**The Statutory Text and Artistic Works Licence**

The Statutory Text and Artistic Works Licence is set out in s113P of the Copyright Act.  It allows schools and TAFE to make multiple copies of [literary](https://smartcopying.edu.au/glossary/literary-works/), [dramatic](https://smartcopying.edu.au/glossary/dramatic-works/), [musical](https://smartcopying.edu.au/glossary/musical-works/) and [artistic](https://smartcopying.edu.au/glossary/artistic-works/) works for [educational purposes](https://smartcopying.edu.au/glossary/educational-purpose/). It also allows schools to [communicate](https://smartcopying.edu.au/glossary/communicate/) copies of those works.

The Statutory Text and Artistic Works Licence ensures that copyright owners are paid for the educational uses of these works. The relevant governing body of your school or TAFE (eg the state or territory department of education, Catholic diocese, independent school administering body or TAFE institution) pays licence fees to the [Copyright Agency](https://smartcopying.edu.au/glossary/copyright-agency-limited-ca/), which is the [collecting society](https://smartcopying.edu.au/glossary/collecting-society/) that administers this licence.

All government schools and most non-government schools and TAFE institutes are covered by the Statutory Text and Artistic Works Licence.

See [Statutory and Voluntary Licences](https://smartcopying.edu.au/guidelines/copyright-basics/statutory-and-voluntary-licences/) for further information.

Although the Statutory Text and Artistic Works Licence technically applies to [musical works](https://smartcopying.edu.au/glossary/musical-works/) (scores and sheet music), a separate licence has been negotiated with [APRA AMCOS](https://smartcopying.edu.au/glossary/apra-amcos-australasian-performing-right-association-and-australasian-mechanical-copyright-owners-society/) (the collecting society that represents the owners of copyright in musical works) to cover the use of scores and sheet music in schools.  The majority of schools rely on this licence instead of the statutory licence. For further information see [AMCOS Licence](https://smartcopying.edu.au/guidelines/education-licences/schools-amcos-licence/).

This information sheet explains how schools and TAFE institutes can use literary, dramatic and artistic works under the Statutory Text and Artistic Works Licence.

**What are literary, dramatic and artistic works?**

[Literary works](https://smartcopying.edu.au/glossary/literary-works/) include [hardcopy](https://smartcopying.edu.au/glossary/hardcopy/) and digital novels, text books, picture books, as well as documents such as PDFs or text on webpages. [Dramatic works](https://smartcopying.edu.au/glossary/dramatic-works/) include plays and screenplays. In this information sheet we refer to literary and dramatic works as “Text”.

[Artistic works](https://smartcopying.edu.au/glossary/artistic-works/) include paintings, photos, drawings, even moulds or casts for sculptures. These can be [hardcopy](https://smartcopying.edu.au/glossary/hardcopy/) works or online works such as photographs, charts or other images on a webpage.

For information about how copyright law characterises different types of material, please see: [Copyright – A General Overview](https://smartcopying.edu.au/guidelines/copyright-basics/what-is-protected-by-copyright/).

**What uses of text and artistic Works does the Statutory Text and Artistic Works Licence allow?**

Schools and TAFE institutes may [copy](https://smartcopying.edu.au/glossary/copy/) and [communicate](https://smartcopying.edu.au/glossary/communicate/) text and [artistic works](https://smartcopying.edu.au/glossary/artistic-works/) in both [hardcopy](https://smartcopying.edu.au/glossary/hardcopy/) and electronic form.

Any copies and communications must be made for [educational purposes](https://smartcopying.edu.au/glossary/educational-purpose/). This includes:

* + teaching purposes (such as photocopying to hand to students in class)
	+ using as part of a course of study (eg uploading material to a [digital teaching environment](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/) (DTE) for access by a particular class
	+ making and retaining copies for library use (eg as a teaching resource).

