



MINUTES

CYBERCRIME WG MEETING MINUTES

FRIDAY 18th March, 2022

A. WELCOME- Chairman, Linda Folaumoetui – Chair PILON Cybercrime WG, & Attorney General, Tonga

B. PRESENT:

Linda S Folaumoetu'i <i>Attorney General</i>	Kingdom of Tonga
Ronald Talasasa <i>Director of Public Prosecutions</i>	Republic of Nauru
Rachel Olutimayin <i>Director of Public Prosecutions</i>	Solomon Islands
Glenys Andrews <i>Office of the Solicitor-General</i>	Republic of Fiji
Lauren Murray <i>Senior Legal Officer</i>	Australia
Nicholas Wilson <i>Legal Officer</i>	Australia
Jesse Mihkel <i>Assistant Attorney general</i>	FSM
Adam Caldwell <i>Assistant Secretary for Cyber Security and Intelligence</i>	FSM
Sasae Walter <i>PILON Coordinator</i>	PILON Secretariat
Rosarino Isaia Koi <i>PILON Assistant Coordinator</i>	PILON Secretariat

APOLOGIES:

Annabel Scott - Solicitor General, Cook Islands
Jo Mildenhall - Senior Crown Law Officer, NZ

C. MATTERS FOR CONSIDERATION:

Chair welcomed FSM as new member of the WG:

The Chair informed members that in the last PILON Annual meeting, Session 5, held on 5 Nov 2021, members accepted and agreed to include the Federated States of Micronesia proposed as the 9th member of the Cybercrime Working Group.

Jesse Mihkel, Assistant Attorney General FSM, thanked Madam Chair and members of the WG for accepting FSMs request to join the PILON WG. Joining him was Adam Caldwell, Assistant Secretary for Cyber Security and Intelligence.

Approval of minutes from previous meeting

Minutes of 8 October 2021 were confirmed. Motion moved by RT of Nauru and seconded by RO of the Solomon Islands and the Chair LF of Tonga.

Forward work plan – Attachment A

A – Work plan for 2022

LM informed members that following from the work done by Ms Laura Hugh of AGD from last year, she updated members on the planning work that the AAGD has done in the last 3 months to support the various activities outlined under the workplan of the WG which is described in Attachment A.

Quarterly meeting schedule

The schedule will ensure that members are kept up to date from progressing and implementing the workplan for 2022, and to provide for opportunities to discuss and adjust the workplan to allow steady progress in delivering the priorities of the WG. LM also informed that at this stage the Working Group does not have many activities scheduled for the second half of 2022, so regular meetings will provide an opportunity to consider additional activities in keeping with the objectives of the WG.

Webinar planning

The first webinar is to be held on 1st April and the date of the second webinar is not yet finalised, but will be in the middle of the year.

The first webinar is a cobadged webinar with the Corruption WG. Planning work for the webinar is ongoing, and we intend to collate the lessons learnt from this webinar. The intention is to include a panellist from Kiribati to speak about their recent experience on passing their Cybercrime Act 2021, and we will also reach out to other jurisdictions who recently passed legislations to discuss their experiences on both passing and the development of their legislations and the implementation process. We will also engage in discussion with the COE to gauge their interest in cobadging this webinar, given the relevance to the Budapest Convention.

Zyber Intermediate course

The original proposal is for the Zyber Intermediate course to be delivered in the second half of 2022. To avoid clashes with the next session of the Zyber Fundamentals Course that will also be running this year, it is proposed to establish a commencement date of late April, with the Zyber Intermediate course to have an estimated duration of about 10-12 weeks.

Emails are prepared to be sent out to cohorts next week, with information on course outline, proposed course structure, and details on how to confirm their interest on participating. We understand that most participants of the Fundamentals course last year are interested in continuing on to the Intermediate course. As outlined in minutes for the priorities last year, there will be scholarships where members are supported with payments of their fees to complete their course. A survey will also be sent out to interested participants on whether discussions groups will be helpful. This will be slightly different to expert discussions last year where AGD organised speakers, so these will be more a cohort led approach to discussion where people can share their understanding of the course and how they're progressing throughout the content. And at the same time, having an opportunity to discuss various issues as outlined in the course.

