**Issue 6 – October 2019 - THE LATEST NEWS IN COPYRIGHT FOR AUSTRALIAN SCHOOLS AND TAFE**

The National Copyright Unit (NCU) is a specialised unit that provides copyright assistance and advice to all Australian government and non-government schools as well as TAFEs in Australia.

NCU is a small secretariat that acts on behalf of the Copyright Advisory Group (CAG) which reports to the COAG Education Council. CAG’s committee members are senior representatives from State and Territory Departments of Education and the Catholic and Independent school sectors.  The NCU was established in 2005 to:

* provide specialist copyright assistance to schools and TAFEs;
* negotiate and administer the School and TAFE sectors licences with Australian Collecting Societies and related copyright surveys; and
* advocate for copyright law reform benefitting education.

For practical copyright advice, information on our national seminar series and Copyright for Educators (C4E) course please contact our team and/or see our [Smartcopying Website](http://www.smartcopying.edu.au/).

**Playing Films in Schools**

Teachers often ask whether they can play films in schools. In this newsletter, we look at when films can be played in class, on rainy days or for fundraising purposes.

**Can films be played in class?**

Yes. Schools can play films for educational purposes under a free use exception in the Copyright Act (section 28) provided it is:

* in the course of education and is not for profit; and
* the people in the audience or class are giving or receiving instruction and/or are directly connected with the place where instruction is given.

 This includes playing films for virtual classes and distance education students.

**Playing films from streaming or on demand video services**

Section 28 allows teachers to play films, television programs and other video content to their class from:

* videos or DVDs;
* live free to air and pay television;
* streaming services (e.g. Netflix, Stan, Prime Video);
* the internet (YouTube, Vimeo);
* film and video content from online providers such as iTunes or Google Play (note you need to play the films from your account);
* catch up or on demand television (e.g. ABC iView, SBS on Demand, 7plus, FoxNow).

For more information, see: <http://smartcopying.edu.au/information-sheets/schools/performance-and-communication-of-works-and-audio-visual-material-in-class---what-am-i-allowed-to-do->.

**Playing films for non-educational purposes**

Teachers cannot rely on section 28 to play films for non-educational purposes (e.g. on rainy days, school excursions and other events or camps). In these cases, schools may wish to purchase a Co-Curricular Licence, which covers playing films in these circumstances.

**Playing films on rainy days, school excursions or camps**

The Co-Curricular Licence allows schools to play legitimate copies of films to teachers and students of the school and parents acting in a supervisory capacity:

* at school for entertainment purposes (e.g. at lunchtime on a rainy day);
* on bus excursions;
* at school camps and excursions;
* at after-school care and holiday programs conducted at and by the school.

The Co-Curricular Licence covers most major film distributors including Walt Disney, Warner Bros, Universal International Pictures and more. However, the licence is **optional** which means most schools are not automatically covered. Only the following schools are automatically covered by a centralised Co-Curricular Licence:

* ​Governments Schools in: ACT, QLD, NT, TAS and WA
* Catholic Schools in:​ Canberra and Goulburn, NSW, QLD, NT, WA and SA.

All other Government, Independent and Catholic schools will need to take a Co-Curricular Licence for their school. The annual licence fee is based on the number of students in your school and ranges from $50 to $175.

To learn more about the Co-Curricular Licence and to take out a licence for your school, see: <http://smartcopying.edu.au/information-sheets/schools/playing-films-for-non-educational-purposes>.

**Playing Films for School Fundraising**

Unfortunately the Co-Curricular Licence does not cover fundraising events. If your school wishes to show a film as part of a fundraising event, you will need to obtain a licence from the relevant Australian Film Distributor.

You can contact Roadshow to obtain a licence (publicperformance@roadshow.com.au / (02) 9552-8685) or if your school would like to show an Australian film, you could screen a film from the National Film and Sound Archive: <https://www.nfsa.gov.au/non-theatrical-screenings>.

**Smartcopying Tips for Playing Films**

* It must be for a **specific educational purpose** (unless under the Co-Curricular Licence);
* Always obtain films from **legitimate sources.**

For further information, see the Smartcopying website at:

* <http://smartcopying.edu.au/information-sheets/schools/performance-and-communication-of-works-and-audio-visual-material-in-class---what-am-i-allowed-to-do->
* <http://smartcopying.edu.au/information-sheets/schools/playing-films-for-non-educational-purposes>.

**Additional Information**NCU is always here to provide copyright assistance and advice to schools and TAFEs (excluding Victorian TAFEs). If you have any questions or need additional information, please visit the Smartcopying website (<http://www.smartcopying.edu.au/>) or you can contact us on Tel: 02 7814 3855 and at smartcopying@det.nsw.edu.au.

The purpose of this update is to provide a summary and general overview of selected copyright issues. It is not intended to be comprehensive nor does it constitute legal advice. If you need to know how the law applies in a particular situation, please get advice from the National Copyright Unit.