

A simple way to make the most of television and radio

Television and radio gives you access to the latest movies, documentaries, news, current affairs and a host of other programs that can be used across all learning areas.

To help you make the most of this important resource, the Australian Copyright Act has special provisions that allow for educational copying from radio and television, and for the communication of these copies (by email, for example).

The provisions mean you don't need to obtain numerous copyright clearances before you copy or communicate copies from radio or television, provided your institution enters into an agreement with Screenrights.

Screenrights is the non-profit organisation appointed by the Government to administer these provisions. Under our agreements with educational institutions, we monitor the use of programs, collect fees from participating institutions and distribute this money to the copyright owners.

A Screenrights educational licence gives you access to TV and radio as an educational resource. By ensuring a fair fee is paid, it also provides an important incentive for filmmakers to continue making programs of educational value.

What can we copy?

The provisions are very simple. If you have an agreement with Screenrights, you can:

- copy from any television channel (pay, free to air, cable or satellite) or radio station;
- copy any type of program
- copy entire programs or excerpts
- make as many copies as you need
- make compilations of material on the one tape
- have copies made by anyone, anywhere, anytime.

The only conditions to copying are:

- the copies must only be made for your institution's educational purposes, including, for example, making a copy in connection with a particular course or for inclusion in the library as a resource
- you cannot copy pre-recorded material such as bought or hired videos under the provisions
- copies must not be lent to anyone outside the institution or sold or supplied for a profit
- all tapes that you make must be labelled (see the example below)

Made for [institution]
under Part VA, Copyright Act 1968

Date of broadcast

Date this copy made

What can we do with the copies we make?

The copies you make can be shown to students in class or kept in the library as a resource. In addition, the Copyright Act allows you to "communicate" these copies to staff and students for educational purposes. "Communicate" is defined in the Copyright Act and covers such uses as communicating a copied program with a video reticulation system, emailing a copy, or putting a copy on a computer network such as an Intranet.

In all cases, you must ensure that the communication is for your educational purposes only and that only your staff and students can access the copy. Communications must also include a warning notice that states:

COMMONWEALTH OF AUSTRALIA
Copyright Regulations 1969
WARNING

This material has been copied and communicated to you by or on behalf of [insert name if institution] pursuant to Part VA of the Copyright Act 1968 (the Act).

The material in this communication 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.

What records do I need to keep?

Most educational institutions have their copying and communication practices monitored by means of a statistical sample. This means you do not need to record every copy or communication you make. If, however, you are selected to be surveyed, you need to keep records for the short period in which the survey takes place. The survey is conducted by an independent authority ACNielsen, and training is given to all relevant staff prior to the survey taking place.

A small minority of institutions keep full records of their copying and communication practices. These institutions must record absolutely every copy made of a program in a specified format, and each communication made of each copy at all times. All records and the appropriate licence fee must be submitted to Screenrights on a quarterly basis. Any copies made or communicated and not reported to Screenrights are potentially infringements of copyright.

1. You must be an “educational institution” as defined in the Copyright Act

Only “educational institutions” as defined in the Act can obtain a Screenrights licence. The definition of educational institution follows this text. Some institutions, such as kindergartens, pre-schools, primary and secondary schools, TAFEs and universities automatically fall within this definition, and can immediately apply for a Screenrights licence.

Other institutions, such as private training providers, ELICOS colleges, and private higher educational institutions must publish a notice in the Federal Government Business Gazette if they believe they fall within the definition. They can then apply for a licence. If this applies to your institution, you should complete the attached pro forma application to include the notice in the Government Gazette and forward it with payment to ASIC. A copy of this notice should also be sent to Screenrights.

Note: If you have already made this declaration to obtain a photocopying licence from CAL, you do not need to make another declaration to obtain a screenrights licence, just send us a copy of your CAL notice.

