Western Institute of TAFE Copyright Policy

Purpose and Scope

The purpose of this procedure is to outline the legal requirements which all TAFE Western staff and students must meet in relation to copyright. This document will outline the process by which staff and students will comply to the Copyright Act 1968 and its amendments, the Copyright Amendment (Digital Agenda) Act 2000 and the Copyright Amendment (Moral Rights) Act 2000, referred to collectively in this procedure as the Act, and relevant copying licensing agreements.

DET regularly reviews agreements with Copyright Agency Limited (CAL) and Screenrights. These organisations are responsible for upholding the rights of and distributing the royalties to copyright owners for photocopying and off-air taping of television and radio programmes. Any changes will be advised via the Department’s intranet.

The Act and TAFE’s licensing agreements detail the copying that can be made by TAFE Western staff and students. This includes the use of photocopiers, off-air video and audio taping, scanning of documents, downloading of files and documents from the Internet and multiple copying of teaching resources.

The Act defines which resources are protected by copyright, the exclusive rights of copyright owners and the exceptions which allow the copying of resources by students and staff of TAFE NSW Institutes.

All material is copyright protected as soon as it is made publicly available, unless copyright is waived by authors, creators or copyright holders or has expired.

Under the Copyright Amendment (Moral Rights) Act 2000 authors have the right of attribution, the right against false attribution and the right of integrity applicable to literary, dramatic, artistic and musical works, computer programmes and films, television programmes etc.

Policy

The Department of Education and Training’s Copyright Unit has prepared comprehensive guidelines on copyright in DET, Schools and TAFE NSW Institutes. On the web page http://detwww.det.nsw.edu.au/deptresources/copyright/index.htm entitled NSW DET Copyright Unit there are links to:

- Copyright Basics - including the Statutory Licences for TAFE’s, Schools and Government Employees; and summaries for Fair Dealing and Examinations
- DET Copyright Policies – including the latest changes and policies for schools, TAFE’s and the Department
- Templates – for use when requesting permission to use material covered by copyright
- Smart Copying in Schools (NEALS) – not strictly intended for TAFE use.
- TAFE Intellectual Property – containing guidelines for the identification and protection of TAFE’s intellectual property.
- Useful Links and Publications – including the National Copyright Guidelines (covering TAFE, and Schools); the Copyright Kitchen – a useful website for people working in the VET Sector; the NSW Attorney General’s Copyright Management Toolkit; the Australian Copyright Council; and a range of Copyright Friendly Education Resources for Schools and TAFE’s.
- Noticeboard: Information Sheets – includes many useful guides on subjects such as YouTube, podcasting and format shifting

Responsibilities

The Commonwealth Government enacts copyright legislation which must be complied with by TAFE Western staff.

DET and TAFE NSW
The Department enters into and provides advice on licensing agreements for copying with Copyright Agencies Limited (CAL) and Screenrights, etc.

**TAFE Western**

The Institute Director is ultimately responsible for the implementation of this procedure across the Institute.

The Manager Learning and Innovation is responsible for ensuring that Libraries within the Institute have appropriate notices on all copying equipment and that library staff are appropriately trained to enable them to be able to refer staff to the information necessary for them to meet copyright obligations.

**Campuses**

Heads of Administration in each area of the Institute are responsible for

- Ensuring that all staff at the locations under their care comply with the Act and licensing agreements and
- The prominent display of Copyright Warning notices (see below) on all computers, photocopiers, video recorders, audio-cassette recorders and scanners that are available to students, staff and members of the public

**Section Heads**

Ensure that all their members of staff comply with the Act and the licensing agreements and that the appropriate Warning Notices (see below) are displayed near all copying equipment (including digital, photocopying, audio-visual, etc.) held in each section.

**Staff**

Are responsible for complying with the Act and licensing agreements.

**Libraries**

Library Managers will ensure that the members of staff at their campuses have access to information that will assist them in meeting their copyright obligations.

All Library Managers will ensure that students and members of the public meet copyright obligations by ensuring that the appropriate Warning Notices are displayed near all copying equipment (including photocopiers, audio-visual, digital, etc.) held in the libraries and available for public use.

