

# Copyright Policy [G.06]

## **POLICY STATEMENT**

The Copyright Act of 1968 and subsequent amendments and regulations such as the Copyright Amendment (Digital Agenda) Act 2001 and Copyright Amendment (Moral Rights) Act 2000 aim to balance competing interests of community access to copyright materials with the right of creators to earn a living from their work. Copyright holders therefore have specific rights that are protected by legislation. These rights include, but are not limited to, the right to reproduce, the right to publish, the right to perform a work in public, the right to communicate the work to the public and the right to make an adaptation of the work. There are also other specific rights for specific formats such as the right to make a copy of a sound recording or the right to cause the visual images of a film to be seen in public.

Avondale College of Higher Education is committed to ensuring compliance to copyright legislation in all areas of activity which relate to third party copyright material.

## **PURPOSE**

The purpose of this policy and accompanying information is to:

- Promote copyright compliance in both the academic and non-academic activities of the College by ensuring that all students and staff are made aware of their obligations when using copyrighted material in any format whether by copying, reproducing, communicating, playing, recording or performing
- Assist Avondale students and staff to make full legal use of the materials at their disposal
- Limit any risk to the institution associated with the use of copyrighted materials.

## **SCOPE**

This policy applies to students and staff at all Avondale College of Higher Education campuses, and relates to all Avondale approved and/or sponsored activities.

## **DEFINITIONS**

The Copyright Act of 1968 shall for the purposes of this document be referred to as the Act .

### **First party copyright material**

First party copyright material refers to any material created by Avondale staff as part of their employment in which copyright has not been transferred or exclusively licensed to a third party. Please refer to the Avondale Intellectual Property Policy.

### **Third party copyright material**

Third party copyright material includes both licensed and unlicensed third party copyright material.

"Licensed third party copyright material" is any copyright protected material for which the terms of use are governed by a licence or any other form of agreement, eg. Avondale holds licences for educational copying with the Copyright Agency Limited (CAL) for hard copy and electronic reproduction and communication; and with Screenrights for copying from radio, television and cable.

"Unlicensed third party copyright material" is any copyright material not governed by an agreement between the copyright owner and the user. This includes material copied in reliance upon Parts VA or VB of the Copyright Act of 1968.

## **MORAL RIGHTS**

Whenever another person's intellectual property is used, users must also ensure that they comply with moral rights legislation that is also part of the Copyright Act. This means that the author must be correctly acknowledged and that the work should not be treated in any way that will be derogatory to it or to the reputation of its creator.

## **FAIR DEALING**

Students are able to reproduce copyright material without permission provided that the dealing is for research or study and that the copying is 'fair'. Fair dealing applies to work copied by an individual for their own use. Fair dealing provisions cannot be used to copy material for others, eg lecturer for individual student or class.

The Act s40 deems 'fair' to mean:

- an article in a periodical publication (eg a journal article);
- more than one article in the same edition of a periodical if on the same subject matter;
- or
- a reasonable portion which is generally 10% or one chapter if the work is a published edition of 10 pages or more

In the case of audio visual (AV) items, the Copyright Act s103C requires the following factors to be considered:

- the purpose and character of the dealing;
- the nature of the AV item;
- the possibility of obtaining the AV item within a reasonable time at an ordinary commercial price;
- the effect of the dealing upon the potential market for, or value of, the AV item;
- in a case where part only of the AV item is copied the amount and substantiability of the part copied taken in relation to the whole item.

The Act does not provide any guidance as to the proportion which might be considered fair so considerable care and consideration should be taken when copying AV items.

In the case of electronic materials, 10% of the number of words may be reproduced and/or communicated for educational purposes under Part VB of the Act.

In the case of materials on the World Wide Web, the same rules apply. It should not be assumed that all material on the WWW is freely available. Check to see if material is copyright or public domain.

## **COMPLIANCE RESPONSIBILITIES**

It is the responsibility of all students and staff to make themselves aware of their obligations in relation to copyright by:

- reading the handouts on copyright supplied at orientation
- taking note of copyright notices on or near equipment that can be used for reproduction or playing
- reading the copyright policy and accompanying information on Avondale's Copyright web page
- attending copyright training sessions
- consulting with the Copyright Officer or Copyright Assistant.
- Students are entirely responsible for any copyright infringement resulting from their actions.
- Faculty are responsible for the copyright compliance of all third party copyright material supplied to students enrolled in their courses.

