creative contingencies pty ltd
77 080 491 863 | abn
info@cc.com.au | email
www.cc.com.au | web
+61 3 9326 9985 | phone
+61 3 9329 2096 | fax

p.o. box 13272
law courts post office
melbourne vic 8010

The Executive Officer
Economic Development and Infrastructure Committee
Parliament of Victoria
Spring Street
EAST MELBOURNE VIC 3002

edic@parliament.vic.gov.au

To the Hon. Christine Campbell, MP (Chair),

Thank you for the invitation to make a submission to the
Economic Development and Infrastructure Committee Inquiry into
Improving Access to Victorian Public Sector Information and Data.

The emergence of technologies that enable people to use, re-use and create information in new ways is driving a global trend to make information more accessible, to more people. Information discovery has been revolutionised by search engines, online indexes and catalogues. This has fueled public desire to share, extend and modify information in order to create something new. Social networking technology propels the liberation of human knowledge from book-bound to cyber-free.

In recent years Creative Contingencies has been an active participant in Australia's open source industry and community. We have clients in the education sector, including the Victorian Information Technology Teacher's and Commercial Teacher's Associations, a state secondary college and a private girls school.

I have long been interested in issues of digital information and copyright. Whilst I was on the board of Open Source Industry Australia from 2006-2008, I participated in submissions to the federal inquiry into technological protection measures and the Standards Australia review of the OOXML document file format. I currently sit on the advisory board of the US based National Center for Open Source in Education, and have just been elected President of Linux Users of Victoria.

This background informs my understanding of and experience with the issues outlined in your terms of reference.

Steinberg and Mayo in the Power of Information Report state:
> "When enough people can collect, re-use and distribute public sector information, people organise around it in new ways, creating new enterprises and new communities. In each case, these are designed to offer new ways of solving old problems. In the past, only large companies, government or universities were able to re-use and recombine information. Now, the ability to mix and 'mash' data is far more widely available."

Public Sector Software should be published under an Open Source Initiative approved license. Where government is involved in software production the source code should be made available for scrutiny, potential improvement, and re-use. The Australian Bureau of Statistics has demonstrated this is a successful approach as referred to in the inquiry discussion paper.

> "We're in the National Statistical business, there are other National Statistical Agencies around the world, they're the obvious cohort to work with ...
> we could find mechanisms where we could collaborate and work on common projects, then that should have a good outcome, a win/win situation for all of us."

[http://www.finance.gov.au/e-government/better-practice-and-collaboration/events/2007/docs/Don_Bartley.pdf]

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Public sector information should be:

* Broadly defined to encompass a wide range of state institutions and authorities.

It should extend to local councils as holders of local knowledge. It should extend to publicly funded research in education institutions. By default public sector information should be made available and licensed for re-use. Arguments for denying access or re-use should be tested and recorded.

Local councils hold important local knowledge critical for promoting community engagement as well as for the development of new commercial enterprises related to the needs of people living in or visiting specific regions – such as tourism operators.

* Accessible in free and open documented standards at marginal cost.

There are freely accessible, open, documented standards for just about every form of data. These should be default choices to maximise computer interoperability and data transfer and re-use. The advantage of an open standard is that anyone may create software applications without royalty or license fees to access the data it contains.

Data made available in plain Unicode text allows for maximum computer interoperability, examples are CSV, HTML and XML. PDF should be used for documents intended for printing. Whilst information in a PDF is less accessible for editing and re-use, it is suitable for published reviews and reports, medical information sheets etc. SVG is appropriate for graphical representation and some mapping products. OGG is suitable for audio and video formats.

Open standards maximise interoperability and competition. Open source software developers are able to fully implement open standards in their applications and free open source software is generally available at low or no cost to all. Increasing accessibility for the disadvantaged.

* Licensed to facilitate wide scale re-use, in a machine search-able form.

Government data should, wherever possible, be released in to the Public Domain, as is the case in the United States of America. It is unfortunate that Victorians have greater access to US data than information of more geographic, social or cultural relevance. Data availability in the US has spurred innovative and entrepreneurial companies to provide a range of useful services to people in the United States.

If there are valid reasons against release into the Public Domain then share-alike Creative Commons licenses should be adopted. Finally, any reason for restriction of access to data should be put on the public record. Legitimate reasons include protection of people's privacy, and public security and safety.

The share-alike condition is important because it requires improvements made to the resources are also made available, both to the originator, and the public. This is one of the key success factors of open source software. Share-alike terms are responsible for the emergence and growth of communities of contributors to free software.

The Creative Commons framework should be considered as a foundation for Victorian public sector information. Should additional conditions be required, these could be established within the CC framework as has been done with science commons, or zero or Public Domain. The advantage lies in the simplicity of the Creative Commons framework. Whilst Creative Commons has its critics, and real flaws, any newly designed system is just as likely to have such weaknesses.

I also commend the work of Brendan Scott, Open Source Law on some of the difficulties inherent in 'non-commercial' licensing.
[reference: http://brendanscott.wordpress.com/2008/09/02/why-non-commercial-licences-are-bad/]

The restriction to non-commercial use is an issue in the education sector. Can non-commercial licensed material be used in private schools or by private training providers?

A Point of Curiosity:

The Victorian Education Department has a great ICT Capabilities Resource for teachers called e-potential. http://epotential.education.vic.gov.au/

Is third party copyright the obstacle here?

E-potential is designed to help teachers build skills for integrating ICT into their classrooms. It's a matrix of skills linked to examples, teaching resources and professional learning materials.

Unfortunately, access to this capabilities resource is restricted to authorised users with access to edumail. It would be of great value to others in the independent and catholic sectors, and in other education jurisdictions. Commercial organisations could leverage it to provide targeted professional learning activities for teachers based on the information and resources contained in e-potential. Victorian Government Teachers using the resource could modify and share it with others around the world if it were released under a CC style share-alike license.

In contrast Edublogs is a network of education related web journals, built on open source software, and open to anyone. Whilst not public sector information, it is a good example of an open resource enriched by educators keen to share their knowledge and experience with their peers and pupils using open web technologies for sharing and collaboration.

In conclusion, there are issues, challenges and opportunities involved in improving access to public sector information for re-use, but we don't have to reinvent the wheel, as the research in the discussion paper shows.

> "The focus concentrated on the value and benefits of PSI in encouraging a thriving information economy. This is now complemented by the engagement of communities and citizens to shape solutions. It recognises that the public sector does not have a monopoly on ideas for making the most of information and how the user wants to receive access and use it. There has never been a more important or exciting time for PSI re-use."
>
> *Carol Tullo, director of the UK Office of Public Sector Information*

Fundamentally, the value of information that is freely available is greater than the value of that which is locked away. I would be happy to provide further examples to illustrate the points made, and am available to give evidence or meet with the committee on request. If I can be of any further assistance to the committee or the research team, please don't hesitate to contact me.

Yours sincerely,

Donna Benjamin
Executive Director
Creative Contingencies
donna@cc.com.au – phone: 0418 310 414

Member - Open Source Industry Australia – http://www.osia.net.au
President - Linux Users of Victoria – http://www.luv.asn.au