



Supplementary Submission to the Parliamentary Joint Committee on Law Enforcement inquiry into the capability of law enforcement to respond to cybercrime

The Attorney-General's Department (the department) welcomes the opportunity to make a supplementary submission to the Parliamentary Joint Committee on Law Enforcement (Committee) inquiry into the capability of law enforcement to respond to cybercrime.

The department provided a submission to the Committee's inquiry in December 2023 (attached). This submission is intended to supplement the earlier submission with updates in relation to changes to administrative arrangements and legislative reform.

Administrative arrangements

The department notes that the Administrative Arrangement Order dated 13 May 2025 have impacted the departments responsibilities in relation to cybercrime. Following those changes, the department retains policy and administrative responsibility for the *Criminal Code Act 1995* (Cth) (the Criminal Code), while the Department of Home Affairs is now responsible for cybercrime and law enforcement policy.

Legislative reform

Since the department's December 2023 submission, the Government has progressed the following legislative reform relevant to cybercrime.

Criminal Code Amendment (Deepfake Sexual Material) Act 2024

The *Criminal Code Amendment (Deepfake Sexual Material) Act 2024* (the Deepfake Act), which received Royal Assent on 2 September 2024, amended the Criminal Code offences relating to the non-consensual transmission of adult sexual material. The Deepfake Act substituted an amended section 474.17A and inserted sections 474.17AA-B into the Criminal Code. The effect of these sections is to criminalise the transmission of adult sexual material without consent, whether or not the adult sexual material has been edited, altered or created through the use of digital technology (including artificial intelligence). The offence carries a maximum penalty of 6 years imprisonment, while the aggravated offences carry a penalty of 7 years imprisonment. The aggravating offences apply where the base offence is committed, and either:

- the person transmitting the material is also responsible for creating or altering the material, or

- the person has already been found liable for similar conduct at the civil standard under the Online Safety Act 2021 on three prior occasions.

These reforms address challenges faced in applying the previous offences to material that had been edited, altered or created through the use of digital technology, including artificial intelligence.

Privacy and Other Legislation Amendment Act 2024

The *Privacy and Other Legislation Amendment Act 2024*, which received Royal Assent on 10 December 2024, amended the Commonwealth Criminal Code by inserting a new offence at section 474.17C. These new offences target the release of personal data using a carriage service in a manner that would be menacing or harassing – a practice which is colloquially known as ‘doxxing’. The offence carries a maximum penalty of 6 years imprisonment. An aggravated offence was also inserted at section 474.17D which applies where the offending targets a person or group because of their race, religion, sex, sexual orientation, gender identity, intersex status, disability, nationality or national or ethnic origin. This aggravated offence carries a maximum penalty of 7 years imprisonment.