



NORTHERN MIDLANDS COUNCIL

POLICY MANUAL

COPYRIGHT

- Originated Date:** Adopted 21 July 2014 – Min. No. 171/14 (as Policy 75)
- Amended Date/s:** Reviewed 14 December 2020 – Min. No. 423/20
Reviewed 9 December 2024 – Min No. 24/0415
- Applicable Legislation:** *Copyright Act 1968 (Cth)*
Copyright Amendment (Service Providers) Act 2018 (Cth)
Copyright Amendment (Online Infringement) Act 2018 (Cth)
Fair Dealing Provisions (under the Copyright Act 1968)
- Objective** To outline responsibilities and procedures regarding the use of third-party copyright material.
- Administration:** Governance / Corporative Services
- Review Cycle/Date:** Every 4 years. Next review 2028

1. POLICY STATEMENT

The purpose of this Policy is to outline responsibilities and procedures regarding the use of third party copyright material, with the objectives of:

- reducing staff and Council exposure to the risks associated with the use of third party copyright material;
- assisting staff to make full legal use of the materials at their disposal by clearly identifying responsibilities;
- promoting copyright compliance; and
- aligning with current legislation, including the Copyright Act 1968 (Cth) and related amendments.

2. DEFINITIONS

The usage of copyright-protected materials depends on ownership, licensing, and the purpose of use. Definitions include:

Word/Term	Definition (with examples if required)
First party copyright material	Any material created by staff as part of their employment, in which copyright has not been transferred or exclusively licensed to a third party.
Third party copyright material	Includes both unlicensed and licensed third party copyright material.
Unlicensed third party copyright material	Material protected by copyright but not governed by a licensing agreement. Usage is determined by the Copyright Act.
Licensed third party copyright material	Material for which terms of use are governed by a licence or other agreement.
Use	Acts such as copying, communicating, adapting, publishing, performing in public, or rebroadcasting.

3. ROLES AND RESPONSIBILITIES

- Staff Responsibilities:
 - Ensure compliance with the Copyright Act 1968 (Cth) and Council policy when using third-party copyright material.
 - Verify permissions or licences before using materials for public or internal purposes.
- Manager Responsibilities:
 - Provide training and guidance to staff on this policy.
 - Ensure permission forms are completed and stored within the Council’s Information Management system.



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4. COPYRIGHT PROTECTION AND FAIR DEALING

a. Automatic Protection:

Copyright is automatic upon the creation of an original work.

b. Fair Dealing Exceptions:

The following uses may fall under fair dealing provisions:

- Research or study;
- Criticism or review;
- Reporting news;
- Parody or satire.

Staff must consult the Records Management team if unsure about fair dealing provisions.

5. USING THIRD-PARTY COPYRIGHT MATERIAL

a. Obtaining Permissions:

1. Confirm if the material is governed by an open licence (e.g., Creative Commons).
2. Request permission from the copyright holder, if necessary.
3. Store all permissions and licences in the Council's Information Management system.

b. Prohibited Uses:

- Do not use third-party materials, such as songs or images purchased for personal use, in Council projects without appropriate permissions.
- Avoid sharing copyrighted materials on social media unless explicitly authorised.

6. PHOTOGRAPHIC AND DIGITAL MEDIA

a. Photographer Rights:

Photographers retain rights to their photos unless created under a "work-for-hire" agreement.

b. Model and Property Releases:

Images featuring recognisable individuals or property require signed release forms before use.

- Forms are available on the Council intranet and must be submitted to the Records Management team.

c. Digital Content:

Staff must ensure that any use of digital media aligns with relevant copyright laws, including provisions for online content and social media.

7. PRACTICAL SCENARIOS

- Example 1: Sharing a song purchased on iTunes for a Council promotional video requires permission or licensing.
- Example 2: Using an image found online for Council materials requires confirmation it is public domain or obtaining explicit permission.

8. TRAINING AND MONITORING

- a. All staff must attend annual copyright training.
- b. Compliance will be monitored through regular audits by department managers.

9. REVIEW

This policy will be reviewed every 4 years or as required to align with legislative updates and best practices.