The statutory licence does not allow:

* + [copying](https://smartcopying.edu.au/glossary/copy/) and [communicating](https://smartcopying.edu.au/glossary/communicate/) computer programs
	+ [copying](https://smartcopying.edu.au/glossary/copy/) or [communicating](https://smartcopying.edu.au/glossary/copy/) [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/), [audio-visual material](https://smartcopying.edu.au/glossary/audio-visual/), [podcasts](https://smartcopying.edu.au/glossary/podcast/) or internet [streaming](https://smartcopying.edu.au/glossary/streaming/) services
	+ the use of [text](https://smartcopying.edu.au/glossary/text/) and [artistic works](https://smartcopying.edu.au/glossary/artistic-works/) for purposes other than educational uses (eg for the promotional purposes of the school).

**What is**[**copying**](https://smartcopying.edu.au/glossary/copy/)**?**

All forms of hard copies and digital/electronic copies can be covered by the Statutory Text and Artistic Works Licence. [Copying](https://smartcopying.edu.au/glossary/copy/) includes photocopying, scanning, printing, downloading works from a webpage or cloud storage drive, or saving a copy to a [DTE](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/), personal computer, USB drive or personal cloud storage service.

**What is**[**communicating**](https://smartcopying.edu.au/glossary/communicate/)**?**

A communication under the Statutory Text and Artistic Works Licence involves making copyright material available online or electronically transmitting copyright material.

‘Making material available online’ can include uploading material to a website or a [DTE](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/) for student access and use via password protected access such as:

* + a shared drive/intranet (eg Microsoft 365)
	+ content or learning management systems (eg Moodle, Blackboard or Equella)
	+ to a closed class area on an education platform (eg Edmodo, Verso, Google Classroom or iTunes U).

‘Electronically transmitting’ includes emailing, [streaming](https://smartcopying.edu.au/glossary/streaming/) or using an electronic reticulation system to share material (eg libraries might have an electronic delivery system to transmit material centrally).

A communication does not include:

* + displaying a website live in class for students to read
	+ bookmarking and sharing links to online articles or resources
	+ emailing links to online articles and resources.

These activities are not copyright activities and do not require a licence or permission.

**How much of a**[**text**](https://smartcopying.edu.au/glossary/text/)**work can I**[**copy**](https://smartcopying.edu.au/glossary/copy/)**or**[**communicate**](https://smartcopying.edu.au/glossary/communicate/)**under the**[**Statutory Text and Artistic Works Licence**](https://smartcopying.edu.au/glossary/statutory-text-and-artistic-works-licence/)**?**

Many teachers will be familiar with the ‘10% or one chapter’ rule – a concept that a teacher can make a copy of 10% of a book (or one chapter) to use in teaching. This concept is taken from an older version of the statutory licence which contained a number of specific copyright rules.  The old set of [copying](https://smartcopying.edu.au/glossary/copy/) rules were very confusing for teachers, and many were not practical for modern teaching practices. For example, there was one set of [copying](https://smartcopying.edu.au/glossary/copy/) limits for [hardcopy](https://smartcopying.edu.au/glossary/hardcopy/) works and a different set of [copying](https://smartcopying.edu.au/glossary/copy/) limits for [electronic works](https://smartcopying.edu.au/glossary/electronic-works/).  The rules also applied the same quantity limits to all forms of [text](https://smartcopying.edu.au/glossary/text/) works, with the ‘10% or one chapter rule’ applying equally whether a teacher wanted to [copy](https://smartcopying.edu.au/glossary/copy/) from a best-selling novel or a free information sheet published by a government department.

The old version of the statutory licence was replaced in 2017 with the current Statutory Text and Artistic Works Licence as part of changes made by the Copyright Amendment (Disability and Other Measures) Act 2017. This new form of the statutory licence is designed to be a simpler system for schools and TAFEs, as well as providing more flexibility than the previous version of the licence regarding what teachers are permitted to copy under the licence. The 10% or one chapter rule no longer appears in the Statutory Text and Artistic Works Licence.

