**Performance and Communication of Copyright Material in Class**

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Schools are allowed to [perform](https://smartcopying.edu.au/glossary/performance/) and [communicate](https://smartcopying.edu.au/glossary/communicate/) copyright material in class under a free exception in section 28 of the Copyright Act.

We sometimes call this the ‘show and tell’ exception and it covers all types of copyright material.

**How can I use materials in reliance on s 28?**

Teachers and students can read or [perform](https://smartcopying.edu.au/glossary/performance/) a [literary](https://smartcopying.edu.au/glossary/literary-works/), [dramatic](https://smartcopying.edu.au/glossary/dramatic-works/) or [musical work](https://smartcopying.edu.au/glossary/musical-works/), or play [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/) in class under s 28, provided:

* it is in the course of education and 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.

Teachers and students can also communicate:

* [literary](https://smartcopying.edu.au/glossary/literary-works/), [dramatic](https://smartcopying.edu.au/glossary/dramatic-works/) or [musical works](https://smartcopying.edu.au/glossary/musical-works/)
* [films](https://smartcopying.edu.au/glossary/film/) and [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/)
* television and radio [broadcasts](https://smartcopying.edu.au/glossary/broadcast/) (including works embodied in those [broadcasts](https://smartcopying.edu.au/glossary/broadcast/)) and
* [artistic works](https://smartcopying.edu.au/glossary/artistic-works/),

to classes, to enable classroom [performances](https://smartcopying.edu.au/glossary/performance/) including the playing of [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/) and [films](https://smartcopying.edu.au/glossary/film/) using new technologies.

A ‘[performance](https://smartcopying.edu.au/glossary/performance/)’ is any visual or aural presentation in class (such as reading a poem or storybook to a class or showing a [film](https://smartcopying.edu.au/glossary/film/)).

A ‘[communication](https://smartcopying.edu.au/glossary/communicate/)’ means making materials available online or electronically transmitting copyright materials (like uploading to a password protected [digital teaching environment](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/) (DTE) for student access. It also includes emailing and [streaming](https://smartcopying.edu.au/glossary/streaming/) material.

**What activities can I do in my class under s 28?**

Some examples include:

* reading a story, poem, news article, journal, handbook or other [literary work](https://smartcopying.edu.au/glossary/literary-works/)
* playing:
* television programs from free to air and pay television
* radio programs from free to air radio and digital radio stations
* television programs from [streaming](https://smartcopying.edu.au/glossary/streaming/) services (eg Netflix Stan or Disney Plus)
* a [film](https://smartcopying.edu.au/glossary/film/) in any format (eg a DVD or a [film](https://smartcopying.edu.au/glossary/film/) from AppleTV, Google Play, etc)
* purchased material in any format (eg a [film](https://smartcopying.edu.au/glossary/film/), [audiobook](https://smartcopying.edu.au/glossary/audiobook/), television program or series)
* online television programs from catch up television (eg ABC iView, SBS on Demand, 7plus)
* [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/)in any format (eg CD, DVD, cassettes, digital music from Apple Music, Google Play)
* staging a [performance](https://smartcopying.edu.au/glossary/performance/) of a play
* singing a song
* playing a musical score using a musical instrument
* displaying content from a live website on an interactive whiteboard.

**When can I upload materials to my DTE to show my class?**

Teachers may want to upload materials to the DTE in order to play or show them in class. This process will also involve making an ‘interim [copy’](https://smartcopying.edu.au/glossary/copy/).

You may be able to rely on one of the educational use provisions in the Copyright Act to make that interim [copy](https://smartcopying.edu.au/glossary/copy/), as long as:

* it is only made to facilitate the classroom [performance](https://smartcopying.edu.au/glossary/performance/) and/or communication of that content
* you remove access by archiving or deleting the materials at the end of the lesson.

For example, to play a [film](https://smartcopying.edu.au/glossary/film/) to your class you may need to make a copy in order to upload the [film](https://smartcopying.edu.au/glossary/film/) to your school’s DTE (in reliance on the flexible dealing exception). Playing the film from your DTE to your class is permitted under s 28.

As soon as the lesson is over, you must remove access by archiving the [film](https://smartcopying.edu.au/glossary/film/) or deleting the [film](https://smartcopying.edu.au/glossary/film/) from wherever you’ve uploaded it to.

**What can’t I do under s 28?**

You will not be able to make some uses of copyright material, such as [communicating](https://smartcopying.edu.au/glossary/communicate/) or [performing](https://smartcopying.edu.au/glossary/performance/) a work, such as a poem, or playing a [film](https://smartcopying.edu.au/glossary/film/) or [sound recording](https://smartcopying.edu.au/glossary/sound-recordings/):

* to the parents of students
* for a fundraising activity
* at a school excursion or camp where there is no teaching involved
* for non-teaching purposes in the school (eg showing a [film](https://smartcopying.edu.au/glossary/film/) at lunch on a rainy day with no teaching involved, playing music at school concerts, dances or formals, sports days, fairs, etc).

While section 28 will not apply to teachers and students [performing](https://smartcopying.edu.au/glossary/performance/) music for non-teaching activities, schools may be able to perform music outside the classroom under the [Schools Music Licence](https://smartcopying.edu.au/guidelines/education-licences/schools-music-licence/).