**Music**

**Updated 28 July 2022**

Teachers regularly use music for educational or other purposes. They may want to copy sheet music for students or perform music live. Or, they may want to record a live performance of music by students or play a [sound recording](https://smartcopying.edu.au/glossary/sound-recordings/) in class or at a school or TAFE event.

**What do we mean by music?**

When we talk about music, we are referring to both [musical works](https://smartcopying.edu.au/glossary/musical-works/) (ie the score and/or the lyrics of a song, which is what you see on sheet music) and [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/) (ie recorded versions of [musical works](https://smartcopying.edu.au/glossary/musical-works/)).

A [musical work](https://smartcopying.edu.au/glossary/musical-works/) can be the score, or both the score and lyrics. The copyright owner of the score may be different to the copyright owner of the lyrics. Note that if you are just copying lyrics, they will be considered as [text](https://smartcopying.edu.au/glossary/text/)for the purposes of the [Statutory Text and Artistic Works Licence](https://smartcopying.edu.au/guidelines/the-statutory-text-and-artistic-works-licence/).

A [sound recording](https://smartcopying.edu.au/glossary/sound-recordings/) might be a recording of the score only, or of both the score and lyrics. Examples of [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/) are Apple or Spotify tracks, MP3 files, vinyl, CDs, audio cassettes, reel to reel tapes and any other method for recording and storing sounds.

When you use a [sound recording](https://smartcopying.edu.au/glossary/sound-recordings/), you need permission to use both the [musical work](https://smartcopying.edu.au/glossary/musical-works/) and the sound recording of that [musical work](https://smartcopying.edu.au/glossary/musical-works/). Generally, the composer or music publisher owns copyright in the [musical work](https://smartcopying.edu.au/glossary/musical-works/), and the record label owns copyright in the sound recording. If you are only reproducing or performing the [musical work](https://smartcopying.edu.au/glossary/musical-works/) (eg by playing the music with an instrument or singing the song yourself), you only need permission from the owner of copyright in the [musical work](https://smartcopying.edu.au/glossary/musical-works/).

**How do schools and TAFEs use music?**

Some of the ways schools or TAFEs may use music include:

* performing [musical works](https://smartcopying.edu.au/glossary/musical-works/) (eg students singing songs or playing instruments in the classroom or at assemblies)
* communicating [musical works](https://smartcopying.edu.au/glossary/musical-works/) (eg emailing the score and/or lyrics of a song)
* displaying [musical works](https://smartcopying.edu.au/glossary/musical-works/) in class (e.g. on an interactive whiteboard)
* copying [musical works](https://smartcopying.edu.au/glossary/musical-works/) (eg photocopying sheet music for the school choir)
* playing [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/) (eg playing a sound recording in the classroom or at a school event)
* communicating [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/) (eg uploading a recording of a school concert at which a sound recording was played to the school’s password protected [digital learning environment (DTE)](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/), or uploading a recording of a TAFE concert to the TAFE learning management system)
* making recordings (including audio and video recordings) of school performances of [musical works](https://smartcopying.edu.au/glossary/musical-works/) and [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/)
* making a copy of [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/) (eg making a compilation of tracks on a laptop, CD or USB to play at a school dance performance).

**How are schools and TAFEs permitted to use music?**

Schools and TAFE can do some activities using [musical works](https://smartcopying.edu.au/glossary/musical-works/) and [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/) under free exceptions in the Copyright Act, and for some other activities they can rely on voluntary licences that most schools and all TAFEs (excluding Victorian TAFEs) have entered into with the collecting societies that represent music composers and record labels.

Schools have entered into a [Schools Music Licence](https://smartcopying.edu.au/guidelines/education-licences/schools-music-licence/), which allows schools to copy and share [musical works](https://smartcopying.edu.au/glossary/musical-works/) and [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/) in certain circumstances All government and most Catholic and independent schools, are covered by the [Schools Music Licence](https://smartcopying.edu.au/guidelines/education-licences/schools-music-licence/). You can check whether you are covered by the music agreements by [contacting your school authority](https://smartcopying.edu.au/contact-us/).