The current version of the Statutory Text and Artistic Works Licence does not contain any rules at all about how much of a work a teacher is allowed to [copy](https://smartcopying.edu.au/glossary/copy/) or [communicate](https://smartcopying.edu.au/glossary/communicate/). Instead, it takes a principles-based approach, allowing teachers to [copy](https://smartcopying.edu.au/glossary/copy/) and [communicate](https://smartcopying.edu.au/glossary/communicate/) [text](https://smartcopying.edu.au/glossary/text/) and [artistic](https://smartcopying.edu.au/glossary/artistic-works/) works as long as the amount [copied](https://smartcopying.edu.au/glossary/copy/) or [communicated](https://smartcopying.edu.au/glossary/communicate/) “does not unreasonably prejudice the legitimate interests” of the copyright owner.

This means that there is no longer a ‘one size fits all’ approach to what teachers can copy and communicate under the statutory licence. Instead, there is flexibility to allow teachers to [copy](https://smartcopying.edu.au/glossary/copy/) more than 10% or one chapter for certain types of works, or where to do so would cause no harm to copyright owners.

It is important to remember that copyright owners receive licence fees for copies and communications made by teachers under the Statutory Text and Artistic Works Licence, so are compensated for these educational uses. The purpose of the “unreasonable prejudice” test is to make sure that the amount of a work that is [copied](https://smartcopying.edu.au/glossary/copy/) or [communicated](https://smartcopying.edu.au/glossary/communicate/) under the statutory licence does not cause unreasonable harm to the copyright owner.

This means that for many works commonly used by teachers with students (for example those that are currently “in print” and currently available to buy), only portions of the work can be copied for [educational purposes](https://smartcopying.edu.au/glossary/educational-purpose/) under the licence. For other works, such as older ‘out of print’ works, or works made available on the internet without any expectation of payment, teachers may be able to [copy](https://smartcopying.edu.au/glossary/copy/) more (or even all) of a work.

**How do I know if something will cause ‘unreasonable prejudice’ to a copyright owner?**

A good way to think about this is to ask whether your educational use will cause harm to the copyright owner, even though the use is covered by a licence fee.  For example, if the amount of a textbook that you [copy](https://smartcopying.edu.au/glossary/copy/) would mean your school or students in your class no longer need to purchase that textbook, in circumstances where they would normally be asked to buy it, that may cause harm to the copyright owner.

The old ‘10% or one chapter rule’ is still a useful guide in making this assessment for many resources that are still ‘in print’ (ie, you can still buy them).  However the licence is now flexible enough to enable you to [copy](https://smartcopying.edu.au/glossary/copy/) or [communicate](https://smartcopying.edu.au/glossary/communicate/) more than 10% or one chapter, as long as the use doesn’t unreasonably harm the copyright owner of the work being [copied](https://smartcopying.edu.au/glossary/copy/) or [communicated](https://smartcopying.edu.au/glossary/communicate/).

Whether the use would unreasonably harm the copyright owner of the work will usually need to be considered on a case by case basis, however we have included here some common scenarios to help teachers to understand when their educational uses of [text](https://smartcopying.edu.au/glossary/text/) and [artistic works](https://smartcopying.edu.au/glossary/artistic-works/) will be permitted by the Statutory Text and Artistic Works Licence.

Consider these examples:

**1. Ms Brown is reading a copy of ‘The Rainbow Serpent’ by Dick Roughsey to her Year 2 class. This is a beloved book which is in print, and available to buy from a range of Australian booksellers and online. She wishes to photocopy a page from the book for each student in her class to use in a classroom project.**

Copying one page of the book for each student in the class will be permitted by the Statutory Text and Artistic Works Licence. This is a good example of where the ‘10% or one chapter’ rule is still a useful guide’ – as the book is still available for sale, Ms Brown should not photocopy the entire book for her students.

