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1 PURPOSE

- 1.1 This policy outlines how CQUniversity will comply with the provisions of the [Copyright Act 1968](#) (Cwlth). This includes compliance with statutory and commercial licences for the use of copyright material, and compliance with the terms of open licences such as Creative Commons, and open source software licences.

2 SCOPE

- 2.1 This policy covers CQUniversity’s responsibilities as a producer and a consumer of copyright materials.
- 2.2 This policy relates to all users of copyright material within CQUniversity, including academic, teaching and professional employees, students and all CQUniversity affiliates. User responsibilities are set out in the [responsibilities](#) section below.
- 2.3 Policy matters regarding the production of copyright material by CQUniversity and its employees are covered in the [Intellectual Property and Moral Rights Policy](#).

3 POLICY STATEMENT

- 3.1 In Australia, copyright law is contained in the Commonwealth *Copyright Act 1968*.
- 3.2 Copyright law is designed to provide a balance between rewarding creators for their works, thus encouraging further creativity, and ensuring reasonable access by users to those works. The *Copyright Act* protects the economic and moral rights of creators. Economic rights are transferrable, while moral rights are not. The Act includes sections setting out the exclusive rights of copyright owners and the moral rights of creators, as well as sections which specify the rights of users of copyright material.

- 3.3 The University is a signatory to three statutory licence agreements between Universities Australia and various copyright collecting agencies that act on behalf of owners of copyright works and other subject matter. These licence agreements are made under Division 4 of Part IVA of the *Copyright Act*.

Licence Agreement	Collecting Agency
Print and Graphic Copying and Electronic Communications Remuneration Agreement	Copyright Agency Limited (CAL)
Audio-Visual Copying and Communication Remuneration Agreement	Audio-Visual Copyright Society Ltd (Screen rights)
Tertiary Music Agreement (covers limited use, recording and performance)	Australasian Mechanical Copyright Owners Society Ltd (MCOS), Australasian Performing Right Association Ltd (APRA), Phonographic Performance Company of Australia Ltd (PPCA) and Australian Recording Industry Association (ARIA)

- 3.4 Under these agreements, the University is required to regularly report on its usage of copyright material and pay an annual fee so that employees can make prescribed use of copyright materials for the purposes of providing course materials for students. Guidelines for using copyright material under these agreements are made available to all employees on the [University's copyright website](#).
- 3.5 The University also has voluntary commercial licence agreements for the use of information resources, information technology and software, and engages with open licences such as Creative Commons, and open source software licences.
- 3.6 The University does not tolerate employees, students or other approved users of its information resources making unauthorised copies of copyright material.
- 3.7 Notifications from third parties in relation to breach of copyright will be investigated in accordance with University policy. Serious breaches of this policy by employees, students or other approved users can lead to disciplinary action by the University and may have legal consequences under criminal or civil provisions of the general law.

4 RESPONSIBILITIES

Compliance, monitoring and review

Chief Operating Officer

- 4.1 The Chief Operating Officer is the senior management representative responsible for copyright compliance at the University and provides advice to the Vice-Chancellor and President on any agreements to be signed as a member of Universities Australia and copyright compliance within the University.

Copyright Officer

- 4.2 The Copyright Officer undertakes duties required by the University to meet its copyright obligations under the legislation and coordinates the maintenance of a centralised management approach to the access, interchange and delivery of information across the whole University. This includes being the central point of contact for all audits and surveys conducted for or by the various collecting societies. The Copyright Officer coordinates the provision of copyright advice to employees and students.
- 4.3 The Copyright Officer is the 'designated representative' for the purposes of receiving service provider notifications, notices and counter-notices regarding suspected copyright infringement on the the University website and the downloading or transmission of online media using CQUniversity's ICT facilities or devices (Part 6 , Division 1, Section 19 of the [Copyright Regulations 2017](#) (Cwlth)).
- 4.4 The Copyright Officer reports to the Associate Director Library.
- 4.5 The Deputy Vice-President (Digital Services) and Copyright Officer are responsible for implementing, monitoring, reviewing and ensuring compliance with this policy.