## **REPRODUCTION TO ASSIST PEOPLE WITH DISABILITIES**

The Act s135ZN-ZT allows for the reproduction of certain materials for people with print and intellectual disabilities

## **PRINT COURSE PACKS**

Lecturers must ensure that all course packs supplied to students include the following:

- course name, year and subject number
- full bibliographic details, including page numbers, for each item of third party copyright material reproduced in the pack
- appropriate copyright notice. See Avondale Copyright Officer for wording.

## **ONLINE COURSE MATERIALS**

Avondale lecturers using third party copyright materials in online course management software should register all such materials with the Manager of CAL Electronic Records. Any material that is transmitted in any other electronic format, including email, by or on behalf of lecturers, should also be registered with the Manager of CAL Electronic Records and be accompanied by the appropriate copyright notice. See Avondale Copyright Officer for wording.

## **STUDENT MATERIALS**

Student material is generally protected by copyright. Lecturers needing to use a student's work must ensure that they keep adequate documentary proof that they have the student's permission.

## **NON-ACADEMIC ACTIVITIES**

Educational licensing cannot be relied upon for non-academic activities such as social activities (both on and off-campus), community outreach, fund-raising and worship programmes. Staff and students should check with the Copyright Officer to ensure their activity is covered by current Avondale licensing agreements.

## **RESOURCES**

The Library holds a number of books published by the Australian Copyright Council that will assist in the understanding and implementation of Australian Copyright law.

Relevant websites include:

Australian Copyright Council  
[www.copyright.org.au](http://www.copyright.org.au)

APRA Australasian Performing Rights Association  
[www.apra-amcos.com.au](http://www.apra-amcos.com.au)

Attorney General's Department  
<http://www.ag.gov.au/www/agd/agd.nsf/Page/Copyright>

Australian Digital Alliance  
[www.digital.org.au](http://www.digital.org.au)

CAL - Copyright Agency Limited  
[www.copyright.com.au](http://www.copyright.com.au)

CCLI Christian Copyright Licensing International  
[www.ccli.com.au](http://www.ccli.com.au)  
Copyright Act 1968  
<http://www.comlaw.gov.au/Series/C2004A07378>

PPCA Phonographic Performance Company of Australia  
[www.pcca.com.au](http://www.pcca.com.au)

Screenrights  
[www.screenrights.com.au](http://www.screenrights.com.au)

## **COPYRIGHT AUDITS/NON-COMPLIANCE**

The following must be signed off by a designated officer of the Copyright Committee before being distributed:

- course packs - print or digital
- course handouts

All third party copyright digital or electronic material (print or audio visual) which staff provide for students to access via Moodle, must be placed through the library's E-Reserve server.

The following may be audited by the Copyright Officer and/or Copyright Agencies for compliance with copyright legislation and Avondale's Copyright Policy:

- online or print reserve collections
- online courses
- photocopying for class distribution
- video conferences
- all non-academic activities including video nights, concerts, dramatic or musical productions, promotions for club or student activities.

## **NON-COMPLIANCE PROCEDURES**

Any non-complying activities will be brought to the attention of those responsible. Failure to take appropriate action will be brought to the attention of the Copyright Committee and may result in disciplinary action.

## **CONTACT INFORMATION**

### Lake Macquarie Campus

Copyright Officer	Marilyn Gane 02 4980 2129 (x129)
Copyright Assistant	Rose-lee Power 02 4980 2133 (x133)
Audio-visual Officer	Ben Gibbs 02 4980 2132 (x132)
Manager, CAL Electronic Records	Michelle Down 02 4980 2134 (x134)

### Sydney Campus

Academic use	Paul Race 02 9487 9629; Tracey McDonald 02 9487 9640
Non-academic use	Drene Somasundram 02 9487 9617

## **RELATED POLICIES**

Avondale College Intellectual Property Policy [AR.04]

## **Details**

### **Description:**

### **Approved By:**

(1) Copyright Committee (2) Executive Committee

### **Approval Date:**

(1) 18 August 2011 (2)

### **Upload Authorised By:**

Vice President (Administration & Research)

**Replaces:**

v1 2007

**Review In:**

2013 or as new legislation is enacted