



# FROM VHS TO THE CLOUD

## AUDIOVISUAL CONTENT IN EDUCATION COMES A LONG WAY

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Screenrights

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In just over twenty years, audiovisual use in Australia's classrooms has come a long way. The days of wheeling in a VHS recorder and television to play a program to students have gone, replaced by a myriad of new audiovisual technologies. In the face of this change, there have been two constants – teachers want ready access to fresh relevant programming that speaks to the curriculum, and we need copyright laws that provide easy access to this work, and payment to the program makers.

This article explains the operation of the provisions of the Australian Copyright Act that allow for educational copying from television and radio and the collecting society that administers them - Screenrights. It then describes a Screenrights initiative, EnhanceTV Direct, that was trialled in 2011 and is now being rolled out to educational institutions. This service makes existing and new audiovisual content, specifically curated for the education market, easily available to schools, universities, TAFEs and other licensed institutions, while ensuring program makers receive a royalty and are therefore encouraged to produce more creative work.

## INTRODUCTION

In just over twenty years, audiovisual use in Australia's classrooms has come a long way. The days of wheeling in a VHS recorder and television to play a program to students have gone, replaced by a myriad of new audiovisual technologies. Educators can show programs on smart whiteboards, they can copy, catalogue, store and share audiovisual material on digital content management systems, and they can get instant access to thousands of programs using new streaming services.

In the face of this change, there have been two constants – teachers want ready access to fresh relevant programming that speaks to the curriculum, and we need copyright laws that provide easy access to this work, and payment to the program makers.

## COPYRIGHT

Provisions that allowed for educational copying from television and radio followed relatively soon after the introduction of the video recorder, with amendments to the Copyright Act in 1990. Part VA of the Copyright Act provided for educational copying from radio and television in exchange for the payment of a royalty to rightsholders. Part VB of the Copyright Act provides for a similar licence in relation to copying by institutions assisting people with an intellectual disability. Part VB of the Copyright Act also provides the educational statutory licence for copying and communication of text, images and print music. This is administered by Copyright Agency Limited.

Audiovisual Copyright Society Limited (AVCS) was incorporated on 8 January 1990 and was declared the collecting society for the purposes of Part VA of the Copyright Act by notice in the Government Gazette on 20 June 1990. It was also declared the collecting society for the purposes of Part VB of the Act in relation to the copyright in cinematograph films, sound recordings and works comprised in films and sound recordings. The latter declaration came into force on 1 July 1990. The Society adopted the trading name “Screenrights” in 1997.

The establishment of the organisation was co-ordinated by the Australian Copyright Council, and the following major rights holder organisations were the original promoters of the organisation:

- Audio Visual Distributors Association of Australia
- Australasian Mechanical Copyright Owners Society
- Australian Broadcasting Corporation
- Australian Film Commission
- Australian Record Industry Association
- Australian Writers Guild
- Federation of Australian Commercial Television Stations
- Federation of Australian Radio Broadcasters
- Film/Video Coalition
- Producers and Directors Guild of Australia
- Screen Producers Association of Australia
- Special Broadcasting Service

These organisations nominated the first Board of Directors and members (rightsholders in film, television and radio from around the world) now vote for the board.

Initially, Screenrights’ focus was on entering agreements with each of the relevant education sectors and on building up membership to make distribution of royalties as efficient as possible.

In its first decade of operations, only minor changes were made to the licence to adapt to new practices in classroom use of television and radio. This included allowing for the copying of pay television, which was introduced into Australia in 1995.

However, in its second decade of operations, more extensive changes were needed.

The Digital Agenda Bill in 2000, Copyright Amendment (Digital Agenda) Act 2000, introduced a substantive change to the educational copying provisions, for the first time allowing educational institutions to “communicate” copies of programs, again provided they paid a royalty for this use.

“Communication” includes making copies of programs available on an intranet, which meant copied programs could be put on commonly used tertiary networks such as Blackboard and Moodle, as well as commercial digital storage solutions such as Clickview. It also allowed for the emailing of copied programs to staff and students.