Library services

- 4.6 The Associate Director Library is responsible for ensuring that the University Library complies with all aspects of the *Copyright Act*, in particular the sections regarding 'Copying of works in libraries or archives' (Division 5 of Part III). This includes implementing procedures to ensure that any requests for photocopying or electronic document delivery done on behalf of employees or students is carried out within the limits of the legislation and include the relevant Copyright Declaration Forms and Notices.
- 4.7 The Library is responsible for digitising print copyright material under Division 4 of Part IVA of the *Copyright Act*. The Library will manage an eReading List Management System which will ensure the provision of this digitised material to CQUniversity employees and students.
- 4.8 The Library also manages authenticated access to online media files via the University's streaming server, where permission has been received from copyright owners.
- 4.9 Access to all online reading and audio-visual resources must be arranged through the eReading List Management System. These resources must **not** be located on the University's Learning Management System (LMS) or individual unit websites created within Schools, without express permission from the copyright owner. Any permissions received must be lodged with the Library for recordkeeping and reporting purposes.
- 4.10 On the University's behalf, the Library enters into a number of commercial arrangements for access to third-party copyright material contained in electronic databases subject to certain conditions. Infringement of licence conditions is monitored by database vendors and reported to the Digital Services Directorate, which is required to investigate all notified suspected infringements.
- 4.11 The Associate Director Library is responsible for ensuring the Library provides centralised management, and recording of the online communication of resources provided under Division 4 or Part IVA of the *Copyright Act*. The Library will provide reports to the Copyright Agency as required under the statutory licence agreements outlined in clause 3.3.

Deputy Vice-President (Digital Services)

- 4.12 The Deputy Vice-President (Digital Services) is responsible for the overall compliance of the University's internet web presence. However, relevant employees of various operational units are responsible for ensuring the copyright compliance of content uploaded onto University web pages.
- 4.13 The Deputy Vice-President (Digital Services) is also responsible for the provision of the University's LMS, which enables academics/teachers to create web-based units. However, responsibility for the content rests with the Unit Lead/Coordinator or individual academics/teachers responsible for uploading content. As specified below, Unit Lead/Coordinators (including individual academic or teaching employees) must ensure that all material used on the University's web pages for which they are responsible (including on the LMS) is copyright compliant.
- 4.14 In consultation with appropriate members of the [Senior Executive](#) or other stakeholders, the Deputy Vice-President (Digital Services) may impose conditions on access to the University's network, systems and databases to comply with the provisions of the Act and/or the terms and conditions of its contractual arrangements with information providers and software distributors. The Digital Services Directorate may be required to monitor and/or provide details of individual employees or students whose computer usage indicates infringing activity.

Director Student Central

- 4.15 The Director Student Central is responsible for administering the process for releasing past exam papers on the University website for use as a study resource.
- 4.16 Student Central will release a past exam paper after approval has been given by the Copyright Officer who has verified that the materials fall within the limits specified under the *Copyright Act*.

Unit Leads/Coordinators (including academic and teaching employees)

- 4.17 Unit Leads/Coordinators (and educators who upload LMS content) are responsible for:
- checking and confirming the copyright compliance of resources used within their course materials in each term of offering
 - ensuring that digital copies of material copied under the statutory licences must only be made available via the eReading List Management System, and
 - identifying third-party material in any exam paper before it is released to the past exams website.
- 4.18 If the Unit Lead/Coordinator (or educator) is not the original developer of the unit or is assigned the role without involvement in the pre-term materials preparation or revision, it is their responsibility to check with the unit developer, Head of Course/Lead Vocational Teachers or Deputy Dean Learning and Teaching for assurance that copyright compliance has been addressed.

