



Department of
Education
and Training

**NATIONAL EDUCATION ACCESS LICENCE FOR SCHOOLS (NEALS): POLICY
AND PROCEDURES FOR DET PUBLICATIONS AND WEBSITE**

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1 POLICY STATEMENT

The National Education Access Licence for Schools (NEALS) is a cross-jurisdictional licence scheme that has been endorsed by the Australian Education Systems Officials Committee (AESOC) and the Ministerial Council on Education, Employment, Training and Youth Affairs (MCEETYA) as an initiative to lower copyright costs.


This licence agreement has been endorsed by the Minister for Education and Training and it is essential that the procedures listed below are adhered to when publishing DET material, or placing material on any DET website.

2 BACKGROUND

In formalising this licence agreement the Department of Education and Training has granted a non-exclusive, non-transferable, royalty-free licence to all Australian school sectors to reproduce and communicate the whole or any part of any non-commercial Departmental materials for educational use in schools.


The purpose of NEALS is a reduction in fees payable to the Copyright Agency Limited (CAL) for both print and electronic copying (and communication). Any copying or communication of materials by schools of material covered by NEALS will not be remunerable under the CAL statutory licence.



The placement of this  logo on all eligible non-commercial Departmental publications (e.g. policy documents, information sheets, brochures) and websites will ensure that they are not included in the copyright surveys and hence the Department will not have to pay for the copying by schools of its own materials as is sometimes the case at present. It will not apply to Department products that are produced on a commercial basis e.g. WestOne resources.

The Department, as a party to the Agreement has signed that it will use its best endeavours to mark its licenced materials with the NEALS Logo and that it will make reasonable efforts to mark materials where there is un-cleared third party copyright



with the words "Not for NEALS" and attach the  logo to enable their identification.

The following procedures must be adhered to when publishing or republishing Department materials.

3 DEFINITIONS

3.1 INTELLECTUAL PROPERTY

'Intellectual Property' is the umbrella term given to a range of legal and moral rights that come into being with the creation of literary and artistic creations, scientific and industrial works and discoveries. Copyright, patents, industrial designs, trademarks and plant breeding rights are all covered by the term 'IP'. IP law aims to encourage the distribution of these types of creations within society by granting their owners various exclusive rights for a limited time. The incentives provided by such exclusive rights encourage the distribution of the results of intellectual effort throughout the wider society.

3.2 THIRD PARTY COPYRIGHT

Third party works are those that have not been created by the Department and include artwork, logos, images, photographs, diagrams, graphs, tables, text, conference papers, published articles, music etc. Third party copyright includes student work.

4 RELEVANT LEGISLATION OR AUTHORITY

Copyright Act 1968

5 PROCEDURES

5.1 PUBLICATIONS

5.1.1 PRINTING A NEW PUBLICATION


Most Departmental publications must be included under NEALS, the exceptions being confidential or commercial publications. For discussion on whether a document is to be exempt please refer to the Principal Consultant Intellectual Property and Copyright at WestOne Services.

When preparing a new document, DVD, CD ROM etc for publication check the materials for third party content. Third party works are those that have not been created by the Department and include artwork, logos, images, photographs, diagrams, graphs, tables, text, conference papers, published articles, music etc. and include student works.

5.1.1.1 NO THIRD PARTY WORK INCLUDED

Where the resource contains no third party material:

- the NEALS logo must be added to each page in the footer, and
- a comment added on the imprint page or web page footer

"Licenced for NEALS " along with the  logo.

5.1.1.2 THIRD PARTY WORK INCLUDED

Where third party material is to be used within the publication, then permission must be sought in writing see Appendix D. Note that the permission must be sought not only for Departmental use, but also for use across all Australian schools.

Where student work is to be used permission must be sought from the parent/guardian if the student is under 18 years or from the student themselves if 18 years or over (see Appendix E).

Permission gained for use by the Department and NEALS

Once permission has been given then:

- The NEALS logo must be added to each page in the footer, and
- a comment added on the imprint page “Licenced for NEALS” and attach the



logo.

