

	CENTRAL HIGHLANDS REGIONAL COUNCIL POLICY	
	Copyright	POLICY REF NO CHRCP: 0048

1.0 Policy Purpose

- 1.1 Council is a large producer and user of copyright material, and it is essential that council implements the rights and responsibilities regarding copyright legislative requirements.
- 1.2 The ownership status of copyrighted material created by council staff is set out in the Intellectual Property Policy.
- 1.3 The purpose of this policy is to:
 - 1.3.1 Reduce staff exposure to the risks associated with the use of third-party copyright material
 - 1.3.2 Assist staff to make full legal use of the materials at their disposal by clearly identifying responsibilities; and
 - 1.3.3 Promote copyright compliance.

2.0 Policy Statement

- 2.1 The *Copyright Act 1968* (the Act) grants exclusive rights to creators and owners of copyright material. These exclusive rights include the right to reproduce or copy, publish, perform, communicate (by email or make available online), translate, adapt the material. Creators of some types of works are also granted 'moral rights'. Copyrighted material must not be used in a manner that infringes the copyright owner's exclusive rights or moral rights, without the consent of the copyright owner, or as otherwise provided in the Act.
- 2.2 Copyright infringements may result in civil or criminal action against council and/or the individual responsible for the infringement.
- 2.3 Council supports and encourages the legitimate use of materials to enhance the communication of, knowledge and research activities. However, council does not condone any activity which infringes the copyright or moral rights of any third party.
- 2.4 Breaches of this policy or copyright legislation by staff, Councillors, contractors and volunteers may constitute misconduct which may lead to disciplinary proceedings including termination. Copyright infringement by an individual may also result in personal liability to, or criminal prosecution of, that individual.
- 2.5 The use of third-party materials for activities undertaken offshore is subject to the copyright laws of the country where the activity is taken.

3.0 Responsibilities

- 3.1 All staff, Councillors, contractors and volunteers are responsible for:
 - 3.1.1 Observing copyright legislation, and any restrictions or obligations under any licences or permissions in their use of third party material and not using council facilities or equipment in a manner that infringes copyright; and

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3.1.2 Notifying the council's Governance Department of:

- Any allegations of copyright infringement on the corporate network or mobile devices; or
- If Council's material or activity is in breach of copyright.

3.2 Council will provide information and resources to assist with understanding and complying with responsibilities in relation to copyright.

4.0 Using Third Part Materials for Educational Purposes

4.1 All staff, councillors, contractors and volunteers involved in the production, reproduction or delivery of material must be familiar with and meet their copyright obligations as detailed in the Act or website: www.copyright.org.au/

4.2 Advise on electronic distribution of materials containing third party material or digitising of plans, maps, brochures or works may be obtained from the Australian Copyright Council at the website above.

4.3 Staff, Councillors, contractors and volunteers must pay particular attention to limits that may be copied, and the labelling requirements. Where a specific licence or permission has been obtained from the copyright owner their use must comply with the terms of that licence or permission.

5.0 Dealing with Allegations of Copyright Infringements

5.1 Where a notice is received from a third party alleging that any council activity, material, or material available on council's website infringes that third party's copyright, such notice must be promptly forwarded to council's Governance Department. Where the notice relates to material that is available on council's website, the information must be immediately taken down, pending the outcome of investigations and advice on the allegation.

5.2 Where a staff member, Councillor, contractor or volunteer reasonably believes that any council material or activity infringes copyright, that matter must be promptly reported to the council's Government Department.

6.0 Copyright Awareness and Management

6.1 The Governance Department will:

6.1.1 Provide advice to staff and titleholders on the interpretation of the *Copyright Act* and the policy.

6.1.2 Maintain updated copyright information on the website and intranet.

6.1.3 Raise awareness of the policy and copyright obligations.

6.1.4 Ensure that new and existing staff have access to the copyright policy.

7.0 Unauthorised Copying

7.1 Unauthorised copying or communication of copyright protected material (such as music, DVD, videos and software), violates copyright, and is prohibited.

7.2 Council recognises the following principles:

7.2.1 Copying or use of unauthorised music, DVD, video and software is prohibited.

7.2.2 Sufficient quantities of legitimately acquired software via the normal purchasing and approval mechanisms will be provided.

7.2.3 All licensing terms and conditions regulating the use of any software acquired will be complied with.

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- 7.2.4 To enforce strong controls within council to prevent the copying or use of unauthorised music, DVD, videos, and software. This includes effective measures to verify compliance with these standards and appropriate disciplinary action for any violation of these standards.
- 7.2.5 To inform all authorised users of their responsibilities in relation to music, DVD, video and software piracy.
- 7.2.6 To provide this information to all new employees, contractors, volunteers, and other authorised users, prior to providing them with a user account and password.

8.0 Dealings in Copyright Protected Software

- 8.1 The use of software is covered by copyright law and software licensing agreements. In relation to the use of software, it is illegal to do any of the following:
 - 8.1.1 Use software in any way that may contravene the software licence agreement or copyright law.
 - 8.1.2 Copy software or its accompanying documentation, including programs, applications, data, codes and manuals, without permission or licence from the copyright owner.
 - 8.1.3 Use a single user licence copy to install a program on multiple computers.
 - 8.1.4 Take advantage of software upgrade offers without having a legal copy of the software to be upgraded.
 - 8.1.5 Authorise, encourage, allow, compel or pressure users of council's Information Services' facilities to make or distribute illegal software copies.
 - 8.1.6 Import software into Australia without the permission of the copyright owner.
 - 8.1.7 Distribute software that has been imported into Australia, without the permission of the copyright owner.

9.0 Electronic Media

- 9.1 Electronic media must not be used to share or distribute pirated material. This includes such things as shared drives, hard drives, DVDs, zip disks, file servers, web servers, e-mail or any other type of electronic storage mechanisms.

10.0 Non-Council Owned Information Services Equipment

- 10.1 Council reserves the right to check for pirated music, DVD's, videos and software on non-council owned Information Services' equipment that is connected to the Council's information service infrastructure.

11.0 Compliance Monitoring

- 11.1 Council will regularly scan Information Services facilities for evidence of illegal activity. Where there is evidence or suspicion of illegal activity, council reserves the right to shut down and isolate any Information Services' facilities associated with this illegal activity. The decision to shut down and isolate any Information Services' facility will be made by the Chief Executive Officer or delegate.

12.0 Compliance

- 12.1 Council treats misuse of its facilities seriously. Violations of the conditions of use of Information Services' facilities may result in temporary or indefinite withdrawal of access, and disciplinary action under the Code of Conduct. Access may also be withdrawn by Information Services in response to a suspected policy violation until an investigation can be completed.
- 12.2 Misuse or unauthorised use of Information Services' facilities may constitute an offence under the *Crimes Act 1914* and other State or Commonwealth legislation.
- 12.3 Users are encouraged to report any misuse and any reports will be treated as confidential.

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