

Copyright Policy

1. Purpose

All copying of copyright material undertaken by the Institute shall be in accordance with the provisions of the *Copyright Act 1968* and any relevant copyright agreement(s) currently in force.

2. Scope

This policy applies to all Institute staff and students, independent contractors, consultants, visitors or volunteers

3. Definitions

| Acronym/Term | Definition |
|--------------|-----------------------------|
| CAL | Copyright Agency Limited |
| Institute | Sunraysia Institute of TAFE |
| VTA | Victorian TAFE Association |

4. Policy

4.1 [The Statutory Text and Artistic Works Licence](#) (Or Statutory Educational Licence)

4.1.1. The Statutory Text and Artistic Works Licence is set out in s 113P of the Copyright Act. This Licence ensures that copyright owners are paid for the educational uses of these works. This Licence fee is paid by the Institute to the Copyright Agency, which is the collecting society that administers the licence. The Licence fee amount is mediated by the VTA between the Institute & the Copyright Agency.

4.1.2. the Institute has defined rules that enabling staff to copy under the Statutory Text and Artistic Licence. Any copies made by staff under this licence must be for educational purposes. This includes the following:

- Teaching purposes (such as photocopying to hand to students in class).
- Using as part of a course of study (e.g., uploading material to a digital teaching environment (DTE) for access by a particular class).
- Making and retaining copies for library use (e.g. as a teaching resource).

The statutory licence does not allow:

- Copying and communicating computer programs.
- Copying or communicating sound recordings, audio-visual material, podcasts or internet streaming services.
- The use of text and artistic works for purposes other than educational uses (e.g. for the promotional purposes of the school).

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- 4.1.3. The Statutory Text and Artistic licence should be used as a Last Resort as it has very limited conditions and use and comes at substantial cost to the Institute. Before using the Statutory Text and Artistic licence staff should consider using following: -
- a. Free to use, public domain or educational purpose licences.
 - b. Creative Commons licenced material.
 - c. Copyright permission register resources or negotiate a new copyright permission.
 - d. Fair dealing provisions i.e. 10% or one chapter or article.

4.2 The Statutory Broadcast Licence

- 4.2.1. The Institute elects not to exercise its rights under the Copyright Act 1968 for controlled copying of broadcasts. The cost of exercising these rights is considered to outweigh the benefits in an educational environment.
- 4.2.2. In lieu of exercising these rights, the Institute adopts the following principles:
- 4.2.3. Staff shall not copy or record any broadcast under any circumstances for use at or on behalf of the Institute.
- 4.2.4. Staff may only access or use a copied or recorded broadcast after receiving formal permission from the Copyright Officer (or delegate).
- 4.2.5. Staff may stream live broadcasts without requiring formal permission from the Copyright Officer.

4.3 Disability Access Exceptions in Copyright Act

- 4.3.1. The Copyright Act contains two disability copying exemptions which allows the copying of works without permission in some circumstances. The exemptions are: -
- Use of copyright material by organisation assisting person with a disability.
 - Fair dealing for the purpose of assisting persons with a disability.
- 4.3.2. The organisational exemption in s. 113F allows TAFEs to make accessible format copies for student with a disability if the material is not commercially available in the format required by the student and with the appropriate features they require. If the copyright material can be obtained in required format in a reasonable time you cannot rely on this exemption.
- 4.3.3. If practicable the following notice should be included with any materials copied under the organisational disability exemption: - 'This material has been copied/made available to you under s 113F of the Copyright Act. Any further reproduction or communication of this material by you may be the subject of copyright protection under the Act. Do not remove this notice'
- 4.3.4. To use the fair dealing exemption for disability, staff are required to show: -
- The purpose of the dealing is for one or more persons with a disability having access to the copyright material.
 - The dealing was fair. To determine if a dealing is fair contact the [Copyright Officer](#).

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4.4 Copyright Permissions and [Copyright Licence Register](#)

- 4.4.1. The Institute maintains a register containing details of permissions and licences that have been obtained on its behalf. This register is maintained by the Copyright Officer and is located on SharePoint.
- 4.4.2. Staff should check with the Copyright Officer first to see whether they are able to copy or otherwise use copyright materials for which there is an existing permission.
- 4.4.3. Whenever a new permission or licence to deal with copyright material is obtained, staff are required to ensure that the original or copy of the license is provided to the [Copyright Officer](#).

4.5 Obtaining Copyright Permissions to use 3rd party materials

- 4.5.1. If the amount of 3rd party information exceeds the amounts allowed under the fair dealing provisions of the Copyright Act 1968, then explicit written permission must be sought and received from the copyright owner prior to the materials being included in SuniTAFE publications.
- 4.5.2. Staff are not permitted to re-badge or adapt 3rd party resources without explicit written permission from the copyright owner.
- 4.5.3. The [Copyright Officer](#) will need as much detail as possible regarding the materials – title, author, publisher web address, number of students, number of copies required, whether it is to be handed out free or charged - in order to seek appropriate licences.
- 4.5.4. Copyright permissions may also be gained from websites, through mediated licences and from the copyright verso page in printed materials.

4.6 Labelling and Attribution

- 4.6.1. See the Library's SharePoint page for a guide on the [labelling and attribution](#) of licenced printed and online materials.

4.7 Staff and students are responsible for:

- 4.7.1. Being familiar and compliant with copyright legislation, licensing and agreements through staff and student inductions and staff attendance at periodic staff training sessions.
- 4.7.2. Forwarding requests to use materials not covered by Institute licences and agreements to the Copyright Officer;
- 4.7.3. Ensuring copyright owners are fully attributed where use is made of their work.

4.8 The Institute views any breaches of copyright as extremely serious matters:

- 4.8.1. If a staff member is found to be in breach of any part of the Copyright Act 1968, they will be held personally liable, and will be reported to the Chief Executive Officer.
- 4.8.2. If a student is found to have plagiarised, cheated or colluded, they will be held personally liable, and dealt with under Code of Conduct procedures.

4.9 Copyright Compliance

- 4.9.1. Unless otherwise specifically licenced, any copying done by staff, students or contractors must be within the be within the 'fair dealing' limits outlined in the Copyright Act 1968 - i.e. 10% or one chapter or article, whichever is greater.

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- 4.9.2. Specific licences allowing copying above the fair dealing limits must be provided to the Library Team Leader for inclusion in the SuniTAFE copyright permissions register:
- [Copy right permissions register \(sunitafe.edu.au\)](http://sunitafe.edu.au)

4.10 Copyright Enforcement

- 4.10.1. [Copyright Officer](#) is mandated by the Chief Executive Officer to investigate any suspected breaches of the Copyright Policy.
- 4.10.2. Any Staff member may report a suspected breach to the [Copyright Officer](#) – by email, phone or in person.
- 4.10.3. The Library Team Leader will thoroughly investigate any such suspected breaches, and then submit a report to the Chief Executive Officer with recommendation as required.
- 4.10.4. Students suspected of breaching copyright will be dealt with according to the [Student Conduct Breach procedure](#).

5. Legislative Context

- Copyright Act 1968
- Disability Act 2006 (Vic).

6. Associated documents

6.1.1. Associated Policies

- Intellectual Property Policy
- Student Code of Conduct Policy.

6.1.2. Associated Procedures

- Student Code of Conduct Procedure

6.1.3. Associated Forms

- Nil.

6.1.4. Other associated documents

- Nil.

7. Responsibility

The General Manager, Education is responsible for ensuring compliance with this policy, and its associated procedures and systems.

8. Review Frequency

This policy is to be reviewed every three (3) years, and remains in force as amended from time to time, until rescinded.

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