

Locked Out of the Library

Incarcerated Students and Information Access Barriers

Lydia Dawe

ABSTRACT

While incarcerated students face many challenges when commencing higher education, a lack of access to the internet is a considerable barrier. This technological exclusion has implications for the delivery of course materials, most of which are offered only electronically. A project team from Curtin University Library sought to understand and address the challenges faced by incarcerated students in accessing library services, particularly ebooks and audiovisual content. It was found that restrictions related to contract terms, digital rights management, and copyright contribute to a reactive and uncertain situation for library services. This article outlines the state of the problem and offers possible pathways academic libraries can take to improve the state of information access for incarcerated students.

INTRODUCTION

Curtin University is a public research and teaching university based in Perth, Australia, with approximately 65,000 enrolled students as of 2024. Curtin's Prison Engagement and Outreach (Prison Outreach) team supports approximately 120 incarcerated students through the educational, administrative, and practical challenges inherent to studying from prison. The range of courses available to these students is limited based on prison restrictions and logistics. Apart from bespoke outreach and bridging programs, most courses are not designed for incarcerated students, so Prison Outreach must find practical ways to ensure this cohort can achieve their educational goals.¹

The Curtin University Library provides information resources to support research and study for all enrolled students, including those who are incarcerated. Since 2000, the Library collection has become increasingly electronic, with print holdings diminishing. As prison facilities tightly restrict prisoners' internet access, it has become increasingly difficult for students to access educational materials. When internet access is provided, the general condition is that prison staff must operate computers on behalf of incarcerated students. This has resulted in the process becoming resource-intensive for the prison while being limited and inconsistent for the student. Additionally, licensing provisions, digital rights management (DRM) restrictions, and uncertainty about copyright allowances have caused confusion and delay for both the Library and Prison Outreach when providing course materials. Despite the dedication displayed by library staff in supporting this cohort, the underlying access issues persisted. To address this situation, Curtin Library liaised with the Prison Outreach team to learn more about incarcerated students, the Australian justice system, and the hurdles associated with studying from prison. A Library project team was created to undertake a review of library services, with the goal of navigating or removing access barriers for incarcerated students. This article examines the legal, technical, and attitudinal barriers that can inhibit incarcerated students seeking higher education in Australia, describes Curtin Library's experiences in addressing them, and offers recommendations for creating systemic change.

About the Author

Lydia Dawe (lydia.dawe@curtin.edu.au) is Copyright Officer, Curtin University. © 2026.

Submitted: 11 December 2025. Accepted for Publication: 1 March 2026. Published: 15 June 2026.

LITERATURE

Higher Education and the Incarcerated Student

Researchers Helen Farley and Susan Hopkins have written extensively on the challenges of providing higher education to incarcerated students in Australia.² Their investigations critique the systems that underpin prison education, dispelling myths and examining the myriad barriers faced by the population. They describe how incarcerated students sit at the intersection of the most vulnerable and marginalized peoples in Australia, with barriers based on race (particularly for Indigenous peoples), gender, class, income, disability, and literacy being prominent in the lives of many.³ Along with these complex identities come the labels of “offender” or “criminal” and the prejudices attached to them. When commencing higher education in prison, the label of “student” becomes available—a transformative identity that brings hope, empowerment, and possibility.⁴

If students manage to get into a study program, the next two hurdles are time and money. A prominent misconception is that prisoners have plenty of excess hours to devote to study. Instead, many prisoners are conscripted to a nearly full-time workload of menial labor, leaving them too exhausted to fit in study at the end of the day.⁵ Additionally, students do not get free or reduced tuition fees. Although fees can be deferred through the Higher Education Contribution Scheme to be paid back upon reaching a certain wage threshold, this does not cover immediate costs, such as books and printing. Textbooks can cost an average of AUD\$119 each, an overwhelming sum to a prisoner who may earn AUD\$9 per week, which falls considerably short of Australia’s minimum wage of AUD\$24 per hour.⁶

The next challenge facing students is accessing learning materials for their course. As prisons are fortresses by design, facilitating “connection” via the internet goes against their primary purpose, and concerns about security tend to stifle educational programs.⁷ Universities often tout online learning as a pathway for marginalized cohorts (e.g., students with disabilities, mature age students) to access education.⁸ However, because of prison restrictions, this mode can contribute to a digital divide that shuts students out.⁹ Prisons have failed to anticipate or adapt to these changes by providing appropriate infrastructure or procedures.¹⁰ As a result, the switch to digital, networked educational platforms has proved devastating for incarcerated student education. Previously, students could access print materials mailed to the prison and work independently in their cells, giving them a somewhat comparable experience to a typical student of the time.¹¹ Curtin’s Prison Outreach team still has the remit to purchase and send books to students. However, this is only possible with plenty of prior notice about the student’s enrolment and required readings, so the book can be purchased and pass through required security clearances in time. Regardless, most readings are provided in digital formats such as electronic journal articles, ebooks, and streaming video. Lack of direct access to the internet also means that students cannot develop digital literacy skills or interact with peers. Instead, they may have a few hours a week with a prison education officer who will operate the computer on their behalf. Educational resources must be downloadable and printable for students to access them, which is not always permitted or possible.¹² Interviews by Farley and Hopkins with incarcerated students show the frustration inherent in the experience: “The hardest thing is getting access to the computers and the education room. If I could come here every day, I would”; “Four to six hours a week is not enough time in the education block to get my study done.”¹³

