**Statutory Broadcast Licence**

**Updated 16 March 2022**

**Introduction**

The majority of schools are able to copy radio and television programs for educational purposes under the [Statutory Broadcast Licence](https://smartcopying.edu.au/guidelines/education-licences/statutory-broadcast-licence/), which is administered by Screenrights. All government schools and the majority of Catholic and independent schools are covered by the [Statutory Broadcast Licence](https://smartcopying.edu.au/guidelines/education-licences/statutory-broadcast-licence/). Please contact your [local representative](https://smartcopying.edu.au/contact-us/) if you wish to check whether your school is covered.

The only TAFE institutes covered by the [Statutory Broadcast Licence](https://smartcopying.edu.au/guidelines/education-licences/statutory-broadcast-licence/) are all WA TAFE institutes and Bradfield Senior College in NSW.

The following information about the [Statutory Broadcast Licenc](https://smartcopying.edu.au/guidelines/education-licences/statutory-broadcast-licence/)e only applies to Schools and those few TAFEs who are covered by the [Statutory Broadcast Licence](https://smartcopying.edu.au/guidelines/education-licences/statutory-broadcast-licence/).  TAFE institutes should see [Use of Television Programs and Films by TAFE Institutes without a Screenrights Licence](https://smartcopying.edu.au/use-of-television-programs-and-film-by-tafe-institutes-without-a-screenrights-licence/) for information about using films and television programs without relying on the [Statutory Broadcast Licence](https://smartcopying.edu.au/guidelines/education-licences/statutory-broadcast-licence/).

Note that if you are playing radio and television programs live in class, including from a free to air broadcaster’s website (eg podcasts and catch up TV) schools and TAFE can do this under a special copyright exception, section 28 of the Copyright Act. See [Performance and communication of copyright material in TAFE classes](https://smartcopying.edu.au/performance-and-communication-of-copyright-material-in-tafe-classes/).

**What does the**[**Statutory Broadcast Licence**](https://smartcopying.edu.au/guidelines/education-licences/statutory-broadcast-licence/)**cover?**

The [Statutory Broadcast Licence](https://smartcopying.edu.au/guidelines/education-licences/statutory-broadcast-licence/) covers the copying of:

* 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 at the same time or prior to it being made available on the website.

**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/guidelines/education-licences/statutory-broadcast-licence/) does not cover the copying of:

* 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](https://smartcopying.edu.au/glossary/film/) 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://www.abc.net.au/abcforkids/)).

**Making and using the copy under the**[**Statutory Broadcast Licence**](https://smartcopying.edu.au/glossary/statutory-broadcast-licence/)

The copy can be in any format (eg DVD, MP4). It makes no difference what recording device or platform you use to copy a program, including educational products/services such as ClickView, Functional Solutions, Kanopy or OnDemand Media.

Once you have made the copy you can:

* upload or save the copy of a program to a password protected intranet or [DTE](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/)
* email the copy of a program to staff and students.

Some teachers or school librarians may make the copies themselves, and others may use an external resource centre, to make and supply the copy. Some of the resource centres that schools use are:

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| **Resource Centre** |
| [ClickView](http://www.clickview.com.au/) |
| [EnhanceTV](https://www.enhancetv.com.au/) |
| [TV4Education](http://www.tv4education.com/) |
| [Understanding Faith](http://www.understandingfaith.edu.au/) |
| [Informit](https://www.informit.org/informit-tvnews) |
| [Wingaru](https://www.wingaru.com.au/) |

[**Educational purposes**](https://smartcopying.edu.au/glossary/educational-purpose/)

You can copy a program under the [Statutory Broadcast Licence](https://smartcopying.edu.au/guidelines/education-licences/statutory-broadcast-licence/) for:

* teaching purposes
* use as part of a course of study
* library use as a teaching resource.

**No copying limits**

There are no copying limits, however, we recommend that you only copy what you need for [educational purposes](https://smartcopying.edu.au/glossary/educational-purpose/). This is important for managing copyright costs under the [Statutory Broadcast Licence](https://smartcopying.edu.au/glossary/statutory-broadcast-licence/).

**Educational institution must be covered by a remuneration notice**

The educational institution or its administering body must have a remuneration notice with Screenrights. All government schools are covered by their respective education department’s remuneration notice and the majority of Catholic and independent schools are covered by the remuneration notices of their respective Catholic Education Commissions and Offices and Associations of Independent Schools.