Permission gained for use by the Department but not for NEALS

Once permission has been given for use by the Department but to be excluded from NEALS then:

- The NEALS logo must be added to each page in the footer, and
- a comment added on the imprint page “Licenced for NEALS” and attach the



logo.

- However where the third party content is added the copyright material must be marked where it appears in the document or brochure with the words “Incorporated third party materials- Licensed for Department of Education and

Training WA Use but “Not for NEALS” and the



Permission refused

Where a third party refuses to give permission to the Department to reprint their material, then the third party material should not be used.

5.1.1.3 USE OF WORKS COPIED UNDER PART VB OF THE COPYRIGHT ACT (STATUTORY LICENCE)


Third party copyright material must not be used in Departmental publications under Part VB of the Copyright Act (1968) i.e. used under the Statutory Education Licence Scheme where there is a possibility of the documentation being viewed/used by anyone other than a Departmental staff member or student attending a public school. For advice on the use of materials under Part VB Statutory Licence Scheme please refer to the Principal Consultant Intellectual Property and Copyright at WestOne Services.

Departmental publications that contain third party works, which have been copied under Part VB of the Copyright Act, must have these areas clearly marked “Copied under Part VB of the Copyright Act not covered under the NEALS licence” at the point of their publication within the work. Note that there are limits to the amount of material that can be used in this way. The statutory licence cannot be used for placement of third party work on a website; such use must be cleared in writing.

Note that the NEALS logo must still be added to the footer of each page.

5.1.2 PRINTING A NEW PUBLICATION TO BE EXCLUDED FROM NEALS BECAUSE OF ITS STRATEGIC OR COMMERCIAL VALUE

Where it is determined that a publication must be excluded from the NEALS initiative, either because of its confidential or commercial nature, then the document must be marked on the imprint page

“Not for NEALS” and the  logo used.

No logo is required in the footer.

5.1.3 REPRINTING DEPARTMENTAL PUBLICATIONS

Before reprinting any DET publications check publication for third party copyright.

5.1.3.1 NO THIRD PARTY WORK INCLUDED

Where the resource contains no third party material the NEALS logo must be added to each page in the footer. It is mandatory that a comment is added on the imprint page.

“Licenced for NEALS 

5.1.3.2 THIRD PARTY WORK FOUND WITHIN PUBLICATION

If third party material is found within the publication/website, check to see if this has been cleared for use by the Department of Education and Training, (clearances must always be kept on a TRIM file for future reference) and for other Australian not-for-profit educational institutions (NEALS). It is also necessary to check if the previous permission was granted for one print run or for further reprints;

- If permission has previously been gained for Departmental use and for further reprints but not for NEALS then request this permission using letter shown in Appendix C, or
- If no permission has been given previously, or permission was given for just one print run then request permission using Appendix D.
- For student work see Appendix E.

Permission gained for use by the Department and NEALS



Once permission has been given then:

- The NEALS logo must be added to each page in the footer, and
- a comment added on the imprint page “Licenced for NEALS” and attach the

 logo.

Permission gained for use by the Department but not for NEALS

Once permission has been given for use by the Department but to be excluded from NEALS then:

- The NEALS logo must be added to each page in the footer, and
- a comment added on the imprint page “Licenced for NEALS” and attach the  logo.
- However where the third party content is added the copyright material must be marked where it appears in the document or brochure with the words “Incorporated third party materials- Licensed for Department of Education and Training WA Use but “Not for NEALS” and the  logo used.


Permission refused

Where a third party refuses to give permission to the Department to reprint their material, then the third party material should not be used.

5.1.3.3 USE OF WORKS COPIED UNDER PART VB OF THE COPYRIGHT ACT (STATUTORY LICENCE) IN REPRINTED WORKS

Third party copyright material must not be used in Departmental publications under Part VB of the Copyright Act (1968) i.e. used under the Statutory Education Licence Scheme where there is a possibility of the documentation being viewed/used by anyone other than a Departmental staff member or student attending a public school. For advice on the use of materials under Part VB Statutory Licence Scheme please refer to the Principal Consultant Intellectual Property and Copyright at WestOne Services.