 All TAFEs (excluding Victorian TAFES) have entered into a [TAFE Music Licence](https://smartcopying.edu.au/guidelines/education-licences/tafe-music-licence/) which allows TAFEs to copy and share [musical works](https://smartcopying.edu.au/glossary/musical-works/) and [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/) in certain circumstances.

**Performing** [**musical works**](https://smartcopying.edu.au/glossary/musical-works/) **live or playing** [**sound recordings**](https://smartcopying.edu.au/glossary/sound-recordings/)

**In class**

Teachers and students at schools or TAFEs can perform [musical works](https://smartcopying.edu.au/glossary/musical-works/) live or play [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/) in the classroom under a special copyright exception (section 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 (i.e if parents or guardians are in the audience, schools and TAFEs may not be able to rely on this exception – however see below for what can be done under the [Schools Music Licence](https://smartcopying.edu.au/guidelines/education-licences/schools-music-licence/) instead).

Teachers can upload [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/) to a school intranet or [DTE](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/) in order to play them in class, but they should remove them from the [DTE](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/), or disable student access to the [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/), as soon as the class is over.

Examples of what teachers and students can do in reliance on this exception include:

* singing [musical works](https://smartcopying.edu.au/glossary/musical-works/) and performing [musical works](https://smartcopying.edu.au/glossary/musical-works/) using instruments in class
* playing a [sound recording](https://smartcopying.edu.au/glossary/sound-recordings/)in class in any format (eg digital music from Spotify or Apple music, Google Play Store, CD) using a [DTE](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/) or interactive whiteboard)
* playing a film (DVD or online film) in class which contains a [musical work](https://smartcopying.edu.au/glossary/musical-works/) and or sound recording using a DVD player or [DTE](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/).

For further information schools should see [Performance and Communication of Copyright Material in Class](https://smartcopying.edu.au/performance-and-communication-of-copyright-material-in-class/). TAFE institutes should see [Performance and Communication of Copyright Material in TAFE Classes](https://smartcopying.edu.au/performance-and-communication-of-copyright-material-in-tafe-classes/).

Schools can also rely on the [Schools Music Licence](https://smartcopying.edu.au/guidelines/education-licences/schools-music-licence/), together with an exception under section 106(1)(b) of the Copyright Act and an interim agreement with [PPCA](https://smartcopying.edu.au/glossary/ppca-phonographic-performance-company-of-australia-limited/) to perform and play music in the classroom when parents, guardians or members of the school community are in attendance, or to invite a performer from outside the school to come into the classroom to perform for the students.

TAFEs can also rely on the [TAFE Music Licence](https://smartcopying.edu.au/guidelines/education-licences/tafe-music-licence/) to perform and play music in the classroom when family members or members of the TAFE community are in attendance.

**For non-teaching purposes**

Schools often want to perform [musical works](https://smartcopying.edu.au/glossary/musical-works/) live or play [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/) outside the classroom context. The [Schools Music Licence](https://smartcopying.edu.au/guidelines/education-licences/schools-music-licence/), together with an exception under section 106(1)(b) of the Copyright Act and an interim agreement with [PPCA](https://smartcopying.edu.au/glossary/ppca-phonographic-performance-company-of-australia-limited/), allow schools to perform [musical works](https://smartcopying.edu.au/glossary/musical-works/) live and play [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/) for a range of purposes that a school undertakes as part of its usual activities (eg providing educational or religious services for staff, students and members of the school community as part of normal school activities, engaging with members of the school community, promoting students work and [school events](https://smartcopying.edu.au/glossary/school-events/) such as school concerts, dances or formals, sports days and fairs).

Schools can charge admission fees to performances of music as long as the proceeds from the fees mostly go to the school or a registered charity.

Schools can perform some songs from a musical, but, to perform an entire musical, schools cannot rely on the [Schools Music Licence](https://smartcopying.edu.au/guidelines/education-licences/schools-music-licence/) and will need to obtain permission from the copyright owner of the musical.

If a secondary school is performing music in a [dramatic context](https://smartcopying.edu.au/glossary/dramatic-context/) (eg a performance where there is a storyline, characters or a ballet) it cannot charge admission and advertise the event outside the school community.

