National Copyright Unit

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**Creating Learning and Teaching Resources Developers Copyright Guide**

A copyright guide for departments of education and non-government administering bodies

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**Introduction**

Curriculum developers make learning materials available online so teachers and students can easily access materials.

Some of the materials you might be creating include things like:

* A PDF download for Year 9 Science on ‘Investigating the tectonic process’, that contains text and images from different resources, and links to websites such as the US Geological Survey.
* Printable word documents for years 7-10 History lessons, that includes a topic on ‘the daily life of the people in ancient China’.
* A student booklet, made available online, containing resources to support stage 4 English lessons, that contain excerpts of materials such as a Cornell note taking template, and a short story, ‘Spilt Milk’ by Jan Wilson.
* A 2022 digital learning pack for Year 3 students with different activities. Some of these might include embedded YouTube videos (eg a talk with an Australian Sea Lion Keeper at Taronga Zoo in Sydney), a video of the author Miranda Taylor reading a story book, and an audio clip of mountain sounds from ABC Kids listen.

Generally, curriculum developers create online materials to share within a password protected environment. Occasionally, you may wish to share these materials on a public site (eg a department’s public facing website). If this applies to you, see **Part D** of this guide.

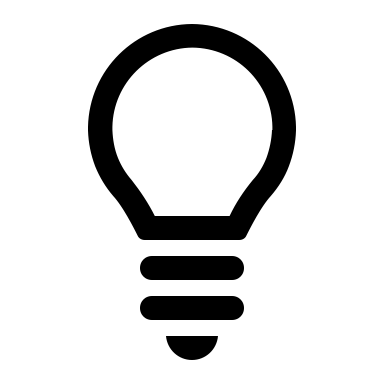
This copyright guide for curriculum developers will cover the following areas:

* Part A – Tips to follow when creating teaching and learning materials
* Part B – Seeking permission or relying on an existing permission to use third party materials
* PART C – Using third party materials under the statutory licences, the Schools Music Licence or the education provisions
* PART D – Uploading material to a public website
* PART E – Attribution and copyright notices
* PART F – Case Studies

When creating learning materials for students, we recommend curriculum developers:

* use material created by their department/administering body (either make new material, or repurpose existing dept/admin body owned material)
* use Creative Commons (CC) licensed material where possible
* link to material created by others to avoid copying it (linking just provides a pathway to that material)
* apply copyright notices and properly attribute each resource
* when relying on the educational provisions, the statutory licences or the Schools Music Licence, only make these available behind a password protected intranet or learning management system (LMS).

See the flowchart, ‘[Creating learning resources that include third party text and artistic works’](https://smartcopying.edu.au/flow-chart-creating-learning-resources-that-include-third-party-text-and-artistic-works-education-department-or-education-body/) for a visual representation of the issues.

**Quick Tip**

**Throughout this guide, we will be including some quick tips at the bottom of each section. Lookout for the light bulb icon!**

**PART A – Tips to follow when creating teaching and learning materials**

These tips are all about smarter ways to create your own content while still managing your copyright obligations.

**1.1.1 Use your own material**

Using and repurposing the department or administering body’s own material is a great way to manage copyright obligations. As long as the material doesn’t include any material created by someone who is not an employee of the department/administering body, then you can use this any way you like (eg this could be shared to a public website if needed).

Generally, curriculum developers should license the materials they create under a [Creative Commons Licence](https://smartcopying.edu.au/applying-a-creative-commons-licence/). See ‘Licensing your materials under a Creative Commons Licence’ at 1.1.4 below, for more information.

**1.1.2 Use Creative Commons licensed material**

If you want to use other people’s materials in your resources, we encourage the use of [Creative Commons](https://smartcopying.edu.au/glossary/creative-commons-cc/) licensed material, which is free to access, modify and share.

**Curriculum Materials**

Remember, many curriculum bodies license their materials under a CC Licence. See below for examples.

* The Australian Curriculum Assessment and Reporting Authority’s (ACARA) makes the national curriculum available under a CC BY Licence. See ACARA’s [copyright information](https://www.acara.edu.au/contact-us/copyright) on how to attribute its material.
* The Queensland Curriculum & Assessment (QCAA) licenses its materials under a CC BY Licence. See its [copyright page](https://www.qcaa.qld.edu.au/copyright) for information on how to attribute QCAA.

The Victorian Curriculum (Foundation-10) website (part of the Victorian Curriculum and Assessment Authority (VCAA)) licenses its materials under a CC BY Non-Commercial Share Alike Licence. See its [copyright page](https://victoriancurriculum.vcaa.vic.edu.au/copyright-statement) for information on how to attribute the [VCAA](https://www.vcaa.vic.edu.au/Footer/Pages/Copyright.aspx). Although the VCAA does not license its material (other than the Victorian Curriculum) under Creative Commons, it allows schools and educational institutions to use it for free. See the VCAA [copyright page](https://www.vcaa.vic.edu.au/Footer/Pages/Copyright.aspx) for how to attribute the VCAA.

* Any material available on the WA School Curriculum and Standards Authority (SCSA) website derived from the Australian Curriculum can be used under a CC BY licence. Although not licensed under Creative Commons, all SCSA material may be freely copied, or communicated on an intranet, for non-commercial purposes in educational institutions. See its [copyright page](https://www.scsa.wa.edu.au/copyright).
* Currently, the [NESA licence terms](https://www.educationstandards.nsw.edu.au/wps/portal/nesa/mini-footer/copyright) in relation to the NSW curriculum are very restrictive. Curriculum developers are encouraged to refer to the ACARA curriculum, or seek permission from NESA. See Part B below.

**Where can I find Creative Commons licensed material?**

There are over 2 billion CC licensed works across millions of websites and databases. We’ve listed some sources below, sorted by type of material, where you can make a start:

**Images**

* [Openverse](https://wordpress.org/openverse/) is an open-source search engine for open content developed as part of the WordPress project. It searches CC licensed and public domain content from dozens of different sources. Openverse indexes over 600 million items. Openverse was previously the CC Search function on the Creative Commons website.
* [Flickr](http://flickr.com/) has over 300 million CC licensed high quality images.
* [Europeana](https://www.europeana.eu/en) contains digital resources of Europe’s museums, libraries, archives and audio-visual collections including paintings, drawings, maps, photos and pictures of museum objects.
* [Openphoto](https://openphoto.net/) is a moderated photo community with over 3000 CC licensed photos in different categories.
* [Bugwood Image Database System](https://images.bugwood.org/) has collections of openly licensed images relating to ecosystem health including forestry, invasive species, insects and weeds.

**1.1.3 Creating an image bank of CC Licensed materials**

When searching for CC Licensed images to use in curriculum resources, a good idea is to maintain an ‘image bank’ or folder of high quality, photos, pictures and/or diagrams licensed under CC and relevant to a particular topic. This way, you and other resource developers can easily access these in the future. You should also keep attribution details of an CC licensed image you use.

**ClipArt**

* [CLKER.com](http://clker.com/) is an online sharing service where users share free public domain vector cliparts.
* [OpenClipart](https://openclipart.org/share) is an online media collection of more than 160 000 vectorial graphics entirely in the public domain.

