

## 2.7 Television and Radio Broadcasts

### Overview

In this section:

- 'television broadcast' means visual images broadcast by free-to-air and subscription television
- 'radio broadcast' means sounds broadcast by free-to-air and subscription radio

The broadcast right is separate to any copyright in the filming of a live event or of an interview. For example the live televising of a football match or a broadcast of an interview with the Prime Minister will be protected as a broadcast under the Copyright Act.

### Copying and Communicating Broadcasts

In general, copyright in a broadcast will not be infringed where the copy or communication is done:

- with the express permission of the copyright owner  
See 1.10: Dealing with Copyright for further information
- under the fair dealing or educational exceptions
- under the Statutory Broadcast Licence  
See 1.13: Copyright Exceptions for further information

#### a. Fair Dealing

The copying of a broadcast for fair dealing purposes is free and does not require the permission of the copyright owner. The fair dealing exceptions most relevant for educational institutions and students are:

- research or study - eg student taping a news items as part of research for a school assignment or student making a pastiche of extracts of a broadcast as part of their studies
- Criticism or review - eg a student taping a range of news items on the same issue to compare different news reporting for a critical essay or presentation
- Parody or satire – eg a student copying and re-using an extract from a television show or television advertisement to parody or make a satirical point in a classroom presentation.

#### b. Educational exceptions

##### i. Playing a television or radio broadcast in class

Copyright is not infringed by a teacher or student playing a show or advertisement copied from a broadcast in class (eg showing the ABC News on a television in the classroom).

##### ii. Communicating a television or radio broadcast for classroom performance

Schools/TAFE institutes are allowed to communicate TV and radio broadcasts to facilitate classroom screening/listening (eg playing a television show using a centralised electronic reticulation system or making a program available in a virtual classroom).

[Back to top ↑](#)

#### c. Statutory Broadcast Licence

Section 113P of the Copyright Act provides a special Statutory Licence which allows educational institutions to reproduce and communicate off-air copies of television and radio broadcasts, as well as any free-to-air television program that has been made available on the broadcaster's website (eg a podcast of 'Behind The News' on the ABC's website) . Any copying/communication must be for educational purposes.

d. **Other relevant issues for television and radio broadcasts**

i. **Resource Centres**

Copies of broadcasts may also be obtained from the following Resource Centres:

Enhance TV: [www.enhancetv.com.au](http://www.enhancetv.com.au)

RMIT Publishing: [www.rmitpublishing.com.au](http://www.rmitpublishing.com.au)

Tape Services SA Curriculum Resources Unit: [www.tapeservices.sa.edu.au](http://www.tapeservices.sa.edu.au) (for programs broadcast in Adelaide only)

Integrated Help Services Section, Queensland University of Technology: [www.ihss.qut.edu.au](http://www.ihss.qut.edu.au) (for programs broadcast in Brisbane only)

ii. **Taking photographs of a television screen**

Taking a photograph of a television screen may be an infringement of copyright in the:

- actual television broadcast
- the television program (protected separately as a film under copyright)

iii. **Playing the television or radio in class**

It is not an infringement to play the television or radio as part of the class instruction or course.

iv. **Playing the television or radio in the staffroom or other public areas of the educational institution**

You need permission from APRA to play the television or radio in the staffroom or other public area.

v. **Copying radio or television programs from the Internet and Webcasts**

Schools and TAFE institutes can copy webcasts and podcasts of free-to-air programs on the broadcaster's website. The Statutory Broadcast Licence does not allow schools and TAFE institutes to copy or communicate on-line versions of subscription TV and radio programs (eg a download of a Foxtel program) or any material that has not previously been broadcast on television such as extra scenes, or a podcast made to accompany the show.

See also FAQs: Television and Radio Broadcasts

[Back to top](#) ↑

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