

ISAA
Independent Scholars Association of Australia Inc.

Issues paper on Copyright and the digital Economy

Submission of the Independent Scholars of Association of Australia Inc.

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Submitted by email to copyright@alrc.gov.au

This submission is made on behalf of the Independent Scholars Association of Australia Inc. (ISAA).

ISAA is a national body of independent scholars which has the following objects and purposes

- (1) The Independent Scholars Association of Australia (ISAA) is a nation-wide, non-profit organisation.
- (2) The purpose of ISAA is to encourage and support individuals who undertake independent scholarly work outside the nation's formal institutes of education and research; to promote such scholarship; and to stimulate public debate in Australia. It does so by:
 - (a) bringing such individuals together to share interests and expertise;
 - (b) sponsoring conferences and lectures for both members and the public;
 - (c) offering informed opinion on matters of public interest and concern;
 - (d) creating a collective voice on issues affecting the practice of scholarship;
 - (e) representing the interests of independent scholars in the public arena; and
 - (f) supporting knowledgeable dissent and independent opinion.
- (3) The Association shall:
 - (a) organise conferences, workshops and other meetings;
 - (b) establish regional Chapters;
 - (c) provide a member database for members' use and as a resource for government and the media;
 - (d) represent the group interests of independent scholars in financial, institutional and public matters, and in the administration of funds;
 - (e) raise awareness of the needs of independent scholars on such matters as copyright, royalties, public and educational lending rights, freelance rates, and the market value of their participation as scholars in academic activities, such as thesis examination, and in advisory and assessment roles; and
 - (f) cooperate with national, regional and international organisations who share similar aims with those of the Association.

The scholars undertake research and public debate on issues which support a democratic culture, a goal which Netanel identifies as 'copyright's primary goal' (as quoted in the Issues Paper p. 11). In the main members of ISAA are retired academics and other professionals. While some members continue to have honorary or adjunct attachments to institutions which gives them full library access, many do not. The latter rely on access to library facilities through their alumni status at a major university or readers' cards with national, state or local libraries. However, such access is usually limited and does not provide access to e-journals and electronic data bases which are crucial to scholarly research as libraries increasingly subscribe to electronic versions of journals only and journals are increasingly publishing only in electronic format. Below are some quotations from ISAA members which demonstrate the situation of the independent scholar:

'From the point of view of ISAA members who are engaged in research (like myself) the crucial enabling factor is to have free access to academic journals and other scholarly resources, all of which are now available electronically and often, electronically only. I could not do the work

required for my current project without free access to an academic library. I am lucky, in that UniSA has given me an unpaid position and the library access that goes with it. Such access, however, is only for a fixed term--in my case for 3 years. At the end of that time, with the universities all needing to save money, there is absolutely no guarantee that they will renew the appointment for another 3 years (which I will need if I am to continue with this project.). So the basic enabling factor of scholarship and research is access to a specialised academic library. Many libraries no longer have hard copies of journals and many journals are no longer printed at all. I think that public access to the documents held in publicly funded institutions is actually the critical issue for the ISAA as well as for the general public.' (South Australia)

'I have to slip into University [X] when I need something and hope they don't know that I don't have a library card. Journal access certainly is the main problem. But I suspect that I have no idea what journals and online materials are available because I don't have institutional attachment and work alone mostly.' (NSW)

'In the context of social networking sites (and personal websites for that matter) I feel the copyright should be limited to the citation of the source accompanying any copy/paste. Practically speaking, there isn't really much else one can do, and the onus is on the author to decide whether his/her work should be there in the first place.' (Qld.)

'My experience is that at the University of Qld (and no doubt other places), the university was moving to reduce the numbers of 'adjuncts' because the cost of database access for universities was dependent on the number of staff. Reducing staff numbers (and therefore numbers using various library databases) became a priority and quite a few adjunct people were struck off.

One of the problems as a researcher is that - even when you can physically go to a university library - access to electronic databases and electronic journals is restricted. This would never have happened with hard copy journals which anyone could physically look at. But increasingly journals are on-line and expensive for libraries to subscribe to. I had once thought of joining UQ library as an alumni - you can pay an annual fee. But this gives only limited access to electronic databases and journals.

I realise that most/many ISAA members are in one way or another associated with universities (I am, too). But for researchers without such connections, access to material is increasingly limited.' (Qld.)

'For independent scholars the issue is that they are reliant on the contract made between the libraries they use and the e-journal copyright holders, eg the publishers. For example, in my experience it is possible to access an e-journal from one library and have access rights that allow printing of an article; from another library, access to the same article may be restricted to 'read only'. Further, one library may allow printing for recent years and not for back copies, and another library allows printing of back copies of the same journal, but not of recent copies. These anomalies are apparently due to the type of contract in place between the libraries and the publisher. Obviously, independent scholars cannot canvass the situation by joining several libraries where membership costs are levied. So ISAA could request consistency in the application of copyright regulations across institutions, as well as requesting consideration of the needs of independent scholars.' (NSW)

ISAA requests that the ALRC takes into consideration the needs of independent public scholars who do not have access to specialised academic library support when conducting their research when considering access to electronically published material. Where scholars work independently of institutions which provide them with access to electronic material through specialised libraries the current fair dealing exceptions do not provide sufficient access for research, study, criticism or review.

Yours faithfully,



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