The licence does not allow schools to perform [musical works](https://smartcopying.edu.au/glossary/musical-works/) and play [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/) for [Commercial Activities](https://smartcopying.edu.au/glossary/commercial-activity/).

The TAFE Music Licence allows TAFEs to perform or play [musical works](https://smartcopying.edu.au/glossary/musical-works/) and [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/) (eg at TAFE events or as background music in the TAFE) on the TAFE campus or grounds, or at a venue the TAFE is using for a TAFE event.

The licence does not allow TAFEs to perform [musical works](https://smartcopying.edu.au/glossary/musical-works/) and play sound recordings for [Commercial Activities](https://smartcopying.edu.au/glossary/commercial-activity/).

**Copying sheet music**

The [Schools Music Licence](https://smartcopying.edu.au/guidelines/education-licences/schools-amcos-licence/) allows schools to make multiple copies of sheet music for [school purposes](https://smartcopying.edu.au/glossary/school-purpose/), including delivering school music lessons and ensemble programs, provided they do not make more copies than reasonably required for the relevant [school purpose](https://smartcopying.edu.au/glossary/school-purpose/). The licence tops up the rights that schools have to copy sheet music under the [Statutory Text and Artistic Works Licence](https://smartcopying.edu.au/guidelines/the-statutory-text-and-artistic-works-licence/).

The TAFE sector has not entered into a sector wide agreement with [APRA AMCOS](https://smartcopying.edu.au/glossary/apra-amcos-australasian-performing-right-association-and-australasian-mechanical-copyright-owners-society/) in relation to the copying of sheet music, and TAFE institutes will need to check what licensing arrangements are in place for their institute or jurisdiction regarding copying of sheet music.

Under the [Schools](https://smartcopying.edu.au/guidelines/education-licences/schools-amcos-licence/) Music Licence, schools can:

* photocopy hardcopy sheet music
* make digital copies of print sheet music (ie scan to digital format)
* print copies of digital sheet music
* email PDF versions of digital sheet music
* upload copies of sheet music to a password protected or restricted access [DTE](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/).

Schools should not undertake ‘just-in-case’ copying, such as digitising entire collections of print sheet music.

Schools can make as many copies of print or digital sheet music that the school considers is reasonably required for a relevant [school purpose](https://smartcopying.edu.au/glossary/school-purpose/). However, the copies must be made from an original copy of the sheet music that the school or a teacher at the school owns. What this means is that the school first needs to purchase of a copy of the sheet music from an authorised publisher before they make any copies.

There are some other limits on the copies of sheet music that Schools can make under the [School Music Licence](https://smartcopying.edu.au/guidelines/education-licences/schools-music-licence/). For example, a school:

* can only copy up to three songs from a [Grand Rights Work](https://smartcopying.edu.au/glossary/grand-right-works/) (eg words and music that has been written expressly for an opera, operetta, musical play, revue or pantomime), but it can make as many copies as it needs of the sheet music for each of those three songs. So, it could make copies of the sheet music for three songs from ‘Matilda the Musical’ for its students to sing. However, if a school wants to rehearse or perform an entire musical, it needs to obtain permission from the copyright owner of the musical
* can only copy a [choral work](https://smartcopying.edu.au/glossary/choral-work/) that is longer than 20 minutes where the public performance of the choral work is validly licensed (e.g. the School has a obtained a licence to perform the choral work)
* cannot make copies of sheet music for students’ private music tuition.
* cannot make copies of sheet music where the lyrics have been changed or the music has been adapted.

The [Schools](https://smartcopying.edu.au/guidelines/education-licences/schools-amcos-licence/) Music Licence also extends to departments and administrative bodies making copies of sheet music in order to:

* deliver music lessons to students on behalf of a school (provided such lessons do not constitute private tuition)
* for use in ensemble programs that are organised by the administrative body or department and connected with the school.

The department or administrative body may only make copies of an original version of the sheet music (i.e. an original published copy of the sheet music owned by the administrative body on behalf of each school for which it is making copies).