Library-Related Barriers to Incarcerated Student Access

Digital Rights Management and Licensing

Libraries were early adopters of digital technology, providing computer access before it was available in many homes.¹⁴ Online catalogs were launched in the 1990s; ebooks became readily available in the 2000s. Most Australian academic libraries have an “e-preferred” approach, which means they will select electronic formats over print. Data from the Council of Australasian University Librarians show that Australian universities spent approximately AUD\$73 million on ebooks, as compared to around AUD\$4 million on print books in 2024.¹⁵ Curtin University Library has had an “e-preferred” model since 2012, which evolved into a “digital by default” approach in 2021. This reflected the demands of a diverse and growing clientele; while ebook expenditures increased, the print collection was reduced to allow for more study space.¹⁶ The digital library has clear advantages: increased discoverability and convenience, ease of storage, and full-text searching. However, the Library project team found that ebooks can be the most difficult media for incarcerated students to access. Unlike journal articles, which can be readily downloaded in .pdf format or printed, ebooks contain inbuilt restrictions. These include DRM and technological protection measures (TPM).

Libraries are beholden to vendor preferences for offering licensed, subscription ebook packages instead of purchasable units that can be owned outright. This lack of ownership has implications for the way libraries can use, share, and preserve their resources.¹⁷ Over time, libraries have become customers rather than custodians, managing collections they do not own. DRM and TPM technologies control what users can do with ebooks and other media, imposing limits on loans, simultaneous users and downloads, copying, sharing, and format-shifting.¹⁸ These restrictions have effectively crushed any promises of digital abundance signaled by the advent of ebooks. Such tight controls on use contradict what most university students expect to be able to do with digital media: to print, download, and share content freely.¹⁹ As Ann Shumelda Okerson puts it: “Whatever is possible begins to feel like a right.”²⁰

Copyright Legislation and Contracts

Australia’s Copyright Act has provisions to account for some of the needs of educators, libraries, and students in accessing copyrighted material.²¹ To utilize these provisions, a library worker must first be able to understand and apply copyright law, and this can be far from intuitive. Unlike the United States, Australia does not have a “fair use” exception in copyright law—opting instead for a narrower “fair dealing” approach. The US fair use model is flexible and open-ended in nature, weighing “fairness” against four factors which can be summarized as the purpose and character of the use, the nature of the work, the amount of the work used, and the effect of the use upon the market.²² In assessing the first factor, users may also consider whether it is “transformative”—if something new has been created rather than a mere copy. In theory, the more “transformed” the final product is from the copy it used, the less competitive it will be with the original, and therefore the use is more likely to be considered “fair.”²³ How exactly to apply the fair use factors, or how they are weighted against one another, is unclear, but they are expected to be applied on a case-by-case basis.²⁴ The flexibility of fair use has been assessed as both a strength and a weakness. US Court of Appeals judge Pierre Leval’s view is that removing fair use in favor of a more definitive standard (such as fair dealing) “would stifle intellectual activity to the detriment of copyright objectives.”²⁵ However, it should be noted that broad interpretations of fair use have led to unforeseen consequences. The transformative use factor has been used to argue for the copying of vast amounts of material to train generative artificial intelligence, a practice which the US-based Authors Guild describes as “inherently unfair” and a threat to literary culture and the writing profession.²⁶

Australia's fair dealing provisions do not provide a set of flexible criteria based on an individual case; they are more prescriptive and categorical in nature. Fair dealing provisions relevant to educational institutions cover research and study, criticism and review, and access for users with disabilities.²⁷ Teaching is not covered by fair dealing; academic institutions must pay a licensing fee to the Copyright Agency (which collects fees on behalf of members) to make copies of works for educational purposes.²⁸ In 2026, Australian universities paid AUD\$27.5 million for this license.²⁹ Under both the education license and the research and study fair dealing provision, users are allowed to use only "reasonable portions" of a work, typically 10% or one chapter of a book or one journal article in an issue.³⁰ These provisions tend to be insufficient for incarcerated students, who often need to access entire books.

Parliamentary debate for Australia's first copyright bill in 1905 described its purpose as "protect[ing] the fruits of a man's intellect" as a form of personal property.³¹ Additionally, it was acknowledged that "copyright is a monopoly, and like all monopolies, it is evil in essence" and that "we should be careful not to extend its operation ... beyond that which is absolutely essential, in order to secure the good that is intended."³² However, the nature and function of copyright have never been clearly articulated in Australian or English law, unlike in the US Constitution.³³ This makes it difficult to determine whether achieving balance between users and creators is one of the Copyright Act's objectives.³⁴ In 2013, the Australian Law Reform Commission recommended the introduction of a fair use exception, citing the need for more flexibility in the digital age and a focus on fairness instead of types of use.³⁵ The recommendations were not adopted, and no shifts toward fair use have occurred in the years since.

If the education license or fair dealing provisions fail to meet students' needs, librarians might turn to the "flexible dealing" provision of the Copyright Act, section 200AB, which grants libraries and educational institutions more latitude in using copyrighted material for socially beneficial purposes.³⁶ Section 200AB was instated in 2006 and was something of a compromise short of adopting full fair use.³⁷ The provision allows libraries to copy substantial parts of any type of work for students, as long as

- no other exceptions apply,
- the use is for a certain purpose,
- the use is noncommercial,
- the use will not prejudice the copyright holder,
- the use will not compete with, or take profit from, the copyright holder, and
- the use is a special case.³⁸

