

Inquiry into Research Training and Research Workforce Issues in Australian Universities

House Standing Committee on Industry, Science and Innovation

Submission by
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Background

I am a Professor of Law at QUT Faculty of Law in Brisbane and lead one of the largest law research teams in Australia focussing on Intellectual Property, Internet Law, E Commerce, Open Access and e-Research/Cyberinfrastructure.

I hold postgraduate law degrees from both Oxford and Harvard Universities and a practising certificate as a Barrister at Law.

Current work

Over the last 3 years I have undertaken significant work on building the legal infrastructure for access to Australian research

In order to have world class research we need to be able to ensure that information, knowledge and ideas can be communicated in the broadest possible way. Whether we like it or not law, especially IP law and contract law, has a critical role to play in this area.

Australia needs people that can research and help build out legal frameworks for doing research as well as business in the digital networked environment of the Internet. These frameworks need to intersect and interoperate with international projects. To be able to do this junior researchers need to be able to gain international experience and exposure through postgraduate study and fellowships overseas as well as attending conferences.

Issues needing consideration

It is very difficult to attract first class let alone world class junior and mid level researchers in the Australian system. Students are lured by the prospect of bigger money in private legal practice or go overseas to study and do not return for a considerable length of time.

We need to have a better strategy for building a cohort of junior researchers in Australia and providing them with first rate development and career opportunities. Most full time junior research jobs are poorly paid, short term and carry very little status.

The first thing we need to realise is that we must put 5 to 10 years of solid post doctoral training into this cohort to make sure they provide us with the foundation upon which to be world leaders across the disciplines.

We need to start by:

- Seeding and growing the best junior researchers by sponsoring them to go overseas and study (for short or longer periods) at as many diverse locations as possible and ensuring they agree to and see the value of returning to Australia. (This can sometimes be achieved by first employing them within a research group for the a year or so)
- Providing local and national workshops and training for a designated cohort of high performing junior researchers. These workshops could cover things as basic as writing, communication skills and use of the Web through to undertaking research and building research projects, networks and teams and understanding Intellectual Property issues. Bringing junior researchers together across the disciplines should also improve their ability to collaborate which is increasingly a vital ingredient of the research framework.
- Designating this cohort as members of a national initiative or nationally endorsed scheme.
- Ensuring these junior researchers have the opportunity to spend time at other Australian universities and most importantly are given the opportunity to engage with international counterparts. Australia should consider having a presence (a physical facility/office) at the major overseas research centres like other countries do – in order to provide support for students and visiting researchers and encourage the value of returning to Australia.
- Providing pathways for junior researchers to spend time working with industry as experiential placements.
- Ensuring junior researchers have adequate infrastructure including suitable workspaces.
- Creating a national yet small group of research leaders – representative of all disciplines – to mentor and advise this group. It is important to have had first hand experience to provide guidance and advice.

We need to invest heavily and more wisely in our young researchers and build a system where we can foster research excellence, a proper and recognised career path and excellent communication, networking and international engagement skills in order to provide genuine opportunity for the researchers as well as Australia.

In this submission I have touched on one key issue. I am more than happy to discuss this or any other issue related to the Inquiry with the Committee in the future and would be keen to participate in any public hearing.

Regards,

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Brian Fitzgerald studied law at the Queensland University of Technology graduating as University Medallist in Law and holds postgraduate degrees in law from Oxford University and Harvard University.

He is a well-known Intellectual Property and Information Technology/Internet lawyer who has pioneered the teaching of Internet/Cyber Law in Australia. He has published articles on Intellectual Property and Internet Law in Australia, the United States, Europe, Nepal, India, Canada and Japan and his latest (co-authored) books are *Cyberlaw: Cases and Materials on the Internet, Digital Intellectual Property and E Commerce* (2002); *Jurisdiction and the Internet* (2004); *Intellectual Property in Principle* (2004) and *Internet and Ecommerce Law* (2007). Over the past seven years Brian has delivered seminars on Information Technology, Internet and Intellectual Property law in Australia, Canada, China, Brazil, New Zealand, USA, Nepal, India, Japan, Malaysia, Singapore, Norway, Croatia and the Netherlands. In October 1999 Brian delivered the Seventh Annual Tenzer Lecture - Software as Discourse: The Power of Intellectual Property in Digital Architecture - at Cardozo Law School in New York. Through the first half of 2001 Brian was a Visiting Professor at Santa Clara University Law School in Silicon Valley in the USA. In January 2003 Brian delivered lectures in India and Nepal and in February 2003 was invited as part of a distinguished panel of three to debate the Theoretical Underpinning of Intellectual Property Law at University of Western Ontario in London, Canada. During 2005 Brian presented talks in Germany, India and China and was a Visiting Professor in the Oxford University Internet Institute's Summer Doctoral Program in Beijing in July 2005. In 2006 he was nominated by DEST to attend and present as an Australian expert an OECD Workshop on Research Use of Patents held in May 2006 in Spain and in February 2006 was invited as international expert to present at an OECD Workshop on Open Educational Resources in Sweden. In April 2006 Brian was also invited to speak at the Fordham University International Intellectual Property Conference in New York and the Access to Knowledge (A2K) Conference at Yale University Law School. In April 2007 Brian organised the Knowledge Policy for the 21st Century Conference with the University of Western Ontario Law School in Canada and presented at the Fordham University International Intellectual Property Conference in New York. In May 2007 he organised the Legal and Policy Framework for the Digital Content Industry Conference in Shanghai China and in June presented at the Creative Commons iSummit in Dubrovnik Croatia. In July he organised an International Conference on the Legal Framework for e-

Research held on the Gold Coast Australia and also taught in the Oxford Internet Institute Summer School at Harvard University Law School.

Brian is a Chief Investigator and Program Leader for Law in the ARC Centre of Excellence on Creative Industries and Innovation and Project Leader for the DEST funded Open Access to Knowledge Law Project (OAK Law) Project looking at legal protocols for open access to the Australian research sector and the DEST funded Legal Framework for e-Research examining the legal framework needed to enhance e-Research. He is also a Program Leader for CRC Spatial Information. His current projects include work on intellectual property issues across the areas of Copyright, Digital Content and the Internet, Copyright and the Creative Industries in China, Open Content Licensing and the Creative Commons, Free and Open Source Software, Research Use of Patents, Science Commons, e-Research, Licensing of Digital Entertainment and Anti-Circumvention Law. Brian is a Project Leader for Creative Commons in Australia. He has organised numerous conferences on Intellectual Property and Internet Law in Australia, is a regular speaker at international and national conferences and has made a number of significant submissions to government in the area of Internet and IP Law.

From 1998-2002 Brian was Head of the School of Law and Justice at Southern Cross University in New South Wales, Australia and from January 2002 – January 2007 was Head of the School of Law at QUT in Brisbane. He is currently a specialist Research Professor in Intellectual Property and Innovation at QUT.