Planning for Zyber Fundamentals course, including workbook

Given the success of the pilot last year, we will look to run the Zyber Fundamentals course in the second half of 2022. The AAGD is currently in discussion with Zyber to develop a workbook to support participants to progress throughout the course. The idea of the workbook is reflective of the feedback from the surveys, and it is to support participants with additional materials as they progress with the course.

Discussions on the progress of the structure of the workbook are ongoing, with the intention to have it ready for use soon.

Members raised some questions on the following matters.

- i. RT of Nauru agreed and commended the Chair on the Workplan.
- ii. JM of FSM asked about the intermediate course and whether there any certain criteria in order to join the course?

LM informed FSM that for the intermediate course, the criteria is that it's a requirement to have completed the Fundamentals course. In the second half of the year, we will be running the Fundamentals course again, and from experience last year, there's a nomination process and we anticipate that we will follow the same process again.

- iii. RO of Solomon Is asked on the number of participants who can take the Fundamentals course take.

LM responded that they have no restrictions on the number, however if there are more members wanting to take the course, they can account for the strong in interest and feedback on this course.

- iv. RO of Solomon Is asked why there won't be experts on the discussion groups.

LM responded that it is mostly because of AGD's capacity to facilitate this at this time, given that there are a few other events in the first half of the year that will take time to prepare. It was also felt that participants can discuss amongst themselves and contribute to each other's learning through those discussion groups. There will be a survey that will be distributed to participants and they will be asked if there is sufficient interest in having these discussion groups. If there's an interest, we will go with it, however, if there's little interest, we will not go on ahead with these discussion groups in this format.

- v. GA of Fiji asked about the relevant months of the Zyber Intermediate course

LM responded by noting the April to July was intended, and the cohort will receive an email confirming dates in the near future, although this may be delayed if the cohort is slow to reply.

- vi. The Chair, LF from Tonga and GA of Fiji asked for the date and duration of the Zyber Intermediate course.

LM responded that there is planning to run the course from April to July for 10 weeks, the closing ceremony will add time, depending on availability.

B - PILON Cybercrime and Corruption Working Groups Co-Badged Webinar on 1st April 2022: using digital evidence for corruption-related prosecutions

Chair informed the Working Group members to note that the first event for 2022 is a co-badged webinar with the Corruption Working Group, and that she will co-chair the webinar with Ms Kerry Kwan from Nauru.

She advised that the objective of the webinar is to provide an opportunity for prosecutors and police in Pacific Island Countries to collectively share views on the challenges of working with digital evidence in relation to corruption offences such as money laundering.

LM from AGD provided further details on the speakers and structure of the webinar. The webinar will include two featured speakers: one prosecutor and one police investigator from the Pacific, who will share their professional experience of working digital evidence in relation to corruption and related legislative topics that relates to these issues. There will be a facilitator who will lead discussion on a case study on money laundering, which will be an interactive experience with opportunities for the audience to contribute. The audience will be invited to contribute their views and learn more about the practical skills required from investigation through to prosecution of cyber-enabled corruption offences. As with previous Cybercrime Working Group events, the webinar will be recorded and live-scribed to ensure the discussion is retained as an ongoing resource for PILON members.

She advised that they have secured RT DPP Nauru, as a featured speaker, and an expert from the US Federal Bureau of Investigation to lead discussions with the audience.

LM also advised members that they are still looking for one speaker from a Pacific police force who would be able to share their experience of using digital evidence in their career. She asked members for recommendations for a police speaker who would be able to share their experience of working on a related issue. Members were advised to feel free to contact the PILON Secretariat or the Pacific team at AGD to pass on your recommendation.

The timing will be from 11.30 Australia time for 1 hour and 30 minutes.

Chair thanked LM for the update on the cobadged webinar and she encouraged members to register for the webinar, and to circulate the details to anyone who may be interested in participating.