**2. Mr Black teaches Year 12 English and is studying some Judith Wright poems with his class. He wants to upload one academic article to the**[**DTE**](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/)**for his class to access from home in preparation for an upcoming test.**

The statutory licence enables teachers to copy a journal article for educational purposes, and upload the article to a [DTE](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/).  Copying one article from a publication or journal is permitted, and it can be uploaded access to the [DTE](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/) as long as access to the [DTE](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/) is restricted to staff and students. If Mr Black wants to copy more than one article from the same issue of a journal, he must consider whether doing so would cause unreasonable prejudice to the copyright owner, in this case the publisher of the journal.

**3. Ms Rose has ordered a class set of textbooks for her class to use for the term of study. The books did not arrive in time for week 1 of term so she wishes to**[**copy**](https://smartcopying.edu.au/glossary/copy/)**the first chapters of the library copy of the book for the students to use until the books arrive.**

As Ms Rose has bought the class set for her students use, copying more than one chapter will not cause unreasonable prejudice to the copyright owner, or interfere with sales of the class set. However, it is a good idea to:

* + Only copy what is needed by the students on a week by week basis until the books arrive.
	+ Ask the students to return the copies made each week, and destroy them when the students have finished using them.

**4. Mr White has bought a new book of historical fiction to read over the summer holidays. He enjoyed it so much he wants to**[**copy**](https://smartcopying.edu.au/glossary/copy/)**a few chapters of the book to use with his Year 7 history class.**

Mr White should only copy one chapter of the book for use with his students. As this is a newly published book, there is a high risk that to copy more than one chapter of the book for students may impact on the market for the sale of that book.

**5. Ms Teal wants to make photocopies of song lyrics that she has found in a music book to hand out to her year six students.**

Ms Teal can copy the lyrics for a whole song under the Statutory Text and Artistic Works Licence.

**6. Ms Green has found a great blog site full of free teaching resources. She wants to download a free PDF of a maths exercise to use with her class.**

As the resources are made freely available on the internet it is possible to download the whole PDF and copy all of it for the class.

**7. Mr Grey wants to photocopy a research report published in PDF format by an economic consulting firm on their website to give to his Year 11 economic class as part of a unit of study.**

As the report is made freely available on the internet, with no expectation of payment from the copyright holder (usually the economics consulting firm), it is possible to copy the entire report under the statutory licence.

**8. Ms Stone has an old geography textbook that is no longer commercially available. She wants to**[**copy**](https://smartcopying.edu.au/glossary/copy/)**several chapters for her students to read as part of a unit of inquiry.**

If it is not possible to buy a copy of a textbook, Ms Stone can [copy](https://smartcopying.edu.au/glossary/copy/) more than one chapter, or even the whole of the book. A good principle to apply is that a teacher can [copy](https://smartcopying.edu.au/glossary/copy/) more than 10% or one chapter of a book if it is no longer commercially available (i.e you can no longer buy it within a reasonable time at an ordinary commercial price).

If you are unsure of whether the amount of a work you wish to [copy](https://smartcopying.edu.au/glossary/copy/) or [communicate](https://smartcopying.edu.au/glossary/communicate/) is permitted, you can contact the [National Copyright Unit](https://smartcopying.edu.au/contact-us/).

**Can I ever**[**copy**](https://smartcopying.edu.au/glossary/copy/)**more than 10 per cent or 1 chapter of a**[**text**](https://smartcopying.edu.au/glossary/text/)**work that is still ‘in print’ or available to buy?**

Although the Statutory Text and Artistic Works Licence no longer sets specific copying limits, the ‘10% or one chapter rule’ is still a good rule of thumb for what will be okay to [copy](https://smartcopying.edu.au/glossary/copy/) or [communicate](https://smartcopying.edu.au/glossary/communicate/) for commercially available or ‘in print’ works (eg books you can buy in a bookshop or by purchasing from an online store such as the Kindle Store or Google Play Books).

