

### 1 I GIVE CONSENT

On behalf of the individual identified in Section 6 of this Consent Form (the **Individual**), the person or persons signing this Consent Form (the **Signatory**)\* grant consent to and license the Department of Education (the **Department**) and any other Department or Agency of the State of Queensland (the **State**) to use, record and disclose the Individual's:

- name, image, recording and any other identifying information specified in the Project Details section of this Consent Form (**personal information**); and
- copyright material, including their written, artistic or musical works or video or sound recordings (**Individual work**), created in connection with the Project identified in the Project Details section of this Consent Form.

The Signatory also irrevocably and unconditionally consents to the Individual being attributed or not attributed as the author of the Individual work in a form and manner acceptable to the Department or the State.

*\*Note: If the Individual is under 18 years of age, the Signatory must be a parent or guardian of the Individual. The Individual must also sign if he or she is under 18 and able to give and understand the consent. If the Individual is 18 or older, the Signatory and the Individual will be the same person.*

### 2 FOR THE PURPOSE OF

This consent only applies to the Department and the State using, including recording or disclosing, the Individual's personal information or Individual work, and permitting other persons to do so, for:

- the purposes identified in the Project Details section of this Consent Form;
- the purposes of public relations, promotion, advertising, media and commercial activities concerning the Project. This only includes via the internet and Social Media Websites if the relevant website is identified as a permitted website for the Project in Section 5 of this Consent Form; and
- where the material is uploaded to a Social Media Website or other website,
  - any purposes, commercial or otherwise, required by operators of the websites as a condition of uploading the personal information or Individual work; and
  - transfer of the personal information outside of Australia in the course of the operation of the website.

### 3 FOR THE DURATION OF

If the Department, the State or another person permitted by them is using the Individual's personal information or Individual work, or has entered into contractual obligations in relation to the Department's material that incorporates the Individual's personal information or Individual work, the consent will continue in relation to that material until the use is complete or until the contractual obligations come to an end. It is not possible for the Signatory or the Individual to withdraw the Individual's personal information or Individual work or revoke this consent in relation to such existing uses of that material.

If you do wish to revoke or modify this consent in relation to any further new uses of the Individual's personal information or Individual work, the Individual or the Signatory should send a notice in writing to the person nominated in Section 7 of this Consent Form. After that notice is received, the Department and the State will still be able to continue the existing uses, but will not be able to make any further new use of the Individual's personal information or Individual work.

The Signatory acknowledges that where material is uploaded to a Social Media website or other website:

- the use and contractual obligations may be perpetual and irrevocable; and
- it may not be possible to ensure that all copies of the material are deleted or cease to be used, and the Department and the State will not be responsible for doing so.

### 4 I UNDERSTAND THAT

- '**Project**' means the project described in the Project Details section of this Consent Form.
- '**Use**' includes:
  - to create, make copies of, reproduce, modify, adapt or retain in any form, including by camera, video, digital recorder, webcam, mobile phone or any other device; and
  - to distribute, publish or communicate in any form, including in newsletters and other print media, television and via the internet and Social Media Websites,in whole or in part, and to permit other persons to do so.
- The Signatory or the Individual will not be paid for giving this Consent or the use of the Individual's personal information or Individual work.
- This Consent Form revokes and replaces all previous consent forms in relation to the use of the Individual's personal information or Individual work in the Project (subject to any limitations on revocation in those consent forms).

## to use copyright material, image, recording, name or personal information

- This Consent Form is a legally binding and enforceable agreement between the Signatory and the Department or the State.
- Nothing in this Consent Form limits the rights that the Department or the State reserve in relation to the use of the Individual's personal information or Individual work, copyright or other intellectual property under any other law.
- The '**Department**' and the '**State**' include the officers and employees of the Department and the State engaged in performing services for the Department and the State.
- '**Social Media Website**' includes any website operated by a third party which facilitates the uploading and sharing of user generated content, including social and professional networking websites, web forums, blogs and wikis. The definition includes (without limitation) the following websites currently managed by the Department:
  - Facebook: <https://www.facebook.com/QueenslandDepartmentofEducation>
  - YouTube: <http://www.youtube.com/QueenslandDepartmentofEducation>
  - Twitter: <https://www.twitter.com/QLDEducation>

as amended or replaced from time to time.