However, section 200AB is no panacea for the access needs of incarcerated students. From a practical standpoint, copying large amounts of material for incarcerated students can be time- and resource-intensive, as it must be done at the point of need, instead of copying material ahead of time and storing it for future use. However, the main concern for library workers is the question of whether and how to apply 200AB. Reviews of use cases suggest that cultural institutions consider 200AB challenging to interpret, simultaneously too broad and too narrow, and not fit for purpose.³⁹ Anne Flahvin and Carolyn Dalton have described 200AB as a "failure" because it is difficult for non-legal experts to understand, some language appears to narrow the scope of the exception, and there is no allowance for institutions to circumvent TPMs.⁴⁰

Another concern is whether commercial contract terms can override (or "contract out of") the education and equity exceptions outlined in the Copyright Act, including 200AB. This question was

the subject of an unsettled debate within an Australian Law Reform Commission discussion.⁴¹ Analyses by Australian and American legal scholars cast doubt on the assumption that contracts restricting public rights are legally enforceable, though this issue has not yet been directly tested in Australian courts. In the absence of certainty on this point, many libraries take the view that contracts override public rights provisions in the Copyright Act, leaving users with limited options.⁴²

Attitudes to Copyright

Investigations conducted by Emily Hudson confirm that cultural institutions tend to be risk-averse about copyright as a baseline; thus, decisions about 200AB often follow from an exhaustive process of investigating other options and assessing risk.⁴³ Library staff may feel that they don't have enough knowledge or support to use the exception appropriately. As an interviewee recounted: "As soon as somebody in a library who isn't a copyright expert has to look at section 200AB, it's almost [as if] a wall goes up." Libraries' preoccupation with compliance over ethics can come at a cost to users. Teghan Alexis Pryor-Darnell et al. describe how the needs of clients and the core values of the library profession can get lost or sidelined as librarians try to navigate the maze of laws and licensing.⁴⁴ Examples of this are discussed by Nick Thieberger et al., who find that libraries and archives restrict access to Indigenous cultural records out of caution, shutting out the very people who stand to benefit.⁴⁵

The "wall" of caution is indicative of behavioral phenomena that have been documented in research: copyright anxiety and copyright chill. *Copyright anxiety* describes worry or concern about a lack of copyright knowledge and potential liability or punishment.⁴⁶ This leads to *copyright chill*: avoiding using copyrighted material for legitimate uses due to the perceived threat of legal action.⁴⁷ A study of approximately 500 higher education workers (most being library workers) across the UK and Canada found that, even for those with proficiency and experience, approximately 50% report worry and concern about copyright and insecurity about their knowledge. Additionally, many respondents described restricting user access to material, abandoning projects, or avoiding using certain materials even though they weren't sure if this was the right decision. The tendency to err in favor of "caution" was a common theme in focus groups: "It is basically left to us and our decisions, and we tend to take a more conservative approach and more risk-averse approach. So, we're not using those things for fear of sort of doing wrong with them."⁴⁸

METHOD

Curtin Library Incarcerated Students Project

Against this complex background, the Library project team began by reviewing the current state of library services to incarcerated students. The Prison Outreach team and other prison liaisons were essential sources of information, providing vivid illustrations of the prison environment and the many challenges faced by students prior to, during, and after enrolment. Discussions with library staff revealed that incarcerated student queries were intermittent yet time-consuming when they did arise. This was due to the following factors: (1) every query was bespoke based on the limitations of the prison environment; (2) knowledge was dispersed across individuals in different areas; (3) few procedures were documented or findable; and (4) there was uncertainty about copyright and licensing limitations. Overall, library staff found themselves in a reactive and unclear position when assisting these students.

Ejournals

Our first action was to investigate access to electronic journal articles. Existing library procedures stated that many database vendors or publishers forbade making “offline copies” of articles and providing them to incarcerated students, either via print or digital files. To confirm this, the team reviewed all relevant license contracts to find evidence of any restrictive terms. Interestingly, we were unable to find any terms that would prohibit copying or downloading articles to provide to students. It is possible that license terms have since changed, or perhaps library staff had misread them out of an abundance of caution. To clarify this, we met with representatives from publishers and vendors and discussed the situation. Vendors were less concerned about students downloading their articles and more about confirming that incarcerated students were “officially” students (which they are). Thus, this barrier was effectively removed, and we updated our procedures and practices accordingly.

Ebooks

The Library project team’s second action was to investigate access to ebooks, which was a more complex task. Some ebook providers offered titles that were free of DRM, which meant that books could be downloaded and read offline. However, the team found that most of the essential ebook titles on course reading lists for incarcerated students were DRM-controlled. Downloading options were subject to third-party software and individualized accounts, making this option logistically unfeasible for prisons. Meetings and email exchanges with ebook sales representatives were unfruitful in finding systemic solutions to the problem. The workaround offered by the vendor was less than ideal: education officers could download .pdf files chapter by chapter over time and provide these to students. However, not all titles allowed this option. Occasionally, Library staff had success obtaining accessible files by emailing publishers directly and explaining the situation. More commonly, however, publishers would either decline, ignore, or provide overly delayed responses. Overall, ebooks remain a significant barrier to incarcerated student access until publishers and vendors loosen their restrictions or allow alternative access measures.

Audiovisual Materials

Ninety-eight percent of streaming media is governed by the terms of a mere seven contracts from companies such as Netflix, YouTube, Disney, and Amazon.⁴⁹ These contracts are designed for individual subscribers and don’t provide download options. The corpus of exclusive material on streaming services is increasing, as ownership options (e.g., DVDs) are decreasing.⁵⁰ Many unit reading lists prescribe YouTube videos, which have the veneer of accessibility: they are free to access and generally don’t require an account to view. However, as YouTube’s Terms of Service agreement forbids downloading content, this source is inaccessible for incarcerated students.⁵¹ Wherever possible, the Library encourages academics to instead use subscription databases such as EduTV, where downloadable files of documentaries, films, and TV programs can be made available upon request. Ensuring such consistency is an ongoing communication challenge for the Library. In the meantime, the Library project team created a procedure for burning DVDs, which are the only media formats allowed into some prisons for security reasons.