**Film clips**

* [YouTube clips](https://smartcopying.edu.au/how-to-find-creative-commons-material-using-youtube/) try searching for CC licensed videos by using the ‘Filters’ option on the results page after you do a search on YouTube.
* [Public domain files](http://www.publicdomainfiles.com/) is a repository of various types of images and videos that are in the public domain.

**Sound clips or recordings**

* [Jamendo](https://www.jamendo.com/en) is an active community offering more than 350,000 free music tracks that are CC licensed.
* [Freesound](https://freesound.org/) is a good source of sound effects and background noises, all available for reuse.
* [Art Song Central](https://artsongcentral.com/) is an archive and directory of public domain sheet music for singers and voice teachers.

**Databases**

* The [Queensland Curriculum & Assessment Authority](https://www.qcaa.qld.edu.au/) (QCAA) has created an Open Education Resources (OER) [database](https://airtable.com/shrLGCQydHAIbjuli/tbl5oEAVkt67Vygnt), with 300 records so far of different openly licensed resources (eg journals, textbooks, multimedia).

For more places to find CC licensed works, see [How to Find Creative Commons Licensed Material](https://smartcopying.edu.au/how-to-find-creative-commons-licensed-materials/) and [Where to find OER Materials](https://smartcopying.edu.au/where-to-find-oer-materials/).

**1.1.4 License your materials under a Creative Commons Licence**

**Why do I need to license my materials under a CC Licence?**

In June 2014, the Australian Education, Early Childhood Development and Youth Affairs Senior Officials Committee (now Australian Education Senior Officials Committee) approved the amendment of the terms of use and copyright notices of the website and publications of all Australian Departments of Education in order to reflect best practice for open education resources and open access.

To comply with the policy, all department websites and publications must be licensed under a Creative Commons Attribution 4.0 (CC BY 4.0) licence. Under the [NSW Open Data Policy](https://www.digital.nsw.gov.au/sites/default/files/NSW_Government_Open_Data_Policy_2016.pdf) and [IP Framework](https://arp.nsw.gov.au/c2021-11-nsw-government-intellectual-property-framework/), a CC BY licence should be applied to public information and data.

CC BY is the standard open licence adopted by the Australian Government and departments of education across all jurisdictions. This requires copyright material available on Department of Education websites and publications to be licensed under a Creative Commons Attribution 4.0 (CC BY 4.0) licence.

You should make your resources available under a [Creative Commons BY Licence](https://creativecommons.org/licenses/by/4.0/) to ensure it is able to be used freely by teachers, parents and students, and is in line with departmental policy. The policy of many Catholic and independent schools is to license their resources under Creative Commons.

**How do I license my materials under a CC Licence?**

It is a simple process to license your content under [Creative Commons](https://smartcopying.edu.au/glossary/creative-commons-cc/); you just need to include the Creative Commons licence (ie the logo that indicates what kind of CC licence the material is released under) on each individual resource.

Usually this will be in a footer of the pages of your resources or publications, or at the bottom of your website.

It is important to have the Creative Commons logo as a footer (on each page) of your resource, or at the bottom of each page of your website. This means the notice travels with each page, rather than just sitting on the copyright statement or on the homepage. It makes it clear that the resource is CC licensed even if only sections of it are taken out and used.

**There are two easy ways to do this:**

1. If you are creating resources or publications, copy and paste the Creative Commons logo into your resource or,
2. If you are creating materials to be shared on a website, insert the HTML code. The HTML code can be found on the [Creative Commons Licence Chooser Website](https://creativecommons.org/choose/).

For a comprehensive step-by-step guide to both these processes, see [Applying a Creative Commons Licence](https://smartcopying.edu.au/applying-a-creative-commons-licence/) on the Smartcopying Website.

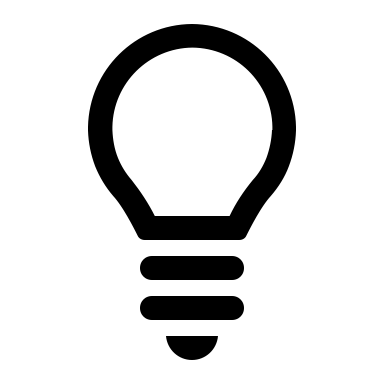
For template best practice notices see [Recommended Creative Commons Website and Publication notices](https://smartcopying.edu.au/recommended-creative-commons-website-and-publication-notices/) on the Smartcopying Website.

You should not rely on the terms of use of your website when you are making resources available under [Creative Commons](https://smartcopying.edu.au/glossary/creative-commons-cc/), because it is important that if a resource is downloaded or printed, the Creative Commons notice is visible on the resource itself. Including or embedding the Creative Commons notice in resources also enables educators to find your resources when they search for [Creative Commons](https://smartcopying.edu.au/glossary/creative-commons-cc/) licensed material. For information on how to properly attribute your own material see **Part E** of this guide.

An example of a simple [Creative Commons](https://smartcopying.edu.au/glossary/creative-commons-cc/) notice in the footer of your resource might look like the following:

© State of New South Wales (Department of Education), 2022.



**Quick Tip**

**When using Creative Commons licensed materials in your resources, remember to attribute the copyright owner as this is a requirement of every CC licence. If you are using**[**Creative Commons**](https://smartcopying.edu.au/glossary/creative-commons-cc/)**licensed material in your resources, best practice attribution is TASL:**

**(i) title  
(ii) author/copyright owner  
(iii) source  
(iv) licence.**

**1.1.5 Link or embed**

Providing links or embedding links to material is a great way for curriculum developers to direct teachers, students or their parents to content. By including a link, you are providing a path to the material’s location, and this is not a copyright activity. If you want to include a YouTube video, for example, consider including a link to the video. If you want to use an ABC Education resource, link to the relevant resource on the [ABC Education](https://www.abc.net.au/education/) website.

**1.1.6 Use as inspiration**

If you find useful material that has been created by others, you could use it as inspiration for you to create your own original content. For example, a curriculum developer may want to develop some factsheets on Ramadan. They could look at a number of different resources and then create their own. They could also link to those resources within their own materials, as linking is not a copyright activity.

Just note, you should not [copy](https://smartcopying.edu.au/glossary/copy/) the material in any way (including its form or layout), unless you are relying on one of the educational licences or exceptions that would allow you to do this.

**1.1.7 Insubstantial copying**

When you are using an insubstantial amount of third party material in new material that you are creating, you may be able to use it without needing to rely on the [statutory licences](https://smartcopying.edu.au/glossary/statutory-licences/) or obtaining permission from the copyright owner.

If you are only using an insubstantial amount, this also means you might be able to upload this to a public facing website.

What is considered ‘insubstantial’ will vary depending on the circumstances. A few lines of a book will probably be okay. A few lines of an iconic song may not be.

When in doubt, we strongly recommend that you assume that the part you are taking is substantial, particularly when uploading to a public website, and seek advice from the National Copyright Unit ([NCU](https://smartcopying.edu.au/contact-us/)).

**Part B - Seeking permission or relying on an existing permission to use third party materials**

**2.1.1 Permission**

Where curriculum developers want to use third party materials, and it is not possible to use it in the ways set out in **Part A,** they may be able to obtain permission from the copyright owner of those materials.

**Important – the scope of the permission**

When you seek permission to use third party materials in your learning resources, it is important that this permission extends to all teachers subsequently using the resources in their classrooms.

