



Name: TAFE Copyright Advisory Group (CAG TAFE)

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Improve school student outcomes with the best available tools and resources

What (if anything) needs to be done to improve the use of edtech tools (including GenAI) in schools?

The participant did not respond to this question.

What more (if anything) needs to be done to improve awareness and access to high quality lesson planning and curriculum materials in schools?

The participant did not respond to this question.

Is there anything more you would like to say about edtech, GenAI or lesson planning and curriculum materials?

The participant did not respond to this question.

Which of the following best describes you?

The participant did not respond to this question.

Are you currently using any edtech tools (including learning games and GenAI) to support teaching and learning in the classroom?

The participant did not respond to this question.

If yes, what has been your experience with using these tools?

The participant did not respond to this question.

Are there things you would like to do with GenAI or edtech tools that you can't do currently? What's stopping you from doing these things?

The participant did not respond to this question.

If no, can you tell us why you are not using any edtech tools?

The participant did not respond to this question.

Do you access lesson planning and curriculum materials online?

The participant did not respond to this question.

If yes, what has been your experience with using these tools?

The participant did not respond to this question.

If no, can you tell us why you are not using online lesson planning and curriculum materials?

The participant did not respond to this question.

Support the workforce through a flexible post-secondary education and training sector

Credit transfer and recognition of prior learning

In your experience, how well does the credit transfer and recognition of prior learning system operate in Australia? Does it adequately support students to move between courses or have their work experience recognised as part of a qualification? Are there ways it could be improved?

The participant did not respond to this question.

Which of the following best describes you? Please select all that apply.

The participant did not respond to this question.

In the past 3 years, have you applied for credit recognition or recognition of prior learning (RPL)?

The participant did not respond to this question.

If yes, what was your experience in applying for credit recognition or RPL like?

The participant did not respond to this question.

If no, can you elaborate on why you didn't apply?

The participant did not respond to this question.

Work related training

What are the main reasons individuals and/or businesses do or do not participate in work-related training?

The participant did not respond to this question.

What role, if any, should businesses be playing to address any barriers and better support the offer of work-related training to employees?

The participant did not respond to this question.

What, if anything, could government do to address barriers and better support the offer of work-related training to employees?

This submission is made by the TAFE Copyright Advisory Group (CAG TAFE), the peak body responsible for copyright policy and administration for the Australian TAFE sector (excluding Victorian TAFEs).

CAG TAFE appreciates the Productivity Commission (PC)'s focus on addressing barriers to work-related training. We submit that there are two aspects to achieving this:

1. Improving access to Australian standards, which are essential to ensure TAFEs can support and deliver development and training
2. Ensuring TAFEs are equipped to teach students the skills they will need to participate in the digital economy and enhance productivity across the economy, and improving access to innovative tools and resources including AI.

Current impediments to both aspects of improving TAFEs' delivery of work-related training are addressed below.

1. Standards

Access to Australian standards is essential to ensure TAFEs can fully support and deliver development and training. Standards are critical tools that TAFEs rely on to support Australian industry. The Government has noted that business-relevant, high-quality education and training will boost innovation, encourage investment and support job growth. However, TAFEs are faced with many barriers when attempting to access standards for teaching – including high costs and restricted access.

Efficient and equitable access to Australian standards is a key component in the training of students, apprentices and junior tradespeople. With early exposure to the best practices of industry, apprentices and trainees can receive a high-quality and internationally competitive education.

We note the Regulatory Impact Analysis Guide for Ministers' Meetings and National Standard Setting Bodies may be relevant to Standards Australia, and provides that regulatory intervention may be needed where a good or service for which there is a clear need is not being provided.

Better access to standards could improve industry practices and the ability for workers to more easily upskill via TAFE courses that are delivered with ease and without high costs and limited access rights.

2. Digital skills and AI

CAG TAFE notes the responses to Pillars 2 and 3 provided by CAG Schools and endorses the identification of the copyright issues and the need for copyright reform outlined by CAG Schools.

What are the current problems?

None of the existing education exceptions - or other exceptions in the Copyright Act 1968 (Act) - clearly apply to new technologies such as AI, text and data mining, machine learning, cloud computing, virtual reality or other innovative digital uses. Our copyright laws offer no guidance to TAFEs on the extent to which educators can legally use genAI (eg to differentiate resources for students at various reading/comprehension levels). The extent to which AI tools can be built upon to better reflect TAFE learning outcomes and make them safer for students to use in the classroom, is also unclear. This means that uses of the most innovative technologies of the 21st century are not covered by exceptions, which would allow them to be developed by/for, or used in, TAFEs.

However, problems with the Act run deeper than the capacity of TAFEs to adopt and implement AI. There is significant uncertainty about how existing copyright exceptions apply to other forms of digital technologies, including learning via platforms such as Zoom. As such, the Act is not optimised for educational uses of a range of digital technologies from ChatGPT to Zoom.

As a result, our copyright framework reduces productivity at a systemic level and makes it difficult for TAFEs to modernise teaching and learning practices using new technologies, with any degree of confidence that these efforts will not create copyright risks and liabilities. Educators in comparable jurisdictions like the UK, EU and Singapore do not face the same uncertainty because they can rely on more flexible, technology-neutral copyright exceptions than we have in Australia.

The Tech Council of Australia, in partnership with the federal government, has set a national target of growing Australia's tech workforce to 1.2 million people by 2030. To meet this ambition, the education sector must play a critical role. Ensuring TAFEs can confidently teach students how to use, deploy, and understand AI and other technologies is essential to building a digitally capable workforce. TAFEs must be empowered to teach students how to use, understand, and ethically deploy AI—skills that are increasingly foundational across all sectors.