Print Books and 200AB Provision Guidance

As described earlier in this article, the rule of thumb for libraries is to copy 10% or one chapter of a book under the education license. If more content is needed, libraries can look to other copyright exceptions, including the “flexible dealing” provision 200AB. To make it easier for Curtin Library to apply 200AB to copying larger sections of print books, a short procedure was created, based on a guide created by the Australian Libraries Copyright Coalition.⁵² The procedure was written in plain language and summarized the elements that needed to be considered when using the

provision. The intent of this procedure was to demystify the process and to promote confidence in staff decision-making. Alongside this, communications were sent out to library staff to emphasize the importance of an ethical approach, empowering them to seek solutions that prioritize helping marginalized groups while respecting the rights of authors and creators.

Internal Staff Guide and Service Charter

All information on supporting incarcerated students was consolidated within a library staff intranet page. In addition to procedures, the Library project team wrote a service charter to define the Library's services for incarcerated students (see the Appendix). The service charter outlined the barriers faced by the students, the scope of Library support, and the roles of other stakeholders. Conversations with Curtin Prison Outreach staff showed that such a charter was valuable, as it ensured consistent service delivery from the Library and reduced potential miscommunication. An important aspect of the charter was defining service boundaries and managing expectations. The service charter also articulated a previously unspoken tenet of our services: the library is responsible for advocating for the information access rights of incarcerated students.

DISCUSSION

Libraries have a clear mandate to support incarcerated student education. The Australian Library and Information Association states that “all people—including prisoners—have a fundamental right to read, learn, and access information.”⁵³ The American Library Association's statement is more forthright, proclaiming:

When free people, through judicial procedure, segregate some of their own, they incur the duty to provide humane treatment and essential rights. Among these are the rights to read and to access information. The right to choose what to read is crucial, and the suppression of ideas is fatal to a democratic society. The denial of intellectual freedom—the right to read, to write, and to think—reduces the humanity of those segregated from society.⁵⁴

This statement emphasizes the responsibility of institutions to act ethically in maintaining the dignity of prisoners as a part of a democratic society. Libraries have their part to play—however small—in upholding these rights. The experience of exploring and evaluating Curtin Library's services to incarcerated students has revealed ways that libraries both help and hinder student information access, albeit unintentionally.

Universities' and libraries' shift to a majority electronic format and delivery has resulted in education access becoming enmeshed with technology access, and in prison, technology access is seen as a liability.⁵⁵ The internet has been a mainstay in the lives of Australians for decades and has long been considered a human right; yet prisons continue to provide inadequate libraries, technology, internet access, and staffing to support education.⁵⁶ It is established that education in prisons decreases recidivism and increases employment rates post-incarceration, and the Australian prison population is rising.⁵⁷ Despite these factors, prisoners themselves see education treated as an “afterthought” in prison. A survey of prisoners' experience with incarcerated education revealed that students feel actively blocked from pursuing courses of study: “I feel like giving up, which is what they want.”⁵⁸

While e-formats may appear to be a more flexible and accessible version of print formats, licensing provisions and DRM software imposed by publishers and vendors prescribe and restrict use so tightly that they have fundamentally altered the relationship between library and user.⁵⁹ Libraries

have become the messenger bearing bad news to readers about what the contracts do and don't allow. This is a large systemic problem that appears overwhelming to resist. However, there are ways that libraries can push to help ensure that the education needs of incarcerated students are met.

RECOMMENDATIONS

Contracts and Copyright

Library staff may be unsure whether a contract allows a particular use. The first recommended action is to examine the contract and confirm the terms. If any terms are unclear, library staff might contact the vendor or publisher for clarification. In the case of incarcerated students, some vendors our project team spoke with were unaware of the issue and agreed that it was important that the students be given special consideration. It is also important to remember that "contracting out" of the Copyright Act is not a legal absolute but an unsettled question.⁶⁰ Challenging this assumption is essential if libraries wish to preserve their users' fair dealing and equity rights.

Collective Bargaining and Contract Negotiation

Libraries have strength in numbers and can use the power of collective bargaining to gain leverage over large publishing conglomerates.⁶¹ Proactive approaches to contract negotiation have been deployed successfully by the University of California, for example, who were able to restore fair use rights to its users by providing alternative contract terms.⁶² The recent publication *E-Resource Licensing Explained* outlines ways to preserve fair use and other public rights in contract clauses.⁶³ Alternatively, some libraries have chosen to cancel contracts if the prices or terms are unreasonable, which sends a clear message to publishers.⁶⁴

Promoting Open Educational Resources

Open Educational Resources (OERs) are materials that have open licenses applied to them, allowing users to copy, distribute, and even adapt them without requiring permission.⁶⁵ OERs are a tool of social justice: they promote inclusion in education, offer flexibility in delivery, and can be customized to reflect diverse perspectives and cultural considerations.⁶⁶ When OERs are used in place of textbooks, students save on average AUD\$160 per unit.⁶⁷ The more libraries support the creation and adoption of OERs, the more we free ourselves from the tethers of licensing and copyright constraints.