For example, a resource developer seeks permission from a publisher to use a series of diagrams that demonstrate the sequence of osmosis as part of a Year 9 science unit. The resource developer asks the publisher for permission to use the diagrams, and for that permission to extend to the educational, non-commercial use of the diagrams by all teachers in Australian schools. This means, a teacher can copy and communicate those diagrams in their classroom in reliance on that permission, without this copying act being captured in the copyright surveys and paid for under the Statutory Text and Artistic Works Licence.

The permission should be as wide as possible (ie cover all teachers in Australian schools and not just teachers in your particular jurisdiction) because this will allow for future collaborations between different jurisdictions. For example, if another department of education wanted to use materials created by a different jurisdiction (that contain third party materials where that department has obtained permission to use these), they could do so.

See some sample language you can follow when labelling these materials at **Attachment C** **‘Quick guide to labelling third-party materials’**.

**How do I seek permission?**

Seeking permission simply involves identifying the copyright owner and sending them an email to request permission to use the materials for educational purposes. You should seek and receive permission in writing, and keep a copy of the permission on file for future reference, preferably in a central register of permissions that all staff can access.

You can use the [permission](https://smartcopying.edu.au/guidelines/permissions-and-consents/permissions/) templates on the Smartcopying website and adapt these to suit your particular circumstances. If you want to craft your own permission request, just ensure you include the following points:

1. outline the specific material you wish to use
2. explain the purpose and that this would be a gratis permission (ie no payment)
3. ask how the copyright owner would like to be attributed
4. request permission to copy and communicate the materials and for any subsequent reproduction of those materials by all teachers in Australian schools, as part of your resource.

Many departments/administering bodies may already have permission to use other people’s materials in their resources. It is worth checking with your department/administering body first to see if there is a list of these materials that may be available to you.

**Benefits**

Departments do not pay copyright fees when relying on permissions to use materials (unless the department has agreed to pay a licence fee). Seeking permission also provides greater flexibility to content creators as they can often share their materials in different ways, for example, on a public website.

**When should I seek permission?**

While you can generally rely on the [Statutory Text And Artistic Works Licence](https://smartcopying.edu.au/guidelines/education-licences/the-statutory-text-and-artistic-works-licence/) to copy text and artistic works into learning resources, in some circumstances it is better to seek permission from the copyright owner. This is because departments/administering bodies pay for materials each time they are copied. Departments/administering bodies should seek permission if using large amounts of content from one particular resource. They should also seek permission where they want to copy and share content for a long period of time (for example, using materials in a training resource that will be used in classrooms or by teachers for a number of years).

**Requesting that content be licensed under Creative Commons**

Sometimes, when you are seeking permission, it may be appropriate to request that the copyright owner makes its materials available under a Creative Commons Licence. This is particularly the case for publicly funded materials available on government department websites and/or publications. You can [contact the NCU](https://smartcopying.edu.au/contact-us/) for assistance with this process.

**Inconsistent or confusing website terms and conditions**

Sometimes material on websites can appear to be licensed under Creative Commons, but the website terms and conditions appear contradictory or overly restrictive. If this is the case, you can [contact the NCU](https://smartcopying.edu.au/contact-us/) and we can clarify.

**Using content from Getty images or similar sites**

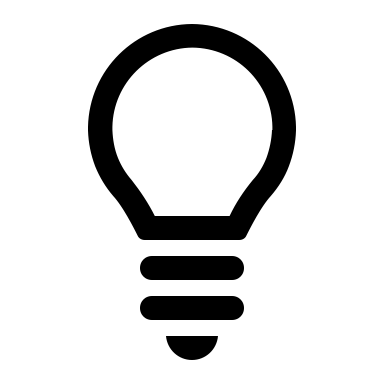
Your team may have a licence or subscription to sites like Getty images, or Adobe Stock photos. Depending on the licence, these sites may only allow an initial reproduction of an image into curriculum resources (rather than subsequent use of that images by teachers in the classroom).

If you are going to use images under a licence from Getty, Adobe or similar, you should ensure you obtain permission for there to be subsequent reproduction of these images by Australian schools.

This means that if you create a teaching and learning resource that includes an image from one of these sites (copied under your licence with that particular site), a school teacher can copy that resource (including the image), and the school sector would not pay for that reproduction under the Statutory Text and Artistic Works Licence (discussed more in **Part C**).

You may also want to consider whether you can obtain suitable images from Creative Commons licensed resources.

See **Part F** of this guide for some Case Studies on seeking permission.

**Quick Tip**

**Departments/administering bodies can request that a copyright owner consider licensing their materials under a Creative Commons Licence. This way, those materials can be used by the curriculum developer(s) and shared freely.**

**PART C – Using third party materials under the statutory licences, the Schools Music Licence or the education provisions**

**3.1.1 Third party materials**

If you are including third party material (which is not licensed under [Creative Commons](https://smartcopying.edu.au/glossary/creative-commons-cc/) and for which you don’t have permission) in your resource, you may be able to rely on the [statutory licences](https://smartcopying.edu.au/glossary/statutory-licences/) or the educational use [copyright exceptions](https://smartcopying.edu.au/guidelines/copyright-basics/copyright-exceptions/) to upload it to a password protected intranet. You need to ensure that you comply with the conditions of the [statutory licences](https://smartcopying.edu.au/glossary/statutory-licences/) or [copyright exceptions](https://smartcopying.edu.au/guidelines/copyright-basics/copyright-exceptions/).

You can use the following categories of material under the licences and exceptions:

**3.1.2 Text and Artistic Works**

Departments and administering bodies can rely on the [Statutory Text and Artistic Works Licence](https://smartcopying.edu.au/guidelines/education-licences/the-statutory-text-and-artistic-works-licence/) to copy [text](https://smartcopying.edu.au/glossary/text/) and [artistic](https://smartcopying.edu.au/glossary/artistic-works/) works into their curriculum materials, provided:

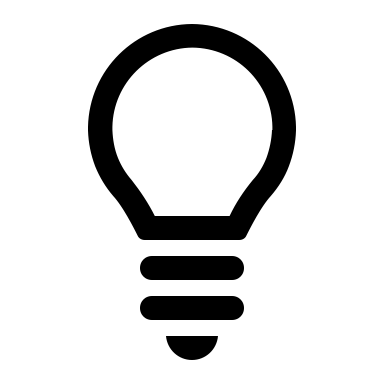
1. it is for an educational purpose
2. access is restricted behind a password to teachers and students.

Under the [Statutory Text and Artistic Works Licence](https://smartcopying.edu.au/guidelines/education-licences/the-statutory-text-and-artistic-works-licence/), curriculum developers can copy whole images and text works, provided the amount does not unreasonably prejudice the legitimate interests of the copyright owner. The 10% or one chapter rule is still a useful guide in making this assessment for resources that are still commercially available.

For detailed information on copying limits under the licence, see the [Statutory Text and Artistic Works Licence](https://smartcopying.edu.au/guidelines/education-licences/the-statutory-text-and-artistic-works-licence/).

Depending on the type of text and artistic works you wish to use, sometimes it will be preferable to seek permission to use materials rather than rely on the [licence](https://smartcopying.edu.au/guidelines/education-licences/the-statutory-text-and-artistic-works-licence/).

See Seeking Permission under **Part B**, above for further guidance.

