**Performing and Communicating Music in Schools**

**Performing and communicating music in the course of education**

Teachers and students can [perform](https://smartcopying.edu.au/glossary/performance/) and [communicate](https://smartcopying.edu.au/glossary/communicate/) music in class under a special exception in the Australian Copyright Act (section 28) provided 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](https://smartcopying.edu.au/glossary/sound-recordings/) using a tape/CD/DVD player, electronic reticulation system, learning management system, interactive whiteboard or virtual classroom software; or
* Play a [film](https://smartcopying.edu.au/glossary/film/) (VHS, DVD or online [film](https://smartcopying.edu.au/glossary/film/)) which contains music using a DVD player, electronic reticulation system or learning management system.

For further information on s 28, see ‘[Performance and Communication of Copyright Material in Class: What am I allowed to do?](https://smartcopying.edu.au/performance-and-communication-of-copyright-material-in-class/)’.

**Playing and performing music for non-teaching activities**

Section 28 will not apply to teachers and students [performing](https://smartcopying.edu.au/glossary/performance/) and [communicating](https://smartcopying.edu.au/glossary/communicate/) music for non-teaching activities. This includes 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)](https://smartcopying.edu.au/glossary/apra-licence/) to allow schools to [perform](https://smartcopying.edu.au/glossary/performance/) music where s 28 does not apply.

All government and Catholic schools are covered by the [APRA Licence](https://smartcopying.edu.au/glossary/apra-licence/). Most independent schools are covered by the [APRA Licence](https://smartcopying.edu.au/glossary/apra-licence/).

If you are an independent school, you can check whether you are covered by the [APRA Licence](https://smartcopying.edu.au/glossary/apra-licence/) by contacting your school authority.

**What is APRA?**

APRA is a non-profit society of composers, [authors](https://smartcopying.edu.au/glossary/author/) and publishers of music that administers the performance and communication rights of its members.

For further information on APRA, see the [APRA website](http://www.apra-amcos.com.au/).

**What does the APRA Licence cover?**

Under the [APRA Licence](https://smartcopying.edu.au/glossary/apra-licence/), a school and its students can [perform](https://smartcopying.edu.au/glossary/performance/) music at the school or off-school premises at any event connected with school activities.

This includes any live [performance](https://smartcopying.edu.au/glossary/performance/) of music by teachers or students.

The following are covered by the [APRA Licence](https://smartcopying.edu.au/glossary/apra-licence/):

* school concerts and [performance](https://smartcopying.edu.au/glossary/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](https://smartcopying.edu.au/glossary/performance/) at music festivals, including music eisteddfods and the NSW Schools Spectacular or equivalent events in other States or Territories
* use of music-on-hold and
* playing films to students which contain music where that school has a Co-Curricular [Licence](https://smartcopying.edu.au/glossary/licence/).

For further information on the Co-Curricular [Licence](https://smartcopying.edu.au/glossary/licence/), see the following information sheets:

1. [Playing Films, Television and Radio in Schools](https://smartcopying.edu.au/playing-films-television-and-radio-in-schools/) and
2. [Films: Playing for Non-Educational Purposes](https://smartcopying.edu.au/films-playing-for-non-educational-purposes/).

**Can admission fees be charged for the performances?**

A school can charge admission fees for [performances](https://smartcopying.edu.au/performance-and-communication-of-copyright-material-in-tafe-classes/) under the [APRA Licence](https://smartcopying.edu.au/glossary/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?**

The [APRA Licence](https://smartcopying.edu.au/glossary/apra-licence/) will apply where professional musicians [perform](https://smartcopying.edu.au/glossary/performance/) 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](https://smartcopying.edu.au/glossary/apra-licence/) prior written approval (which must not be unreasonably withheld) where:

1. the [performance](https://smartcopying.edu.au/glossary/performance/) is in a [dramatic context](https://smartcopying.edu.au/glossary/dramatic-context/). [Dramatic context](https://smartcopying.edu.au/glossary/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](https://smartcopying.edu.au/glossary/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](https://smartcopying.edu.au/contact-us/) for assistance in obtaining [APRA’s](https://smartcopying.edu.au/glossary/apra-licence/) prior written approval.

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

The [APRA Licence](https://smartcopying.edu.au/glossary/apra-licence/) does not cover the following:

* [performance](https://smartcopying.edu.au/glossary/performance/) of [Grand Right Works](https://smartcopying.edu.au/glossary/grand-right-works/) in their entirety (unless performed in a [film](https://smartcopying.edu.au/glossary/film/) played under the Co-Curricular [Licence](https://smartcopying.edu.au/glossary/licence/)). A [Grand Right Work](https://smartcopying.edu.au/glossary/grand-right-works/) refers to the [musical works](https://smartcopying.edu.au/glossary/musical-works/) and associated lyrics written expressly for an opera, operetta, musical play, revue or pantomime.
* [performance](https://smartcopying.edu.au/glossary/performance/) of a [Choral Work](https://smartcopying.edu.au/glossary/choral-work/) of more than 20 minutes duration (unless performed in a [film](https://smartcopying.edu.au/glossary/film/) played under the Co-Curricular [Licence](https://smartcopying.edu.au/glossary/licence/)). A [Choral Work](https://smartcopying.edu.au/glossary/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](https://smartcopying.edu.au/glossary/performance/) produced by a third party not associated or connected with the school, unless [APRA’s](https://smartcopying.edu.au/glossary/apra-licence/) prior written approval has been obtained
* [performances](https://smartcopying.edu.au/glossary/performance/) where admission fees are charged and the majority of proceeds do not go back to the school or a charity and
* transmission of a [performance](https://smartcopying.edu.au/glossary/performance/) beyond the school.