Accepting the Uncertainty of Copyright

It is essential that all library staff, not just copyright specialists, have a general understanding of copyright and how to navigate it. Jane Secker et al.'s "Critical Copyright Literacy" approach is an excellent framework for training.⁶⁸ It focuses on questioning and demystifying copyright, while acknowledging that copyright is a complex, uncertain domain. This mindset is an appropriate one for approaching open-ended copyright exceptions such as the 200AB "flexible dealing" provision.

Advocating for Incarcerated Students

As Hopkins articulates, "Incarcerated students are the virtually invisible and silent [higher education] subgroup of the eLearning age," absent from educational policy discourse.⁶⁹ Because of this invisibility, it is important that library staff advocate for their access, which may involve taking risks. Pryor-Darnell et al. caution that by prioritizing the needs of rightsholders and governing institutions over those of library clients, library professionals are discounting the core values of the profession.⁷⁰ Amelia Gibson et al. remind us that hiding behind "neutrality," or

choosing passivity, can indirectly harm marginalized groups.⁷¹ The Australian university library sector would do well to heed these messages.

CONCLUSION

This article has described how technological change, commercial licenses, and outdated copyright legislation have converged to make educational achievement almost insurmountable for incarcerated students. University libraries may declare that the student experience is a strategic priority, but unless all students are accounted for, this aspiration rings hollow. It is essential that libraries reflect on how choices made to serve the majority may exclude the marginalized. Libraries must not wait for publishers and justice departments to change course. By working together in consortia, questioning licensing agreements, and utilizing copyright provisions, we can find ways to make the system work for marginalized students. In this way, we can uphold the value of connecting people to knowledge, information, and literacy, even within prison walls.

ACKNOWLEDGMENTS

The author would like to thank Julie Clift, Sheela Krnjajic, Adele MacDonald, and Sally Culver for their work as members of the Library project team. Thanks also to Len Nielsen for providing his expertise and perspective; to Janice Chan, Claire Murphy, and Kylie Percival for supporting this project; and to all the Curtin Library colleagues who assisted with reviewing the draft publication.

APPENDIX: INCARCERATED STUDENT SERVICE CHARTER

Curtin Library supports Curtin students who are incarcerated in achieving success in their coursework. Incarcerated students have the same status as any other Curtin student; however, they experience considerable barriers that are unique to the cohort. These may include a lack of access to computers, the internet, study space, and audiovisual equipment. As a result, study materials and learning support may be provided in ways that differ from a typical student and can vary based on the student's situation and environment.

The Role of Prison Outreach and Prison Education Officers

Prison Outreach (Curtin), Prison Education Officers (Department of Justice), along with any other staff liaisons at Curtin, are responsible for liaising with incarcerated students, facilitating access (e.g., downloading journal articles for the student), and storing or managing the material.

The Role of the Library in Supporting Incarcerated Students

The Library's role is to assist the above support services when they cannot solve the issue directly (e.g., self-service).

In Scope:

- Assessing barriers within library services and advocating for the information access rights of incarcerated students
- Collaborating with academic staff to offer alternative teaching materials where appropriate (e.g., titles or resources with more favourable formats or access)
- Facilitating access to teaching materials in alternative formats, including format-shifting. This may include
 - Obtaining digital files when they are not readily available for download (e.g., .pdfs, audiovisual files)
 - Copying print material and making it available under copyright exceptions
- Shipping physical materials to students for loan or temporary use
 - Other formats on a case-by-case basis
- Communicating with publishers on behalf of the student or prison outreach staff
- Providing information literacy support, including performing searches on behalf of the student
- Providing academic literacy skills workshops onsite (assessed on a case-by-case basis)

Out of Scope:

- Guaranteeing accessible format/timely access to material (circumstances vary)
- Proofreading or marking student work
- Creating a local "library" of digital materials for possible future use
- Downloading or managing materials that the prison outreach or education officer has ready access to (e.g., journal articles, book chapters)
- Format-shifting non-library-owned materials