The only TAFE institutes covered by the [Statutory Broadcast Licence](https://smartcopying.edu.au/guidelines/education-licences/statutory-broadcast-licence/) are all WA TAFE institutes and Bradfield Senior College in NSW.

Please contact your local [copyright representative](https://smartcopying.edu.au/contact-us/) or the [NCU](https://smartcopying.edu.au/contact-us/) if you wish to check whether your school or TAFE is covered.

**Obtaining copies from other educational institutions**

The [Statutory Broadcast Licence](https://smartcopying.edu.au/guidelines/education-licences/statutory-broadcast-licence/) allows educational institutions, which have a remuneration notice with Screenrights, to provide copies of radio and television programs to other educational institutions which have a remuneration notice with Screenrights.

**Labelling/Attribution**

We recommend that you always label/attribute any material you copy under the [Statutory Broadcast Licence](https://smartcopying.edu.au/guidelines/education-licences/statutory-broadcast-licence/) with the name of the program, the channel it was copied from and the date the copy was made. Eg:

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| Copied under the statutory Licence in s 113P of the Copyright Act 1968, ‘Media Watch’, ABC, 17 August 2020 |

**Notice Requirements**

Each time a program is uploaded to a password protected [DTE](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/), we recommend that you include the following notice:

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| [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. |

A practical way of including this notice is to insert a link to the notice from the labelling information. This would mean that you would upload the notice to the [DTE](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/) and then link to it when required. Eg:

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| [Copied under the statutory licence in s 113P of the Copyright Act](https://smartcopying.edu.au/guidelines/education-licences/section-113p-notice/), ‘Media Watch’, ABC, 17 August 2019 |

Where it is not possible to include a link to the notice from the attribution information, the notice may be displayed (flashed) on the screen as the user logs into the [DTE](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/).

Although the Copyright Act does require the notice be attached to the material, it is not always possible to do this and displaying the notice is a practical way of including the notice where s113P material is made available to students or staff on a [digital teaching environment](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/).

Where the notice is displayed on screen, it is important to state that the notice will only apply to some of the material on the repository. This is because not all material saved to the repository will be material copied under the Statutory Broadcast Licence. For example:

|  |
| --- |
| [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. |

**Activities not permitted under the**[**Statutory Broadcast Licence**](https://smartcopying.edu.au/guidelines/education-licences/statutory-broadcast-licence/)

The following activities are not permitted under the[Statutory Broadcast Licence:](https://smartcopying.edu.au/guidelines/education-licences/statutory-broadcast-licence/)

* selling or supplying copies of programs for a profit
* copying for non-educational purposes
* copying on behalf of, or lending to, an institution not covered by a remuneration notice
* playing the television or radio in the staffroom or other public area (while this is not covered by the [Statutory Broadcast Licence](https://smartcopying.edu.au/guidelines/education-licences/statutory-broadcast-licence/), certain uses may be allowed by the [Schools Music Licence](https://smartcopying.edu.au/guidelines/education-licences/schools-music-licence/) and section 106 of the Copyright Act or an interim licence schools have entered into with PPCA).

**Activities you can do without relying on the**[**Statutory Broadcast Licence**](https://smartcopying.edu.au/guidelines/education-licences/statutory-broadcast-licence/)

Teachers can do the following activities without having to rely on the [Statutory Broadcast Licence:](https://smartcopying.edu.au/guidelines/education-licences/statutory-broadcast-licence/)

* bookmarking and sharing links to online [films](https://smartcopying.edu.au/glossary/film/) and videos
* playing radio or television or [films](https://smartcopying.edu.au/glossary/film/) in class, including from a free to air broadcaster’s website (eg [podcasts](https://smartcopying.edu.au/glossary/podcast/) and catch up television (see [Performance and Communication of Copyright Material in Class](https://smartcopying.edu.au/performance-and-communication-of-copyright-material-in-class/))
* making a copy of a [film](https://smartcopying.edu.au/glossary/film/) (provided an exception under the Copyright Act applies or they otherwise have permission) and uploading it to a school’s [DTE](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/) (see [Films and Videos](https://smartcopying.edu.au/guidelines/films-and-videos/)).