2. Select whether you wish to keep full records or participate in the sample

Most institutions elect to have their copying and communication practices monitored by participating in a sampling system, rather than by keeping full records of every copy and communication they make. The sampling system is less of an administrative burden. Screenrights also believes that the nature of full record keeping is such that, despite the best intentions, it inherently leads to under reporting of copying and communication, and hence infringement of copyright. Sampling can therefore be a means of minimising legal liability as compared to record keeping.

3. Submit a notice of intention to pay Screenrights

The Copyright Act requires institutions to give Screenrights written notice of their intention to pay for copying from television and radio and for the communication of these copies. This notice is called a Remuneration Notice.

A sampling remuneration notice is at the end of this text. Simply complete this and return it to Screenrights. Should you wish to participate in the record keeping system, please forward a similar notice specifying record keeping rather than sampling.

4. Complete the attached questionnaire and return it to Screenrights

The questionnaire attached to this pamphlet gives us the information we need to determine the sector to which your institution belongs. Please complete this and return it to Screenrights with the Remuneration Notice.

5. Sign an agreement with Screenrights

Once Screenrights receives your completed Remuneration Notice and Questionnaire (and a copy of your declaration, where appropriate), we will forward an agreement to you for your consideration and execution.

Checklist for becoming licensed by Screenrights

A Screenrights licence gives you easy access to a valuable teaching resource. Please check that you’ve done the following:

1. Completed the declaration that you are an educational institution and sent one copy with payment to ASIC and one to Screenrights. (Note: You do not need to complete this declaration if your institution is a primary or secondary school, or if you have already done so to obtain a CAL photocopying licence.)
2. Completed a Remuneration Notice and returned this to Screenrights.
3. Completed the Questionnaire and returned this to Screenrights.

Television and Radio: Notice (Educational Institution Declaration)

Send with payment to ASIC. See attached details.

screenrights

Business Gazette
ASIC Locked Bag 2
Gippsland Mail Centre 3841

Email: businessgazette@asic.gov.au
Phone: (03) 5177 3783

Date: / /

Dear Sir or Madam,

Please publish the following notice in the next issue of the Business Gazette (Public Notices Section).

Attached is our payment.

The following institution is to be declared an educational institution under s.10 of the Copyright Act 1968.

This notice is published in accordance with s. 10A(4) of the Act.

Name of Institution: _____

Address: _____

Now choose one of the following six (6) options:

1. The institution declares that its principal function is the provision of courses of study or training for the following purpose **(tick one)**:

- general education;
- the preparation of people for a particular occupation or profession; or
- the continuing education of people engaged in a particular occupation or profession; or
- the teaching of English to people whose first language is not English.

OR

2. An undertaking within a body administering an educational institution declares that the principal or one of the principal functions of the undertaking is the provision of **teacher training to people engaged as instructors in educational institutions.**

OR

3. An undertaking within a hospital, being an undertaking that conducts **courses of study or training on the provision of medical services, or in the provision of services incidental to the provision of medical services.**

OR

4. The institution declares that it is a **teacher education centre;**

OR

5. The institution declares that it is a **school of nursing.**

Yours faithfully,

Signature: _____

Print Name: _____

Sample Notice of how the above will be published in the Gazette.

The following institution is to be declared an educational institution under s.10 of the Copyright Act 1968. This notice is published in accordance with s.10A(4) of the Act. The Independent College, Sydney NSW 2000. The institution declares that its principal function is the provision of courses of study or training for the following purpose: the preparation of people for a particular occupation or profession.

Television and Radio: Remuneration Notice

screenrights

Please complete and return to Screenrights by fax or post along with the Questionnaire and, if applicable, a copy of the Gazette Notice application. Screenrights: PO Box 1248, Neutral Bay NSW 2089, fax: 02 9904 0498.

Pursuant to section 135G of the Copyright Act (Commonwealth) 1968, _____
(Insert name of Institution)

hereby undertakes to pay equitable remuneration to the Audio-Visual Copyright Society Limited trading as Screenrights for the copies of television and radio and the communication of those copies made by or on behalf of it in accordance with Part VA of the Copyright Act while this notice is in force.

The amount of such remuneration is to be assessed on the basis of a sampling system.