**Definitions**

None at this time.

**Procedure**

Please refer to the National Copyright Guidelines for detailed information and instructions on meeting TAFE NSW’s copyright obligations in relation to copying of books, periodicals, anthologies, artistic works, works not separately published, unavailable works and examinations. There is also information relating to attribution and copying for a person with a print or Intellectual Disability in a TAFE Institute. This information is contained in the National Copyright Guidelines.

Please note that the **AMCOS licence** (The Australasian Mechanical Copyright Owners’ Society) about copyright for print music, the **APRA licence** (Australasian Performing Right Association) and the **ARIA licence** (Australian Recording Industry Association) about copyright for performances do not cover TAFE Institutes. Information relating to these licence agreements is included in the DET Guidelines but these are for schools only.

**Detailed Work Instructions**
Please refer to National Copyright Guidelines http://www.smartcopying.edu.au/copyright-guidelines

The National Copyright Guidelines provide an overview on copyright issues affecting schools and TAFE.

**Associated Forms**

<table>
<thead>
<tr>
<th>Form Reference Name(Click to download)</th>
<th>Form Title (See Below)</th>
<th>File Copy if Used (Yes/No)</th>
</tr>
</thead>
<tbody>
<tr>
<td>stlib03</td>
<td>Although there is no legal requirement to place notices on TAFE Western computers, they can provide access to a wide range of copyright material and can easily allow copying of that material. It is worthwhile placing these notices on or near all computers.</td>
<td>No</td>
</tr>
<tr>
<td>llilibf14</td>
<td>Every photocopier within TAFE Western should have this A4 size copyright notice located near it.</td>
<td>No</td>
</tr>
<tr>
<td>llilibf12</td>
<td>If you are sending content to students through any means including email, handouts, reading bricks, disks, and WebCT and it contains non-TAFE NSW copyright material, then it should also contain this notice.</td>
<td>No</td>
</tr>
<tr>
<td>llilibf11</td>
<td>Every video recorder and equipment used to record audio at TAFE Western should have this copyright notice located near it.</td>
<td>No</td>
</tr>
<tr>
<td>llilibf13</td>
<td>It would be worthwhile placing this notice on all CD-ROM's and computer programs that are owned by TAFE Western.</td>
<td>No</td>
</tr>
<tr>
<td>llilibf15</td>
<td>It would be worthwhile placing this notice on all commercially purchased videos that are owned by TAFE Western.</td>
<td>No</td>
</tr>
<tr>
<td>llilibf16</td>
<td>It would be worthwhile placing this notice on all commercially purchased videos that are owned by TAFE Western.</td>
<td>No</td>
</tr>
<tr>
<td>llilibf17</td>
<td>It would be worthwhile placing this notice on all music compact discs that are owned by TAFE Western</td>
<td>No</td>
</tr>
<tr>
<td>llilibf18</td>
<td>When the library digitises or communicates content to staff or students, they are required to put this notice as part of the email.</td>
<td>No</td>
</tr>
</tbody>
</table>

**Related Information**

Australian Copyright Council  http://www.copyright.org.au/

Copyright Friendly Education Resources for Schools and TAFE's: listed at the end of the page

Copyright Act1968

TAFE NSW Intellectual Property Policy

**Procedure Owner**

Manager Learning and Innovation
WARNING

Copyright owners are entitled to take legal action against persons who infringe their copyright. Except as allowed under the Copyright Act 1968 any copyright works you access through this computer should not be reproduced without permission of the Copyright owners.
COMPUTERS

Although there is no legal requirement to place notices on TAFENSW Western Institute computers, they can provide access to a wide range of copyright material and can easily allow copying of that material. It is worthwhile placing on or near all computers the following notice:

WARNING

Copyright owners are entitled to take legal action against persons who infringe their copyright.