These have been important changes that allow for easy digital storage of programs, with students and teachers able to access the material they want across the institution. The days of borrowing a VHS tape from the library have gone, and the days of the DVD are fast disappearing.

The Copyright Amendment (Digital Agenda) Act 2000 also introduced a new statutory licence (Part VC) for the retransmission of free-to-air broadcasts.

In 2003, Screenrights made submissions to the government’s Digital Agenda Review arguing for a further extension of the educational copying provisions to allow for the copying of

podcasts and vodcasts. Section 135 C of the Copyright Act was enacted in 2007 (Copyright Amendment Act 2006).

Since then, there have been no further legislative changes to Part VA of the Copyright Act. It is a scheme that has served the education sector well, ensuring that teachers have access to content in ways that are relevant to the 21st century learning environment. It has also brought in royalties for filmmakers, with Screenrights now distributing more than \$30 million a year to its members. This money helps them to continue making the programs that educators want to use.

On 29 June 2012 the Australian Law Reform Commission (ALRC) announced its Terms of Reference for its review into Copyright and the Digital Economy. An Issues Paper was published on 20 August 2012.

This review is wide ranging and poses some fifty-five questions looking at whether the current copyright exceptions (remunerated and unremunerated) which include the educational statutory licences are 'adequate and appropriate' in the digital age and whether use of copyright material should be more freely permitted.

Screenrights contends that the statutory licences are working well and effectively, providing easy access to audio visual programing which educational institutions can use flexibly and with certainty. Screenrights will demonstrate that the existing copyright exceptions do not require full scale amendment or deletion and that they work to the benefit of both copyright owners and users respectively.

This accords with the Guiding Principles for Reform proposed by the ALRC in the Issues Paper, such as encouraging innovation and competition, promoting fair access to and wide dissemination of content and recognising rightsholders and international obligations.

Screenrights will be making a submission to the review in November 2012.

## **READY ACCESS TO CONTENT FOR THE CURRICULUM**

Since the educational statutory licence was first enacted in 1990, there has been an increasing thirst for ready access to curriculum relevant audiovisual material to use in teaching.

Each year, documentaries, news and current affairs, and educational programming are among the most copied programs.

The chart below shows the breakdown of the most copied genres of programs in 2011/12.