<p>Action Item: Members were invited to contact AGD if they have any suggestions for a Pacific police speaker who could present at the webinar on 1 April, and to circulate the webinar details within their networks.</p>

C – Additional Activities

Chair informed Working Group members to note that except for the Zyber Fundamentals course, that there is additional capacity for activities to be planned in the second half of 2022 for the workplan.

LM informed members that the idea of putting this to the members, is to seek their views on potential activities that AGD could propose for inclusion in the second half of the year for the work plan.

Based on the discussion today, she will be happy to go away and prepare the details for the proposals for both or either any of these ideas. They welcome input from the WG and the ideas on what these ideas could look like in practice.

i. Questionnaire to gather views from PILON members on the future direction of the Cybercrime Working Group

This idea was raised by the COE as a potential survey/report by Member countries and it would aim to engage with members to gather up to date information on: (1) the most common type of cybercrime in the Pacific jurisdictions, (2) related needs for legislation, (3) the most common implementation challenges that member finds with cybercrime legislations and (4) plans for upcoming reforms for which bilateral assistance or assistance from other development partners could be of use. We are also interested in members outlining future areas of focus for the WG.

This is a useful exercise to set the priorities for future needs and also ensure that the events that we deliver for the WG reflects current issues being experienced by member countries.

The timing of the survey will depend on the format as scoped to some extent. The format would also need to be determined (the format of a written survey was initially mentioned, but an alternative interview format was also acknowledged). We aim to complete the information gathering phase in 2nd half of the year, so the results could be compiled and discussed.

Action Item

Seeking views from members on;

- whether this is of interest to them and what their views are on the type of format to be used.

Cybercrime Workshop

The idea is to explore a possible Cybercrime workshop in second half of 2022. The idea is to explore a workshop in a format that is appropriately reflecting some of the challenges around travel within the Pacific. Delivery will be either virtual, in person or both, to facilitate maximum participation. With the consent of the WG we can provide a proposal at the next WG meeting.

Questions

RT of Nauru asked if some themes and subject matters related to social media, free speech, defamatory remarks, fake news, etc and what Pacific islands can do on these. He suggested these were important issues to address.

GA of Fiji agreed with the discussion and the ideas mentioned, noting that Fiji thought that these two activities (the questionnaire and workshop) are great. GA of Fiji noted further that:

- Fiji welcomes the idea of the questionnaire - it would be helpful, zoning and those aspects, although Fiji would really have to know about the scope and format to provide useful feedback. GA of Fiji said that if at the next meeting, the actual scope or outline was defined, she can go back to our offices
- Fiji also supports the idea of a cybercrime workshop, although Fiji noted the further work towards considering the most useful format. GA of Fiji then said they support that the secretariat brings back a proposal, or before the WG meeting, via email.

Action Item:

Action Item:

AGD to provide more information on these options to facilitate the Cybercrime workshop in the next WG meeting in May 2022.

iii - Extension of funding arrangement for fourth annual PILON Cybercrime Workshop (A\$200,000) until 31 December 2022

LM updated Working Group members in relation to the funding arrangements for the next Cybercrime Workshop due to the impacts of the COVID-19 pandemic.

Item 4: Other Matters (10 mins)

i - Pacific Fusion Centre brief on references to Pacific experiences of disinformation

SW informed members on the Pacific Fusion Centre brief on references to Pacific experiences of disinformation. SW noted the PILON Secretariat had received a request from the Pacific Fusion Centre in early 2022 to comment on a brief prepared following the 'Countering Disinformation' webinar. The brief builds on the content of the Pacific Fusion Centre's presentation during the webinar.

LF requested that the brief be re-sent and agreed to include link to Pacific Fusion Centre website in these minutes: <https://www.pacificfusioncentre.org/>

AGD assisted with reviewing the brief and providing comments back to the Pacific Fusion Centre. The Centre is now finalising the brief and we understand it will be published in the near future.

Item 5: Meeting Closed

- With that final agenda item, I would like to thank you all for dialling in and for your contributions to our first Working Group Meeting of 2022.
- And on that note, I will draw this meeting to a close. Our next meeting is tentatively scheduled for mid-May. Thank you.

Minutes for 18th March 2022 endorsed on 10th June 2022