Dated: _____

Signed by: _____ Signature: _____
(Print Name)

for and on behalf of _____ Position: _____
(Insert name of Institution)

ABN: _____

in the presence of:

Name of Witness: _____ Signature of Witness: _____
(Print Name)

Questionnaire

Please complete and return to Screenrights by fax or post along with the Questionnaire and, if applicable, a copy of the Gazette Notice application. Screenrights: PO Box 1248, Neutral Bay NSW 2089, fax: 02 9904 0498.

1. Basic Details

Name of institution _____

Address of institution _____

Telephone number _____

Fax number _____

Name of legal entity _____

(ie the company which administers the institution and can enter into contracts on the institution's behalf)

ABN of the legal entity _____

Name of the person at the institution responsible for copyright matters _____

Email address _____

2. Type of Institution

(tick whichever one is closest)

3. Enrolments

(provide last year's enrolment, or an estimate for this year if it is a new institution)

<input type="radio"/> Kindergarten / Pre School :	<input type="checkbox"/> Licensed Places
<input type="radio"/> Primary / Secondary School :	<input type="checkbox"/> FTE
<input type="radio"/> VET Provider : (attach a copy of Educational Institution Declaration)	<input type="checkbox"/> Clients <input type="checkbox"/> Student contact hours
<input type="radio"/> Higher Education : (attach a copy of Educational Institution Declaration)	<input type="checkbox"/> EFTSU
<input type="radio"/> ELICOS : (attach a copy of Educational Institution Declaration)	<input type="checkbox"/> EFTSU (student weeks divided by 40)

Copyright Act 1968

(Commonwealth)

reprinted as in force of 4 March, 2001

PART II - INTERPRETATION

Interpretation

10(1)

In this Act, unless the contrary intention appears - **“educational institution”** means-

- (aa) an institution at which education is provided at pre-school or kindergarten standard;
- (a) a school or similar institution at which full-time primary education or full-time secondary education is provided or both full-time primary education and full-time secondary education are provided;
- (b) a university, a college of advanced education or a technical and further education institution;
- (c) an institution that conducts courses of primary, secondary or tertiary education by correspondence or on an external study basis;
- (d) a school of nursing in relation to which a notice published under subsection 10A(4) is in force;
- (e) an undertaking within a hospital, being an undertaking
 - (i) that conducts courses of study or training in the provision of medical services, or in the provision of services incidental to the provision of medical services; and
 - (ii) in relation to which a notice published under subsection 10A(4) is in force;
- (f) a teacher education centre in relation to which a notice published under subsection 10A(4) is in force;
- (g) an institution in relation to which there is in force a notice published under subsection 10A(4) that includes a declaration that the principle function of the institution is the provision of courses of study or training for one of the following purposes:
 - (i) general education;
 - (ii) the preparation of people for a particular occupation or profession; or
 - (iii) the continuing education of persons engaged in a particular occupation or profession;
 - (iv) the teaching of English to people whose first language is not English;
- (h) an undertaking within a body administering an educational institution of a kind referred to in a preceding paragraph of this definition in relation to which there is in force a notice published under subsection 10A(4) that includes a declaration that the principal function, or one of the principal functions, of the undertaking is the provision of teacher training to people engaged as instructors in educational institutions of a kind referred to in a preceding paragraph of this definition, or of 2 or more such kinds; or
- (i) an institution, or an undertaking within a body administering an educational institution of a kind referred to in a preceding paragraph of this definition, in relation to which there is in force a notice published under subsection 10A(4) that includes a declaration that the principal function, or one of the principal functions, of the institution or undertaking is the providing of material to educational institutions of a kind referred to in a preceding paragraph of this definition, or to educational institutions of 2 or more such kinds and that that activity is undertaken for the purpose of helping those institutions in their teaching purposes.

More information

Please contact us at the address below or visit our web site:

PO Box 1248
Neutral Bay NSW 2089
Australia

Telephone 02 9904 0133
Facsimile 02 9904 0498

licensing@screen.org
<http://www.screen.org>

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