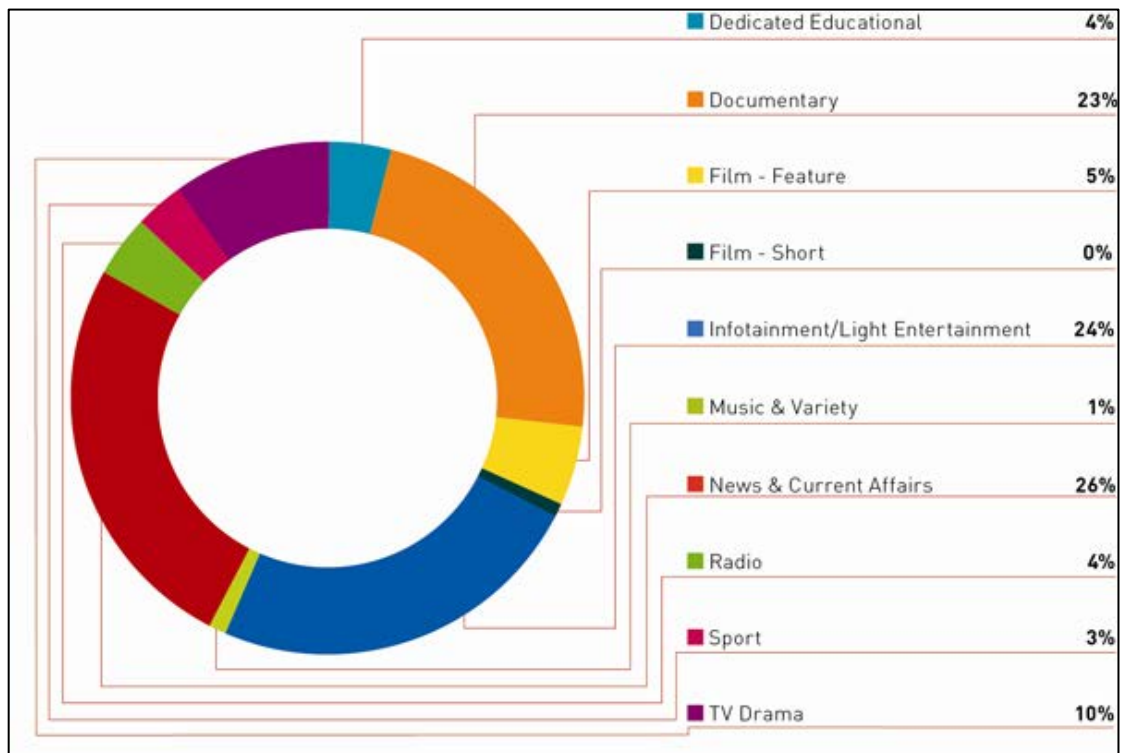


Figure 1 - Breakdown of the most copied genres of programs in 2011/12.

The educational licence removes copyright impediments to using this material – however this is not the only impediment that educators face. They are often time poor, and simply do not have the resources to find out what’s on, how a program works in with their teaching area, or how they can easily access other resources to use the program in teaching.

Recognising this, Screenrights established a new service, EnhanceTV – [www.enhancetv.com.au](http://www.enhancetv.com.au) – in 2001. It was launched by Phillip Noyce, director of the hugely popular and critically acclaimed feature film, *Rabbit Proof Fence*.

Initially, EnhanceTV ([www.enhancetv.com.au](http://www.enhancetv.com.au)) served as an online resource hub for educators across the country. Teachers could subscribe to an email guide that alerted them to upcoming programs relevant to their teaching area. Educators could also download articles and study guides to help them use programs in the classroom.

However, in 2006, this service expanded.

The educational copying provisions allow for a copy to be made by or on behalf of an educational institution. They also provide for a category of ‘educational institution’ which has as its primary function the supply of educational material to educational institutions for their teaching purposes. These entities have become known as ‘resource centres’. There are currently 7 resource centres operating in Australia of which Enhance TV is one, which supply copies of educational programs to educational institutions for their teaching purposes.

A number of these resource centres were already licensed by Screenrights and despatching copied broadcast programs to educators. EnhanceTV became a licensed resource centre in 2006 and in 2009, it began to offer an expanded version of this service, allowing teachers to download copied programs from the site rather than wait for a DVD to arrive in the post.

EnhanceTV has proved to be a popular service with educators. It now has more than 15,000 standard members and over 7,000 premium members (staff at licensed institutions able to order copied programs from the resource centre). Our contact with teachers through the site tells us that educators are particularly keen for relevant Australian content, with programs such as *First Australians*, *Go Back to Where You Came From*, *The Oasis: Australia’s Homeless Youth with Tony Jones*, and *The Apology to the Stolen Generations of Australia* often purchased, and study guides for these programs frequently downloaded.

Aside from EnhanceTV there are a number of other downloading and streaming services for educational institutions relying on a Screenrights resource centre licence to operate. For example, Clickview, a commercial content management system popular in schools has Clickview Exchange, allowing schools to upload and download programs, and many universities obtain news and current affairs programs from the RMIT-run news streaming service, Informit.

We've also seen the development of catch-up television via streaming (ABC's iView for example), giving teachers another way of obtaining audiovisual content. It is important to note that these services, which simply stream a program into a classroom, do not fall within the Part VA educational licence and therefore do not generate a royalty for filmmakers. Further, there are limits to the usefulness of these services for teachers, including the following factors:

- the content is generally only available for a short period;
- these sites do not provide a comprehensive archive of the programs broadcast by the broadcaster;
- available programs haven't been curated for the education sector and may not be safe and age appropriate content for students;
- there is no supplementary material, such as study guides, provided with the programs to assist teachers with their lesson planning – whereas they are provided free via the EnhanceTV service.