Employees

- 4.19 Employees who reproduce and/or communicate copyright material have an obligation to develop their knowledge and understanding of the relevant requirements of the *Copyright Act*. All employees must undertake the University's online copyright training module on commencing employment and again every two years.
- 4.20 Employees are also bound by the terms and conditions of any licence agreements which the University has entered into with collecting agencies or information providers.
- 4.21 Employees are responsible for ensuring that any content downloaded from the internet or uploaded to personal websites that are hosted on any University servers does not infringe copyright.
- 4.22 Employees and students may use software only in accordance with the licence agreement and in accordance with the [Information and Communications Technology Acceptable Use Policy and Procedure](#).
- 4.23 Employees must ensure that they do not instruct, authorise or condone any infringement of the *Copyright Act* by students, other employees or visitors to the University.
- 4.24 Employees must not make multiple copies or resources for distribution to students from online databases subscribed to by the Library without first consulting with the Library to determine the terms and conditions of individual licence agreements. Employees should recommend students to access any required readings themselves through the eReading List Management System.
- 4.25 Educators may seek permission to use third-party copyright material beyond the limits of the University's licence agreements directly from the copyright owner, if required. This permission must be sought in writing, specifying the terms and conditions of use, and lodged with the Library for central recordkeeping. Permission form templates are available from the the University's copyright website.

Students

- 4.26 Students may make a copy of a 'reasonable portion' of copyright material under the Fair Dealing provisions in the *Copyright Act* for the purposes of research or study. Guidelines for students on the amounts and uses of copyright material considered to be 'fair' are available on the University's copyright website. The website also includes guidelines for the use of third-party copyright materials.
- 4.27 Students must not use University equipment or systems for any type of copyright infringement. In particular, computers or internet access must not be used to download infringing copies of music, videos, games or unlicensed software. The Information and Communications Technology Acceptable Use Policy and Procedure sets out students' responsibilities when using CQUniversity information and communications technology resources.

Reporting

- 4.28 No additional reporting is required.

Records management

- 4.29 Employees must manage records in accordance with the [Records Management Policy and Procedure](#). This includes retaining these records in a recognised University recordkeeping system.
- 4.30 University records must be retained for the minimum periods specified in the relevant [Retention and Disposal Schedule](#). Before disposing of any records, approval must be sought from the Records and Privacy Team (email records@cqu.edu.au).

5 DEFINITIONS

- 5.1 Terms not defined in this document, may be in the University's [glossary](#).

Terms and definitions

Course materials: works generated by University employees, in the course of their employment with the University. Those works shall include but not be restricted to:

- a) materials (however defined), developed by employees as part of a learning package or program and utilising University resources, including lecture notes, study guides, resource materials, course outlines, unit profiles, illustrations and designs included therein
- b) computer programs or software designed and provided for the teaching of a course of study
- c) literary, dramatic, musical or artistic works incorporated as part of a learning package or program
- d) audio, video or other materials produced for and provided as part of a learning package or program, or
- e) such other forms of material (including web pages) as provided to students or developed by employees in the course of delivering a course, unit or program of study.

Third-party copyright material: all material for which the copyright is not owned by CQUniversity.

6 RELATED LEGISLATION AND DOCUMENTS

[Copyright Act 1968](#) (Cwlth)

[Copyright Regulations 2017](#) (Cwlth)

[Intellectual Property and Moral Rights Policy](#)

[Information and Communications Technology Acceptable Use Policy and Procedure](#)

[Internet Website and Web Content Management Model Policy](#)

[Privacy Policy and Procedure](#)

[Use of Copyright Materials Guideline](#) (Queensland Government Enterprise Architecture)

7 FEEDBACK

- 7.1 Feedback about this document can be emailed to policy@cqu.edu.au.

8 APPROVAL AND REVIEW DETAILS

Approval and Review	Details
Approval Authority	Vice-Chancellor and President
Delegated Approval Authority	Chief Operating Officer
Advisory Committee	N/A
Administrator	Deputy Vice-President (Digital Services)
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