



## Copyright Policy

### PURPOSE OF THE POLICY

The purpose of this policy is to recognise and protect the rights of copyright owners.

#### **Scope**

Students and employees, including full-time, part-time, permanent, fixed-term and casual employees, as well as contractors, volunteers and people undertaking work experience or vocational.

#### **Responsibility**

Principal

#### **Point of Contact**

Digital Learning Coach/Librarian

### REFERENCES

*Copyright Act 1968 (Cth)*

*Copyright Regulations 1969 (Cth)*

*Copyright Amendment (Moral Rights) Act 2000*

*Digital Agenda Bill (2000)*

*St James Lutheran College Computer and Internet Acceptable Conduct of Use Agreement (AUP)*

*St James Lutheran College BYOD Agreement*

The *National Copyright Guidelines for Schools*, which outline terms and conditions of the above Copyright Licences, together with specific Information Sheets produced by the MCEECDYA National Copyright Advisory Group, are available on the National Education Copyright Website – [www.smartcopying.edu.au](http://www.smartcopying.edu.au)

Further general information about copyright is available on the Australian Copyright Council's website – [www.copyright.org.au](http://www.copyright.org.au) sent to schools from ISQ.

### POLICY STATEMENT

St James Lutheran College is committed to:

- Recognising and protecting the rights of copyright owners by complying with the restrictions on reproducing or communicating copyright materials as laid down in the *Copyright Act 1968 (Cth)*.
- Informing students and employees of their rights and responsibilities under legislation and the various licencing arrangements of the school so that they may make full legal use of the materials available to them.
- The fair regulation and management of copyright materials created at the school by employees, volunteers, researchers and students.

#### **Preventing Infringements**

In accordance with the *Copyright Act 1968*, St James Lutheran College will take the following actions to prevent infringements of copyright:

- use free for education material and free for education uses content whenever possible
- arrange a direct licence for relevant material whenever appropriate
- seek access to appropriate licence arrangements for relevant material through Independent Schools Queensland



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- undertake all other reproduction and communication of copyright material in accordance with the Fair Dealing provisions of the *Copyright Act 1968*
- attribute moral rights whenever appropriate.

### Employee and Volunteer Copyright

In relation to copyright created by St James Lutheran College employees and volunteers, including people undertaking work experience, vocational placement and researchers:

- St James Lutheran College controls and manages all copyright created by its employees and volunteers while under the direction and control of the school
- This includes any material created by employees and volunteers in their own time for use in their employment or engagement with the school.
- However, if an employee and volunteer creates a material in their own time, using their own resources for a purpose other than their employment or engagement and then subsequently uses the material in the course of their employment or engagement with the school, the school does not own copyright.

### Student Copyright

In relation to copyright created by St James Lutheran College students:

- Copyright of work created by students in the course of their studies will belong to the student, unless an agreement to the contrary is established between the student and St James Lutheran College.
- Whilst a student's work may be used within St James Lutheran College for education purposes, permission will be gained from the student and/or parent for any further use of the work.

## DEFINITIONS

Copyright law in Australia is regulated by the Commonwealth *Copyright Act 1968 (Cth)* and is an extremely complex area, subject to regular change. Copyright grants to the copyright owner of any original work or subject matter the exclusive right to:

- do any of the acts comprised in copyright, e.g. perform, copy, publish; and
- authorise others to do any of those acts.

To do any of those acts which are protected by copyright, prior permission of the copyright owner must be obtained. The following are examples of acts protected by copyright:

- photocopying or adapting of literary works;
- duplication of videos, music cassettes and computer software;
- performance in public which includes:
  - a live performance of music or dance;
  - a live performance of a play;
  - playing sound recordings; and
  - showing videos.

The *Copyright Act 1968 (Cth)* does, however, recognise the legitimate needs of educators to have reasonable access to educational material protected under copyright. Educational institutions may enter into arrangements with collecting societies (which represent copyright owners) to pay remuneration in return for permission to do certain copying and other protected acts for educational purposes.

