

REPORT ON OVERSEAS TRAVEL: HON DAVID PARKER

I recommend that Cabinet note this report on my travel to London from 29 to 31 July 2019.

Report

Tenth Quintet meeting of Attorneys-General

1. The purpose of my trip was to attend the tenth annual Quintet meeting of Attorneys-General, held in London on 30 and 31 July. At a late stage, Attorneys-General were also invited to attend some of the Five Country Ministerial (FCM) sessions. The FCM was held in conjunction with the Quintet on 29 and 30 July and was attended by Hon Andrew Little.
2. The Quintet was a success, with interesting and substantive discussions on complex and cross-border legal issues between the Five Eyes countries. Of particular note was the increased attention shown by New Zealand's Quintet partners to issues arising in respect of social media companies, including their duty to prevent, and their liability for, the dissemination of harmful content on their platforms. The intensity of focus on these issues has grown considerably since the 2018 Quintet meeting, which I attended.
3. The Quintet meeting was chaired by the Attorney-General for England and Wales, Geoffrey Cox QC. The other attendees were Attorney-General William Barr (United States), Hon Peter Dutton MHR – Minister for Home Affairs (Australia) and Mr François Daigle – Associate Deputy Minister for Justice (Canada). The Attorneys-General for Australia and Canada were not available to attend this year's meeting.
4. The following agenda items were discussed during the Quintet meeting: social media and data privacy issues; sentencing frameworks; corporate criminal liability; and hostile state activity.
5. I co-led the sentencing frameworks topic with Attorney-General Cox. The United Kingdom invited a guest speaker, Sir Brian Leveson, to speak at the session on the Sentencing Council for England and Wales' development of sentencing guidelines and his experiences as Chairman of the Council. I led the discussion on the different sentencing frameworks used in each of the respective Quintet jurisdictions, and Attorney-General Cox then directed a discussion on England and Wales' Unduly Lenient Sentence scheme.
6. The Attorneys-General agreed to a communiqué noting these discussions. The full Quintet communiqué is attached as Appendix A to this report.

7. In addition, the Attorneys-General (and the Australian and Canadian ministers) signed a Statement on International Cooperation on Cybercrime. The joint statement is attached as Appendix B to this report. In this joint statement, the Quintet countries confirmed their strong support for the Council of Europe Convention on Cybercrime (the Budapest Convention) and the work currently being done by the United Nations Open-Ended Intergovernmental Expert Group on Cybercrime. New Zealand is currently considering its accession to the Budapest Convention. I reaffirm the urging I expressed following the 2018 Quintet, that New Zealand's accession to this important international treaty be fast tracked.

Joint Five Country Ministerial and Quintet meeting

8. I also attended the joint session held between the FCM and Quintet ministers, which was chaired by The Rt Hon Priti Patel MP – Her Majesty's Principal Secretary for the Home Department (United Kingdom). Minister Little also attended this joint meeting.
9. The following agenda items were discussed in the joint session: online harms (including child sexual abuse and exploitation, and preventing and countering terrorism and violent extremism); encryption; and foreign terrorist fighters and battlefield evidence. New Zealand co-led the discussion on preventing and countering terrorism and violent extremism, and provided our Five Eyes partners with an update on the Christchurch Call.
10. I refer to Minister Little's summary of these joint discussions in his Report on Overseas Travel.
11. Ministers agreed to a joint communiqué outlining these discussions. The full joint communiqué is attached as Appendix C to this report.

Five Country Ministerial

12. The FCM was hosted by The Rt Hon Priti Patel MP.
13. As part of the FCM, Attorneys-General were invited to attend a roundtable session on countering child sexual exploitation and abuse, which was attended by representatives from Facebook, Snapchat, Google, Microsoft, Twitter and Roblox. A representative from THORN, a United States-based not-for-profit organisation, also gave a short presentation on THORN's efforts, in partnership with internet companies, to develop technologies to detect and to prevent online child sexual exploitation and abuse.
14. The social media companies in attendance seemed generally receptive to engaging in a discussion with governments. Industry representatives agreed to collaborate with governments to design a set of voluntary principles to ensure online platforms and services have the systems needed to stop the viewing and sharing of child sexual abuse material and the grooming of children online.
15. I also attended the FCM session on countering foreign interference, which focused specifically on election security and strengthening democracy.

