



**Australian Government**

**Department of Education, Employment and Workplace Relations**

# **CULRSK501A Monitor compliance with copyright and licence requirements**

**Release: 1**

## CULRSK501A Monitor compliance with copyright and licence requirements

### Modification History

Release	Comments
Release 1	This unit of competency first released with <i>CUL11 Library, Information and Cultural Services Training Package version 1.0</i>

### Unit Descriptor

This unit describes the performance outcomes, skills and knowledge required to monitor compliance with copyright and licence requirements in relation to collections held by Australian archives, galleries, libraries and museums.

### Application of the Unit

This unit applies to individuals responsible for monitoring the organisation's compliance with copyright and licence requirements regarding collections held in Australian archives, galleries, libraries and museums.

Work is undertaken autonomously but in consultation with other colleagues and wider stakeholders.

### Licensing/Regulatory Information

No licensing, legislative, regulatory or certification requirements apply to this unit at the time of endorsement.

### Pre-Requisites

Not applicable.

### Employability Skills Information

This unit contains employability skills.

## Elements and Performance Criteria Pre-Content

Element	Performance Criteria
<i>Elements describe the essential outcomes of a unit of competency.</i>	<i>Performance criteria describe the performance needed to demonstrate achievement of the element. Where bold italicised text is used, further information is detailed in the required skills and knowledge section and the range statement. Assessment of performance is to be consistent with the evidence guide.</i>

## Elements and Performance Criteria

1. Ensure compliance with copyright legislation	<p>1.1 Research <b>information sources</b> to keep abreast of <b>information about copyright</b> relevant to libraries and cultural institutions</p> <p>1.2 Review <b>organisational procedures</b> to ensure consistency with copyright obligations and organisational policy</p> <p>1.3 Identify gaps in procedures that need to be addressed and take action accordingly</p> <p>1.4 Seek specialist advice as required</p> <p>1.5 Advise relevant personnel about the legal and economic implications of <b>copyright infringement</b> and other legislative obligations</p>
2. Monitor licences for digital rights management	<p>2.1 Identify materials within organisations that require <b>licences</b></p> <p>2.2 Research organisational protocols regarding licences and implications for <b>digital rights management</b></p> <p>2.3 Source information regarding licence agreements between own organisation and vendors of electronic resources</p> <p>2.4 Explain to customers responsibilities in relation to licence and digital rights management</p>
3. Assess risks associated with private support by sponsors and donors	<p>3.1 Review organisational procedures for accepting <b>donations and sponsorship</b> and culturally sensitive material to ensure consistency with organisational policy</p> <p>3.2 Identify copyright and licence risks associated with these practices</p> <p>3.3 Provide advice about identified risks to relevant personnel</p>

## Required Skills and Knowledge

*This section describes the skills and knowledge required for this unit.*

### Required skills

- communication and teamwork skills to:
  - share information with colleagues and customers on copyright and licence requirements
  - work collaboratively with others
- initiative and enterprise skills to identify and recommend ways to manage risks to an organisation in relation to licences and digital rights management
- literacy skills to read, understand and interpret information, agreements and licence conditions
- planning and organising skills to collect, analyse and organise information about copyright and licences
- problem-solving skills to review procedures and provide advice on updating as required
- self-management skills to:
  - prioritise work tasks and meet deadlines
  - follow organisational procedures
- technology skills to use computer systems for research purposes.

### Required knowledge

- awareness of laws in the following areas:
  - contract law as it relates to licences, including:
    - agreement
    - capacity to contract and formalities
    - consideration
    - intention to create legal relations
  - freedom of information
  - privacy, including user information and photographs
  - Tax Ruling TR 2000/10 Income tax: public libraries, public museums and public art galleries
- digital preservation
- licensing and the role of collecting societies
- open source copyright licences
- organisational policies, protocols and procedures regarding copyright and licences
- principal features of the Copyright Act 1968 (Commonwealth) and Copyright Regulations 1969 and how they apply to an organisation and library and archive exemptions
- rights of copyright owners, including digital rights management
- sources of information and advice on copyright
- protocols for handling culturally sensitive material, including Aboriginal and Torres Strait Islander cultural material.

## Evidence Guide

*The evidence guide provides advice on assessment and must be read in conjunction with the performance criteria, required skills and knowledge, range statement and the Assessment Guidelines for the Training Package.*