Except as allowed under the Copyright Act 1968, any copyright works you access through this computer should not be reproduced without permission of the Copyright owners.
PHOTOCOPIERS
Every photocopier within TAFE NSW Western Institute should have a copyright notice located near it. It must be a minimum of A4 in size and contain the following:

COMMONWEALTH OF AUSTRALIA
Copyright Regulations 1969
WARNING

Copyright owners are entitled to take legal action against persons who infringe their copyright. A reproduction of material that is protected by copyright may be a copyright infringement. Certain dealings with copyright will not constitute an infringement, including:

A reproduction that is a fair dealing under the Copyright Act 1968 (the Act), including a fair dealing for the purposes of research or study; or a reproduction that is authorised by the copyright owner.

It is a fair dealing to make a reproduction for the purposes of research or study, of one or more articles on the same subject in a periodical publication, or, in the case of any other work, of a reasonable portion of a work.

In the case of a published work in hardcopy form that is not less than 10 pages and is not an artistic work, 10% of the number of pages, or one chapter, is a reasonable portion.

In the case of a published work in electronic form only, a reasonable portion is not more than, in the aggregate, 10% of the number of words in the work.

More extensive reproduction may constitute fair dealing. To determine whether it does, it is necessary to have regard to the criteria set out in subsection 40 (2) of the Act.

A court may impose penalties and award damages in relation to offences and infringements relating to copyright material. Higher penalties may apply, and higher damages may be awarded, for offences and infringements involving the conversion of material into digital or electronic form.
COPYRIGHT INFORMATION

MATERIAL FOR STUDENTS

If you are sending content to students through any means including email, handouts, reading bricks, disks, and WebCT and it contains non-TAFE NSW copyright material, then it should contain the following notice:

COMMONWEALTH OF AUSTRALIA

Copyright Regulations 1969
WARNING

This material has been copied and communicated to you by or on behalf of TAFE NSW Western Institute pursuant to a statutory licence under the Copyright Act 1968 (the Act).

The material in this work may be subject to copyright under the Act. Any further copying or communication of this material by you may be the subject of copyright protection under the Act.

Do not remove this notice.
VIDEO AND AUDIO RECORDERS

Every video recorder and equipment used to record audio at TAFE NSW Western Institute should have a copyright notice located near it. It must contain the following:

COMMONWEALTH OF AUSTRALIA

Copyright Regulations 1969
WARNING

Copyright owners are entitled to take legal action against persons who infringe their copyright. Unless otherwise permitted by the Copyright Act 1968 (the Act), unauthorised use of audio-visual items in which copyright subsists may infringe copyright in that item.

It is not an infringement of copyright in an audio-visual item to use that item in a manner that is a fair dealing under section 103C of the Act. Section 103C of the Act relates to fair dealing for the purpose of research or study and sets out the matters that must be considered in determining whether a reproduction of an audio-visual item is a fair dealing.

A court may impose penalties and award damages in relation to offences and infringements relating to copyright material. Higher penalties may apply, and higher damages may be awarded, for offences and infringements involving the conversion of material into digital or electronic form.
CD-ROM’S AND COMPUTER PROGRAMS

It would be worthwhile placing on all CD’s that are owned by TAFE NSW Western Institute the following notice:

WARNING

Use of this product is regulated by copyright and/or contractual licence. By lending this product, TAFE NSW Western Institute does not authorise any dealing that would give rise to copyright or licence infringement.

In particular, any copies lawfully made by the borrower in the ordinary course of using the product should be deleted prior to its return to TAFE NSW Western Institute.
VIDEOS

It would be worthwhile placing on all commercially purchased videos that are owned by TAFE NSW Western Institute the following notice:

WARNING

Except as allowed under the Copyright Act 1968, this video may not be performed in public or reproduced without permission of the Copyright owners.
MUSIC CD’s

It would be worthwhile placing on all compact discs that are owned by TAFE NSW Western Institute the following notice:

WARNING

Except as allowed under the Copyright Act 1968, this CD may not be performed in public or reproduced without permission of the Copyright owners.

lilibf18
When the library digitises or communicates content to staff or students, they are required to put the following notice as part of the email:

**COMMONWEALTH OF AUSTRALIA**

Copyright Regulations 1969

**WARNING**

This material has been provided to you pursuant to Section 49 of the Copyright Act 1968 (the Act) for the purposes of research or study. The contents of the material may be subject to copyright protection under the Act.

