

COPYRIGHT POLICY

Section 1 - Purpose and Scope

Purpose

- (1) The College is committed to applying and complying with the *Copyright Act 1968 Cth* (the Copyright Act) to ensure the fair and equitable balance between the rights of creators, owners and users.
- (2) This Policy sets out how the College complies with copyright law and the responsibilities of individuals when making use of copyright material.

Summary

Copyright is a legal way of protecting creative works. In Australia, copyright law is contained in the *Copyright Act 1968 (Cth)*.

Australian copyright law grants certain rights and protection to owners of copyright material. The law gives copyright owners exclusive rights over certain use of their material.

Australian copyright law also provides some exceptions which permit 'fair dealings' with copyright material for certain purposes, including: research or study; criticism or review; and making accessible format copies by, or on behalf of, a person with a disability. (Attorney-General's Department "Copyright basics" accessed 06/08/2023).

Scope

- (3) This Policy applies to all College staff, students, contractors and other persons who study at, or contribute to, the functions of ACPE.
- (4) Academic Staff should read this policy in conjunction with the Copyright Flowchart for Academic Staff.
- (5) Copyright information for students is available at the library copyright pages - "Copyright for Students"
<https://library.acpe.edu.au/c.php?g=963580&p=6999050>

Section 2 – Definitions

- (6) In this Policy:
 - (a) **Copyright** refers to the exclusive rights of reproduction, communication and performance granted by the Copyright Act 1968 to the copyright holders of literary, dramatic works, musical, artistic works and other subject matter such

as films, videos, sound recordings and broadcasts. Copyright protects the original expression of ideas or information, not the ideas or information itself.

(b) **Copyright Act** means the Copyright Act 1968 (Cth).

Section 3 – Policy Statement

Principles

- (7) The College seeks to conduct its activities in compliance with the Copyright Act and other copyright licence agreements that may be in force. All use, reproduction and distribution of copyright material is required to comply with the Copyright Act and any relevant statutory licence agreements in force.

Note: While the College supports and encourages the use of digital and online media across its teaching functions, it also recognizes the need for caution in respect of the special challenges and risks that can arise in terms of copyright compliance.

- (8) Staff, students and other users must take reasonable steps to ensure they comply with copyright law and licenses, and must not knowingly expose the College to the risk of breaching its copyright obligations.
- (9) The College will respond to internal copyright issues and external notifications of alleged copyright infringement (including 'take down' notices).
- (10) Important information, for students and staff, on the use of copyright material at the College is kept up to date, available on the ACPE website
<https://library.acpe.edu.au/copyright>

Copyright Obligations and Responsibilities

- (11) Students and staff are personally responsible and liable for breaches of copyright arising from their own actions and may be liable for disciplinary action.
- (a) A breach of this Policy by a staff member may be treated as misconduct depending on the nature of the breach and will be dealt with in accordance with the Staff Code of Conduct.
- (b) A breach of this Policy by a student may be treated as misconduct depending on the nature of the breach and will be dealt with under the Student Code of Conduct or the Academic Integrity Policy.

Dean and Head Librarian

- (12) The Dean and the Head Librarian are responsible for facilitating assistance and

staff development for staff (particularly academic staff members) in respect of facilitating their understanding of their obligations under the Copyright Act and associated obligations.

- (13) Alleged breaches of copyright laws and obligations must be reported promptly to the Dean or the Head Librarian in the first instance.

Staff

- (14) All staff are required to comply with this Policy and the Copyright Act, and are expected to read, understand and keep up-to-date with the compliance information provided for them in the Copyright Flowchart for Academic Staff.
- (a) In particular, academic staff must comply with copyright laws in relation to the posting of online readings and resources to the College website.

Students

- (15) All students are required to comply with this Policy and the Copyright Act, and are expected to read, understand and keep up-to-date with the compliance information provided for them on the ACPE website at <https://library.acpe.edu.au/c.php?g=963580&p=6999050> and on the Academic Integrity Policy.
- (a) In particular, students must comply with copyright laws in relation to the copying and distribution of copyrights sound or video recordings.

Other users

- (16) All other users of the ACPE Library must ensure that they comply with copyright laws in their dealings with the Library in relation to photocopying and printing.

Copyright Licence Agreements

- (17) ACPE has entered into several licence agreements which assist it to meet its obligations in respect of certain provisions of the Copyright Act. ACPE also enters into voluntary commercial licence agreements for the use of information resources, information technology and software.
- (18) ACPE is committed to compliance with its statutory and commercial licences for the use of copyright material. It is also committed to compliance with the terms of open licences such as Creative Commons, and open-source software licences. Such licences are attached to the material itself and their terms give users broad rights to deal with the material on certain conditions.

Section 4 - Procedures

(19) Nil.

Related documents

This Policy should be read in conjunction with but is not limited to:

- Copyright Flowchart for Academic Staff
- Academic Integrity Policy and Procedure
- Student Code of Conduct
- Staff Code of Conduct

Legislation

- Copyright Act 1968 (Cth)
- Copyright Regulations 2017 (Cth)

Document Administration

Policy Name	Copyright Policy
Policy Owner	Head Librarian
Approval Authority	Board of Directors
Approval Date	11 September 2023
Effective Date	As at Approval Date
Next Review #	Three years from the Approval Date
Amendment history	
Version 1: April 2020	Document developed and approved as Interim Policy. Content checked against a superseded ACPE policy and relevant legislation.
Version 1.5: March 2022	Minor amendments made to reflect recent changes in job titles.
Version 2:	Policy revised and incorporated into new ACPE template. Policy Owner changed from CEO to Head Librarian.

Unless otherwise indicated, this Policy will still apply beyond the Review date