent judgements, erode public confidence in our political and government institutions, and interfere with private-sector decision making. We agreed the five countries would work collectively to counter foreign interference, protect our individual sovereignty, and ensure our values and interests are upheld.

We agreed to draw upon the strengths of our cohesive societies, our public and private institutions, and our global partnerships to reduce the risk that foreign interference poses to domestic and global prosperity and stability. We committed to establish a mechanism for the five countries to share developments in our respective approaches to confronting the foreign interference challenge. We undertook to share information on foreign interference activities with a view to advancing our collective knowledge of how to counter such threats. In the event of a severe foreign interference incident within our sovereign nations, we agreed the five countries would coordinate on appropriate responses and attribution.

Beneficial ownership and illicit finance

We agreed to support G20 and Financial Action Task Force (FATF) efforts to combat illicit finance by increasing the transparency of legal persons and arrangements, and enabling timely access to beneficial ownership information by law enforcement agencies. We also agreed to encourage collaboration between ‘five eyes’ financial intelligence units to enhance the sharing of intelligence and experience. And we agreed to work closely with the private sector to promote the adequate and accurate collection of beneficial ownership information.

Encryption

Encryption is vital to the digital economy, a secure cyberspace and the protection of personal, commercial and government information. The five countries have no interest or intention to weaken encryption mechanisms. We recognise, however, that encryption, including end-to-end encryption, is also used in the

conduct of terrorist and criminal activities. The inability of intelligence and law enforcement agencies to lawfully access encrypted data and communications poses challenges to law enforcement agencies' efforts to protect our communities. Therefore, we agreed to the urgent need for law enforcement to gain targeted access to data, subject to strict safeguards, legal limitations, and respective domestic consultations. We have agreed to a Statement of Principles on Access to Evidence and Encryption that sets out a framework for discussion with industry on resolving the challenges to lawful access posed by encryption, while respecting human rights and fundamental freedoms.

Criminal information sharing

Increasing interconnection between serious and organised crime networks have globalised threats such as drugs, cybercrime, child exploitation, and financial crimes. Reaffirming our commitment to sharing criminal and law enforcement information, we tasked our senior officials to convene an extraordinary meeting of operational and policy agencies with responsibility for law enforcement, border protection, and criminal justice. Drawing on the work of the Five Eyes Law Enforcement Group, the Border Five, and the Migration Five, the meeting will advise Ministers on the necessary enhancements to information sharing and collaboration to support more effective responses to serious criminal threats.