**Marking hardcopy and digital copies of sheet music**

Under the [Schools](https://smartcopying.edu.au/guidelines/education-licences/schools-amcos-licence/) Music Licence, schools must do all they reasonably can to mark all hardcopy and digital copies of sheet music they make with the words "AMCOS LICENSED COPY" and the following information:

* name of the school
* date copied
* the name of the owner of the original sheet music that was copied (e.g. if the school bought the original, the school or if it was a teacher, the teacher).

**Live streaming school and TAFE events**

Schools can live stream their [school event](https://smartcopying.edu.au/glossary/school-events/), where [musical works](https://smartcopying.edu.au/glossary/musical-works/) are performed (eg a live performance of a song by a school band or orchestra) and/or a [sound recording](https://smartcopying.edu.au/glossary/sound-recordings/) is played, in real time from the school website, a social media platform (eg Facebook Live, YouTube) or a video conferencing platform (eg Zoom). In the case of social media platforms, schools can rely on the licences that APRA AMCOS and record labels have with the social medial platforms to communicate (ie make available) the stream on the platform.

If you are live streaming a performance where a [musical work](https://smartcopying.edu.au/glossary/musical-works/) or [sound recording](https://smartcopying.edu.au/glossary/sound-recordings/) is being played on social media, it is possible that the performance may be muted or blocked by the social media platform. For what to do if this happens, see ‘Blocking or muting of event on social media’ below.

TAFEs can also rely on the licences that APRA AMCOS and record labels have with the social medial platforms to live stream a TAFE event from the TAFE’s social medial platform (eg Facebook Live, YouTube) (although where [musical works](https://smartcopying.edu.au/glossary/musical-works/) and [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/) are played at the TAFE event the post may be muted or blocked by the social media platform. See ‘Blocking or muting of event on social media’ below’).

**Making audio or video recordings of school and TAFE events**

Under the [Schools Music Licence](https://smartcopying.edu.au/guidelines/education-licences/schools-music-licence/), schools are able to make audio visual or audio only recordings of [school events](https://smartcopying.edu.au/glossary/school-events/)at which [musical works](https://smartcopying.edu.au/glossary/musical-works/) are performed or [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/) are played.

All school event recordings, which include music, made by the school should display the following notice:

‘*This recording has been made under a licence from AMCOS and ARIA for school purposes only’*.

Schools can also authorise members of the school community (or a third party such as a commercial videographer), to make recordings of music performed at [school events](https://smartcopying.edu.au/glossary/school-events/), provided this is either for the exclusive use of the school, or for private and domestic listening or viewing by members of the school community (eg parents, guardians and friends can make a video of a presentation night at which the school band played, or a videographer could make a recording for the school to use later in an end-of-year presentation).

TAFEs can record TAFE events where a [musical work](https://smartcopying.edu.au/glossary/musical-works/) is performed live or a [sound recording](https://smartcopying.edu.au/guidelines/education-licences/schools-music-licence/) is played.

**Uploading recordings of school and TAFE events, where a musical work or sound recording is being played, to social media**

Schools can rely on the [Schools Music Licence](https://smartcopying.edu.au/guidelines/education-licences/schools-music-licence/) to upload recordings of their [school events](https://smartcopying.edu.au/glossary/school-events/) to the school’s official social media page on platforms such as Facebook and YouTube. In order to communicate (ie make available online) those recordings from those social media pages, schools can rely on the licences that APRA AMCOS and record labels have with the social media platforms.

Likewise, TAFE institutes can rely on the [TAFE Music Licence](https://smartcopying.edu.au/guidelines/education-licences/tafe-music-licence/) to upload recordings of TAFE events to the TAFE’s official social media page on social media platforms such as Facebook and YouTube. In order to communicate (ie make available online) those recordings from those social media pages, TAFEs can rely on the licences that APRA AMCOS and record labels have with social media platforms.

Where Schools and TAFEs upload recordings to social media the post may still be muted by the social media platform, or the school or TAFE may be asked to take it down.