It will be possible to [copy](https://smartcopying.edu.au/glossary/copy/) more than 10% percent or a chapter of an ‘in print’ work in limited circumstances. However you should take great care that the amount that you are [copying](https://smartcopying.edu.au/glossary/copy/) would not unreasonably prejudice the copyright owner.

Here are two examples where it would be okay to [copy](https://smartcopying.edu.au/glossary/copy/) more than 10% or one chapter of an ‘in print’ book:

* If you have bought class copies of the book and they do not arrive in time. For example, if you needed to [copy](https://smartcopying.edu.au/glossary/copy/) chapter one for students to use in week 1 of term, and the books had not arrived by week 2, it would be possible to make a copy of chapter two for students to use. You should require the students to return the week one copies, and make sure those copies are destroyed when they are no longer needed by the class.
* If a student is unwell and unable to attend face to face lessons for an extended period of time, it may be possible to scan more than one chapter of a book that they would have otherwise accessed in class to give to that student if they cannot access the book another way. Any copy should be password protected and destroyed/deleted when the student returns to school.

**What can I**[**copy**](https://smartcopying.edu.au/glossary/copy/)**from newspapers, anthologies and journals?**

The previous version of the statutory licence allowed teachers to make a copy of one article from a journal, or a copy of more than one article if the articles were on the same subject matter.

This rule is still a useful starting point. Teachers can [copy](https://smartcopying.edu.au/glossary/copy/) one article from a journal, newspaper or similar publication or one short story from a short story anthology for students without causing unreasonable prejudice to the copyright owner.

In deciding whether [copying](https://smartcopying.edu.au/glossary/copy/) more than one article from the same publication is allowed, you should consider:

* how much of the whole publication are you copying?
* is your copying tied to the educational purpose you need? (eg if you are discussing the implications of the Commonwealth Budget, it would be reasonable to copy more than one article on this issue from a newspaper the next day)
* will your copying replace a sale for the copyright owner? (eg copying and distributing the majority of the articles from a special issue of a magazine could impact on sales of that magazine).

**What about**[**artistic works**](https://smartcopying.edu.au/glossary/artistic-works/)**?**

The statutory licence allows you to [copy](https://smartcopying.edu.au/glossary/copy/) the whole of an [artistic work](https://smartcopying.edu.au/glossary/artistic-works/) (eg photocopy a picture of an artwork from a textbook, print an image or graph from a website, or copy and paste an image into a file to be displayed on an interactive white board).

**Can I upload materials to our school’s**[**DTE**](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/)**?**

A [DTE](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/) is an online environment with features that enable students and teachers to store and engage with course content, manage course work, and explore material.  Examples used in schools include:

* learning management systems (such as Moodle, Blackboard, SIMON, Schoology, Schoolbox, SEQTA or Canvas)
* learning content management systems (such as EQUELLA)
* closed class areas on an education platform (Edmodo, Verso, Google Classroom or iTunesU)
* password protected wikis
* portals
* interactive whiteboard galleries and media libraries
* password protected share drives.

Teachers may [copy](https://smartcopying.edu.au/glossary/copy/) and [communicate](https://smartcopying.edu.au/glossary/communicate/) [text](https://smartcopying.edu.au/glossary/text/) and [artistic works](https://smartcopying.edu.au/glossary/artistic-works/) into a [DTE](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/) as long as:

* the amount [copied](https://smartcopying.edu.au/glossary/copy/) and [communicated](https://smartcopying.edu.au/glossary/communicate/) does not unreasonably prejudice the copyright owner (see above)
* access to the content is restricted to staff and students.

**How should I restrict access to teachers and students in a**[**DTE**](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/)**?**

Wherever technically possible, access to material [copied](https://smartcopying.edu.au/glossary/copy/) and [communicated](https://smartcopying.edu.au/glossary/communicate/) under the [Statutory Text and Artistic Works Licence](https://smartcopying.edu.au/guidelines/education-licences/the-statutory-text-and-artistic-works-licence/) must be restricted (eg by use of a password) to teachers and students. You must ensure that the material is not able to be accessed by the general public. It is, however, permissible to allow parents to have access to enable them to assist students with homework etc.

