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How to qualify for the Statutory Educational and CAL Educational licences

Updated March 2009



More information

Copyright Agency Limited
Level 15, 233 Castlereagh Street,
Sydney NSW 2000

Tel: 1800 066 844
Fax: +612 9394 7600

Email: info@copyright.com.au
Website: www.copyright.com.au

An educational institution (or body administering an educational institution) may undertake the educational copying licence under Part VB of the *Copyright Act 1968* (the Act) by following these procedures.

Some institutions automatically qualify, such as universities, TAFEs, schools, pre-schools and kindergartens. Other institutions may also qualify if they comply with s.10 of the Act (see extract). To qualify you are required to publish a notice in the Commonwealth Government Gazette.

Step one

Publish a Notice in the Commonwealth Business Gazette

The notice must comply with s.10A(4) of the Act. A pro-forma for you to complete and post with payment is overleaf.

Notices are gazetted in the Business Gazette every Tuesday at 10am with a publishing deadline of one week prior. Lodge your notice at the following address:

Business Gazette
ASIC Locked Bag 2
Gippsland Mail Centre VIC 3841
Tel: 03 5177 3783
Fax: 03 5177 3890
businessgazette@asic.gov.au
www.asic.gov.au/gazettes

The cost for gazettal is:

- a. minimum charge up to 125 words of \$63.80; and
- b. each 25 words (or part thereof) thereafter \$13.20.

Prices inclusive of GST.

Payment must be made upon lodgement of the notice. Cheques or money orders should be made payable to ASIC-BPN.

VISA, AMEX and MASTERCARD payments are also accepted.

The Business Gazette is published online by the Australian Securities Commission (ASIC), www.asic.gov.au

Step two

Once your Notice is published in the Gazette you will need to:

1. send a Statutory Educational licence notice to Copyright Agency Limited (CAL); and
2. enter into a CAL Education licence.

The Statutory licence legally entitles you to copy works represented by CAL, subject to certain limitations. The CAL Educational licence defines payment, sampling and other operational terms and conditions. (See the separate information sheet *How to apply for the Statutory Educational and CAL Educational licences*).

Who is CAL?

Copyright Agency Limited (CAL) is a not-for-profit company set up by Australian authors, journalists, visual artists, photographers and publishers to manage part of their copying and communication rights. CAL is owned by its members, membership is free and members give CAL a non-exclusive licence in respect of their works.

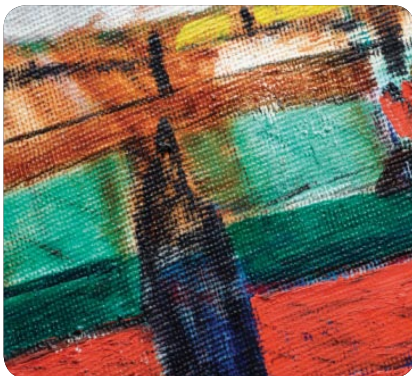


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Code of Conduct

CAL is a signatory to the Code of Conduct for Copyright Collecting Societies (the Code). It is designed to ensure that the rights of all members and licensees are clearly stated, and that the operations of collecting societies are transparent and accessible.

The Code includes requirements for the Complaints Handling and Dispute Resolution procedures that collecting societies must follow. The Code and these procedures are available from CAL's website and on request.



More information

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Relevant Extracts of the *Copyright Act 1968*

s.10 An educational institution means:

- (aa) an institution at which education is provided at pre-school or kindergarten standard.
- (g) an institution in relation to which there is in force a notice published under subsection 10A(4) that includes a declaration that the principal function of the institution is the provision of courses of study or training for one of the following purposes:
 - (i) general education
 - (ii) the preparation of people for a particular occupation or profession;
 - (iii) the continuing education of people engaged in a particular occupation or profession;
 - (iv) the teaching of English to people whose first language is not English;
- (h) an undertaking within a body administering an educational institution of a kind referred to in a preceding paragraph of this definition in relation to which there is in force a notice published under subsection 10A(4) that includes a declaration that the principal function, or one of the principal functions, of the undertaking is the provision of teacher training to people engaged as instructors in educational institutions of a kind referred to in a preceding paragraph of this definition, or of 2 or more such kinds; or
- (i) an institution, or an undertaking within a body administering an educational institution of a kind referred to in a preceding paragraph of this definition, in relation to which there is in force a notice published under subsection 10A(4) that includes a declaration that the principal function, or one of the principal functions, of the institution, or undertaking, is the providing of material to educational institutions of a kind referred to in a preceding paragraph of this definition, or to educational institutions of 2 or more such kinds, and that the activity is undertaken for the purpose of helping those institutions in their teaching purposes.

s.10A. (4) The body administering an institution may cause to be published in the gazette a notice that:

- (a) sets out full particulars of the name and address of the institution;
- (aa) sets out the principal function or principal functions of the institution or of an undertaking within the body administering the institution; and
- (b) contains a statement to the effect that the notice is published for the purposes of this subsection

Dear Sir or Madam,

Please publish the following notice in the next issue of the *Business Gazette* (public notices section). Attached is our payment.

The following institution is to be declared an educational institution under s.10 of the *Copyright Act 1968*. This notice is published in accordance with s.10A(4) of the act.

(Name of Institution).....

(Address).....

Now choose **one** of the following:

- tick one box*
- 1. The institution declares that its principal function is the provision of courses of study or training for the following purpose:
 - general education;
 - the preparation of people for a particular occupation or profession;
 - the continuing education of people engaged in a particular occupation or profession; or
 - the teaching of English to people whose first language is not English.

 - 2. An undertaking within a body administering an educational institution declares that the principal or one of the principal functions is the provision of **teacher training to people engaged as instructors in educational institutions.**

 - 3. The institution or undertaking within a body administering an educational institution declares that the principal or one of the principal functions is **the providing of material to educational institutions and that the activity is undertaken for the purpose of helping those institutions in their teaching purposes.**

Yours faithfully

Signed.....

Print name:

Sample Notice of how the above will be published in the Gazette.
The following institution is to be declared an educational institution under s.10 of the *Copyright Act 1968*. This notice is published in accordance with s.10A(4) of The Act.
The Independent College, 55 Education Street, Sydney NSW 2000
The institution declares that its principal function is the provision of courses of study or training for the following purpose: the preparation of people for a particular occupation or profession.