**Blocking or muting of events on social media**

Music recording companies (ie record labels) and some music publishers use software to identify potentially infringing content on social media platforms, such as Facebook. When a school or TAFE institute live streams a performance where a [musical work](https://smartcopying.edu.au/glossary/musical-works/) or [sound recording](https://smartcopying.edu.au/glossary/sound-recordings/) is being played, or uploads a recording of a school event where a [musical work](https://smartcopying.edu.au/glossary/musical-works/) or sound recording is played, this software may alert Facebook or other social media platforms to mute the recording or send a takedown notice to the school or TAFE institute. If you are concerned about a live stream or recording being muted or your school or TAFE being issued with a take-down notice, [contact the National Copyright Unit](https://smartcopying.edu.au/contact-us/). Alternatively, you may want to consider uploading the recording to your school or TAFE website or password protected digital teaching environment or intranet.

**What else can be done with audio or video recordings of school or TAFE events**

Schools can also do the following with their recordings of [school event](https://smartcopying.edu.au/glossary/school-events/)(s):

* upload the recording to the school website
* upload the recordings to a password protected school server, intranet or [DTE](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/) and make this available to parents, guardians and students. For example, if parents and guardians are unable to attend an assembly or graduation day, the school could send them a link to the recording on the school’s password protected intranet and allow them to download a copy for their private use
* upload the recording to an app that is being used by the school for internal school communications to members of the school community, such as Schoolbag, Seesaw, Compass and SZapp. This is limited to apps being used by the school for internal school communications, and would not include apps like Snapchat or TikTok
* email/message a copy or make a physical copy of the recording (eg copy it on to a USB) and distribute it (for a no cost or on a cost-recovery basis) to members of the school community (eg students and parents or guardians)
* provide a digital or physical copy of the recording to:
	+ members of the school community (e.g. parents, guardians and staff)
	+ other third parties, including other schools and administering bodies, to facilitate entry to events such as music competitions and festivals by students representing the school
* stream a live communication of the [school event](https://smartcopying.edu.au/glossary/school-events/) from the school’s website.

TAFEs can upload [recordings](https://smartcopying.edu.au/glossary/sound-recordings/) of TAFE events to the TAFE website, apps, and learning management system or email them to students/ provide physical or digital copies of those recordings to students/families.

**Making audio or video recordings that are not of school or TAFE events**

As well as recording [school events](https://smartcopying.edu.au/glossary/school-events/)at which [musical works](https://smartcopying.edu.au/glossary/musical-works/) are performed or [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/) are played, schools are also able to make recordings that are not of school events as long as they are being made for [school purposes](https://smartcopying.edu.au/glossary/school-purpose/). Schools can:

* make videos or presentations (eg classroom PowerPoint slides, presentations for assemblies or functions or end of year videos) in which [musical works](https://smartcopying.edu.au/glossary/musical-works/) or [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/) are playing in the background
* record someone playing a [musical work](https://smartcopying.edu.au/glossary/musical-works/) (eg record a student playing the violin)
* copy sound recordings (eg download tracks from a streaming service, such as Spotify, or format shift a CD to MP3):
	+ for the educational purposes of the school (eg to play in class relevant to material being studied, whether face-to-face or virtual) – this doesn’t extend to ‘just-in-case’ format shifting of whole CD collections
	+ to use at a school event (eg to play at a school graduation); or
	+ to include in another work, such as a video or presentation (e.g. to add as a soundtrack to a PowerPoint presentation or a commemorative video).

Schools should not undertake ‘just-in-case’ copying, such as format shifting entire CD collections.

All recordings and videos and presentations, which include music, made by the school should display the following notice:

‘*This recording has been made under a licence from AMCOS and ARIA for school purposes only’*.

TAFEs can:

* make a copy of a sound recording to play at a TAFE event (e.g. by downloading a sound recording from YouTube)
* incorporate [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/) into other works (eg adding music to a video or PowerPoint presentation) as part of TAFE's usual business activities.