- This consent only extends to the Social Media Websites and other websites specified in the Project Details section of this Consent Form.
- This consent extends to the Department and the State:
  - disclosing the Individual's personal information and Individual work to the Department's and the State's agents, contractors and volunteers for the purpose of performing services for the Department and the State; and
  - permitting those persons to use, record and disclose such material to the same extent as the Department and the State are entitled to deal with the Individual's personal information and Individual work.

### 5 PROJECT DETAILS

#### Name and description of Project:

Creative Generation - State Schools Onstage (CGEN) 2019 and Creative Generation Excellence Awards in Instrumental Music (MOST) 2019

#### Description of what is to be made, used, retained or reproduced:

Individual's copyright material     Individual's name     Individual's image     Individual's recording  
Image or recording includes photographs, videos, films or sound recordings of the Individual.

Description of copyright material, image, recording or other personal information:

Students may be photographed, filmed and/or interviewed during CGEN/MOST auditions, casting, rehearsals, performances and media opportunities singing, dancing, acting, talking and/or playing instruments.

**Description of the purpose for which the personal information or Individual work is required (i.e. details of the nature and scope of the use of the personal information or Individual work), and the medium of reproduction (e.g. paper, electronic or other form). How will the personal information or Individual work be made, used, retained or reproduced, and will it be distributed, disclosed, published or communicated to any third parties or to the broader public (e.g. on the internet)?**

The copyright material, image, recording or name is required for:

(a) all printed and electronic promotions, publications and performances related to CGEN and/or MOST by the Department of Education.

(b) all recordings and DVDs produced during the production of the Project and distributed by the department to all participating schools, students, teachers, professional artists, suppliers, contractors and sponsorship partners including online distribution via dedicated websites at [www.qld.gov.au/creativegeneration](http://www.qld.gov.au/creativegeneration) and

www.creativegeneration.education.qld.gov.au/instrumental-music-m-o-s-t. This includes recordings and DVDs provided to third parties (such as specialist consultants contracted by the department)

who will need to see such information during the initial process of the Project including nomination, audition and selection.

(c) any broadcasts of, or parts of, CGEN and/or MOST. The department may copy, alter, adapt, and utilise:

(d) all aspects of the Individual's Work and the Project including its promotion in any way the department sees fit, at any time, anywhere in the world, by any means and may licence, authorise or otherwise transfer the rights in the Project to others to do the same. For example, performances may be published or broadcast nationally and/or internationally from time to time.

(e) the Individual's Work, copyright material, image, recording or name in any way the department sees fit, at any time. For example, images will be retained on the CGEN or MOST websites, Facebook, Twitter, YouTube and may be used to promote Creative Generation - State Schools Onstage (CGEN) 2020 and MOST 2021 or other Department of Education and activities

**Description of the timeframe during which the Individual's name, image, recording or Individual work is required (e.g. Is it for one-time use? For what date or dates?):**

Ongoing unless revoked in accordance with Section 3.

**Name of the departmental position/person responsible for the making, usage, storage, reproduction, distribution, publication or communication of the Individual's personal information or Individual work:**

Chris Brandt, Executive Director, Community Engagement and Partnerships, Department of Education.

**Name that should be used in association with the Individual or the Individual's image or Individual work:**

Full name     First name only     No name     Other:

**Will the Individual's personal information or Individual work be published on a Social Media Website or another website (i.e. permanently published to the public)?**

Yes     No

**If yes, which of the websites below (as amended or replaced from time to time) will the Individual's personal information or Individual work be published on:**

Facebook Page:

<https://www.facebook.com/QueenslandDepartmentofEducation>

The Department's Facebook page is publicly accessible by all internet users. The Department may share information, photographs and videos related to the Department's programs, activities and initiatives (including the Project) with users through its Facebook page.

YouTube Channel:

<http://www.youtube.com/QueenslandDepartmentofEducation>

The Department's YouTube channel is publicly accessible by all internet users. The Department may share videos related to the Department's programs, activities and initiatives (including the Project) with users through its YouTube channel. The Department does not permit users to download its videos uploaded to its YouTube channel. However third party applications may be used to overcome the Department's settings.

Twitter Profile:

<https://www.twitter.com/QLDEducation>

The Department's Twitter profile is publicly accessible by all internet users. The Department may share information, photographs and videos related to the Department's programs, activities and initiatives (including the Project) with users through its Twitter profile.

