

7 March 2023

Australian Government
Attorney- General's Department
National Circuit
BARTON ACT 2600
Email: copyright.consultation@ag.gov.au

Copyright Enforcement Review 2022-2023

The National Catholic Education Commission (NCEC) welcomes the opportunity to provide a response to the Issues Paper of the Copyright Enforcement Review 2022-2023.

NCEC is the representative body for Australia's Catholic schools. Working closely with state and territory Catholic Education Commissions, NCEC advocates at the national level on behalf of the Catholic sector and the hundreds of thousands of Australian families who entrust the education of their children to our schools.

Catholic schools are universal in reach, open to all families who seek a Catholic Education and are the nation's largest provider of education outside government. Australia's 1,759 mostly low-fee Catholic schools educate one in five, or nearly 794,000 students and employ more than 104,000 staff.

Catholic Education and Copyright Policy

All state and territory Catholic Education Commissions are represented on the Copyright Advisory Group (CAG) for schools (CAG Schools) along with representatives from each state and territory government education department and Association of Independent Schools.

This group reports to the Australian Education Senior Officials Committee (AESOC) which is the primary subcommittee of senior government officials supporting Education Ministers.

CAG Schools is advised and supported by the National Copyright Unit (NCU), a Sydney-based specialist team responsible for significant copyright policy and administration issues affecting the Australian school sector.

NCEC supports the issues raised and responses made by CAG Schools in its submission to the current inquiry.

Response to the Issues Paper

NCEC notes that educational institutions, particularly schools, as users of copyright material does not appear to be a major concern of the current review. NCEC's response to the Issues Paper will comment only on specific issues which are most relevant to schools.

The current provisions in the *Copyright Act 1968* (Cth) (the Copyright Act) for statutory licences which enable schools among other select users to make certain paid uses of copyright material without seeking permission from individual copyright owners are valued by Catholic schools.

Question 10. How effectively and efficiently are the authorisation liability provisions and/or safe harbour scheme (and associated notice and take-down process) currently operating as mechanisms for addressing copyright infringement?

The Issues Paper highlights that a safe harbour scheme was established under the Copyright Act in 2005, and extended to educational institutions, including schools, through the *Copyright Amendment (Online Infringement) Act 2018*.



The extension of the safe harbour scheme to educational institutions was a long sought and hard fought for provision. Before the extension of this scheme schools were at significant risk due to alleged infringing conduct when providing routine, core educational services to their school community.

CAG Schools worked closely with governments over many years to ensure that the safe harbour scheme was expanded to include educational institutions. This mechanism provides schools with some legal protection under certain conditions against actions brought about due to inadvertent infringements by school community members using a school network.

NCEC has been advised that the safe harbour scheme remains fit-for-purpose and is working efficiently and effectively across the school sector. To date, the National Copyright Unit, the designated representative to receive and issue notices under the scheme, has not received any notices under the scheme on behalf of bodies administering schools.

As emphasised in the CAG Schools submission to this inquiry, the safe harbour scheme is fundamental to ensuring that schools can operate with certainty and confidence in providing essential network and online infrastructure to millions of students and staff every day.

It is important that a safe harbour scheme that includes educational institutions be maintained and renewed to continue to provide schools with the legal protection they need.

Should you have any further questions in relation to this submission, please contact me via email  or phone .

Yours sincerely



Jacinta Collins
Executive Director