

# Performing and Communicating Music in Schools

## Performing and communicating music in the course of education

Teachers and students can perform and communicate music in class under a special exception in the Australian Copyright Act (section 28) where it is:

- in the course of education and is not for profit; and
- the people in the audience or class are giving or receiving instruction or are directly connected with the place where instruction is given.

Under the Copyright Act, music is '*performed*' where it is visually or aurally represented and '*communicated*' where it is made available online (school intranet, learning management system) or electronically transmitted (emailed or streamed).

Therefore, under s 28, teachers and students can do the following in class:

- Sing songs and play instruments
- Play sound recordings using a tape/CD/DVD player, electronic reticulation system, learning management system, interactive whiteboard or virtual classroom software
- Play a film (VHS, DVD or online film) which contains music using a DVD player, electronic reticulation system or learning management system

For further information on s 28, see information sheet 'Performance and Communication of Works and Audio Visual Material in Class: What am I allowed to do?'

## Playing and performing music for non-teaching activities

S 28 will not apply to teachers and students performing and communicating music for non-teaching activities such as at school concerts, dances or formals, sports days and fairs. As a result, the Schools sector has entered into an agreement with the Australasian Performing Right Association (APRA) to allow schools to perform music where s 28 does not apply.

All government and Catholic schools are covered by the APRA Licence. Most independent schools are covered by the APRA Agreement.

If you are an independent school, you can check whether you are covered by the APRA Licence by contacting your school authority.

## What is APRA?

APRA is a non-profit society of composers, authors and publishers of music that administers the performance and communication rights of its members.

For further information on APRA, see the APRA website at:

## What does the APRA Licence cover?

Under the APRA Licence, a school and its students can perform music at the school or off-school premises at any event connected with school activities.

This includes any live performance of music by teachers or students.

The following are covered by the APRA Licence:

- School concerts and performance evenings (choirs, singing groups, school band, orchestra or rock bands)
- School sports days, dance and fitness classes
- School formals and dances
- School award nights or graduations
- School performances at music festivals, including music eisteddfods and the NSW Schools Spectacular or equivalent events in other States or Territories.
- Use of music-on-hold
- Playing films to students which contain music where that school has a Co-Curricular Licence

For further information on the Co-Curricular Licence, see the following information sheets:

1. *Playing Films, Television and Radio in Schools*
2. *Playing Films and the Co-Curricular Licence*

## Can admission fees be charged for the performances?

Yes, the school can charge admission fees for performances under the APRA Licence provided the majority of proceeds made go back to the school or to a charity.

## **Does the APRA Licence apply to performances by professional musicians?**

Yes, the APRA Licence will apply where professional musicians perform music at the school or any event connected with school activities. Where admission fees are charged, the majority of proceeds made must go back to the school or to charity.

## **Performances requiring APRA's prior approval**

A secondary school will need to seek APRA's prior written approval (which must not be unreasonably withheld) where:

1. The performance is in a dramatic context. Dramatic context includes acting, costumes, scenic accessories, scripted dialogue or other dramatic effects. This includes ballets.
2. Admission fees are charged; and
3. The performance is advertised or promoted outside the school community. The school community includes the students, teachers, staff and parents of the school.

Contact your local copyright advisor ([link](#)) for assistance in obtaining APRA's prior written approval.

## **What does the APRA Licence not cover?**

The APRA Licence does not cover the following:

- Performance of Grand Right Works in its entirety (unless performed in a film played under the Co-Curricular Licence). A Grand Right Work refers to the musical works and associated lyrics written expressly for an opera, operetta, musical play, revue or pantomime.
- Performance of a Choral Work of more than 20 minutes duration (unless performed in a film played under the Co-Curricular Licence). A Choral Work refers to a work written to be sung by a choir or other group of singers, with or without instrumental accompaniment.
- Rock Eisteddfod Challenge.
- Performances produced by a third party not associated or connected with the school, unless APRA's prior written approval has been obtained.
- Performances where admission fees are charged and the majority of proceeds do not go back to the school or a charity.
- Transmission of a performance beyond the school.