**Quick Tip**

**Remember to attribute materials copied under the Statutory Text and Artistic Works Licence:**

***‘Copied under s 113P of the Copyright Act. Devin Dennie, ‘Why Does the Earth Need a Moon?’ Dorling Kindersley Limited, 2019’.***

**See** [**Labelling and Attributing**](https://smartcopying.edu.au/labelling-and-attributing/) **for more information.**

**3.1.3 Music – sound recordings and musical works**

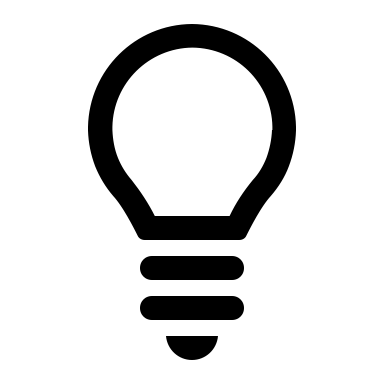
Departments and administering bodies can use Creative Commons music in their learning resources. CC licensed material can be copied and shared for educational purposes, because the copyright owner has already given permission to use their musical works and sound recordings. See [Where to find CC licensed material](https://smartcopying.edu.au/where-to-find-cc-licensed-material/), and scroll down to music.

Generally, departments and administering bodies cannot rely on the Schools Music Licence to incorporate music into their resources (eg add music to a video). You will need to seek permission if you wish to use music in this way. You should contact [APRA AMCOS](https://www.apraamcos.com.au/) and [ARIA](https://www.aria.com.au/charts/) (the music bodies that represents artists and record labels) for more information on this process.

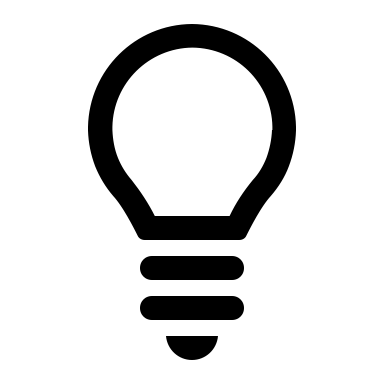
Curriculum developers may be able to rely on the Schools Music Licence to make and share recordings of school events only with the schools that participated in the school events. See the following table for a summary of how departments and administering may sometimes rely on the Schools Music Licence:

|  |  |  |
| --- | --- | --- |
| **Activity** | **Department or Administering Body** | **Licence** |
| **Record school event performance which includes musical works or sound recordings** | Yes, if authorised by a participating school. Eg a department or administering body could record a school performance at a multi-school event, if authorised by the participating school(s). | Schools Music Licence |
| **Upload recording of a school event to a password protected DTE** | Yes, if authorised by a participating school, a department or administering body can upload the recordings to a password protected DTE (eg a password protected intranet) or by private link for access only by the participating school(s). | Schools Music Licence |

A department or administering body is not allowed to host a recording of a school event on their own public facing website. In addition, a department or administering body cannot host a recording of a school event on a password protected intranet, if this can be accessed by schools that did not participate in the event. However, an alternative would be for the school to host or share the recording on their school website or on one of the school’s official social media accounts such as YouTube or Vimeo. The department could then embed a link to this recording on their own website. Embedding a video does not make a copy, it just provides a pathway to the video and is therefore not a copyright activity.

**Quick Tip**

**When seeking permission to use a sound recording (eg a popular song), you will need permission to use the sound recording and the musical work. The copyright owner in the recording is usually the record label or producer. The copyright owner in a musical work (eg a piece of classical music) is usually the composer. You can contact** [**APRA AMCOS**](https://www.apraamcos.com.au/) **and** [**ARIA**](https://www.aria.com.au/charts/) **for more information in locating the copyright owner.**

**Quick Tip**

**Curriculum developers could also consider commissioning a composer to compose music for them to use in their resources. The department or educational body would then own that piece of music and use it in future learning materials.**

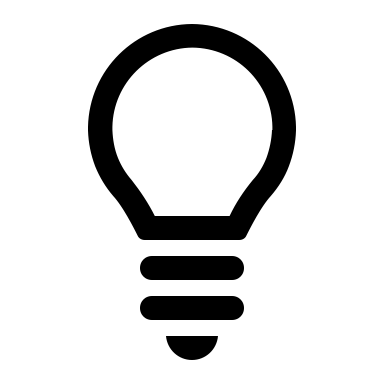
**3.1.4 Radio & Television Broadcasts**

Departments and administering bodies can rely on the [Statutory Broadcast Licence](https://smartcopying.edu.au/guidelines/education-licences/statutory-broadcast-licence/) to:

1. copy television and radio broadcasts from free-to-air television and radio for educational purposes
2. upload the copy broadcasts to the department or administrating body’s intranet provided access is limited (eg on a department intranet via password protected access).

Curriculum developers can copy television and radio broadcasts in any format (eg DVD or MP4) or, if their department or administering body has a subscription to an external resource centre (eg ClickView), they can rely on this resource centre to make and supply the copy.

For more information see, ‘[Radio and Television Broadcasts’](https://smartcopying.edu.au/guidelines/radio-and-television-broadcasts/).

**Quick Tip**

**Remember to attribute radio and television broadcasts copied under the** [**Statutory Broadcast Licence**](https://smartcopying.edu.au/guidelines/education-licences/statutory-broadcast-licence/)**:**

***‘Copied under the statutory licence in s 113P of the Copyright Act’***

***Media Watch, ABC, Accessed 5 June 2022 [insert URL]’***

**See** [**Labelling and Attributing**](https://smartcopying.edu.au/labelling-and-attributing/) **for more information.**

**3.1.5 Film**

If curriculum developers want to make a copy of a film for a specific educational purpose (eg they want to copy a documentary on WWII into learning materials for schools and upload this to the department or administering body’s password protected DTE), this may be possible in limited circumstances under the [flexible dealing exception](https://smartcopying.edu.au/flexible-dealing/). Whether the exception applies will need to be assessed on a case-by-case basis.

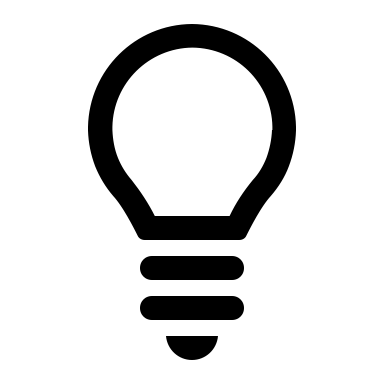
Please contact the [NCU](mailto:smartcopying@det.nsw.edu.au) first to discuss your particular circumstances.

**3.1.6 YouTube**

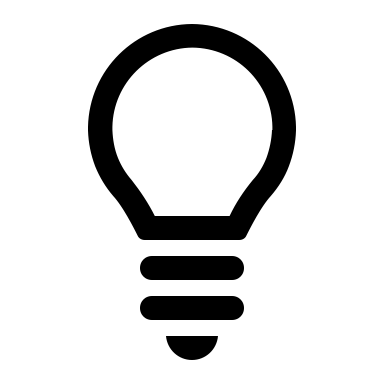
Curriculum developers may want to use whole or short extracts of clips from YouTube in their curriculum materials. As noted above, linking to content on YouTube (rather than making copies of YouTube clips), is a great way to provide access to this material, and manage copyright obligations, as linking is not a copyright activity.

