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Department of Home Affairs

COMBATting CYBER-ENABLED CRIME

WORKING WITH INDUSTRY:
A POLICY PERSPECTIVE



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EQUIPPING LAW ENFORCEMENT FOR THE MODERN ENVIRONMENT

Almost every crime type has an online element.

Communications data is becoming an increasingly important piece of evidence for the detection, investigation and prosecution of serious crime.

The use of technology and digital infrastructure by serious and organised crime is a key driver of change.

The modern technological environment has impeded investigations and prosecutions.



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WORKING WITH INDUSTRY

- Industry can support agency investigations and prosecutions.
- Sometimes you need a carrot, sometimes a stick.
- Collaboration and a combination of hard and soft powers can increase effectiveness of engagement.

REGULATION:

reasonable; proportionate; necessary;
appropriate oversight;

RELATIONSHIPS:

formal and informal co-operation; soft
powers



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A SPECTRUM OF ENGAGEMENT

Regulation

- Assistance and Access Act
- Non-content Data Retention
- Oversight of interception capabilities
- Evidentiary certificates

Soft powers

- Take down requests
- eSafety advocating and mediation

Relationships

- Offshore providers
- eSafety Commissioner
- Communications Access Co-ordinator
- Centralised POC for 21 Law Enforcement Agencies



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CARROTS AND SOFT POWERS

The Office of the eSafety Commissioner

Online harassment and cyberbullying: collaborative regulation and relationships

Image-based abuse reporting portal and take-down scheme

Industry partnerships to innovate: Facebook and intimate images

Privacy by design: a voluntary Online Safety Charter



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REGULATING INDUSTRY ASSISTANCE

- The Assistance and Access Act modernises industry assistance for law enforcement and enhances alternative evidence collection methods.
- Law enforcement can use these powers to support lawful investigations and warrants.
- Collaborative by design.

Technical Assistance Request

- voluntary assistance
- cost neutral

Technical Assistance Notice

- legal obligation to assist
- cannot require a new capability
- consultation requirements
- cost neutral

Technical Capability Notice

- new capabilities
- consultation requirements
- issued by two Ministers
- independent expert review
- cost neutral



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Thank you