**What can schools and TAFEs do with audio or video recordings that are not of school/TAFE events**

Schools can do the following with:

(i) recordings of [musical works](https://smartcopying.edu.au/glossary/musical-works/) (e.g. a recording of a student performing a [musical work](https://smartcopying.edu.au/glossary/musical-works/) in class)

(ii) videos and presentations that include [musical works](https://smartcopying.edu.au/glossary/musical-works/) (eg a PowerPoint presentation to which a recording of the school choir has been added)

that are not of school events, provided that what is being done is for a [school purpose](https://smartcopying.edu.au/glossary/school-purpose/):

* upload them to the school website, password protected intranet or password protected [DTE](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/)
* upload them to the school’s official social media page on platforms such as Facebook and YouTube
* email and/or message them to students and parents or guardians (the school community)
* upload them to an educational app that is being used by the school to communicate with the school community (ie Schoolbag, Seesaw, Compass and SZapp, but excluding apps like Snapchat and TikTok).

Schools can only upload [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/) (eg a track the school has downloaded from a streaming service or a CD that the school has digitised) to an intranet, DTE, educational App, video conferencing application or school website where it is password protected and only made available to members of the school community.

Schools can only do the following with videos and presentations that are not of school events and which contain [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/) (eg a video of the school athletics carnival highlights to which a Spotify track has been added as a soundtrack), provided that what is being done is for a [school purpose](https://smartcopying.edu.au/glossary/school-purpose/):

* upload the recording to the school website, password protected intranet or password protected [DTE](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/)
* email and/or message the recording to students and parents or guardians (the school community)
* upload the recording to an educational app that is being used by the school to communicate with the school community (ie Schoolbag, Seesaw, Compass and SZapp, but excluding apps like Snapchat and TikTok).

If the video, presentation or audio only recording contains a commercially available sound recording, it must not be uploaded to social media (e.g. if a school downloads a track from Spotify and adds it to a video it has made of students during Book Week, it cannot upload the video to its Facebook page).

TAFE institutes can upload videos and presentations containing [musical works](https://smartcopying.edu.au/glossary/musical-works/) or [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/) to the TAFE website, apps or the TAFE the learning management system, and they can email them or provide physical copies to students, staff or members of the TAFE community for their private and domestic use. TAFEs can also upload videos and presentations that include musical works to the TAFE’s official social media page. However, if the video or presentation contains a commercially available sound recording, it must not be uploaded to social media (e.g. if a TAFE downloads a track from Spotify and adds it to a video it’s made of a TAFE open day, it cannot upload the video to its Facebook page).

**Sale of recordings made by schools**

Schools may sell any of the recordings they make:

* to another school, provided that the sale price is no more than needed to cover the costs of creating the recording.
* to members of the school community for their private and domestic listening and/or viewing, provided the sale price is no more than what is needed to cover the costs of creating the recording, including, any costs staging a school event comprised in the recording (i.e. a school could sell recordings of a [school event](https://smartcopying.edu.au/glossary/school-events/) to recoup some of the costs in staging the [school event](https://smartcopying.edu.au/glossary/school-events/) but cannot sell the recordings in order to make a profit).

**Summary of how schools can share recordings**

This table summarises how schools are permitted to share live streams of [school events](https://smartcopying.edu.au/glossary/school-events/), [school event](https://smartcopying.edu.au/glossary/school-events/) recordings, videos or presentations that include music and audio-only recordings under the [Schools Music Licence](https://smartcopying.edu.au/guidelines/education-licences/schools-music-licence/).

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Activity** | **Email or message** | **Password protected DTE** | **School website or educational app** | **Social media** |
| **Live stream of** [**school event**](https://smartcopying.edu.au/glossary/school-events/) |  |  | Checkmark | Checkmark | Checkmark |
| **Recording of** [**school event**](https://smartcopying.edu.au/glossary/school-events/) **(audio or audio-visual)** |  | Checkmark | Checkmark | Checkmark | Checkmark |
| **Video or presentation**  | **to which a recording of a** [**musical work**](https://smartcopying.edu.au/glossary/musical-works/) **has been added (eg school makes its own recording** | Checkmark | Checkmark | Checkmark | Checkmark |
|  **to which a** [**sound recording**](https://smartcopying.edu.au/glossary/sound-recordings/) **has been added** | Checkmark | Checkmark | Checkmark | Close |
| **Recordings for** [**school purposes**](https://smartcopying.edu.au/glossary/school-purpose/) **that are not of a** [**school event**](https://smartcopying.edu.au/glossary/school-events/) | **of a musical work** | Checkmark | Checkmark | Checkmark | Checkmark |
|  | **of a** [**sound recording**](https://smartcopying.edu.au/glossary/sound-recordings/) | Close | Checkmark | Close | Close |

**Copyright exceptions**

Teachers may also be able to rely on one of the copyright exceptions when copying [musical works](https://smartcopying.edu.au/glossary/musical-works/) or [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/) for specific purposes.  There are a number of these exceptions which are listed below.