If you need to make a copy of a YouTube clip to include in your teaching and learning resources, this may be possible in limited circumstances under the flexible dealing exception (s 200AB).

As noted above, whether the exception applies will need to be assessed on a case-by-case basis. Please [contact the NCU](https://smartcopying.edu.au/contact-us/) first to discuss your particular circumstances.

**Quick Tip**

**If you choose to rely on the**[**statutory licences**](https://smartcopying.edu.au/glossary/statutory-licences/)**or the educational use**[**copyright exceptions**](https://smartcopying.edu.au/guidelines/copyright-basics/copyright-exceptions/)**, you can never make that material available on a public website.**

**Quick Tip**

**You should be aware that reliance by curriculum developers on the**[**statutory licences**](https://smartcopying.edu.au/glossary/statutory-licences/)**for curriculum materials has significant cost implications for the schools sector. Where possible, it is always better to create your own content or use material licensed under**[**Creative Commons**](https://smartcopying.edu.au/glossary/creative-commons-cc/)**.**

**PART D – Publishing material to a public website**

Sometimes, departments/administering bodies choose to make teaching material available on public websites/social media platforms, which anyone, anywhere in the world, can access. Your department/administering body should only do this if it owns the copyright in (ie it has created the content or the creator has assigned copyright to the department/administering body), or has permission to use, every item of material in the resources that it chooses to upload to those sites. You cannot rely on the [statutory licences](https://smartcopying.edu.au/glossary/statutory-licences/) or educational use [copyright exceptions](https://smartcopying.edu.au/guidelines/copyright-basics/copyright-exceptions/) in the Copyright Act to publish content to public websites/social media platforms.

**4.1.1 What you can publish**

The only material you can publish to a public website is material:

(i) in which the copyright is owned by the department/administering body  
(ii) created by others (also known as ‘third party material’), which has been licensed under [Creative Commons](https://smartcopying.edu.au/glossary/creative-commons-cc/)  
(iii) created by others, which you have express permission to use.

Alternatively, it is okay to provide links to material created by others on public websites rather than publishing the material. If you are only using an insubstantial amount of material this may also be permissible (see Insubstantial Copying under **Part A**).

**PART E – Attribution and copyright notices**

The important points to remember when thinking about attribution and copyright notices are that you must label department/administering body materials clearly, so that licence fees are not paid on these resources. You should also clearly identify any third party materials in any resource you create, and label these so it is clear how they can be used (for example, used with permission, copied under one of the education licences or exceptions).

You should always:

(i) attribute each individual resource, and, where possible, each individual page or element of a resource (if pages of materials are downloaded out of a larger resource, it means these resources can still be clearly identified)   
(ii) include an appropriate copyright notice on the home page of the website or intranet.

When you are creating new resources, you should follow best practice attribution and license all department/administering body owned material under [Creative Commons](https://smartcopying.edu.au/glossary/creative-commons-cc/).

For examples of best practice attribution/copyright notices see **Attachment B**.

**5.1.1 Attribution**

How you attribute the material will depend on what the material is (ie text, video or music) and the basis on which you are able to use it (eg owned by the department/administering body, whether you have obtained permission from the copyright owner, and whether it is licensed under [Creative Commons](https://smartcopying.edu.au/glossary/creative-commons-cc/) or you are relying on a [statutory licence](https://smartcopying.edu.au/glossary/statutory-licences/)).

All material created and used for [educational purposes](https://smartcopying.edu.au/glossary/educational-purpose/) should be properly attributed. Attribution is important to ensure we don’t pay licence fees for material we already own or are allowed to use such as department/administering body created content. It makes it clear to the users of the content how they can use it.

If you are using [Creative Commons](https://smartcopying.edu.au/glossary/creative-commons-cc/) licensed material in your resources, best practice attribution is TASL:

(i) title  
(ii) author/Copyright Owner  
(iii) source  
(iv) licence.

**5.1.2 Material Owned by the department/administering Body**

Include a [Creative Commons BY Licence](https://creativecommons.org/licenses/by/4.0/) notice on each resource that is owned by the department/administering body. For [text](https://smartcopying.edu.au/glossary/text/) or [artistic works](https://smartcopying.edu.au/glossary/artistic-works/), the Creative Commons notice should appear in the footer of each page of the resource. For videos, include the notice within the video

or, if you are uploading your resource to YouTube, you can mark your video with a [Creative Commons BY Licence](https://www.youtube.com/watch?v=dPZTh2NKTm4).

Note that the YouTube dropdown menu only allows you to select the [CC BY Licence](https://creativecommons.org/licenses/by/4.0/). If you want to apply a more restrictive licence, you will need to include it in the resource itself and/or the product description. An alternative is to use Vimeo, which allows you to apply the full suite of licences.

You can still license your own material under [Creative Commons](https://smartcopying.edu.au/glossary/creative-commons-cc/), even if it includes material created by others. However, you will need to apply the correct copyright notice as the Creative Commons Licence will not apply to third party material in your resource.

See our information sheets [How to Label Third Party Content in Creative Commons Licensed Material](https://smartcopying.edu.au/how-to-label-third-party-content-in-creative-commons-licensed-material/), [Recommended Creative Commons Website and Publication Notices](https://smartcopying.edu.au/recommended-creative-commons-website-and-publication-notices/) and [Applying a Creative Commons Licence](https://smartcopying.edu.au/applying-a-creative-commons-licence/).

**5.1.3 Attributing third party material when relying on the educational use provisions**

**Text and Artistic Works**

If you are relying on the educational use provisions to use material created by others, you should, wherever possible, include a label containing sufficient information to identify the copyright owner. For example, include the name of the author, title, publisher, edition or date of publication, and ISBN or ISSN. If you are [copying](https://smartcopying.edu.au/glossary/copy/) from a website, you should include the full URL. It’s not enough to include just the name of the author (the author is often different from the copyright owner).

Remember, you can always [contact the NCU](https://smartcopying.edu.au/contact-us/) to discuss how we can engage with copyright owners to discuss licensing their materials under a Creative Commons Licence, making them free to use and share.

**Music**

If you are relying on the [Schools Music Licence](https://smartcopying.edu.au/guidelines/education-licences/schools-music-licence/) to share recordings of school events (in the limited circumstances described above), you must ensure these recordings are labelled:

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

**Broadcasts**

If you are copying television or radio [broadcasts](https://smartcopying.edu.au/glossary/broadcast/), include the name of the program, the channel it was [copied](https://smartcopying.edu.au/glossary/copy/) from and the date the copy was made.

There is no statutory obligation to include a notice stating that copyright material has been [copied](https://smartcopying.edu.au/glossary/copy/)/[communicated](https://smartcopying.edu.au/glossary/communicate/) in reliance on the educational use provisions. However, it is still good practice, where it is reasonably practicable, to include the following notice on materials that have been [copied](https://smartcopying.edu.au/glossary/copy/) under the educational use provisions:

‘This material has been copied and communicated to you in accordance with the educational use provisions 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 [insert date material has been copied and made available to students].’

**PART F – Case Studies**

**Case Study 1 - I want to use several worksheets to include as part of a course on eSafety, which are available from the eSafety Commissioner’s website. Should I seek permission or rely on the Statutory Text and Artistic Works Licence?**

The resources on the eSafety Commissioner’s website are licensed under a Creative Commons Licence (CC BY), so you can use these freely, without having to seek permission. Just remember to attribute the resources you use, and check to see how the eSafety Commissioner wants to be attributed.