Some old Departmental publications contain third party works that have been copied under Part VB of the Copyright Act. If these publications are to be reprinted, permission should be sought from the copyright holder as above. If permission is not gained and their use has been approved then the third party works, which have been copied under Part VB of the *Copyright Act 1968*, must be clearly marked “Copied

under Part VB of the *Copyright Act 1968*, Not for NEALS” and the  logo used at the point of publication within the work.

The NEALS logo must continue to be used in the footer of each page.

5.1.4 CONTRACTUAL AGREEMENTS WITH CONTENT PROVIDERS

Where the Department had originally contracted a content provider to compile information to be used within the publication, check the original contract to see if there are any reasons as to why the material cannot be made available under NEALS. If there are, then the contractor must be informed of the Department’s obligation to NEALS.

5.2 DEPARTMENTAL WEBSITES

5.2.1 USE OF WORKS COPIED UNDER PART VB OF THE COPYRIGHT ACT (STATUTORY LICENCE)

Works copied under Part VB of the Copyright Act must not be used on a Department's Internet site. Third party works used on an Internet site must be cleared in writing and be clearly annotated "Used with permission/under licence from..." There may occasionally be extenuating circumstances where uncleared third party works can be used on a password protected or encrypted Departmental Intranet site. For advice on the use of materials under Part VB Statutory Licence Scheme on a website, please refer to the Principal Consultant Intellectual Property and Copyright at WestOne Services.

5.2.2 REVISING EXISTING MATERIAL ON DEPARTMENT WEBSITES

All materials on Departmental or school Internet site must be cleared for third party content.

If third party material is found within an existing website, then managers of the area responsible for the website material must check to see if the material has been cleared for use by the Department of Education and Training, clearances must be kept on a TRIM file for future reference.

- If no permission has been given previously then request this using Appendix D. For students work use letter in Appendix E.


Permission gained

Once permission has been given then the NEALS logo must be added to the footer on the web page.

Permission not gained

If permission is not given for the third party copyright to be used at all, then it must not under any circumstances be used.

If permission is given for use on the Departmental website but not under NEALS then that content must be marked

"Incorporated third party materials- Not for NEALS" and the  logo added where the third party work is incorporated.

5.2.3 PLACING NEW MATERIAL ONTO THE DEPARTMENT WEBSITE

The Department of Education and Training has a legal obligation to gain permission from relevant copyright owners for all third party materials before they are placed on any of the Department's websites.

All permissions from third parties for use of their work on the Departmental website must be in writing see Appendix C (for students Appendix E). The completed form must be stored on the TRIM system. Note that it is essential that permission is not only gained from third parties to reproduce their materials on the websites, but also permission for it to be freely copied by Australian schools under the NEALS licence. This use must be clearly annotated "Used with permission/under licence from...".

Permission gained

Once permission has been given then the NEALS logo must be added to the footer on the web page.

Permission not gained

If permission is not given for the third party copyright to be used at all, then it must not under any circumstances be used.

Permission gained for use on the Departmental website but not under NEALS

The content must be marked "Incorporated third party materials- Not for NEALS"


and the  logo used.

5.2.3.1 CONTRACTUAL AGREEMENTS WITH CONTENT PROVIDERS

Where the Department has contracted a content provider to provide information for the website the contractor must be informed of the Department's obligation to NEALS. A sample clause to be added to the contract is included in Appendix F.

6 STYLE GUIDE FOR LOGOS

6.1 USE OF LOGO

The NEALS logo  must appear on all of the following type of documents produced by the Department:

- non-commercial resource based Microsoft Word Documents and PDFs (in the footer);
- power-point presentations (in the footer);
- pamphlets (bottom left or right hand corner of each page);
- non-commercial printed educational resources (front cover, footer and imprint page);
- web splash page (in the footer);
- web contents page (in the footer); and
- non-commercial CD/DVD/VIDEO (back cover and face label).