16. Ministers agreed to a communiqué outlining these discussions. The full FCM communiqué is attached as Appendix A to Minister Little's Report on Overseas Travel.

Bilateral programme

17. As part of the Quintet programme, I met with the Attorneys-General for England and Wales and the United States, and with the Canadian Associate Deputy Minister of Justice, in a series of short bilateral meetings.

18. In my meetings with the Attorneys-General for England and Wales and the United States I raised the issue of the liability of social media companies, and the need to impose on them a duty to prevent the various harms which occur on their platforms.

19. I discussed with the Attorney-General for England and Wales the current challenges which the new British government faces with Brexit. [REDACTED]

20. We discussed the issue of whether the United Kingdom would seek to enter into free trade agreements with non-European countries, in the event that it withdraws from the European Union on a "no-deal" basis. Attorney-General Cox emphasised the very close friendship between the United Kingdom and New Zealand. I noted that a free trade agreement could be reached between the United Kingdom and New Zealand with relative ease and speed. [REDACTED]

21. [REDACTED]

22. The Canadian Associate Deputy Minister of Justice and I discussed the issue of cannabis law reform, including Canada's recent legalisation of recreational cannabis use, and New Zealand's own path to reform in this area. We also discussed the overrepresentation of indigenous people in both New Zealand and Canada's criminal justice systems.

Trilateral meeting

23. I attended a trilateral meeting with Minister Little and the Australian Minister for Home Affairs, Hon Peter Dutton.

24. [REDACTED]

[REDACTED]

25. [REDACTED]

26. We also discussed Australia's deportation of New Zealanders, with Minister Little acknowledging New Zealand's respect for Australian law, but noting that this issue continues to cause tension for New Zealand. He emphasised that the main concern was around those persons deported from Australia on character grounds, who often have few networks in New Zealand to which to return. [REDACTED]

Other meeting

27. In addition to my attendance at the Quintet meeting, I also met with The Rt Hon Elizabeth Truss MP, the United Kingdom's newly appointed Secretary of State for International Trade. This was a timely meeting, just three working days into Secretary Truss taking on this role.

28. The meeting was positive and engaging. The key message from Secretary Truss was one of ambition for speedy negotiation of a UK-NZ free trade agreement, as part of the agenda of a re-energised and optimistic new government focused on opportunity from Brexit. Secretary Truss stated her ambition to conclude negotiations by the end of this year. [REDACTED]

[REDACTED] I put on the record that Tariff Rate Quotas were a problem that needed to be fixed, and that I hoped this could be progressed by officials. Secretary Truss confirmed she was aware of the issues around this, [REDACTED].

29. The discussion highlighted the rising stakes towards a no deal Brexit on 31 October, and the importance of New Zealand's preparedness for this scenario, [REDACTED].

Proactive release

30. It is proposed that this paper be proactively released in accordance with CO (18) 4 after 30 business days.

31. The exceptions to this are:

31.1 Paragraph 19, which should be withheld pursuant to s 6(a) of the Official Information Act 1982 (OIA) ("the making available of that information would be likely – to prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand"); and

- 31.2 Paragraph 20, which should be withheld pursuant to s 9(j) of the OIA (“the withholding of the information is necessary to – enable a Minister of the Crown or any department or organisation holding the information to carry on, without prejudice or disadvantage, negotiations”); and
- 31.3 Paragraph 21, which should be withheld pursuant to s 6(a) of the OIA (“the making available of that information would be likely – to prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand”);
- 31.4 Paragraphs 24 to 26, which should be withheld pursuant to ss 6(a) and 9(j) of the OIA (“the making available of that information would be likely – to prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand” and “the withholding of the information is necessary to – enable a Minister of the Crown or any department or organisation holding the information to carry on, without prejudice or disadvantage, negotiations”); and
- 31.5 Paragraphs 28 to 29, which should be withheld pursuant to s 6(a) of the OIA (“the making available of that information would be likely – to prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand”).

Recommendation

32. I recommend that Cabinet note this report.

Authorised for lodgement

Hon David Parker
Attorney-General