**Case Study 2 - I want to create a resource for a course on Healthy Habits: Healthy Eating and Exercise for early learners. What should I think about when sourcing materials for my resource?**

As a first step, you should be looking for Creative Common licensed materials on this topic, rather than copying information in reliance on the [Statutory Text and Artistic Works Licence](https://smartcopying.edu.au/guidelines/education-licences/the-statutory-text-and-artistic-works-licence/).

For example, the NSW government has a website called healthykids.nsw.gov.au. This website refers to The Munch and Move program that offers training and resources to educators. You can download facts sheets such as Munch and Move ‘Choose Water as a Drink’, ‘Select Healthier Snacks’ and ‘Eat More Fruit and Vegetables’. You’ll see on the [Copyright Notice](https://healthykids.nsw.gov.au/copyright/) that all NSW Health material on the website is licensed under a Creative Commons Attribution Notice (CC BY).

You can also look at other Creative Commons licensed materials on this topic, such as the publication ‘Australia’s Children’, by the Australian Institute of Health and Welfare. You’ll see on the [Copyright Notice](https://www.aihw.gov.au/copyright) that material on the website has been released under a CC BY Licence.

Another option would be for resource developers to create their own materials, inspired by the resources referred to above. For example, they could take information from different fact sheets available as part of the Munch and Move program, to make a worksheet specific to their particular course or unit.

**Case Study 3 – I am creating some resources as part an elective course on Critical Thinking. One of the course units is ‘Blind Justice: The Jury Selection Process’. Students will look at the application of the legal system and court proceedings through the eyes of a jury, using a pretend legal case. I want to create a series of activities that demonstrate the operation of the Australian legal system.**

This is a good example of where a resource developer can create their own materials inspired by information from other sources. For example, you find the following sources online:

* an article called ‘What are the different stages of an average court case’ from nswcourts.com.au, written by Ungar Nedim
* a step by step process called ‘About jury service’ from the NSW Communities & Justice website
* an article called ‘NSW Jury Duty: what to Expect if called Up’ published on Sydney Criminal Lawyers website.

Instead of copying material from these sources in reliance on the [Statutory Text and Artistic Works licence](https://smartcopying.edu.au/guidelines/education-licences/the-statutory-text-and-artistic-works-licence/), use these articles as inspiration to create your own activities. For example, use the jury selection process outlined in one of the articles, but write about it in the context of the practice legal case the students will study as part of the course.

**Case Study 4 - I am creating a resource for a Japanese language unit, and I want to use simple images throughout the document that correspond to different expressions of emotions. Where should I source the images from?**

A large portion of copyright fees paid by departments of education comes [from images found on the internet](https://smartcopying.edu.au/using-stock-image-libraries-and-images-from-the-internet-what-am-i-allowed-to-do/). The department can rely on the licence, but when they do, these images are captured in the surveys and the department pays for these.

Therefore, if you are using images from the internet in your resource, it is preferable to use images from [Creative Commons](https://smartcopying.edu.au/quick-guide-to-creative-commons/), particularly if these are generic images (ie images of faces or emotions). There are millions of high-quality CC images [available online](https://smartcopying.edu.au/where-to-find-cc-licensed-material/) that are free to use and share. The department can also keep a database of CC images it likes to use for future projects, and add to this as it goes. For more places to find CC Licensed images, see [Where to find CC licensed material](https://smartcopying.edu.au/where-to-find-cc-licensed-material/), and scroll down to images.

**Case Study 5 - I am creating resources for a Year 12 English Literature unit on great American poets. I want to use the poem ‘Wild Geese’ by Mary Oliver, from the anthology ‘Dream Work’ published in 1986. Should I seek permission or rely on the Statutory Text and Artistic Works Licence?**

If you are using a whole poem from an anthology to include in an activity for a short period of time (and the likelihood of subsequent copying is low), it’s fine to rely on the [Statutory Text and Artistic Works Licence](https://smartcopying.edu.au/guidelines/education-licences/the-statutory-text-and-artistic-works-licence/). It is more appropriate to rely on the [licence](https://smartcopying.edu.au/guidelines/education-licences/the-statutory-text-and-artistic-works-licence/) in a situation where a high value work such as a poem is used.

**6. Further Information**

If you have questions or need guidance, please contact the National Copyright Unit:  
Tel: 02 7814 3855  
Email: [smartcopying@det.nsw.edu.au](mailto:smartcopying@det.nsw.edu.au)  
[www.smartcopying.edu.au](file:///C:\Users\hcordell\AppData\Local\Microsoft\Windows\INetCache\Content.Outlook\HYX7BQNT\www.smartcopying.edu.au)

**Attachment A**

**Sample Permission Requests**

**1. Sample email requesting permission (if verbal permission provided)**

Example of wording to be sent as an email:

Dear [name of copyright owner],

Thank you for speaking with me and agreeing to provide permission for [insert Department/Administering Body] to use, reproduce, [publicly perform – if a musical work or sound recording] and communicate [name or description of work(s)] (‘Works(s)’) for [insert intended use] (‘Purpose’).

So that we have it in writing, will you please confirm via reply email that you own all of the intellectual property rights in the Work(s) and that you grant [insert Department/Administering Body] a non-exclusive, royalty free, perpetual licence to use, reproduce, [publicly perform – if a musical work or sound recording] and communicate the Work(s) for the Purpose. Please also tell us how you would like to be attributed as author of the Work(s).

Should you have any questions, please do not hesitate to contact me on [contact details].

Thank you again for your assistance.

Kind Regards,

[Name  
Title]

**2. Sample email requesting permission (if no prior contact)**

Example of wording to be sent as an email:

Dear [name of copyright owner],

I am writing on behalf of the [insert Department/Administering Body] to request permission to use, reproduce [publicly perform – if a musical work or sound recording] and communicate [name or description of work(s)] (‘Work(s)’) for [insert intended use] (‘Purpose’).

Will you please confirm via reply email that you own all of the intellectual property rights in the Work(s) and that you grant [insert Department/Administering Body] a non-exclusive, royalty free, perpetual licence to use, reproduce, [publicly perform – if a musical work or sound recording] and communicate the Work(s) for the Purpose. Please also tell us how you would like to be attributed as author of the Work(s).

If you are not the rights holder of the Work(s), we would appreciate it if you would provide us with any contact information you have about the rights holder.

If you require any additional information regarding this request, please contact [name and unit] on [insert phone number] or [insert email address]. If you require further information regarding copyright, please contact the National Copyright Unit on 02 7814 3855 or [smartcopying@det.nsw.edu.au](mailto:smartcopying@det.nsw.edu.au).

Kind Regards,

[Name  
Title]

**3. Sample letter to request permission**

[NAME  
TITLE  
ORGANISATION  
ADDRESS]

[DATE]

Dear [TITLE AND SURNAME]

[NAME OR DESCRIPTION OF WORK]

I am writing on behalf of the [Department/Administering body] to request permission to use, reproduce, [perform – if a musical work or sound recording] and communicate the work, [NAME OR DESCRIPTION OF WORK] (“Work”) for inclusion in the following publication:

[INSERT INTENDED USES, INCLUDING WHETHER THE WORK WILL BE PASSWORD PROTECTED]

(“Publication”)

If you agree to grant the requested permission, please complete and sign the attached form and return a copy to [NAME AND UNIT] at the following email address [INSERT EMAIL ADDRESS].