The "Not for NEALS" logo  must appear on:

- all commercial products e.g. those created by WestOne Services; and
- where permission has not been gained for the use of third party work or it has been used under the statutory licence scheme.

6.2 FORMAT OF LOGO

6.2.1 SIZE AND FORMAT

The NEALS logo and "Not for NEALS" logos are available in two shapes, square and rectangle:



The logos are available in two sizes and three formats: EPS, JPG and GIF.

- The EPS version is used for high quality print publications such as brochures, CD/VD/VIDEO artwork, and labels.
- The JPG version is used for products such as resource based Microsoft Word documents and PDFs (the logo must be placed in the footer).
- The GIF version is to be used for all web-based materials.

6.2.2 LOGO COLOURS

Whilst the preferred colour is the turquoise blue the logo can be reproduced in either blue, greyscale or tinted to match the intended product. If using colour, it is preferable that the logo remains blue. The logo must not be reversed from a blue background to a white background; this is when a tinted version of the logo must be used.

6.2.2.1 FOUR COLOUR PROCESS

- EPS colour: C100 M58 Y3 K0
- JPG colour: C100 M58 Y3 K0
- GIF colour: Hex# 0068b1 or R0 G104 B177

6.2.2.2 ONE COLOUR (PANTONE)

- Colour PMS 7462

6.2.3 SIZE

The minimum size for the square NEALS and NOT FOR NEALS logo is:

- 7.4 mm wide x 7.4mm high (for print); or
- 21 pixels wide x 21 pixels high (for web).



The minimum size for the rectangle NEALS and NOT FOR NEALS logo is:

- 11 mm wide x 4.5mm high (for print); or
- 31 pixels wide x 13 pixels high (for web).



If resizing, the logo must be kept in the same proportion.

6.2.4 DESIGN

The design cannot be altered.

6.2.5 POSITION OF NEALS LOGO

It is preferable that the logo must be placed in bottom footer on the left hand corner of each page of a content web page and other printed documents. For web splash pages, it must be placed in the footer of the page along with the copyright information.

