

Response to Australian Universities Accord Interim Report

August 2023

Introduction

Thank you for the opportunity to provide comments on the Australian Universities Accord Interim Report. Our response covers:

- equality of access to educational resources;
- application of the National Cultural Policy; and
- Artificial Intelligence (AI).

Equality of access

Role and operation of education statutory licence scheme

Australia's copyright legislation includes a world-leading scheme (education statutory licence scheme) that allows university staff to copy, adapt, share and store text and images, and broadcast content, from any source, for educational purposes. The scheme facilitates teaching by allowing copying and sharing of content without the permissions that would otherwise be required. It enables universities to give students access to a broad range of content, including extracts from books and journal articles. Under the scheme, the university sector pays copyright fees, which we distribute to writers, artists and other people who work in educational publishing.¹

The scheme applies equally to every Australian student, irrespective of factors such as location or socio-economic environment.

Access to content for students with a print disability

Australia's copyright legislation includes provisions that effectively remove copyright 'barriers' to the conversion of content into accessible formats for people with a print disability, including students, where the content is not already available in suitable formats.

However, there remain a range of practical issues that limit equality of access for people with a print disability. These include the costs of conversion, and that not all content is 'born accessible'. There are particular challenges for educational resources.

We have contributed to some of the initiatives to increase levels of accessible content. This includes financial support for the stakeholder meetings initiated by the Australian Publishers Association that led to the formation of the Australian Inclusive Publishing Initiative (AIPI),² practical guides published by AIPI,³ and the recently published 'Books without Barriers'.⁴

There is obviously a lot more to do, and we would be happy to talk with those in the Department dealing with access for people with disability about how we might assist.

¹ <https://www.copyright.com.au/licences-permission/educational-licences/universities/>

² <https://aiipi.com.au/>

³ <https://aiipi.com.au/aiipi-guides/>

⁴ <https://www.copyright.com.au/2023/05/books-without-barriers-a-practical-guide-to-inclusive-publishing/>

National Cultural Policy

The National Cultural Policy has a whole-of-government application, including to the education sector. Among other things, it recognises the importance of Australian content for Australian society, which includes Australian education resources for Australian students. This is something that requires attention, as the Australian market is small.

Australia's creative industries include educational publishing. The sector does not seek subsidies, but it is supported by well-functioning copyright system, including the education statutory licence scheme. The people who work in educational publishing work with academics and understand their needs. Governments benefit from consulting with them, to ensure that any government programs complement rather than replicate the contribution of educational publishing in the private sector.

The Interim Report refers to government funding for materials that would be made available under 'open access' arrangements. It is important that any such funding is underpinned by clear business cases and policy rationale. In particular, there appears to be no rationale for public funding of educational materials that are already provided by the private sector, particularly given the role of the education statutory licence in providing equality of access to those materials.

Artificial intelligence

We and our members acknowledge the potential for AI to contribute to social good, including education outcomes for Australian students. There are, however, a range of risks and concerns that are currently being canvassed, including: House Standing Committee on Employment, Education and Training inquiry into Use of generative artificial intelligence in the Australian education system; Department of Industry, Science and Resources consultation on Safe and Responsible AI in Australia; and Attorney General's Roundtable on copyright issues for AI.

A major concern for our members is the use of their content to train AI applications, without permission and without compensation. This raises important ethical as well as legal issues.

We will continue to consult with our members on AI, as the environment evolves and the potential impacts are better understood. In a context where the global situation is so fluid, and the potential impact so far-reaching, we urge the Government to keep in mind the potential significant impacts on the creative sector, including those working in educational publishing. The need to seek progress through innovation must be carefully balanced against many other considerations, including the rights of authors, artists and publishers so recently recognised in the National Cultural Policy.

The current agreements covering the application of the education statutory licence to the university sector do not cover the use of content for AI, but the statutory licence framework allows for agreements on the use of content for AI in appropriate circumstances.

About us

We are a not-for-profit company with nearly 40,000 members, who are primarily writers, artists and publishers. Among other things, we are appointed by the Australian government to manage the education statutory licence scheme. Our role includes negotiating fair compensation for people whose content is copied and shared under the education statutory licence scheme.