If you are not the rights holder of the Work, we would appreciate it if you would provide us with any contact information you have about the rights holder.

If you require any additional information regarding this request please contact [NAME AND UNIT] on [INSERT PHONE NUMBER] or [INSERT EMAIL ADDRESS]. If you require further information regarding copyright, please contact the National Copyright Unit: 02 7814 3855 or smartcopying@det.nsw.edu.au.

Yours Sincerely,

[NAME  
TITLE]

**4. Sample permission request form**

|  |  |
| --- | --- |
| Work | [INSERT NAME OR DESCRIPTION OF WORK] |
| Year the Work was created | [INSERT YEAR] |
| Name | [INSERT NAME] |
| Company / Organisation | [INSERT COMPANY OR ORGANISATION NAME, IF APPLICABLE] |
| Address | [INSERT ADDRESS, IF KNOWN] |
| Telephone Number/s | [INSERT TELEPHONE NUMBERS, IF KNOWN] |
| Email address | [INSERT EMAIL ADDRESS, IF KNOWN] |

Please indicate the permission granted by ticking the appropriate box.

I confirm that I own all intellectual property rights in the Work, and I grant the following rights to [Department/Administering Body] on a royalty free basis for the full term of the Work’s copyright:

* I authorise the [Department/Administering Body] to use, reproduce, [perform – if a musical work or sound recording] and communicate the Work for the purposes of [EDUCATIONAL BODY].
* I authorise the [Department/Administering Body] to use, reproduce, [perform – if a musical work or sound recording] and communicate the Work for the following purposes only: [INSERT PURPOSES]

Please credit me as follows:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

* I do not authorise the [Department/Administering Body] to use, reproduce, [perform – if a musical work or sound recording] or communicate the Work.
* I do not own the intellectual property rights in the Work. The contact details of the rights holder are as follows:

Information contained on this form has been collected in order to administer educational programs for students in the [Department/Administering Body’s] schools. Any personal information will be stored, used and disclosed in accordance with the requirements of the Privacy Act 1988 (Cth).

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  
Date:\_\_\_\_\_\_\_\_\_

**Attachment B**

**Examples of Copyright Notices/Attribution**

**1. Sample Australian State and Territory Departments of Education website copyright notices**

**Long-form:**

Copyright and Terms of Use  
© [insert name of government and department] (unless indicated otherwise), 2022

The copyright material published on this website is subject to the Copyright Act 1968 (Cth), and is owned by [insert name of government and department] or, where indicated, by a party other than [insert name of government and department].

[insert name of government and department] supports and encourages use of its material for all legitimate purposes.

Copyright material available on this website is licensed under a [Creative Commons Attribution 4.0 International (CC BY 4.0) licence](http://creativecommons.org/licenses/by/4.0/) unless indicated otherwise [Excluded Material].

Attribution 2.0 Australia (CC BY 2.0 AU)

Except in relation to Excluded Material this licence allows you to:

• share — copy and redistribute the material in any medium or format and  
• adapt — remix, transform, and build upon the material,

for any purpose, even commercially provided you attribute [insert name of government and department] as the source of the copyright material. The [insert name of government and department] requests attribution as: [insert attribution information].

**Website material not available under a Creative Commons licence:**

The [insert name of government and department] logo, other logos, the Coat of Arms of Australia and trade mark protected material are not licensed under a CC BY licence and may not be used.

Excluded Material on this website may not be licensed under a CC BY licence and can only be used in accordance with the specific terms of use attached to that material. If you want to use such material in a manner that is not covered by those specific terms of use, you must request permission from the copyright owner of the material.

**Linked material available on third party websites:**

If you use the links provided on this website to access a third party’s website, you acknowledge that the terms of use, including licence terms, set out on the third party’s website apply to the use which may be made of the materials on that third party’s website.

If this website contains links to your website and you have any objection to such link, please contact [insert name of government and department].

If you have any questions regarding use of material available on this website, please contact us [insert contact information].

**Short-form:**

Copyright and Terms of Use  
© [insert name of government and department] (unless indicated otherwise), 2022

The [insert name of government and department] supports and encourages the dissemination and exchange of publicly funded information, and endorses the use of the Australian Governments Open Access and Licensing Framework by its agencies.

Subject to the exceptions listed below, the material available on this website is owned by [insert name of government and department] and is protected by Crown Copyright. It is licensed under the [Creative Commons Attribution 4.0 International Licence](http://creativecommons.org/licenses/by/4.0/deed.en). The legal code for the licence is available [here](http://creativecommons.org/licenses/by/4.0/legalcode).

Attribution 2.0 Australia (CC BY 2.0 AU)

The Department requests attribution as: [insert attribution information].

Exceptions:

The Creative Commons licence does not apply to:

1. the [insert name of government and department] logo  
2. the Coat of Arms of Australia or a State or Territory of Australia and  
3. material owned by third parties that has been reproduced with permission. Permission will need to be obtained from third parties to re-use their material.

If you have questions about the copyright in the content of this website, please contact: [insert contact information].

**2. Sample Independent Schools and Catholic Schools website copyright notices**

**Long-form:**

Copyright and Terms of Use  
© [insert name of association] (unless indicated otherwise), 2022

The copyright material published on this website is subject to the Copyright Act 1968 (Cth), and is owned by [insert name of association] or, where indicated, by a party other than [insert name of association].  
[insert name of association] supports and encourages use of its material for all legitimate purposes.

Copyright material available on this website is licensed under a [Creative Commons Attribution 4.0 International (CC BY 4.0) Licence](http://creativecommons.org/licenses/by/4.0/) unless indicated otherwise [Excluded Material].

Attribution 2.0 Australia (CC BY 2.0 AU)

Except in relation to Excluded Material this licence allows you to:  
• share — copy and redistribute the material in any medium or format and  
• adapt — remix, transform, and build upon the material,  
for any purpose, even commercially provided you attribute [insert name of association] as the source of the copyright material. The [insert name of association] requests attribution as: [insert attribution information].

**Website material not available under a Creative Commons licence:**

The [insert name of association] logo, other logos and trade mark protected material are not licensed under a CC BY licence and may not be used.

Excluded Material on this website may not be licensed under a CC BY licence and can only be used in accordance with the specific terms of use attached to that material. If you want to use such material in a manner that is not covered by those specific terms of use, you must request permission from the copyright owner of the material.

**Linked material available on third party websites:**

If you use the links provided on this website to access a third party’s website, you acknowledge and agree that the terms of use, including licence terms, set out on the third party’s website apply to the use which may be made of the materials on that third party’s website.

If this website contains links to your website and you have any objection to such link, please contact [insert name of association].

If you have any questions regarding use of material available on this website, please contact us [insert contact information].

**Short-form:**

Copyright and Terms of Use  
© [insert name of association] (unless indicated otherwise), 2022  
[insert name of association] supports and encourages use of its material for all legitimate purposes.

