

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
AUSTRALIAN FEDERAL POLICE

**Question No. 25**

**Senator Ludlam asked the following question at the hearing on 14 February 2012:**

**Senator LUDLAM:** I want to dodge back to the questions I was asking before the break because they relate to this and you might be able to help us out. Of the broad scope of work you do in this space, how much of it relates to copyright laws or data protection and piracy?

**Mr Gaughan:** We would have to take that on notice. As Deputy Commissioner Phelan indicated prior to the break, we are not sure whether or not we have that information per case, but I am aware that we are trying to obtain that information now.

**Senator LUDLAM:** That is great. Do you have a specific role or unit or section or expert who deals with, for example, software piracy, copyright theft and that kind of stuff?

**Mr Gaughan:** No.

**Senator LUDLAM:** Does that come under the rubric of high-tech crime?

**Mr Gaughan:** No, it does not.

**Senator LUDLAM:** So you are not offering to take that on notice. You are just telling me you do not do that work.

**Mr Gaughan:** It might be undertaken by the crime program but it is certainly not undertaken by high-tech crime. The crime program is Deputy Commissioner Colvin's area of responsibility.

**Senator LUDLAM:** It is still within the AFP?

**Mr Negus:** It is still within the AFP and those areas are covered under our general crime operations. Where they require the services of someone from the high-tech crime operations portfolio for technical assistance, they may go to Assistant Commissioner Gaughan's area for some support, but they would broadly be done by general investigators, with a background, who may do a range of different investigations across things like copyright.

**Senator LUDLAM:** If we do not have the right people here, or if or if it is within another section, can I ask you to take on notice—in as much detail as you are able to provide without creating a heap of work—how much time the AFP has taken up with pursuing those sorts of infringements in that broad example of copyright breach and software piracy.

**Mr Negus:** Certainly, Senator.

**Senator LUDLAM:** It is much appreciated.

**The answer to the honourable senator's question is as follows:**

Under the broad ambit of Intellectual Property Crime, the AFP has the power to investigate offences committed against the *Copyright Act 1968* and the *Trademarks Act 1995*.

During the 2010/11 financial year the AFP received 15 referrals relating to Intellectual Property Crime. Of these 15 referrals, 10 were accepted for investigation and 5 were rejected.

During the 2011/12 financial year (as at 31 January 2012), the AFP received 8 referrals relating to Intellectual Property Crime. Of these 8 referrals, 3 were accepted for investigation and 5 were rejected.

AFP records indicate that approximately 11,709 hours have been attributed to investigating Intellectual Property Crime from 1 July 2010 to 31 January 2012. Please see below table for a further breakdown.

<b>Actual Hours Worked (hours)</b>	<b>2010-11</b>	<b>2011-12*</b>
Cases recorded as Copyright Breach	3,073	601
Cases recorded as Counterfeit Goods	1,380	40
All other Intellectual Property matters not recorded in the above categories	3,780	2,835
<b>TOTAL</b>	<b>8,233</b>	<b>3,476</b>

\*2011-12 data is from 1 July 2011 to 31 January 2012 only.