## ENHANCETV DIRECT

In response to these issues and the appetite for streamed content which provides instant access from any internet connected computer or tablet device, EnhanceTV has very recently undergone its biggest and most exciting development: to provide a service designed to meet this next change in the education sector's needs.

This service, which is called EnhanceTV Direct, was trialled to 21 schools across the country in 2011. Schools that took part in the trial had streamed access to EnhanceTV's enormous archive of more than 11,000 education programs. Programs are readily searchable by a number of criteria, including learning area and can be viewed at home or at school. Links to programs can be sent to students giving them access to selected content.

In addition, the service allows teachers to create video lessons using all of a program or short extracts. Again, these lessons can be viewed from any internet connected computer or tablet. They can also be shared with other educators.

The pilot was evaluated by the Australian Council for Educational Research (ACER), led by Dr Michele Lonsdale.

In commissioning this research, the key areas that were identified for analysis were:

1. An understanding of the participants' existing environment and their attitudes toward film and television content
2. The suitability of the content management system
3. The value of the archive content
4. The effectiveness of the access to the archive
5. The effect of the archive on the teaching and learning environment

Findings included the following:

- Participants all saw real benefit in the use of film and television within the classroom and saw the content as an integral way of delivering parts of the curriculum. Significantly, the report concluded that in most cases, it appeared that usage would expand, given greater access to content. The report indicates that there was a “clear increase in engagement with film and television content by both staff and students during the trial period.”
- The response to the content management system was very positive. Ease of use and the functionality provided meant that most users were able to easily access material from the archive. The quality of the footage was viewed favourably.
- The content was viewed as a high quality resource that was both relevant and current. The ability to access the entire archive allowed opportunity for participants to appreciate the learning potential of the material. Educators appreciated the breadth of the content quality of the metadata provided for each program.
- The access to closed captions was seen as a very desirable feature both for hearing impaired learners, ESL students and the general classroom.
- Whilst most access to the system was within the workplace, a number of educators used the opportunity to prepare and plan lessons from home. Even though there was not extensive use of the lesson creation and editing tools, participants found the tools easy to use and, given a longer period of use, would be likely to make increased use of the tools.
- By empowering educators with access to the entire archive and enabling them to share and interact with the content in different ways, the application allowed educators to explore innovative uses of the content within the classroom.

Following this trial, EnhanceTV Direct is now being rolled out to schools across the country.

The service that it provides includes the following:

- access to over 12,000 educational programs, with this archive growing by up to 100 programs a week
- content can be accessed from any internet connected computer or viewed on a tablet device
- content is age appropriate and advertisement free
- captioning is available
- content can be searched by learning area
- content can also be searched using the captions option to find a spoken word
- lesson plans can be created and shared with students and other teachers
- study guides can be downloaded
- the system is accessed via a secure login
- the system requires no copyright clearances.

EnhanceTV Direct can only be supplied to educational institutions with a Screenrights licence, and copyright owners are paid for the copying of a program streamed to an institution under a resource centre licence. The institution does not need to keep any records of the programs that it is using – this is done by the system itself.

## CONCLUSION

EnhanceTV Direct directly answers the changing needs of today's educators. It is not tied to any need for expensive storage onsite, it allows for remote learning with ease, and it provides content specifically curated for the education market. Importantly, it also meets the needs of Screenrights members – the many filmmakers who are making the programs teachers and academics use in teaching. By ensuring they receive a royalty for the use of their work a fundamental tenet of copyright law is being observed – the encouragement of further creative work.

We've come a long way from the video recorder – but the principles of easy and flexible access to broadcast television for educators and fair payment remain the same.

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