6.2.6 OBTAINING THE LOGO

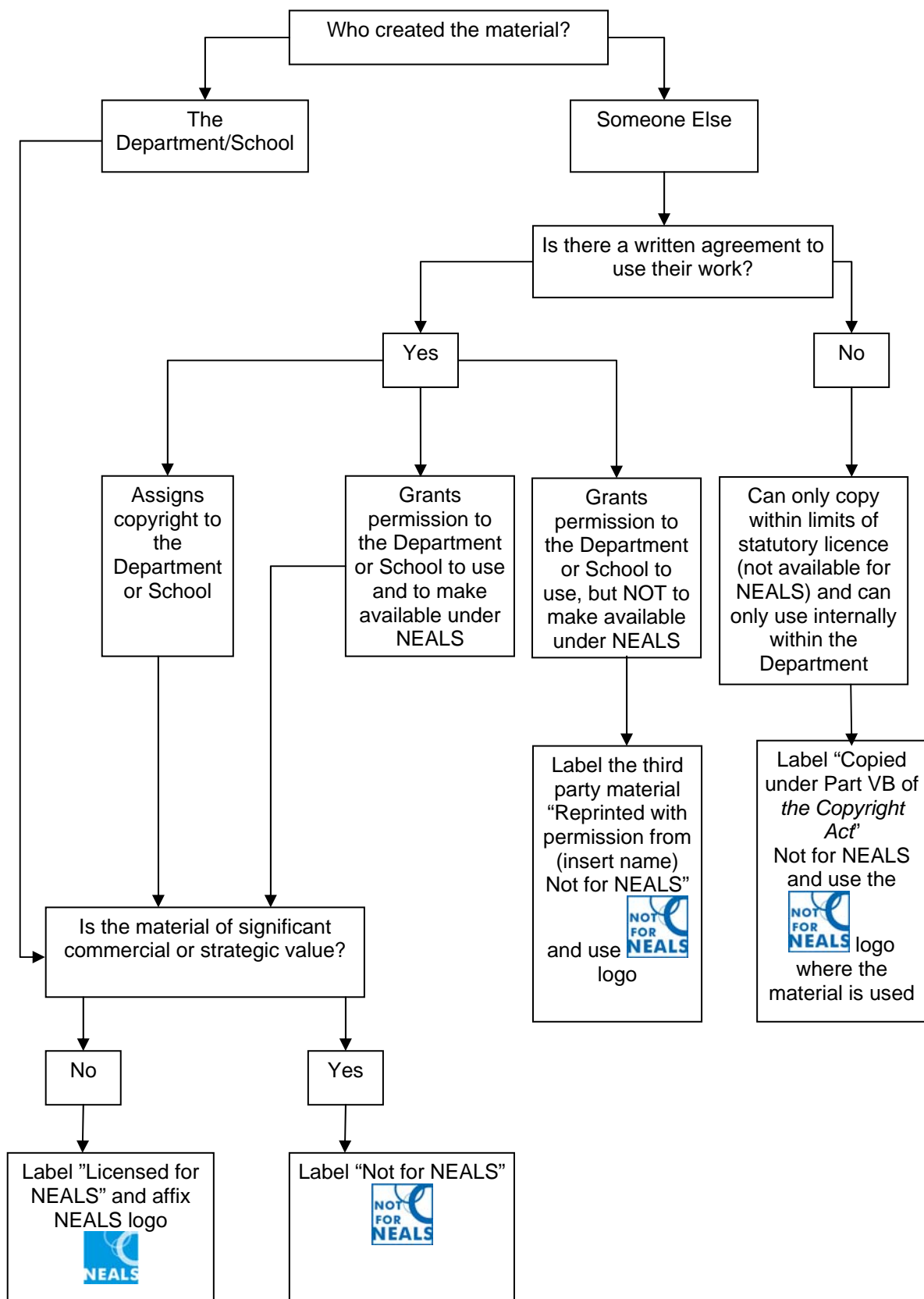
The NEALS logo can be obtained from WestOne Services or the Department's Corporate Communications and Marketing Directorate.