**Can teacher librarians, library and administration staff use the Statutory Text and Artistic Works Licence?**

Yes. All staff in a school or TAFE may copy and communicate text and artistic works, as long as the [copying](https://smartcopying.edu.au/glossary/copy/) or [communication](https://smartcopying.edu.au/glossary/communicate/) is for the [educational purposes](https://smartcopying.edu.au/glossary/educational-purpose/) of the school or TAFE.

**Labelling copies made under the Statutory Text and Artistic Works Licence**

Content that is made available to students under the Statutory Text and Artistic Works Licence should, wherever possible, include a label containing sufficient information to enable [Copyright Agency](https://smartcopying.edu.au/glossary/copyright-agency-limited-ca/) to identify the owner of copyright. For example: the name of the author, title, publisher, edition or date of publication, and ISBN or ISSN. It’s not enough to include just the name of the author as the author is often different from the copyright owner. If you are [copying](https://smartcopying.edu.au/glossary/copy/) from a website, you should include the full URL.

There is no longer any legal requirement to include a notice stating that copyright material has been [copied](https://smartcopying.edu.au/glossary/copy/) or [communicated](https://smartcopying.edu.au/glossary/communicate/) under the statutory licence. However it is still recommended best practice to include the following notice where this is reasonably practicable. This is in order to limit the potential liability of the TAFE/School in the event that a student uses the content in a way that may infringe copyright:

|  |
| --- |
| [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 |

For a copy of this notice see  [Section 113P Notice.](https://smartcopying.edu.au/guidelines/education-licences/section-113p-notice/)

A practical way of including this notice to electronic material is to insert a link to the notice from the attribution information. This would mean that the notice would have to be uploaded onto one spot on the repository and be linked to when required.

Where it is not possible to include a link to the notice from the attribution information, the notice could be displayed (flashed) on the screen as the user logs into the password protected share drive or intranet or content or learning management system or cloud storage. If using this approach, you should modify the notice to make clear that it applies to only some of the material on the repository:

|  |
| --- |
| [WARNING]Some of this material may have 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. |

For a copy of this notice see  [Section 113P Notice.](https://smartcopying.edu.au/guidelines/education-licences/section-113p-notice/)

If you are presenting a PowerPoint that includes material [copied](https://smartcopying.edu.au/glossary/copy/) under the Statutory Text and Artistic Works Licence, you could include an introductory or closing slide containing this notice.

**Attribution**

We recommend that you always label/attribute any material you [copy](https://smartcopying.edu.au/glossary/copy/) under the Statutory Text and Artistic Works Licence that is used in teaching materials.  For further information please see our [Labelling and Attributing information sheets for schools](https://smartcopying.edu.au/labelling-and-attributing/)  and [TAFEs.](https://smartcopying.edu.au/tafe/labelling-and-attribution/)

**Remuneration Notice**

[Educational institutions](https://smartcopying.edu.au/glossary/educational-institutions/) are required to give [Copyright Agency](https://smartcopying.edu.au/glossary/copyright-agency-limited-ca/) a remuneration notice before they can rely on the Statutory Text and Artistic Works Licence.   All TAFE and school jurisdictions have provided the [Copyright Agency](https://smartcopying.edu.au/glossary/copyright-agency-limited-ca/) with the required remuneration notice.

**Sampling Surveys**

Under the current agreements, schools/TAFE institutes are required to take part in sampling surveys. This allows the [Copyright Agency](https://smartcopying.edu.au/glossary/copyright-agency-limited-ca/) to set [licence](https://smartcopying.edu.au/glossary/licence/) fees and calculate distribution rates for copyright owners. Under the sampling system, schools/TAFE institutes are not required to keep a record of their usage of copyright material unless they are included in a sampling survey. Schools/TAFE institutes included in a sampling survey are required to record all uses of copyright material over a certain period of time.