**Playing**[**sound recordings**](https://smartcopying.edu.au/glossary/sound-recordings/)**in public**

Schools are able to play [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/) in public. For independent and Catholic schools, this is under section 106 of the Copyright Act. For government schools, it is under an interim licence from [PPCA](https://smartcopying.edu.au/glossary/ppca-phonographic-performance-company-of-australia-limited/) which permits the use of [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/) in connection with the activities of the school. Please note, however, that the public performance of any [musical works](https://smartcopying.edu.au/glossary/musical-works/) embodied in the [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/) must be done in accordance with the [Schools Music Licence](https://smartcopying.edu.au/guidelines/education-licences/schools-music-licence/).

[**Fair dealing**](https://smartcopying.edu.au/glossary/fair-dealing/)

Teachers and students may be able to [copy](https://smartcopying.edu.au/glossary/copy/) and [communicate](https://smartcopying.edu.au/glossary/communicate/) some [musical works](https://smartcopying.edu.au/glossary/musical-works/) and [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/) under the [fair dealing exception for research or study](https://smartcopying.edu.au/guidelines/copyright-basics/copyright-exceptions/). Teachers will only be able to rely on the [fair dealing exception](https://smartcopying.edu.au/guidelines/copyright-basics/copyright-exceptions/) in limited circumstances (ie it must be for their own research or study and not the research or study of their students), but students using [musical works](https://smartcopying.edu.au/glossary/musical-works/) and [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/) as part of their study will generally be able to rely on the [fair dealing exception for research or study](https://smartcopying.edu.au/guidelines/copyright-basics/copyright-exceptions/).

For more information see [Copyright Exceptions.](https://smartcopying.edu.au/guidelines/copyright-basics/copyright-exceptions/)

[**Disability exceptions**](https://smartcopying.edu.au/guidelines/library-exam-and-disability-copying/disability-access-exceptions/)

If you [copy](https://smartcopying.edu.au/glossary/copy/) or [communicate](https://smartcopying.edu.au/glossary/communicate/) [musical works](https://smartcopying.edu.au/glossary/musical-works/) or [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/) in order to make them accessible to a student with a disability, you may be able to do this under the [disability exceptions](https://smartcopying.edu.au/guidelines/library-exam-and-disability-copying/disability-access-exceptions/).

For more information on the disability exceptions see [Disability Access Exceptions](https://smartcopying.edu.au/guidelines/library-exam-and-disability-copying/disability-access-exceptions/).

[**Exam copying**](https://smartcopying.edu.au/guidelines/library-exam-and-disability-copying/copying-for-exams/)

Teachers 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 hard copy exams.

For more information see [Copying for Exams](https://smartcopying.edu.au/copying-for-exams-what-am-i-allowed-to-do-2/).

[**Flexible dealing**](https://smartcopying.edu.au/flexible-dealing/)

If you can’t rely on the music licence, the licence with PPCA or any of the copyright exceptions to use [musical works](https://smartcopying.edu.au/glossary/musical-works/) or [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/), you may, in limited circumstances, be able to rely on the [flexible dealing exception.](https://smartcopying.edu.au/flexible-dealing/)

For example, a teacher may be able to:

* prepare an arrangement of a [musical work](https://smartcopying.edu.au/glossary/musical-works/) for students to perform in a music class when they cannot buy the arrangement they need
* format shift [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/) from vinyl, cassette or CD into digital format such as mp3.

For more information see [Flexible Dealing](https://smartcopying.edu.au/flexible-dealing/).