

## Lutheran Education Australia

# LEAdr [Digital Repository] General Information

LEA's digital repository has been set up to enable the sharing of resources among and between schools and district offices. This document provides information about some of the checking and authorisation procedures to be completed before material is put into the repository.

### Copyright – an introduction

Copyright law protects authors and publishers. In general, anyone who performs, copies or disseminates published works must first acquire permission to do so. Under special arrangements, schools are allowed to make 'fair use' of materials for instructional purposes. Fair use is interpreted as those limited uses that are not likely to deprive a publisher or author from income. This usually occurs through licensing agreements with agencies such as:

- Copyright Agency Limited –CAL
- Australasian Music Copyright Owners Society – AMCOS
- Australia Record Industry Association – ARIA
- Christian Copyright Licensing International – CCLI for music, lyrics, audio & video recording
- Phonographic Performance Company of Australia – PPCA
- Visual Arts – VISCOPY

The National Education Access Licence for Schools (**NEALS**) commenced on June 6 2006. NEALS is a licence between education departments of the various states and territories as well as the independent and catholic sector schools. It allows government and non-government schools, which are members of the agreement, to copy and communicate material for educational use free of charge from each others websites and publications.

These licences, while quite comprehensive, do not necessarily cover *all* the situations that arise in a school. They define a set of rights to undertake certain activities within certain boundaries. Activities outside of these boundaries require schools to obtain additional licences or to seek permission from the copyright owner.

There are still copyright restrictions on the extent to which work can be 'shared' and *it is illegal to breach these whether for educational purposes or not!* And while teachers may make limited use of materials within their own classrooms, loading the materials into a digital repository may require obtaining specific permission to do so.

In general: Check 'Educational Institutions: An introduction to copyright' information from the Australian Copyright Council (ACC) on <http://www.copyright.org.au/information/cit005/wp0003>  
From there you can follow the links to a range of specific Information Sheets  
(NB It is against copyright law to provide access to the links here!)

### Checks required at the submission level

Question	If so, then . . .	Action required
Is the work being submitted original, unpublished and created by an employee of the school/district in the course of their work?	If so, then the school/district owns the work.	It is recommended that the school places the NEALS logo or Free For Education logo on the material. See <a href="#">AEShareNet-FfE - the Free for Education instant licence</a>
Is the work from another educational source, publicly available (i.e. on a website or as a print publication) and has not been specifically excluded under NEALS?		Permission should be obtained from the school before it is used. <i>Note that WA material must be marked 'Licensed under NEALS'</i>
Does the material contain music?		See the ACC information sheet 'Music use in student films and home videos'
Does the material contain artwork? (Includes drawings, paintings, photographs, logos, diagrams)		See the ACC information sheet 'Artworks and copyright' and also 'Artworks – Getting permission'
Does the material contain maps or charts?		See the ACC information sheet 'Maps and Charts'
Does the material contain films or film clips?		See the ACC information sheet 'Film'
Does the material contain pod casts?	<p>Only two kinds of podcasts can be included:</p> <ul style="list-style-type: none"> <li>• Podcasts which carry an 'AEShareNet' or 'Creative Commons', the Learning Federation or other 'Free for Education' licence</li> <li>• Podcasts that are made by the school</li> </ul>	<p>Include source of podcast</p> <p>Obtain the permission of parents for all students appearing in that podcast. <i>Include a copy of a licence granted by the Local Copyright Manager for any music tracks used in the podcast or a statement that verifies that the music was obtained from a free music software programme (like 'Garage Band 3' or 'Monaco'). Appropriate 'credit' given to the copyright owner (author and school)</i></p>
Does the material contain quotes or excerpts? See the ACC information sheet 'Quotes or excerpts: copyright permission'	If excerpts from published work are used schools are allowed to use up to 10% of the work for educational purposes under CAL licensing agreements. However, the Google library case would indicate that for a digital repository, a 'snippet', that is 2 or 3 sentences is a safer maximum legal use.	Limit excerpts to 2-3 sentences

Does the material contain hyperlinks?	Including a hyperlink may be a safer alternative to including any of the above. However their inclusion must also be checked under copyright	Check copyright conditions for any material included through a hyperlink
Is the person submitting the material the author but the work has been published elsewhere?	If so, copyright might then belong to the publisher.	Check who owns the copyright and verify that copyright allows the work to be shared
Information from the Learning Federation Website can be placed into the digital repository but <i>only</i> if it can be guaranteed that it will not be made public (that is outside of education) and that the copyright notice is printed on each page		Place the copyright notice on each page to be printed
Are student work or student photographs included?	Permission is required from parents for the use of their child's photograph and from the child and, if under 18, their parent(s) for the use of student work. However most schools have a process in place where they obtain 'one-off' permission from parents for the use of such materials in school publications.	Check that a school has a process for obtaining parental permission for the use of photographs and work
Has the material has been produced under a funding agreement		Include a statement that the material can be published under the terms of the agreement

### Prohibited items

The following items cannot be added:

- Film and sound recordings belonging to schools (ie CDs and MP3s) – these are not covered under NEALS
- Anything from a source that is labeled 'Not Part of NEALS'
- Podcasts, apart from the 2 types listed above
- ABC podcasts in general although, depending on the terms and conditions listed on the podcast, a link can be included in the material that then allows users to access the podcast for their own private use.  
**Action: Check that terms and conditions allow this type of access**
- Material that has been made available to the school only under Part VB of the Copyright Act

**Recommended Action**  
*When in doubt – Leave it out!*

## References

AISSA Copyright Information Sheets for Schools (2006) at URL [http://www.ais.sa.edu.au/html/about\\_policy\\_index.asp - 20058](http://www.ais.sa.edu.au/html/about_policy_index.asp - 20058) accessed on 15/5/2007

Australian Copyright Council website – Education and Teaching <http://www.copyright.org.au/information/specialinterest/education.htm>

Ruth Allen (2006), Google Library – Why all the fuss?, ACC, at URL [http://www.copyright.org.au/pdf/acc/articles\\_pdf/a05n24.htm/?searchterm=digital%20repository](http://www.copyright.org.au/pdf/acc/articles_pdf/a05n24.htm/?searchterm=digital%20repository), accessed 21/5/2007

Christian Schools Australia – Copyright Resources, at URL [http://www.csa.edu.au/res\\_copyright.php](http://www.csa.edu.au/res_copyright.php), accessed on 18/5/2007

Jamie McKenzie Keeping it Legal: Questions Arising out of Web Site Management on URL <http://www.fno.org/jun96/legal.html> accessed on 22/3/2007

AEShareNet FfE Free for Education Instant Licence On <http://www.aesharenet.com.au/FfE2/>, accessed 21/5/2007

National Education Access Licence for Schools (NEALS) Implementation Kit (2006), prepared for AIS

Agreement for National Education Access Licence for Schools (NEALS) (2006), Minter Ellison Lawyers, Sydney