Without clear copyright and regulatory settings that enable the public interest use of AI in classrooms and in workplace training, Australia risks leaving students behind in one of the fastest-growing areas of the economy. Equipping the next generation with these skills is not optional—it is foundational to achieving Australia's tech workforce vision, and enhanced productivity across the economy.

Specific problems with the current copyright system include:

1. Current public interest exceptions for education are not fit-for-purpose for digital technologies: for example, they do not neatly apply to remote learning or how AI is being used for teaching and learning, and lag behind exceptions already available in other jurisdictions. We need to ensure Australia's copyright laws are updated to preserve the public interest in online teaching environments.
2. Current statutory licensing regimes need to be reviewed and updated to ensure they are appropriate for the digital world. There are longstanding governance concerns including an outdated Code of Conduct, and an ACCC review into the governance arrangements for collecting societies recommended by the PC in 2015 which has still not taken place.
3. The current statutory licence applies to text and images that are publicly available and have no commercial market (eg free online health factsheets), which means TAFEs are paying to use material that is free to use for everyone else. CAG TAFE is extremely concerned that this could be exacerbated if licensing approaches are adopted for AI.

What is the solution?

TAFEs should be encouraged to use technologies in ways that are beneficial and in the public interest. However, the lack of appropriate educational copyright exceptions, and the lack of certainty about how some existing exceptions apply in the digital environment, operate as a systemic productivity barrier.

More than a decade ago, the PC and the ALRC recommended changes to our copyright laws to support productivity and better suit the needs of the education sector. These recommendations were never implemented.

The 2013 ALRC Copyright and the Digital Economy Report noted: "... the existing

exceptions for educational use of copyright material are due for reform. New exceptions are needed to ensure educational institutions can take full advantage of the wealth of material and new technologies and services now available in the digital age.... Education should not be hampered or stifled by overly prescriptive and confined exceptions. Licences should not be required for fair uses of copyright material that do not harm rights holders and do not reduce the incentive to produce educational material.” [ALRC Report 122, p 311]

The 2016 PC IP Arrangements report endorsed the ALRC’s recommendations for copyright reform, and noted that rather than hindering innovation and creativity, as claimed by some participants, IP reform would also invigorate innovation by various means, including:

- Australian firms will be able to take full advantage of opportunities in cloud computing
- medical and scientific researchers will be able to better utilise text and data mining
- the education sector will avoid paying millions of dollars each year to use materials that are freely available online. [PC Inquiry Report No. 78, Overview p 27.]

There are two broad categories of reform needed:

1. To provide legal certainty for the use of digital technologies in remote learning; and
2. To urgently amend Australia’s copyright regime to improve and encourage adoption and use of leading digital tools including AI in TAFEs.

1. Changes to support remote learning

Amendments to support remote learning were announced by former Attorney-General The Hon Mark Dreyfus KC MP on 11 April 2024, which reflected an agreement on legislative change between representatives of schools and creative industries, reached during a series of roundtables in 2023-2024. [The Hon Mark Dreyfus KC MP, Media Release, Copyright reform to protect remote learning, 11 April 2024]

These amendments would have ensured that:

1. existing rules for the use of copyright materials in the classroom also apply when lessons are delivered online, ensuring that the Act treats all students fairly
2. current restrictions in the Act are removed to ensure that parents and guardians can assist students in online lessons in which copyright materials are used
3. clarify that community members can present in class without this affecting how copyright material can be used in teaching.

These agreed reforms should be implemented as a first step towards modernising the Act for online learning. However, much more is required.

2. Changes to support use of AI and digital technologies

To improve the use of innovative digital technologies in TAFEs, far greater legal certainty is needed from a copyright perspective. This could be achieved by adopting past recommendations from the ALRC and PC, or considering new approaches to support the use and deployment of AI in TAFEs.

It is important to get the balance right between the interests of copyright owners and the public interest in preserving access to education. Some uses of content for teaching

should be paid for under a licence and other uses should be free (eg a teacher using AI to generate a list of Australian PMs). Law reform is needed to achieve an appropriate balance.

Which of the following best describes you? Please select all that apply.

The participant did not respond to this question.

For business owners, managers and sole traders, how many employees do you have?

The participant did not respond to this question.

For employees/individuals, have you participated in any work-related training in the last 12 months that did not relate to general compliance (such as WHS)?

The participant did not respond to this question.

If yes, can you elaborate on the reasons for the training and any benefits you received from doing it?

The participant did not respond to this question.

If no, can you elaborate on any challenges or barriers you faced in attempting to undertake work-related training?

The participant did not respond to this question.

For business owners, managers or sole traders, have you provided or supported your employees to participate in work-related training in the past 12 months?

The participant did not respond to this question.

If yes, can you elaborate on the reasons for the training and any benefits you or your employees received from doing it?

The participant did not respond to this question.

Can you describe whether you accessed any government assistance, what type, and the amount received? If you didn't access any financial assistance, please tell us the reasons why.

The participant did not respond to this question.

If no, can you elaborate on any challenges or barriers you faced in attempting to provide or support your employees to undertake work-related training, such as the time or cost, availability of relevant or high-quality courses, and level of interest from your employees?

The participant did not respond to this question.

Balance service availability and quality through fit-for-purpose occupational entry regulations

What are the effects of occupational entry regulations? Please describe your experience and name the specific occupations you are referring to.

The participant did not respond to this question.

Do you believe current occupational entry regulations are proportionate to the level of risk associated with different professions? Why or why not? If not, do you have any suggested improvements to regulations to better reflect risks? Please name the specific occupations you are referring to.

The participant did not respond to this question.

Which of the following best describes your connection to occupational entry regulations? Please select all that apply.

The participant did not respond to this question.

Which state or territory are you predominantly based in?

The participant did not respond to this question.