Subject to the exceptions listed below, the material available on this website is owned by [insert name of association] and is subject to the Copyright Act 1968 (Cth). It is licensed under the [Creative Commons Attribution 4.0 International Licence](http://creativecommons.org/licenses/by/4.0/deed.en). The legal code for the licence is available [here](http://creativecommons.org/licenses/by/4.0/legalcode).

Attribution 2.0 Australia (CC BY 2.0 AU)

The [insert name of association] requests attribution as: [insert attribution information].

Exceptions:

The Creative Commons licence does not apply to:

1. the [insert name of association] logo or trademarks and  
2. material owned by third parties that has been reproduced with permission. Permission will need to be obtained from third parties to re-use their material.

If you have questions about the copyright in the content of this website, please contact: [insert contact information].

**3. Links to current departmental copyright notices**

[Department of Education, NSW](https://education.nsw.gov.au/about-us/copyright)  
[Department of Education, Queensland](https://qed.qld.gov.au/copyright-statement)  
[Department of Education and Training, Victoria](https://www.education.vic.gov.au/Pages/copyright.aspx)  
[Department of Education, WA](https://www.education.wa.edu.au/copyright)  
[Department of Education, Queensland](https://qed.qld.gov.au/copyright-statement)  
[Department for Education, SA](https://www.education.sa.gov.au/copyright)  
[Department of Education, Tas](https://www.education.tas.gov.au/about-us/copyright-and-disclaimer/)  
[ACT Education Directorate](https://www.education.act.gov.au/functions/copyright)  
[Department of Education, NT](https://education.nt.gov.au/copyright-disclaimer-and-privacy)

**4. Best practice attribution of material created by the Department/Administering Body**

Material that has been created by you, your school or an educational body should be clearly labelled in order to avoid the possibility of the sector having to pay under the [statutory licences](https://smartcopying.edu.au/glossary/statutory-licences/) to use the content. This is best done with a footer on each page.

For example:

© NSW Department of Education, 2022Attribution 2.0 Australia (CC BY 2.0 AU)

© Catholic Education Office of WA 2022Attribution 2.0 Australia (CC BY 2.0 AU)

These are good examples of attribution:

Text:

[Individual Pathway Planning (Department of Education WA) (pdf)](https://doe-ict-homeschool-prd-end.azureedge.net/public/Career-pathway-planning_Yr_12.pdf)

[Talking about sensitive topics with your child and the school (pdf)](https://studentwellbeinghub.edu.au/media/9829/swh_parent_sensitive_topics_accessible.pdf)

Video:

[Connecting with Community – NSW Community Languages Schools Program (YouTube)](https://www.youtube.com/watch?v=-tmwZUs_JXE)

[Teaching remote FAQ – Doomadgee State School, Queensland (YouTube)](https://www.youtube.com/watch?v=cav5CtisUQU)

**5. Best practice attribution of third party material contained in resources owned by the Department/Administering Body or licensed under Creative Commons**

You must ensure that any third party content that is not owned or [Creative Commons](https://smartcopying.edu.au/glossary/creative-commons-cc/) licensed is clearly identified as such. This can be done either by including a notice directly under the third party content, or by giving a general notice that includes all third party, non-Creative Commons licensed content. For example:

‘P,Taylor, 2022,‘Native Plants of WA’, © Insite Publishers, All Rights Reserved, Used with permission.’

or

‘All material on this website, except as identified below, is licensed under the Creative Commons Attribution 4.0 International Licence. To view a copy of this licence, visit <http://creativecommons.org/licenses/by/4.0/>.’

Material that is not licensed under a Creative Commons licence is:

• Photographs on pages 4-6  
• Poem on page 2  
• Video footage

You must request permission from the copyright owner to use any of the material not licensed under Creative Commons.

**6. Best practice attribution if you have permission to use a third party work**

Reproduced and made available for copying and communication by [insert name of Department/Administering Body] for [its] educational purposes with the permission of [name copyright owner].

**7. Best practice attribution if you have relied on the educational use provisions to use a third party work**

We recommend that you include the following notice if you have relied on the educational use provisions to use third party works, such as text, artworks, television broadcasts or video:

This material has been copied and communicated to you in accordance with the educational use provisions 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 [insert date material has been copied and made available to students].

If you have relied on the [Statutory Text and Artistic Works Licence](https://smartcopying.edu.au/glossary/statutory-text-and-artistic-works-licence/) to [copy](https://smartcopying.edu.au/glossary/copy/) a [text work](https://smartcopying.edu.au/glossary/text/), [artistic work](https://smartcopying.edu.au/glossary/artistic-works/) or television [broadcast](https://smartcopying.edu.au/glossary/broadcast/), a practical way of including this notice to electronic material is to insert a link to the notice from the attribution information, eg:

Copied under the statutory licence in s 113P of the Copyright Act  
Stateless, ABC, 1 March 2022  
[Link to warning notice]

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 intranet. If using this approach, you should modify the notice to make it clear that it applies to only some of the material on the repository:

Some of this material has been copied and communicated to you in accordance with the educational use provisions 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 [insert date material has been copied and made available to students].

**Attachment C**

**Quick Guide to labelling third-party materials**

1. **Using CC licensed materials**

Remember to include TASL (Title, Author or Copyright Owner, Source, Licence)

Example:



[Submarine conducts alpha trials in the Atlantic Ocean [Image 1 of 9]](https://www.flickr.com/photos/28650594@N03/7315372288) by [DVIDSHUB](https://www.flickr.com/photos/28650594@N03) is licensed under [CC BY 2.0](https://creativecommons.org/licenses/by/2.0/?ref=openverse).

1. **Using third-party materials where you have obtained permission to use these from the copyright owner, to both copy into your resources and for subsequent copying by all teachers in Australian schools**

Example:

*The diagram ‘Osmosis vs Diffusion’ has been reproduced and made available for copying and communication by NSW Department of Education and can be used for non-commercial educational purposes by teachers in all Australian schools, with permission from J Snow.*

1. **Using third party text and artistic works in reliance on the Statutory Text and Artistic Works Licence (using a hardcopy rather than works sourced online)**

Example:

*‘Copied under Section 113P, George RR Martin, A Game of Thrones, Harper Collins, 1997, 9780006479888.’*

1. **Using third party text and artistic works in reliance on the Statutory Text and Artistic Works Licence (sourced online)**

Example:

*‘Copied under S113P,* [*https://www.instagram.com/p/ByqiTzTpto6/?igshid=11p4m7395ib3q*](https://www.instagram.com/p/ByqiTzTpto6/?igshid=11p4m7395ib3q)*, The Printed Paw, accessed 18 May 2022’.*

1. **Using broadcasts copied in reliance on the Statutory Broadcast Licence**

Example:

*‘Copied under s 113P,* [*Great Southern Landscapes – Episode 4 Lakes*](https://iview.abc.net.au/video/AC2115H003S00)*, ABC, 23 August 2022’.*

1. **Using music (sharing recordings of school events, in limited circumstances outlined in Part C, above)**

Example:

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

1. **Using CC Licensed music**

Remember to include TASL (Title, Author or Copyright Owner, Source, Licence)

Example:



[Ocean Jet - Echoes](https://www.jamendo.com/track/1101597) by [Ocean Jet](https://www.jamendo.com/artist/441694/OceanJet) is licensed under [CC BY-NC-SA 3.0](https://creativecommons.org/licenses/by-nc-sa/3.0/?ref=openverse).