ENDNOTES

- ¹ “Prison Engagement and Outreach,” Curtin University, accessed October 10, 2025, <https://www.curtin.edu.au/engage/outreach-offerings/prison-engagement-and-outreach/>.
- ² Helen Farley and Susan Hopkins, “The Prison Is Another Country: Incarcerated Students and (Im)Mobility in Australian Prisons,” *Critical Studies in Education* 58, no. 2 (2017): 150–67, <https://doi.org/10.1080/17508487.2016.1255240>; Marcus K. Harmes, Susan Hopkins, and Helen Farley, “Beyond Incarcerated Identities: Identity, Bias and Barriers to Higher Education in Australian Prisons,” *International Journal of Bias, Identity and Diversities in Education* 4, no. 1 (2019): 1–16, <https://doi.org/10.4018/IJBIDE.2019010101>; Susan Hopkins and Helen Farley, “A Prisoners’ Island: Teaching Australian Incarcerated Students in the Digital Age,” *Journal of Prison Education and Reentry* 1, no. 1 (2014): 42–51, <https://eric.ed.gov/?id=EJ1148796>; Susan Hopkins and Helen Farley, “Elearning Incarcerated: Digital Humanities in Australian Prisons,” *The International Journal of Humanities Education* 13, no. 2 (2015): 37–45, <https://doi.org/10.18848/2327-0063/CGP/v13i02/43833>.
- ³ Susan Hopkins, “Beyond Digital Literacy in Australian Prisons: Theorizing ‘Network Literacy,’ Intersectionality, and Female Incarcerated Students,” *Media and Communication (Lisboa)* 10, no. 4 (2022): 382–90, <https://doi.org/10.17645/mac.v10i4.5734>.
- ⁴ Harmes, Hopkins, and Farley, “Beyond Incarcerated Identities.”
- ⁵ Hopkins and Farley, “Elearning Incarcerated.”
- ⁶ “Textbook Affordability Project,” James Cook University, accessed October 5, 2025, <https://www.jcu.edu.au/library/open/textbook-affordability-project-2024-2025>; Hopkins and Farley, “Elearning Incarcerated.”
- ⁷ Helen Farley, “Challenges in Deploying Educational Technologies for Tertiary Education in the Carceral Setting: Reconnecting or Connecting?,” *ASCILITE 2022 Conference Proceedings: Reconnecting Relationships through Technology* (2022): e222451–e222455, <https://doi.org/10.14742/apubs.2022.245>.
- ⁸ Cathy Stone, “From the Margins to the Mainstream: The Online Learning Rethink and Its Implications for Enhancing Student Equity,” *Australasian Journal of Educational Technology* 38, no. 6 (2022): 139–49, <https://doi.org/10.14742/ajet.8136>.
- ⁹ Helen Farley and Julie Willems, “Digital Equity: Diversity, Inclusion and Access for Incarcerated Students in a Digital Age,” *ASCILITE 2017 Conference Proceedings: Me, Us, IT!* (2017): 68–72, <https://doi.org/10.14742/apubs.2017.744>.
- ¹⁰ “Prison Education Survey Report,” Justice Action, October 1, 2024, <https://justiceaction.org.au/education-for-prisoners/>.
- ¹¹ Farley and Hopkins, “The Prison Is Another Country.”
- ¹² Susan Hopkins, “Ghosts in the Machine: Incarcerated Students and the Digital University,” *The Australian Universities’ Review* 57, no. 2 (2015): 46–53, <https://research.usq.edu.au/item/q3141/ghosts-in-the-machine-incarcerated-students-and-the-digital-university>.
- ¹³ Farley and Hopkins, “The Prison Is Another Country,” 160–62.
- ¹⁴ John Carlo Bertot, “Public Access Technologies in Public Libraries: Effects and Implications,” *Information Technology and Libraries* 28, no. 2 (2009): 81–91, <https://doi.org/10.6017/ital.v28i2.3176>.
- ¹⁵ Council of Australasian University Librarians, “Journal and Book Expenditure [unpublished raw data],” accessed November 15, 2025, <https://caul.edu.au/service/analytics-service/>.
- ¹⁶ David Wells and Anita Sallenbach, “Print Books and Ebooks: The New Equilibrium in an Academic Library,” *Journal of the Australian Library and Information Association* 72, no. 2 (2023): 166–77, <https://doi.org/10.1080/24750158.2023.2183560>.

- ¹⁷ Anne Shumelda Okerson, "Reflections on Library Licensing," *Information Standards Quarterly* 26, no. 4. (2014): 2–12, <https://doi.org/10.3789/isqv26no4.2014.02>.
- ¹⁸ Mirela Roncevic, "Digital Rights Management and Ebooks," *Library Technology Reports* 56, no. 1. (2020): 24–28, <https://doi.org/10.5860/ltr.56n1>.
- ¹⁹ "Academic Student Ebook Experience Survey," *Library Journal*, 2018, retrieved August 15, 2025, <https://www.libraryjournal.com/story/research>.
- ²⁰ Okerson, "Reflections on Library Licensing," 7.
- ²¹ "Copyright Act 1968," Commonwealth, accessed July 20, 2025, https://www.austlii.edu.au/cgi-bin/viewdb/au/legis/cth/consol_act/ca1968133/.
- ²² "Measuring Fair Use: The Four Factors," Stanford Libraries, accessed July 22, 2025, <https://fairuse.stanford.edu/overview/fair-use/four-factors/>.
- ²³ Jane C. Ginsburg, "Fair Use in the United States: Transformed, Deformed, Reformed?," *Singapore Journal of Legal Studies* (2020): 265–94, https://scholarship.law.columbia.edu/faculty_scholarship/2676.
- ²⁴ Pierre N. Laval, "Toward a Fair Use Standard," *Harvard Law Review* 103, no. 5 (1990): 1105–36, <https://doi.org/10.2307/1341457>.
- ²⁵ Laval, "Toward a Fair Use Standard," 1135.
- ²⁶ Author's Guild, "FAQs on the Authors Guild's Positions and Advocacy Around Generative AI," <https://authorsguild.org/advocacy/artificial-intelligence/faq/>; Dave Hansen, "The Bartz v. Anthropic Settlement: Understanding America's Largest Copyright Settlement," *Kluwer Copyright Blog*, November 10, 2025, <https://legalblogs.wolterskluwer.com/copyright-blog/the-bartz-v-anthropic-settlement-understanding-americas-largest-copyright-settlement/>.
- ²⁷ "Copyright Act," Commonwealth, s 40, 41 & 113E.
- ²⁸ "Copying and Sharing under the Education License," Copyright Agency, accessed March 5, 2026, <https://www.copyright.com.au/licences-permission/educational-licences/copying-under-education-licence/>.
- ²⁹ "Copyright," Universities Australia, accessed March 5, 2026, <https://universitiesaustralia.edu.au/policy-submissions/copyright/>.
- ³⁰ "Copyright Act," Commonwealth, s 40-41.
- ³¹ "Parliamentary Debates," Commonwealth, Senate, August 30, 1905, 1634, <https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22hansard80%2Fhansards80%2F1905-08-30%2F0017%22>.
- ³² "Parliamentary Debates," Commonwealth, 1636.
- ³³ "To Promote the Progress of Science and Useful Arts," Article 1, Section 8, Clause 8, United States Constitution. <https://constitution.congress.gov/browse/article-1/section-8/clause-8/>; Melissa J. de Zwart, "An Historical Analysis of the Birth of Fair Dealing and Fair Use: Lessons for the Digital Age," *Intellectual Property Quarterly* 2007, no. 1 (2007): 60–91, <https://research.monash.edu/en/publications/an-historical-analysis-of-the-birth-of-fair-dealing-and-fair-use-/>.
- ³⁴ de Zwart, "An Historical Analysis of the Birth of Fair Dealing and Fair Use."
- ³⁵ Australian Law Reform Commission, *Copyright and the Digital Economy*, ALRC Report 122 (Australian Government, 2013), <https://www.alrc.gov.au/publication/copyright-and-the-digital-economy-alrc-report-122/>.