7 FOR FURTHER INFORMATION

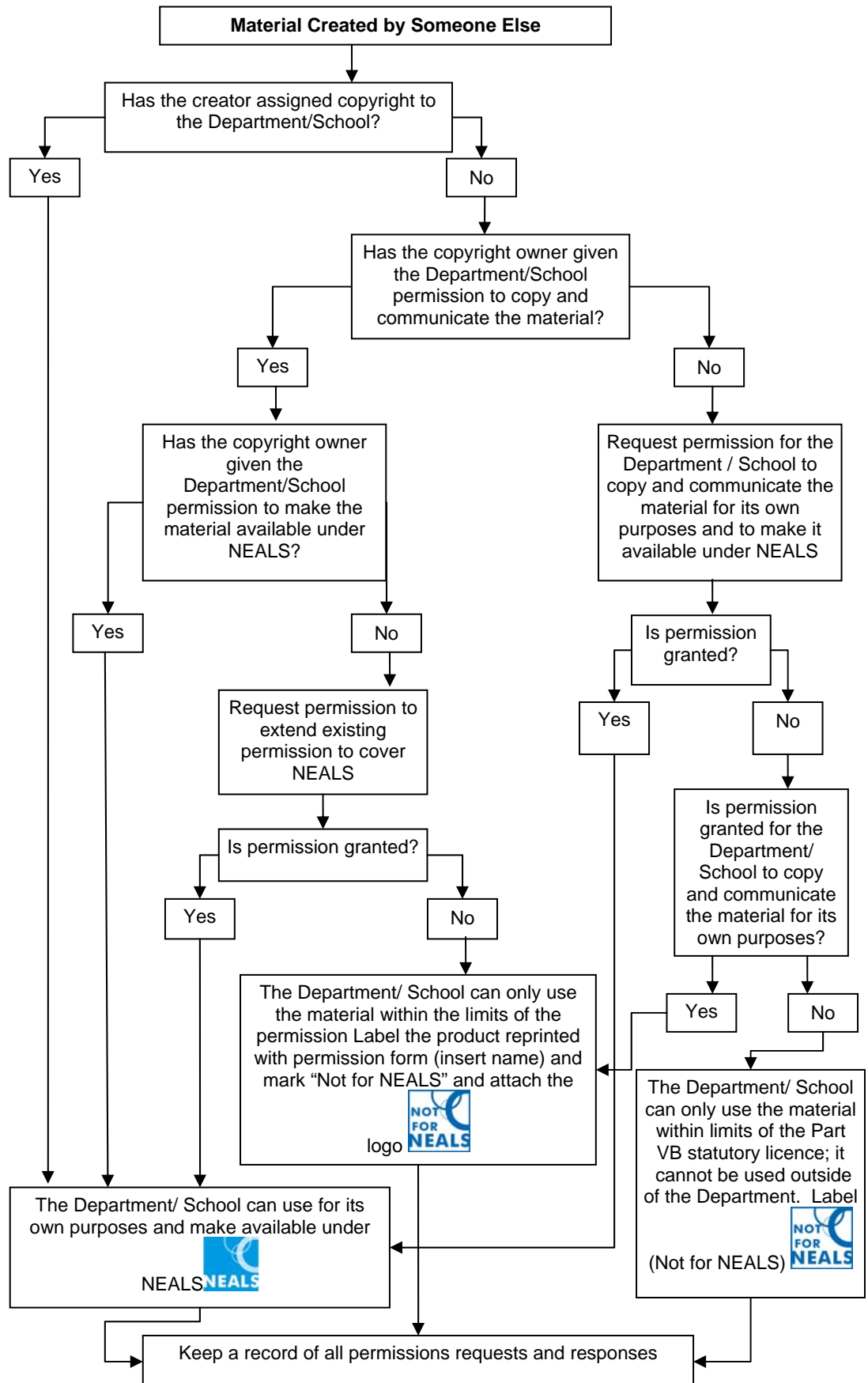
Principal Consultant Intellectual Property and Copyright

Phone: 08 9229 5255 or by email IPUnit@westone.wa.gov.au

APPENDIX A FLOWCHART - LABELLING MATERIALS UNDER NEALS



APPENDIX B FLOWCHART - COPYRIGHT PERMISSION PROCESS



APPENDIX C SAMPLE LETTER TO EXTEND EXISTING COPYRIGHT PERMISSION

[NAME

TITLE

ORGANISATION

ADDRESS]

[DATE]

Dear [TITLE AND SURNAME]

[NAME OR DESCRIPTION OF WORK]

The [DEPARTMENT/SCHOOL] is writing in relation to permission you previously gave the [DEPARTMENT/SCHOOL] to use your work, [NAME OR DESCRIPTION OF WORK] ("the "Work"). A copy of the permission is attached. [IF NO WRITTEN PERMISSION, PROVIDE DETAILS OF VERBAL PERMISSION].

The [DEPARTMENT/SCHOOL] would like to extend the permission you granted to enable it to make the Work available free of charge to schools and education departments around Australia for their educational purposes under the National Education Access Licence for Schools ("NEALS"). NEALS is a licence between education departments of the various states and territories, which allows schools to share material.

If you agree to extend the permission as requested, please complete and sign the attached form and return a copy to [NAME AND UNIT] at the following fax number [INSERT FAX NUMBER] or by email [INSERT E-MAIL ADDRESS] or return by mail in the self addressed return envelope provided.

If you require any additional information regarding this request please contact [NAME AND UNIT] on [INSERT PHONE NUMBER] or [INSERT EMAIL ADDRESS].

