**FAQs: Television and Radio Broadcasts**

**Schools and licensed TAFEs**

**1. Who is covered by the** [**Statutory Broadcast Licence**](https://smartcopying.edu.au/glossary/statutory-broadcast-licence/)**?**

**Schools**

All government schools and most Catholic and independent schools are covered by the [Statutory Broadcast Licence](https://smartcopying.edu.au/guidelines/education-licences/statutory-broadcast-licence/). If you are not sure if your school is covered, you can check with your [local Copyright Manager](https://smartcopying.edu.au/contact-us/).

**TAFEs**Only WA TAFE institutes and Bradfield Senior College in NSW (Licensed TAFEs) are covered by the [Statutory Broadcast Licence](https://smartcopying.edu.au/guidelines/education-licences/statutory-broadcast-licence/). For all other TAFEs, see 'Television and Radio Broadcasts - Unlicensed TAFEs' below.

**2. What may be copied and communicated under the** [**Statutory Broadcast Licence**](https://smartcopying.edu.au/glossary/statutory-broadcast-licence/)**?**

The [Statutory Broadcast Licence](https://smartcopying.edu.au/glossary/statutory-broadcast-licence/) covers:

• television broadcasts from free-to-air television (ABC, SBS, channels 7, 9, 10, Gem, etc)  
• radio broadcasts from free-to-air radio (AM, FM, Digital)  
• scheduled broadcast content on subscription TV (eg Foxtel), excluding any on demand content offered by those subscription services (eg Foxtel on Demand and Kayo Sports)  
• online TV/radio programs from a free to air broadcaster’s website including podcasts and catch up TV, provided it has been broadcast by the free to air broadcaster.

See [Television and Radio Broadcasts](https://smartcopying.edu.au/guidelines/education-licences/statutory-broadcast-licence/) and [Statutory Broadcast Licence](https://smartcopying.edu.au/guidelines/education-licences/statutory-broadcast-licence/).

**3. What is not covered by the** [**Statutory Broadcast Licence**](https://smartcopying.edu.au/glossary/statutory-broadcast-licence/)**?**

The [Statutory Broadcast Licence](https://smartcopying.edu.au/glossary/statutory-broadcast-licence/) does not cover:

• online television/radio programs from the websites of subscription TV/Radio broadcasters  
• television programs offered by subscription TV broadcasters outside their scheduled broadcast content (eg on demand content such as Foxtel on Demand or Kayo Sports)  
• television programs from streaming services (eg Netflix, Stan)  
• purchased television programs from iTunes, Google Play, online or retail stores (eg ABC Stores, Dymocks) in any format (eg Mp4, Blu-ray, DVD or VHS)  
• films or DVDs which are bought or rented by the school  
• online videos (eg from YouTube, Vimeo, TeachersTube, Edmodo, Khan Academy)  
• online games (eg from [ABC for Kids](http://abc.net.au/abcforkids/)).

**4. Can I make** [**copy**](https://smartcopying.edu.au/glossary/copy/) **of a program available for students to access on a** [**digital teaching environment (DTE)**](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/)**?**

Yes, schools and licensed TAFEs can upload or save a copy of a program to a password protected intranet or [digital teaching environment (DTE)](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/) under the [Statutory Broadcast Licence](https://smartcopying.edu.au/glossary/statutory-broadcast-licence/). This includes making copy of programs available to students on platforms like ClickView or TV4Education.

Each time a copy of a program is uploaded to a password protected [DTE](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/) for student and staff access, we recommend the following notice be attached to the copy:

[WARNING]  
This material has been copied [and communicated to you] in accordance with the statutory licence in section 113P of the Copyright Act. Any further reproduction or communication of this material by you may be the subject of copyright protection under the Act. Do not remove this notice

See [Statutory Broadcast Licence](https://smartcopying.edu.au/guidelines/education-licences/statutory-broadcast-licence/).

**5. Can I make a** [**copy**](https://smartcopying.edu.au/glossary/copy/) **of a program for another** [**educational institution**](https://smartcopying.edu.au/glossary/educational-instruction/)**?**

Yes. A [copy](https://smartcopying.edu.au/glossary/copy/) may be made by one licensed educational institution for another provided that both institutions are covered by a remuneration notice.

See [Statutory Broadcast Licence](https://smartcopying.edu.au/guidelines/education-licences/statutory-broadcast-licence/).

**6. How can we obtain a** [**copy**](https://smartcopying.edu.au/glossary/copy/) **of a television program that we missed?**

You may be able to request a [copy](https://smartcopying.edu.au/glossary/copy/) of the program from a Resource Centre or ask another licensed [educational institution](https://smartcopying.edu.au/glossary/educational-institutions/) for a [copy](https://smartcopying.edu.au/glossary/copy/).

See [Radio and Television Broadcasts](https://smartcopying.edu.au/guidelines/radio-and-television-broadcasts/) and [Statutory Broadcast Licence](https://smartcopying.edu.au/guidelines/education-licences/statutory-broadcast-licence/).

**7. Can we** [**copy**](https://smartcopying.edu.au/glossary/copy/) **a program from television even if it is available to buy from iTunes/Google Play or similar?**

Yes. This is permitted under the [Statutory Broadcast Licence](https://smartcopying.edu.au/guidelines/education-licences/statutory-broadcast-licence/).