- ³⁶ Australian Copyright Council, *Section 200AB: The Special Case or Flexible Dealing Exception* (August 21, 2025), <https://www.copyright.org.au/browse/book/ACC-Section-200AB-the-Special-Case-or-Flexible-Dealing-Exception-INFO115>.
- ³⁷ Emily Hudson, "Australian Section 200AB," in *Drafting Copyright Exceptions: From the Law in Books to the Law in Action*, edited by Emily Hudson (Cambridge University Press, 2020), 207–29.
- ³⁸ *A User's Guide to the Flexible Dealing Provision for Libraries, Educational Institutions and Cultural Institutions* (Australian Libraries Copyright Coalition and the Australian Digital Alliance, 2008), 7, <https://alacc.org.au/guide-to-the-flexible-dealing-provision/>.
- ³⁹ Hudson, "Australian Section 200AB," 207–29.
- ⁴⁰ Anne Flahvin and Carolyn Dalton, *Flexible Exceptions for the Education, Library and Cultural Sectors: Why Has S 200AB Failed to Deliver and Would These Sectors Fare Better under Fair Use?* (Policy Australia, November 2012), <https://alacc.org.au/wp-content/uploads/mp/files/posts/files/appendix-1-ada-s200ab-report-15-nov-2012.pdf>.
- ⁴¹ Australian Law Reform Commission, *Copyright and the Digital Economy*.
- ⁴² Kristin Stammer, J. W. Carter, and Elisabeth Peden, "Contractual Restrictions and Rights under Copyright Legislation," *Journal of Contract Law* 23, no. 2 (2007): 32–54, <https://search.informit.org/doi/10.3316/agispt.20072605>; Alexander Sloan and Lucy Craddock, "Contracting Out, Fair Dealing, and Public Policy: The Australian Perspective," *Australian Intellectual Property Journal* 32, no. 1 (2021): 45–61, <https://eprints.qut.edu.au/213187/>; David R. Hansen, Yuanxiao Xu, and Rachael Samberg, "Contractual Override: How Private Contracts Undermine the Goals of the Copyright Act for Libraries and Researchers, and What We Can Do About It," *Journal of the Copyright Society* 72, no. 3 (2025): 675–760, <https://doi.org/10.2139/ssrn.5393510>; "Q. How Do Terms and Conditions Impact on Copyright?," James Cook University, September 29, 2023, <https://libanswers.jcu.edu.au/faq/274354>; "Licenses and Contracts," University of Melbourne, 2025, <https://copyright.unimelb.edu.au/copyright-and-research/licences-and-contracts>.
- ⁴³ Hudson, "Australian Section 200AB," 221.
- ⁴⁴ Teghan Alexis Pryor-Darnell, Nikki Andersen, and Samara Rowling, "Professional Ethics, Copyright Legislation and the Case for Collective Copyright Disobedience in Libraries," *Journal of the Australian Library and Information Association* 68, no. 2 (2019): 146–63, <https://doi.org/10.1080/24750158.2019.1608496>.
- ⁴⁵ Nick Thieberger et al., "The New Protectionism: Risk Aversion and Access to Indigenous Heritage Records," *Archives & Manuscripts* 51, no. 2 (2024): 23–41, <https://doi.org/10.37683/asa.v51.10971>.
- ⁴⁶ Amanda Wakaruk, Céline Gareau-Brennan, and Matthew Pietrosanu, "Introducing the Copyright Anxiety Scale," *Journal of Copyright in Education & Librarianship* 5, no. 1 (2021): 1–38, <https://doi.org/10.17161/jcel.v5i1.15212>.
- ⁴⁷ Jane Secker, Amanda Wakaruk, and Chris Morrison, "Not Netflix and Chill: Considering How Copyright Anxiety and Legal Chill Impacts the Higher Education Sector," conference presentation slides, ABC Copyright 2024, Halifax, Nova Scotia, June 20, 2024, <https://era.library.ualberta.ca/items/8b57d5b5-6612-4127-9f6c-aabd0408caf8>.
- ⁴⁸ Amanda Wakaruk, Jane Secker, and Chris Morrison, "Copyright Anxiety and Legal Chill in Higher Education: A Comparison of Canada and the United Kingdom (UK)," *Journal of Copyright in Education & Librarianship* 8, no. 1 (2025): 13, <https://doi.org/10.17161/jcel.v8i1.23058>.
- ⁴⁹ Hansen, Xu, and Samberg, "Contractual Override."
- ⁵⁰ Clare Thorp, "Oppenheimer and the Resurgence of Blu Ray and DVDs: How to Stop Your Films and Music from Disappearing," BBC, January 3, 2024, <https://www.bbc.com/culture/article/20240102-oppenheimer-and-the-resurgence-of-blu-ray-and-dvds-were-now-in-the-age-of-streaming-anxiety>.
- ⁵¹ "Terms of Service," YouTube, 2023, <https://www.youtube.com/static?template=terms>.