Should you require further information regarding the NEALS agreement, please contact the Principal Consultant Intellectual Property and Copyright on 08 9229 5255 or by email IPUnit@westone.wa.gov.au

Yours Sincerely,

[NAME

TITLE]

C.1 RETURN FORM - EXTENSION OF PERMISSION TO USE WORK

Work	[INSERT NAME OR DESCRIPTION OF WORK]
Name	[INSERT NAME]
Company / Organisation	[INSERT COMPANY OR ORGANISATION NAME]
Address	[INSERT ADDRESS, IF KNOWN]
Telephone Number/s	[INSERT TELEPHONE NUMBERS, IF KNOWN]
Fax Number	[INSERT FAX NUMBERS, IF KNOWN]
Email address	[INSERT EMAIL ADDRESS, IF KNOWN]

I confirm that I am the rights holder of the Work, and I authorise the [DEPARTMENT/SCHOOL], without payment and for the full term of the Work's copyright, to copy and communicate the Work and make the Work available free of charge to schools and education departments around Australia for their educational purposes under NEALS.

Signature:	_____
Date:	_____
Office Use Only NOTE: this information must be stored on TRIM or a school file.	

APPENDIX D SAMPLE LETTER TO REQUEST PERMISSION TO USE THIRD PARTY MATERIAL

NAME
TITLE
ORGANISATION
ADDRESS]
[DATE]
Dear [TITLE AND SURNAME]
[NAME OR DESCRIPTION OF WORK]
The [DEPARTMENT/SCHOOL] is writing to request permission to use the work, [NAME OR DESCRIPTION OF WORK] (“the “Work”) for inclusion in the following publication: [INSERT INTENDED USES] and in the following formats [INSERT INTENDED FORMATS EG CD ROM, DVD, A4 PAMPHLET]. A copy of the work is enclosed.
In addition the [DEPARTMENT/SCHOOL] would like to modify the work in the following way: [EXPLAIN OR ATTACH COPY OF ALTERED WORK].
The [DEPARTMENT/SCHOOL] would also like to make the publication available free of charge to schools and education departments around Australia for their educational purposes under the National Education Access Licence for Schools (“NEALS”). NEALS is a licence between education departments of the various states and territories, which allows schools to share material.
If you agree to grant the requested permission, please complete and sign the attached form and return a copy to [NAME AND UNIT] at the following fax number [INSERT FAX NUMBER] or return by email address to [INSERT E-MAIL ADDRESS] or mail in the self addressed return envelope provided.
If you are not the rights holder of the Work, it would be appreciated if you would provide us with any contact information you have about the rights holder.
If you require any additional information regarding this request please contact [NAME AND UNIT] on [INSERT PHONE NUMBER] or [INSERT EMAIL ADDRESS].
Should you require further information regarding the NEALS agreement, please contact the Principal Consultant Intellectual Property and Copyright on 08 9229 5255 or by email IPUnit@westone.wa.gov.au
Yours Sincerely,
[NAME
TITLE]

Permission to Use Work

Work	[INSERT NAME OR DESCRIPTION OF WORK]
Name	[INSERT NAME]
Company / Organisation	[INSERT COMPANY OR ORGANISATION NAME]
Address	[INSERT ADDRESS, IF KNOWN]
Telephone Number/s	[INSERT TELEPHONE NUMBERS, IF KNOWN]
Fax Number	[INSERT FAX NUMBERS, IF KNOWN]
Email address	[INSERT EMAIL ADDRESS, IF KNOWN]

Please indicate the permission granted by ticking the appropriate box.

I confirm that I am the rights holder of the Work, and I grant the following rights without payment for the full term of the Work's copyright:

<input type="checkbox"/>	I authorise the [DEPARTMENT] to copy [AND ALTER AS INDICATED] and communicate the Work and to make the Work available free of charge to schools and education departments around Australia for their educational purposes under NEALS.
<input type="checkbox"/>	I authorise the [DEPARTMENT] to copy and communicate the Work for the following purposes only: [INSERT PURPOSES]

Please credit me as follows: _____

<input type="checkbox"/>	I do not authorise the [DEPARTMENT] to copy or communicate the Work.
<input type="checkbox"/>	I am not the rights holder of the Work. The contact details of the rights holder are as follows:

Signature:	_____
Date:	_____

Office Use Only
NOTE: this information must be stored on TRIM or a school file.