Further dealings by you with this material may be a copyright infringement. To determine whether such a communication would be an infringement, it is necessary to have regard to the criteria set out in Part 3 of the Act.
Useful Links and Publications

Online Copyright Resources

- **www.smartcopying.edu.au**
  The National Copyright Guidelines have been developed by the Copyright Advisory Group, a committee of the Schools Resources Taskforce (SRT). The Guidelines have been designed to provide a quick reference guide to copyright issues affecting Australian schools.
  http://www.smartcopying.edu.au

- **The Attorney General's Department of NSW - Copyright Management Toolkit**
  The Attorney General's Department of NSW administers copyright laws across the NSW government and distributes regular Outlines to keep staff in NSW government up to date on copyright issues.

- **Australian Copyright Council**
  An independent organization providing support and information in relation to copyright. The Australian Copyright Council has a very comprehensive website which includes links to information sheets on specific topics relevant to the education sector.
  http://www.copyright.org.au

- **Copyright Kitchen**
  A website for staff working in the VET sector - it provides a range of information on copyright by category.
  http://copyrightkitchen.flexiblelearning.net.au/mainlyph

- **In Tune**
  "In Tune" is a documentary which explores the effects of music piracy on Australian songwriters and musicians. It shows Australian musicians talking candidly about creating music in today's digital era, the advantages and disadvantages of the internet and the true realities of life as a musician. "In Tune" was produced alongside "Music for Free?", a government teaching and learning resource which explores the ethics of illegal file sharing. "In Tune" and "Music for Free?" are targeted at secondary students.
  http://www.in-tune.com.au

- **Music For Free**
  "Music for Free?" is a learning and teaching resource which explores the ethics of illegal file sharing. It forms part of the Values for Australian Schooling series and is one of the ten units available for secondary years. Aimed at later adolescence students, "Music for Free?" is intended to supplement existing curriculum and support teachers in assisting students develop and experience values through realistic activities and problem-solving scenarios. "Music for Free?" is a self-contained teaching unit. It consists of student activity sheets, guidelines for teachers on providing additional advice, assessment suggestions and a list of resources on teacher references, books and websites. Activities in "Music for Free?" are well supplemented by "In Tune", an Australian documentary funded by Australian music industry bodies.
  http://www.smartcopying.edu.au/docs/in-tune/music-for-free2.htm

- **All Right to Copy?**
  It is becoming easier to source, download and upload film, text, images and music. But does the fact that it is easy to copy mean that it is alright to copy? All Right to Copy? is a resource designed to teach students about copyright, and how it impacts them as both users and creators. The resource consists of a video, written content including copyright information, sample permission letters, useful links and a quiz. This resource can be used across a broad range of subject areas including English, Information Technology, Communications and all Arts subjects including Media, Visual Arts, Music and Drama. It is suitable for students aged 9-15 and can be completed within a day. It would be ideal to teach prior to the commencement of any creative project and when teaching about the online environment.

- **Copyright Copywrong**
  This website can help you influence your society in one big area: film and DVD piracy. All of you have illegally downloaded films or DVDs, or know someone who has. It's easy to do. But is it the right thing to do? It's for the creators of the films and DVDs, not for your society? Well, that's up to you to decide. That's what this website does — it helps you to decide.
  http://www.copyrightcopywrong.info
Copyright Friendly Education Resources for Schools and TAFEs

- **Teaching and Learning exchange (TaLe)**
  TaLe is a single gateway where teachers, school leaders and parents can easily locate research and resources to support student learning. TaLe provides easy access to quality teaching resources developed by the NSW Department of Education and Training. TaLe points teachers to other research and resources to support their practice. It also supports parents and others as partners in the learning process.

**Open Content Licensed Material**

- **Creative Commons**
  [http://www.creativecommons.org](http://www.creativecommons.org)

- **Wikipedia**

- **Flickr (photo library)**
  [http://www.flickr.com](http://www.flickr.com)

- **Prelinger Archives (vids in the public domain)**

More information on recommended Creative Commons (PDF 150KB) Websites and Resources for use by curriculum units/resource developers/teachers and students.