Independent Schools Queensland (ISQ) co-ordinates the following Copyright Licence Agreements for schools:



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- ◆ CAL (Print and Digital)
- ◆ AMCOS (Sheet Music)
- ◆ AMCOS/ARIA (Record Industry)
- ◆ AMCOS/APRA (Performing Right)
- ◆ SCREENRIGHTS (TV/Radio)
- ◆ Roadshow Co-Curricula (Non-teaching purposes)

Copyright owners are entitled to take legal action against a person who infringes 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 fair dealing under the *Copyright Act 1968 (Cth)*, including a fair dealing for the purposes of research or study; or
- a reproduction that is authorised by the copyright owner.
- A reproduction made by a school for educational purposes covered by any of the above Licence Agreements.

The guidelines related to 'fair dealing' are complex and differ with regard to what students may copy for research or study purposes and what teachers may copy to distribute to students. To be clear about what teachers and students may fairly copy schools, or at least one member of staff, need to be familiar with the Act and to provide professional development to staff on a regular basis.

Copyright infringement is not limited to people who infringe the exclusive rights of the copyright owner. Under Sections 36 and 101 of the Copyright Act it is also an infringement to authorise an infringement. An organisation or school has not authorised an infringement simply by making photocopiers and other copying equipment available. However, reasonable provision must be made to limit the use of copying equipment to legitimate purposes by means of a warning notice<sup>1</sup> posted near copying equipment (e.g. photocopiers, scanners, CD and DVD burners) to avoid liability for authorising infringements by people using their equipment where the fair dealing exceptions do not apply. People infringing copyright must be warned that such infringements are not permitted, and schools must take steps to ensure that staff are aware of which copyright licence agreements the school participates in, and what they are authorised to copy within those agreements.

### Moral Rights

The *Copyright Amendment (Moral Rights) Act 2000* ensures that the original creators of works are recognised and have some control over their work whether or not they are also the copyright owners. This has implications for schools where, 'Copyright in works produced by employees in the course of their employment is owned by the employer. Therefore copyright in works produced by teachers in the course of their employment is owned by the school.'

Under the amendment, creators have the right to:

- (a) attribution, and
- (b) protection of their work from derogatory treatment.

There is no infringement of moral rights where the creator has consented to the act or omission, or where the defendant can show that the act or omission was reasonable under the circumstances.

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<sup>1</sup> Sample Forms of Notices are available in Appendix F of the *National Copyright Guidelines for Schools* at [www.smartcopying.edu.au](http://www.smartcopying.edu.au)



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### RESPONSIBILITIES

#### School Responsibilities

St James Lutheran College acknowledges its responsibility to undertake appropriate licencing arrangements to prevent copyright infringements by St James Lutheran College's students and employees, including attributing moral rights whenever relevant.

Furthermore, St James Lutheran College also recognises its obligation to undertake the following steps to prevent copyright infringements:

- Develop and implement a Copyright Policy
- Educate and train employees (especially library staff)
- Keep appropriate records, monitoring and reporting on copyright licence issues
- Encourage students and employees to contribute to a copyright-compliant school culture.

#### Student and Employee Responsibilities

All students and employees at St James Lutheran College must uphold the school's policy on copyright as follows:

- All students and employees have a responsibility not to infringe upon copyright either under the *Copyright Act 1968* or under the terms of any licence the school holds.
- Students and employees should note that the school does not in any way condone the use of school equipment or systems for any type of copyright infringement. In particular, computers or internet accounts should not be used to download infringing copies of music, videos, games or unlicensed software, as under the St James Lutheran College Computer and Internet Acceptable Conduct or Use Agreement (AUP)
- All employees should ensure that they do not instruct, authorise or condone any infringement of the *Copyright Act 1968* by students or other employees.
- All employees have a duty not to use school copyright material for private purposes unless permission is granted first.
- Students can make a copy of a "reasonable portion" of copyright material under the Fair Dealings provisions in the *Copyright Act 1968*, for the purpose of research or study. Students should consult the guidelines on the copyright website or speak to relevant employees to gain a better understanding of the amount and uses considered to be "fair".
- If a student or an employee believes that copyright infringing behavior is occurring in the school, they should report it to the Principal.

### POLICY RELEASE DETAILS

#### **Date of Policy**

May 2018

#### **Approved by Board**

#### **Review Date**

Every 2 years