<b>Overview of assessment</b>	
<b>Critical aspects for assessment and evidence required to demonstrate competency in this unit</b>	<p>Evidence of the ability to:</p> <ul style="list-style-type: none"> <li>• source information about copyright relevant to an organisation</li> <li>• review policies, procedures and licences to ensure compliance with legislation</li> <li>• follow procedures to minimise risk of infringements of copyright and licence conditions.</li> </ul>
<b>Context of and specific resources for assessment</b>	<p>Assessment must ensure access to:</p> <ul style="list-style-type: none"> <li>• relevant current legislation and regulations</li> <li>• organisational policies and procedures, agreements and licences</li> <li>• appropriate computer resources for review of policies and procedures.</li> </ul>
<b>Method of assessment</b>	<p>A range of assessment methods should be used to assess practical skills and knowledge. The following examples are appropriate for this unit:</p> <ul style="list-style-type: none"> <li>• direct questioning combined with third-party workplace reports of review of portfolio of evidence</li> <li>• verbal or written questioning to assess knowledge of copyright and licensing, and implications for the organisation</li> <li>• research project to assess knowledge of legislation in relation to organisational policies and procedures.</li> </ul> <p>Assessment methods should closely reflect workplace demands and the needs of particular client groups (consider the requirements of different age groups, clients with English as a second language, clients with disabilities, remote library users, etc.).</p>
<b>Guidance information for assessment</b>	<p>Holistic assessment with other units relevant to the industry sector, workplace and job role is recommended, for example:</p> <ul style="list-style-type: none"> <li>• CULCNM502A Manage lending and borrowing processes for collections</li> <li>• CULIND401A Consolidate and maintain industry knowledge.</li> </ul>

## Range Statement

*The range statement relates to the unit of competency as a whole. It allows for different work environments and situations that may affect performance. Bold italicised wording, if used in the performance criteria, is detailed below. Essential operating conditions that may be present with training and assessment (depending on the work situation, needs of the candidate, accessibility of the item, and local industry and regional contexts) may also be included.*

<p><b><i>Information sources</i></b> may include:</p>	<ul style="list-style-type: none"> <li>• Aboriginal Artists Agency</li> <li>• Attorney General’s Department</li> <li>• Australian Copyright Council</li> <li>• Australian Digital Alliance</li> <li>• Australian Libraries Copyright Committee</li> <li>• best practice case studies for recording and reporting on copyright and licensing</li> <li>• commonwealth and state government agencies</li> <li>• commonwealth, state and territory law</li> <li>• copyright collecting societies, such as:             <ul style="list-style-type: none"> <li>• Australasian Mechanical Copyright Owners Society (AMCOS)</li> <li>• Australasian Performing Right Association (APRA)</li> <li>• Copyright Agency Limited (CAL)</li> <li>• Photographic Performance Company of Australia (PPCA)</li> <li>• Viscopy</li> </ul> </li> <li>• custodians of culturally sensitive material</li> <li>• industry associations, such as:             <ul style="list-style-type: none"> <li>• Australian Library and Information Association (ALIA)</li> <li>• Museums Australia</li> </ul> </li> <li>• international associations, such as International Council of Museums (ICOM)</li> <li>• lawyers specialising in intellectual property and collections law</li> <li>• publications</li> <li>• Smartcopying</li> <li>• websites.</li> </ul>
<p><b><i>Information about copyright</i></b> may relate to:</p>	<ul style="list-style-type: none"> <li>• audio recordings</li> <li>• audiovisual recordings</li> <li>• copyright as a bundle of rights, including economic and moral rights</li> <li>• copyright for different types of material, such as:             <ul style="list-style-type: none"> <li>• literary works</li> <li>• photographs</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>• duration of copyright</li> <li>• fair dealing and use</li> <li>• music</li> <li>• oral histories</li> <li>• warnings.</li> </ul>
<b>Organisational procedures</b> may relate to:	<ul style="list-style-type: none"> <li>• acquisitions and deaccessioning</li> <li>• copyright</li> <li>• disposal and destruction</li> <li>• donations</li> <li>• exhibitions</li> <li>• information security and access</li> <li>• licences and digital rights management</li> <li>• loan in and loan out of collection items</li> <li>• privacy</li> <li>• recording of collection items</li> <li>• reformatting</li> <li>• return of cultural objects</li> <li>• sponsorships.</li> </ul>
<b>Copyright infringement</b> relates to:	<ul style="list-style-type: none"> <li>• direct infringement of copyright</li> <li>• indirect infringement of copyright</li> <li>• organisations not complying with copyright legislation</li> <li>• others infringing an organisation's copyright.</li> </ul>
<b>Licences</b> may relate to:	<ul style="list-style-type: none"> <li>• agreements between vendors and organisations</li> <li>• agreements with collecting societies, such as: <ul style="list-style-type: none"> <li>• CAL</li> <li>• screenrights</li> <li>• AMCOS</li> <li>• APRA</li> <li>• Viscopy</li> <li>• Creative Commons</li> </ul> </li> <li>• direct agreements between parties</li> <li>• sectoral licences</li> <li>• statutory licences, such as Parts VA and VB of the Copyright Act 1968.</li> </ul>
<b>Digital rights management</b> may relate to:	<ul style="list-style-type: none"> <li>• access and copyright</li> <li>• right to permit members of the public to access and retrieve on a computer monitor</li> <li>• right to reproduce material in digital form</li> <li>• right to store and archive in a database</li> <li>• right to transmit, distribute or otherwise make information available in digital formats, such as:</li> </ul>

	<ul style="list-style-type: none"><li>• internet</li><li>• intranet</li><li>• CD and DVD.</li></ul>
<i>Donations and sponsorship</i> may include:	<ul style="list-style-type: none"><li>• donations to public organisations</li><li>• gifts</li><li>• bequests</li><li>• sponsorship arrangements</li><li>• tax implications.</li></ul>

## Unit Sector(s)

Risk management - Regulation, licensing and risk