Official Websites:

<https://qed.qld.gov.au/>

<http://education.qld.gov.au>

<http://training.qld.gov.au>

The Department's official websites are publicly accessible by all internet users. The Department may share information, photographs and videos related to the Department's programs, activities and initiatives (including the Project) with users through its official websites.

Other:

Provide a short description, and the website address, of the other website/s:

1. Facebook page: The Official Creative Generation State Schools Onstage page

<http://www.facebook.com/officialcreativegeneration>

The Project's Facebook page is publicly accessible by all internet users. The Department may share information, photographs and videos related to the Department's programs, activities and initiatives (including the Project) with users through its Facebook page

2. Twitter Profile:

[http://www.twitter.com/Creative\\_Gen](http://www.twitter.com/Creative_Gen)

The Project's Twitter profile is publicly accessible by all internet users. The Department may share information, photographs and videos related to the Department's programs, activities and initiatives (including the Project) with users through its Twitter profile.

3. YouTube Channel

<http://www.youtube.com/CGENTV>

The Creative Generation – State Schools Onstage YouTube channel is publicly accessible by all internet users. The Department may share videos related to the Department's programs, activities and initiatives (including the Project) with users through its YouTube channel. The Department does not permit users to download its videos uploaded to its YouTube channel. However third party applications may be used to overcome the Department's settings.

4. Team App

<https://cgen2018.teamapp.com/>

The Project's Team App platform is a tool for communication between the CGEN team and pre-approved students, parents and teachers involved in the program. The Department may use footage and images captured at rehearsals, workshops and performances in content shared via the application. The application does not permit users to download shared content, however third party applications may be used to overcome the Department's settings.

**6 DETAILS****IT IS NOT COMPULSORY FOR YOU TO PROVIDE THIS CONSENT**

If you decide not to provide consent, this will not adversely affect academic achievement, or any relationships with teachers or the school.

**Name of Individual****Address of Individual****Name of organisation or school** (at which the Individual is enrolled, employed, or works as a volunteer, if any):**Signature of the Individual** (if over 18 years of age, or if under 18 years of age and capable of understanding and giving this consent)**Date**

/ /

**Signature of the parent or guardian** (required if the Individual is under 18 years of age)**Date**

/ /

**Name of signing parent or guardian****Address of signing parent or guardian****7 NOTE**

The Department will use its best endeavours to ensure the person signing this Consent Form is authorised to do so, but takes no responsibility for circumstances in which it is misled as to the identity or authority or ability of a person to provide consent.

If you require a copy of this signed Consent Form, or if you wish to revoke this consent, please contact:

Community Engagement and Partnerships, Department of Education

Laura Waldron, Operations Manager, Creative Generation - State Schools Onstage 2019

E: [laura.waldron@qed.qld.gov.au](mailto:laura.waldron@qed.qld.gov.au)

P: 07 3328 6630

Raquel Gracey, MOST 2019 Program Manager

E: [raquel.gracey@qed.qld.gov.au](mailto:raquel.gracey@qed.qld.gov.au)

P: 07 3328 6620

### 8 INFORMATION

#### What is this consent for?

This Consent Form authorises the Department and the State to use the Individual's personal information and copyright material, together with information about the Individual's participation in Departmental and State initiatives, for the purposes specified in the Project Details section of the Consent Form. This consent covers the entire or partial use of the Individual's personal information and copyright material in conjunction with other words and images.

For example, the Individual's personal information and copyright material may appear in school newsletters, magazines, websites (Social Media Websites) and other school, departmental or State publications, as well as in television advertising, videos, brochures, forms, public relations displays, annual reports, press advertising, internal documents such as manuals, websites, certificates and strategic plans, and posters and other promotional material. There may also be occasions on which the Department may approve the media, such as local newspapers and television stations, using information and copyright material in relation to the Individual (for example, where the Individual is involved in dramatic or musical performances, sporting activities or award ceremonies).

#### Websites

Individuals and Signatories should be aware that publication of an Individual's personal information and Individual work on websites, including Social Media Websites is similar to publication in newsletters, magazines, brochures, etc; however publication on websites is publication of that material to the world at large.