**8. Can I play a broadcast program to my class (eg ABC iView, live television or ABC’s YouTube channel)?**

Yes. Schools and TAFEs can play radio and television programs in class under s 28 of the Copyright Act, provided it is:

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

See [Performance and Communication of Copyright Material in Class](https://smartcopying.edu.au/performance-and-communication-of-copyright-material-in-class/) (for schools) and for TAFEs see [Performance and Communication of Copyright Material in TAFE Classes](https://smartcopying.edu.au/performance-and-communication-of-copyright-material-in-tafe-classes/) and [Use of Television Programs and Film by TAFE Institutes without a Statutory Broadcast Licence](https://smartcopying.edu.au/use-of-television-programs-and-film-by-tafe-institutes-without-a-statutory-broadcast-licence/).

**Unlicensed TAFEs\***

\*This section applies to all unlicensed TAFES (ie all TAFEs except WA TAFE institutes and Bradfield Senior College in NSW). If you are from a WA TAFE institute or Bradfield Senior College in NSW, see 'Radio and Television Broadcasts - Licensed TAFEs' above.

**1. Can I play a broadcast film or radio program to my class (eg from an ABC YouTube channel)?**

Yes, schools and TAFEs can play radio and television programs in class under s 28 of the Copyright Act, provided it is:

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

See [Performance and Communication of Copyright Material in TAFE Classes](https://smartcopying.edu.au/performance-and-communication-of-copyright-material-in-tafe-classes/) and [Use of Television Programs and Film by TAFE Institutes without a Statutory Broadcast Licence](https://smartcopying.edu.au/use-of-television-programs-and-film-by-tafe-institutes-without-a-statutory-broadcast-licence/).

**2. Can I play films in class without a** [**Statutory Broadcast Licence**](https://smartcopying.edu.au/guidelines/education-licences/statutory-broadcast-licence/)**?**

Yes, schools and TAFEs can play films in class (eg live television broadcasts, YouTube videos, purchased television programs) under s 28 of the Copyright Act, provided it is:

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

to your classes for education purposes.

See [Performance and Communication of Copyright Material in TAFE Classes](https://smartcopying.edu.au/performance-and-communication-of-copyright-material-in-tafe-classes/) and [Use of Television Programs and Film by TAFE Institutes without a Statutory Broadcast Licence](https://smartcopying.edu.au/use-of-television-programs-and-film-by-tafe-institutes-without-a-statutory-broadcast-licence/).

**3. Can I copy any content and upload it to my TAFE LMS without a** [**Statutory Broadcast Licence**](https://smartcopying.edu.au/guidelines/education-licences/statutory-broadcast-licence/)**?**

Unlicensed TAFE institutes can:

• communicate purchased content (eg television programs, series, films, documentary programs) for educational purposes  
• in limited circumstances, copy short extracts of films, videos, DVDs, online content etc for educational instruction.

See [Use of Television Programs and Film by TAFE Institutes without a Statutory Broadcast Licence](https://smartcopying.edu.au/use-of-television-programs-and-film-by-tafe-institutes-without-a-statutory-broadcast-licence/)

**4. What can I do with copies of broadcasts that were made before my TAFE opted out of the** [**Statutory Broadcast Licence**](https://smartcopying.edu.au/guidelines/education-licences/statutory-broadcast-licence/)**?**

You can copy all relevant television programs copied under the [Statutory Broadcast Licence](https://smartcopying.edu.au/guidelines/education-licences/statutory-broadcast-licence/) on or prior to 31 December 2015 to:

• DVDs  
• external hard drives  
• USBs  
• a personal folder that can only be accessed by one person (eg a librarian)

that you wish to keep and play after 1 January 2016.

These programs can then be played and communicated under s 28 of the Copyright Act where it is done in class, or otherwise in the presence of an audience, in the course of educational instruction given by a teacher and all the people in the audience are giving or receiving instruction, or are directly connected with the place where instruction is given.

See [Performance and communication of copyright material in TAFE classes](https://smartcopying.edu.au/performance-and-communication-of-copyright-material-in-tafe-classes/).

**5. Do I need a** [**Statutory Broadcast Licence**](https://smartcopying.edu.au/guidelines/education-licences/statutory-broadcast-licence/) **to use services such as Edu TV, ClickView 24/7 and Exchange, Enhance TV which allow me to make and obtain copies of TV/radio broadcasts?**

Yes. Any service which allows you to make copies of TV/radio broadcasts will require a [Statutory Broadcast Licence](https://smartcopying.edu.au/guidelines/education-licences/statutory-broadcast-licence/).

**6. Can I use content from iTunes?**

Yes. iTunes contain a variety of free content. This includes music, TV shows, films, podcasts and applications. This content can be streamed direct from the iTunes store or downloaded into your iTunes player without payment and used for educational purposes.

See [iTunes - Using in schools](https://smartcopying.edu.au/using-itunes-in-schools/).

**7. I want to show my students a TV program which I saw on SBS a few days ago as it ties in with something I am teaching them, am I allowed to do this?**

Yes, if the program is available on SBS on Demand it can be played direct in class or you can provide your students a link to the webpage. If the program is no longer available on SBS on Demand, it might be available for purchase from the SBS shop or another commercial supplier. Contact your library who will be able to order a copy. The copy of the program can be played in class under s 28 of the Copyright Act.

See [Use of Television Programs and Film by TAFE Institutes without a Statutory Broadcast Licence.](https://smartcopying.edu.au/use-of-television-programs-and-film-by-tafe-institutes-without-a-statutory-broadcast-licence/)