**FAQs Music – TAFE**

**Updated 31 March 2022**

**Playing live or recorded music**

**1. Can TAFEs play live music, or play recorded music, at TAFE events such as open days, fashion shows and graduation ceremonies?**

Yes. All TAFEs (excluding Victoria) can rely on the [TAFE Music Licence](https://smartcopying.edu.au/guidelines/education-licences/tafe-music-licence/) to perform live music (eg by a TAFE band) or play recorded music (eg a backing track) at a TAFE event undertaken as part of the TAFEs usual activities, such as an Open Day, fashion show or graduation ceremony. However, where music is the key attraction at the event and an entry fee or ticket price of more than $40 is charged to attend the event the licence does not apply (unless it is a TAFE Graduation Ceremony).

Note also that the licence does not cover the playing of music videos or works used in a [dramatic context](https://smartcopying.edu.au/glossary/dramatic-context/).

**2. Can TAFEs play recorded music in the background at TAFE operated businesses such as fitness centres, beauty salons and training restaurants/cafes?**

Yes. All TAFEs (excluding Victoria) can rely on the [TAFE Music Licence](https://smartcopying.edu.au/guidelines/education-licences/tafe-music-licence/) to play recorded background music in TAFE businesses (eg TAFE training restaurants/cafes, fitness centres and beauty salons).

**3. Can TAFEs play recorded music in areas such as TAFE workplaces or corporate areas?**

Yes. All TAFEs (excluding Victoria) can rely on the [TAFE Music Licence](https://smartcopying.edu.au/guidelines/education-licences/tafe-music-licence/) to play recorded music in TAFE workplaces or corporate areas (eg staff rooms, reception areas and offices).

**Live streaming TAFE events**

**4. Can we live stream our TAFE fashion show from our official TAFE Facebook page?**

Yes. All TAFEs (excluding Victoria) can rely on the [TAFE Music Licence](https://smartcopying.edu.au/guidelines/education-licences/tafe-music-licence/) to live stream their TAFE fashion show (or other TAFE event like a graduation ceremony) where a musical work is performed live and/or a sound recording is played, to TAFE social media platforms (eg Facebook and YouTube). TAFEs can rely on the licences that APRA AMCOS and record labels have with social media platforms to communicate (ie make available) the stream on the platform.

Note the post may still be blocked or muted on social media, or the TAFE may be asked to take it down. If this happens TAFEs should [contact NCU](https://smartcopying.edu.au/contact-us/).

**Recording TAFE events**

**5. Can TAFEs make recordings of their TAFE events where live or recorded music is played?**

Yes. All TAFEs (excluding Victoria) can rely on the [TAFE Music Licence](https://smartcopying.edu.au/guidelines/education-licences/tafe-music-licence/) to record their events where live or recorded music is played. TAFEs can also authorise a third party (eg a professional videographer hired to film a TAFE fashion show or graduation ceremony) to make a recording of a TAFE event on its behalf.

**Sharing recordings of TAFE events**

**6. Can TAFEs share recordings of TAFE events with the TAFE community?**

Yes. All TAFEs (excluding Victoria) can rely on the [TAFE Music Licence](https://smartcopying.edu.au/guidelines/education-licences/tafe-music-licence/) to provide a physical copy (eg on a USB device) at either at no cost or at a price that is for reasonable cost recovery only or email a digital copy of the recording to the TAFE community (students and parents).

TAFEs can also upload the recording of their TAFE events to the TAFE website and/or intranet or Digital Teaching Environment ([DTE](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/)), or an educational app being used for school communications (eg Skillslocker).

They can rely on the [TAFE Music Licence](https://smartcopying.edu.au/guidelines/education-licences/tafe-music-licence/) to upload, and licences that APRA AMCOS and record labels have with social media platforms (eg Facebook and YouTube) to communicate, recordings of TAFE events to the TAFE’s official social media page on social media platforms such as Facebook and YouTube.

Note the post may still be blocked or muted on social media, or the TAFE may be asked to take it down. If this happens TAFEs should [contact NCU](https://smartcopying.edu.au/contact-us/).

**Incorporating sound recordings into other works**

**7. Can TAFEs add a sound recording (eg a backing track) to a video of a TAFE graduation ceremony and share recording with students and their families?**

Yes. All TAFEs (excluding Victoria) can rely on the [TAFE Music Licence](https://smartcopying.edu.au/guidelines/education-licences/tafe-music-licence/) to TAFEs in these jurisdictions can incorporate a [sound recording](https://smartcopying.edu.au/glossary/sound-recordings/) into another unrelated work and upload this to the TAFE website, password protected intranet, [DTE](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/) or an educational app. They can also provide a physical copy of the recording to students and families at either at no cost or at a price that is for reasonable cost recovery only.

However, TAFEs cannot upload these new works to social media platforms.

**Making sound recordings to play at TAFE events**

**8. Can TAFEs copy sound recordings (eg from a CD or Spotify) to play at a TAFE event?**

Yes. All TAFEs (excluding Victoria) can rely on the [TAFE Music Licence](https://smartcopying.edu.au/guidelines/education-licences/tafe-music-licence/) to make a [sound recording](https://smartcopying.edu.au/glossary/sound-recordings/) to play at a TAFE event. For example, they can download popular songs from Spotify or a CD to play at a TAFE graduation ceremony.

**Playing music in the TAFE classroom**

**9. Can TAFEs play music in the classroom?**

Yes. TAFEscan perform musical works live or play recorded music in class under [s 28 of the Copyright Act](https://smartcopying.edu.au/performance-and-communication-of-copyright-material-in-tafe-classes/), 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 at which the instruction is given.

For example, TAFE teachers and students can sing songs and play instruments in class, or play a sound recording in class in any format (eg digital music from Spotify or Apple music, Google Play Store, or from a CD).

**10. Can TAFEs copy musical works or sound recordings for use in exams?**

Yes. **TAFEs** are allowed to [copy](https://smartcopying.edu.au/glossary/copy/) and [communicate](https://smartcopying.edu.au/glossary/communicate/) [musical works](https://smartcopying.edu.au/glossary/musical-works/) and [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/) for use in online and hardcopy exams. This exception does not extend to practice papers and can only be used for actual exams and assessments.