

Submission on Department of Education Consultation Paper: A Better and Fairer Education System

August 2023

Introduction

Thank you for the opportunity to participate in this review.

Our response covers:

- the role and operation of the education statutory licence scheme, that allows teachers to copy, adapt, share and store text and images from any source;
- the application of the National Cultural Policy to education, including the sustainability of quality Australian education resources for Australian students;
- access to content for students with a print disability;
- data; and
- Reading Australia: online resources that assist teachers to teach Australian writing, including by First Nations writers.

These matters are relevant to three of the five key areas: lifting student outcomes, attracting and retaining teachers, and data collection.

We have not covered artificial intelligence (AI) in this submission, but we have made a submission to the House Standing Committee on Employment, Education and Training inquiry into the use of generative artificial intelligence in the Australian education system, and we understand that the Department will be taking those submissions into account.

Role and operation of education statutory licence scheme

Australia's copyright legislation includes a world-leading scheme (education statutory licence scheme) that allows teachers to copy, adapt, share and store text and images, and broadcast content, from any source. The Australian Copyright Council has published short guides on what the scheme allows, available from its website.¹ The scheme is intended to facilitate teaching, and reduce time spent by teachers on activities other than teaching, by allowing copying and sharing of content without the permissions that would otherwise be required. The scheme also gives them peace of mind, as it provides 'immunity' from legal liability that may otherwise apply.

Australian teachers copy and share a vast range of content under the scheme. This includes extracts from textbooks, reference books and workbooks; work sheets, activity sheets, lesson plans, practice tests, assessments, student resources and images from any source (including online).

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

Relevance of scheme to proposals for resource 'banks'

Feedback that we have received from teachers indicates that they can spend more time than they would prefer finding available resources (rather than that the resources do not exist). If teachers know where to find suitable resources, they can copy, adapt, share and store them under the

¹ <https://www.copyright.org.au/browse/book/Australian-Copyright-Council-Copyright-Q&As-for-Teachers:-Copying,-adapting-and-sharing-text-and-images-Q01/>; <https://www.copyright.org.au/browse/book/Australian-Copyright-Council-Copyright-Q&As-for-Teachers:-Copying-and-sharing-broadcasts-under-the-statutory-licence-Q02/>

scheme. The school sector would get more value from the scheme if teachers were better trained in how to find suitable resources, and how to use the scheme to share them with their students, and store them for the benefit of other teachers.

Teacher-created resources

Feedback that we have received from teachers is that they regard creating their own resources for teaching, including lesson plans, as a rewarding part of their job.

The scheme helps teachers to create customised resources for their students, using third party material such as images, quizzes and activities. This is now a key part of a teacher's role, and the scheme helps them do it more effectively and efficiently than they would otherwise.

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. Australian content includes Australian education resources for Australian students. This is something that requires attention, as the Australian market is small (and often State-based to align with different curricula).

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 are talking daily with teachers 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.

At the 2022 Educational Publishing Awards, the Education Minister thanked the educational publishing industry for its contribution. Among other things, he said that people working in Australian educational publishing are 'an integral part of Australia's education system'. He referred to the quality learning materials produced by Australia's educational publishing industry as 'vital tools that can boost learning experiences and support our fantastic students'. He acknowledged the particular importance of these material 'as we've navigated COVID and had to adapt to an ever-evolving digital world'. And he thanked the educational publishing industry for its 'contribution to the education sector and for providing our students and our educators with world class teaching resources'.

Under the education statutory licence scheme, the school sector pays copyright fees that compensate people who work in educational publishing for their lost opportunity to refuse the copying of their content, or to negotiate their own terms. These copyright fees are an important contribution to the ongoing creation of Australian education resources.

Under the current agreement between Copyright Agency and the school sector, negotiated with the Copyright Advisory Group (CAG) to the Australian Education Senior Officials Committee (AESOC), the copyright fees are fixed at a rate that represents \$13 per student per year until 2026. This results in a significant investment in educational publishing, but is a relatively very small proportion of the overall costs of educating a student (about 0.1%, based on ACARA figures).

Part of CAG's role is to seek to reduce copyright fees for the school sector, including via legislative change. Some in the school sector would like to reduce the proportion of the total cost of educating a student from 0.1% to something smaller. We ask the Department to consider the longer-term consequences for investment in Australian educational resources if the copyright fees were to be reduced. In Canada, the government has not taken steps to restore a functioning copyright scheme for the education sector, which has resulted in less investment in Canadian resources for Canadian students.

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.

Data

The education statutory licence scheme requires the education sector to provide data on how it is using the scheme. This helps us and the education sector to understand the extent of the use, and the types of activities and content that teachers are using the scheme for. It also helps us to look for ways to help teachers to get the intended benefits from the scheme.

In 2018, we and CAG agreed to work together on new methods of data collection using modern technologies, with a view to minimising administrative burden on teachers relating to data collection. Unfortunately, this is taking longer than anticipated, and the Copyright Tribunal is now providing assistance to reach a solution.

While the data collection is for the purposes of the scheme, there may be aspects of it that may be of interest to the Department, that we and CAG could agree to provide.

Reading Australia (readingaustralia.com.au)

We set aside a small proportion of copyright fees to support a range of cultural and creative projects.

One of these is Reading Australia, which provides online resources for teachers, aligned to the curriculum, that help them to teach Australian writing. The resources result from broad consultation with teachers, and are commissioned from experts. There are now more than 270 resources available, and more than 23,000 subscribers.

The resources include those on First Nations writing, intended to help teachers to teach First Nations writing more broadly.⁵

Annual teacher fellowship

We also fund an annual fellowship for a leading English and/or literacy teacher or teacher librarian to undertake a career-enhancing research project that will benefit the successful Fellow as well as the education sector. The successful applicant for 2023 will undertake a project on the use of AI generated texts in the English classroom to interrogate the notion of an Australian literary voice. Her research will explore questions including how teachers can identify cultural bias and ethical issues

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/>

⁵ <https://readingaustralia.com.au/themes/books-by-indigenous-creators/>

in the use of AI in the English classroom; and delve into the copyright implications of AI and ask how students can be taught to be ethical users in this new and evolving context.⁶

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. We provide detailed annual reports to the Attorney General, which are available from our website and are tabled in Parliament.

⁶ <https://www.copyright.com.au/2023/07/copyright-agency-announces-bridget-forster-as-the-2023-reading-australia-fellow/>