APPENDIX E TO REQUEST PERMISSION TO USE STUDENT'S WORK

[PARENT'S NAME
ADDRESS]

[DATE]

Dear [TITLE AND SURNAME]

[NAME OR DESCRIPTION OF WORK]

I am writing on behalf of the [DEPARTMENT/DISTRICT OFFICE/SCHOOL] to request permission to use a work, [NAME OR DESCRIPTION OF WORK] ("the "Work"), which was created by [INSERT STUDENT'S NAME].

The [DEPARTMENT/DISTRICT OFFICE/SCHOOL] would like to include the Work in the following publication:

[INSERT INTENDED USES]

The [DEPARTMENT/DISTRICT OFFICE/SCHOOL] would also like to make the publication available free of charge to schools and education departments around Australia for their educational purposes under the National Education Access Licence for Schools ("NEALS"). NEALS is a licence between education departments of the various states and territories, which allows schools to share material.

If you agree to grant the requested permission, please complete and sign the attached form and return a copy to [NAME AND WORK SITE] at the following fax number [INSERT FAX NUMBER] or return by mail in the self addressed return envelope provided.

If you require any additional information regarding this request please contact [NAME AND WORK SITE] on [INSERT PHONE NUMBER] or [INSERT EMAIL ADDRESS]. If you require further information regarding the NEALS agreement, please contact the Principal Consultant Intellectual Property and Copyright on 08 9229 5255.

Yours Sincerely,

[NAME
TITLE]

E.1 PARENT CONSENT TO USE STUDENT’S WORK

Work	[INSERT NAME OR DESCRIPTION OF WORK]
Name of Student	[INSERT NAME]
Year level	[INSERT YEAR LEVEL]
School	
Name of Parent/ Guardian	
Address	[INSERT ADDRESS]
Telephone Number/s	[INSERT TELEPHONE NUMBERS, IF KNOWN]
Fax Number	[INSERT FAX NUMBERS, IF KNOWN]
Email address	[INSERT EMAIL ADDRESS, IF KNOWN]

Please indicate the permission granted by ticking the appropriate box.

I confirm that [INSERT NAME OF STUDENT] is the rights holder of the Work and that I am their parent or guardian. I grant the following rights without payment for the full term of the Work’s copyright:

<input type="checkbox"/>	I authorise the [DEPARTMENT/DISTRICT OFFICE/SCHOOL] to copy and communicate the Work and to make the Work available free of charge to schools and education departments around Australia for their educational purposes under NEALS.
<input type="checkbox"/>	I authorise the [DEPARTMENT] to copy and communicate the Work for the following purposes only: [INSERT PURPOSES]
<input type="checkbox"/>	I do not authorise the [DEPARTMENT] to reproduce or communicate the Work.

Student Signature:		Parent/Guardian Signature:	
Date:		Date:	

APPENDIX F CLAUSE TO BE INCLUDED IN CONTRACT AGREEMENT WITH CONTENT PROVIDERS

- 1) The Provider grants to:
 - a) the Department and each School administered by the Department a licence to copy and communicate the whole or part of the Material for the educational purposes of those Schools; and
 - b) each Educational Body and each School administered or represented by an Educational Body a licence to copy and communicate whole or part of the Material for the educational purposes of those Schools.

- 2) In paragraph 1(b):
 - a) an 'Educational Body' means a body (including without limitation a governmental authority or department, a council, a religious body or an association):
 - i) that administers or represents one or more schools in Australia;
 - ii) one of whose primary functions is to devise and prepare educational materials for Schools; or
 - iii) that is a party to the National Educational Access Licence Scheme; and

 - b) a 'School' means a not-for-profit educational institution providing full-time pre-school, full-time primary or full-time secondary education.

Notes:

- 1) This clause assumes that the 'Material' to be licensed will be defined in the agreement. Provider is the person providing the Material.
- 2) Subparagraph 1(b) and paragraph 2 are the clauses necessary to extend the licence to NEALS participants.