- ⁵² Australian Libraries Copyright Coalition and the Australian Digital Alliance, *A User's Guide to the Flexible Dealing Provision*.
- ⁵³ "ALIA Minimum Standard Guidelines for Library Services to Prisoners," Australian Library and Information Association, 2015, 1, <https://read.alia.org.au/alia-minimum-standard-guidelines-library-services-prisoners>.
- ⁵⁴ ALA Council, "Prisoner's Right to Read: An Interpretation of the Library Bill of Rights," American Library Association, June 29, 2010, para. 6, <https://www.ala.org/advocacy/intfreedom/librarybill/interpretations/prisonersrightoread>.
- ⁵⁵ sam hidde tripp, "Open for Who?: Reality of Knowledge Access in the Prison Industrial Complex," *Information Technology and Libraries* 44, no. 1 (2025): 1–5, <https://doi.org/10.5860/ital.v44i1.17378>.
- ⁵⁶ "8. A Right to Access the Internet," Australian Human Rights Commission, 2013, <https://humanrights.gov.au/our-work/8-right-access-internet>; Lorna Barrow, Trudy Ambler, Matthew Bailey, and Andrew McKinnon, "Incarcerated Students, the Technological Divide and the Challenges in Tertiary Education Delivery," *International Journal of Bias, Identity and Diversities in Education* 4, no. 1 (2019): 17–34, <https://doi.org/10.4018/IJBIDE.2019010102>.
- ⁵⁷ Eileen Baldry et al., *A Future Beyond the Wall: Improving Post-Release Employment Outcomes for People Leaving Prison Final Report* (UNSW, 2018), <https://doi.org/10.26190/5b4fd2de5cfb4>; Lois M. Davis et al., "Evaluating the Effectiveness of Correctional Education: A Meta-Analysis of Programs That Provide Education to Incarcerated Adults" (RAND, August 22, 2013), https://www.rand.org/pubs/research_reports/RR266.html; Ben Stickle and Steven Sprick Schuster, "Are Schools in Prison Worth It? The Effects and Economic Returns of Prison Education," *American Journal of Criminal Justice* 48, no. 6 (2023): 1263–94, <https://doi.org/10.1007/s12103-023-09747-3>; "Prisoners in Australia," Australian Bureau of Statistics, December 19, 2024, <https://www.abs.gov.au/statistics/people/crime-and-justice/prisoners-australia/latest-release>.
- ⁵⁸ "Prison Education Survey Report," 3.
- ⁵⁹ *Fixing the Ebook Market: Supporting Innovation and Growth: The Economic and Social Benefits of Enabling More Sustainable and Inclusive Ebook Lending* (Knowledge Rights 21, February 2025), <https://knowledgerights21.org/reports/fixing-the-ebook-market/>.
- ⁶⁰ Stammer, Carter, and Peden, "Contractual Restrictions"; Sloan and Craddock, "Contracting Out."
- ⁶¹ Genya O'Gara and Anne C. Osterman, "Negotiating on Our Terms: Harnessing the Collective Power of the Consortium to Transform the Journal Subscription Model," *Collection Management* 44, nos. 2–4 (2019): 176–94, <https://doi.org/10.1080/01462679.2018.1564716>; Jill E. Grogg and Hannah Rosen, "Consortia: An Evolving Landscape," *Collaborative Librarianship* 12, no. 2 (2020): 181, <https://digitalcommons.du.edu/collaborativelibrarianship/vol12/iss2/7/>.
- ⁶² Hansen, Xu, and Samberg, "Contractual Override."
- ⁶³ Sandra Enimil et al., *E-Resource Licensing Explained* (Association of Research Libraries, 2024), <https://berkeley.pressbooks.pub/eresourcelicensingexplained/>.
- ⁶⁴ "Big Deal Cancellation Tracking," SPARC, accessed July 31, 2025, <https://sparcopen.org/our-work/big-deal-cancellation-tracking/>.
- ⁶⁵ "OER Collective Publishing Workflow," Council of Australian University Librarians, accessed March 5, 2026, <https://caul.libguides.com/oer-collective-publishing-workflow/initiate/OER>.
- ⁶⁶ Anne Hawkins et al., *CAUL Open Educational Resources Professional Development Program: Foundations* (Council of Australian University Librarians, 2024), <https://oercollective.caul.edu.au/caul-open-educational-resources-professional-development-program/>.
- ⁶⁷ Mo Nyamweya, "A New Method for Estimating OER Savings," SPARC News, December 20, 2018, <https://sparcopen.org/news/2018/estimating-oer-student-savings/>.

- ⁶⁸ Jane Secker, Chris Morrison, and Inga-Lill Nilsson, "Copyright Literacy and the Role of Librarians as Educators and Advocates: An International Symposium," *Journal of Copyright in Education and Librarianship* 3, no. 2 (2019): 1–19, <https://doi.org/10.17161/jcel.v3i2.6927>.
- ⁶⁹ Hopkins, "Ghosts in the Machine," 49.
- ⁷⁰ Pryor-Darnell, Andersen, and Rowling, "Professional Ethics."
- ⁷¹ Amelia N. Gibson et al., "Libraries on the Frontlines: Neutrality and Social Justice," *Equality, Diversity and Inclusion: An International Journal* 36, no. 8 (2017): 751–66. <https://doi.org/10.1108/EDI-11-2016-0100>.