Individuals and Signatories should be aware that the publication of an Individual's personal information and Individual work, by the Department or the State, on a website typically constitutes a permanent and publicly available record of that material. This means that anyone may be able to copy and use an Individual's personal information and Individual work that has been published on a website for any purpose and without the consent or knowledge of the Department, the State or the Individual.

Individuals or Signatories should not grant their consent to the Department or the State to use an Individual's personal information or Individual work in connection with a website if the Individual or the Signatory does not agree to the material being permanently available to the public.

If an Individual's personal information or Individual work is published on a website, that material will be governed by the privacy policy and terms of use of the relevant website. The Department or State cannot reasonably control how an Individual's personal information or Individual work is used by third parties once the material has been published on a website which is not under the direct control of the Department, for example, Social Media Websites.

#### What is copyright material?

An Individual's copyright material may include written work (e.g. stories and poems), paintings, pictures, drawings, designs, photographs, videos, films, music, performance, recordings, computer programs, websites, sculptures, fashion, metal- or wood-works made by them or to which they contributed. In the case of students, it includes, but is not limited to, work that they create in the course of their studies during the time they are enrolled at a State school. These materials may form part of their academic assessment or be part of their studies generally and may attract copyright.

The Department understands that students and volunteers generally own the intellectual property rights in the material they create and that this Consent Form is not meant to transfer the Individual's ownership of the intellectual property in their copyright material.

***This Consent Form does not provide for copyright consent in relation to copyright works an Individual creates in the course of employment*** (whether or not the material is created in normal work hours or using departmental facilities or equipment). Where copyright material is created by a State employee while performing their duties under the terms of their employment, the copyright is owned by the State as the employer (section 35 *Copyright Act 1968*). There are limited exceptions to this including, for example, where the copyright material is created by an employee pursuant to a prior agreement with the employer.

Generally, the deciding factor is whether the employee is performing their official duties. In addition, section 176 of the *Copyright Act 1968* applies where the work was created by or under the direction or control of the State. However, moral rights may still apply to copyright material created by an employee. The *Queensland Public Sector Intellectual Property Principles* provide further information on intellectual property. If as an employee you have any further queries about the ownership of the intellectual property in respect of the works you create you should contact the Legal and Administrative Law Branch.

#### What is personal information?

Personal information includes information or opinions, whether true or not, about an individual whose identity is

**Uncontrolled Copy.** Refer to the Department of Education Policy and Procedure Register at <http://ppr.det.qld.gov.au> to ensure you have the most current version of this document.

## to use copyright material, image, recording, name or personal information

apparent or can reasonably be ascertained from the information or opinion. This includes the Individual's name, image or video or sound recording. It also includes the Individual's educational information such as the Individual's assessment and results, and health information and court orders provided to the Department, where such information may enable the Individual to be identified.

### **What happens to the Consent Form once it is completed and signed?**

The Consent Form is retained by the Department and it will be placed on the Project file. The Individual or Signatory may request a copy of the signed form by contacting the person nominated in Section 7 of this Consent Form.

### **What if I give my consent and later change my mind?**

The consent will be in effect from the date the Consent Form is signed. The Department and the State will then start using the Individual's personal information and Individual work to create material incorporating the Individual's personal information and Individual work and entering into contractual obligations in relation to that material.

If you wish to later modify or revoke this consent, the Individual or the Signatory should send a notice in writing to the person nominated in Section 7 of this Consent Form. After that notice is received, the Department and the State will not make any new additional use of the Individual work, but any existing uses will continue.

Where the Department or another person uploads material to a Social Media Website or other website, it may need to accept contractual obligations that are perpetual and irrevocable. It may not be possible to ensure that all copies of the material are deleted or cease to be used, and the Department and the State cannot take responsibility for doing so.

### **Privacy**

The consent to the recording, use and disclosure of the Individual's personal information and Individual work is required in accordance with the *Copyright Act 1968* (Cth), the *Education (General Provisions) Act 2006* and the *Information Privacy Act 2009*. Personal information will be stored securely. The Department will only disclose the Individual's personal information in accordance with the consent, except where authorised or required by law. If you wish to access or correct any of the personal information on this form or discuss how it has been dealt with, or if you have a concern or complaint about the way the Individual's personal information has been collected, used, stored or disclosed, please contact the relevant organisation or school.