







## Origins of AusGOAL

### 2004-5 Review into the QSIC Business Environment

- Finds inconsistent approach by government to implementing the BE, resulting in inefficiencies within and between government agencies, increasing the cost to business and the community in dealing with government.
- A team is established in the Office of Economic and Statistical Research, Queensland Government Treasury.
- Engagement commenced with the Law Faculty at Queensland University of Technology to investigate copyright and licensing issues.

## GILF Stage 1 Report Findings

- Over 180 mediated licences being used, and many of them dated / of poor quality / hybrid / hacked by non-lawyers, or alternatively no licence was used in a transaction.
- Licensing approaches causing confusion and costs for clients / community, and custodians.
- Difficult for users to know if they were complying with their legal obligations.
- Often easier for agencies to get same information from outside government rather than negotiate access between agencies.
- Poor information procurement practices that did not contemplate open access ('open access' wasn't a term understood by government at all!).



## GILF Stage 1 Report Findings

- A lot of contracted / 3<sup>rd</sup> party-material - unknown what rights held by government, and data / information could be supplied for reuse by the community. Contracts severed from data. Loss of corporate memory.
- Inter-jurisdictional exchange problematic, if not impossible.
- Agencies considered themselves as unique business entities, not as a single government. Some hopelessly insolvent. Desperate to charge, but the administration cost of charging was more expensive.
- Complex for anyone outside government dealing with multiple agency approaches to information licensing.
- 'All Rights Reserved' was used as a Band-Aid™ for all information management and publication problems, including the false perception that it would reduce tortious liability. Totally WRONG!



## Productivity and Innovation

- The government needed to move from “need-to-know” to “need-to-share”
- Bad for productivity
- Bad for innovation
- Inefficiencies everywhere
- “Government service channel delivery demands clearer and simpler management of rights of access and sharing”

## Copyright = Copywrong

- Copyright is being abused: controlling access, rather encouraging innovation, 14 years is now 70 years after the death of the author. 50 years for Crown material.
- Restrictive government copyrights inhibit innovation
- The more open the data, the more valuable it becomes.
- All Rights Reserved is not compatible with the Internet.
- Restrictive copyrights are discriminatory.
- In government, restrictive copyrights cost and waste money.

## GILF Stage 2 Report Findings

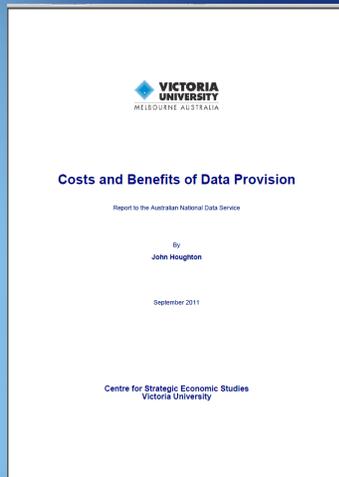
- Reaffirmed the non-standard and conflicting approaches to licensing and need for change.
- Reviewed national and international initiatives on use and reuse of government information and open licensing.
- Identified Creative Commons Licensing framework as best practice. Confirmed its suitability for use by Government.
- Established a policy that the least restrictive licence appropriate to the circumstances should be applied – generally CC-BY.
- Confirmed the need for Restrictive Licence to compliment Creative Commons.
- GILF was born in 2009.

## CRC-SI ACIL Tasman Study



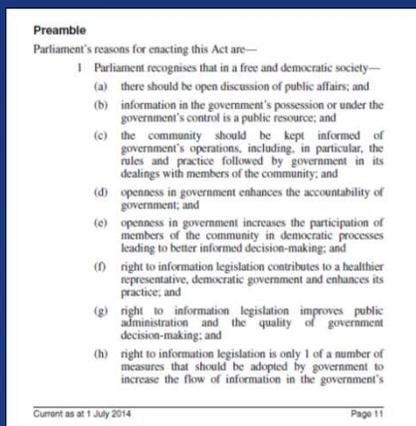
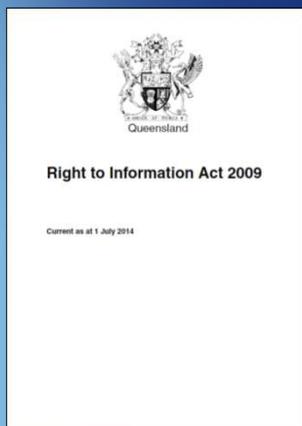
- March 2008
- Value of geospatial \$16 Billion
- Calls for a national licensing framework for Geospatial Information
- Current licensing practices hinder innovation, cause confusion and costs for community, and custodians.
- Noted that GILF would contribute further to the economic value of geospatial information.

# Australian National Data Service



- September 2011
- Cost benefit of open PSI = 5.3:1
- Cost benefit of open geospatial PSI = 18-26:1
- First report in the world to use actual figures – not models

# Right to Information – FOI Reform



# The National GILF

- COAG concerned by the delay, expense, and difficulty of transferring information and data between jurisdictions. 43 COAG Standing Councils required transfer and collection of data and information between jurisdictions.
- Online Commation's Council tasked to find a solution.
- Commonwealth established the NGISS, National Government Information Sharing Strategy noting the importance of GILF
- Gov 2.0 /Gruen Taskforce – Recommended an Australian Information Commssioner / FOI reform. Open licensing of Commonwealth Information and data.
- Solution – Make GILF national! AusGOAL is Born!

**AusGOAL**  
Australian Governments Open Access and Licensing Framework

The screenshot shows the AusGOAL website homepage. At the top, there are navigation links for 'About us' and 'Contact us', a search bar, and social media icons for Facebook, Twitter, and LinkedIn. The main header features the 'AusGOAL' logo and the tagline 'Australian Governments Open Access and Licensing Framework'. Below the header is a navigation menu with tabs for 'Overview', 'Open Access', 'Using AusGOAL', 'Governments', 'Research', 'data.x.gov.au', 'Blog', and 'Login'. The main content area is dominated by a large banner image with the text 'Intellectual Property Policy and Best Practice Guidelines' and 'Geoscience Australia incorporates AusGOAL into IP Policy... more'. Below the banner are three columns of featured content: 'AusGOAL - Features', 'How to Implement AusGOAL', and 'Become an AusGOAL Practitioner'. At the bottom, there are four columns: 'News', 'Training Materials', 'AusGOAL' (with a video thumbnail of Jill McKenzie), and 'Innovators'. The footer contains links for 'Sitemap', 'Privacy', 'Disclaimer', and '© AusGOAL 2011'.

## What is AusGOAL

- GILF Mk II. The Australian Governments' framework and programme for opening access to publicly funded information for reuse by the community and business.
- Not PSI, PFI – Publicly Funded Information.
- Policy and principles - **a policy requirement to choose the Least Restrictive Licence**
- 8 licences (6 Creative Commons Licences, 1 Restrictive Licence, Easy Access IP Licence, and BSD Software Licence)
- License insertion software for MS Office
- Practitioner Groups and resource
- National and international advocacy, engagement, training, support, guidance, advice, resources, consultancy, alternative dispute resolution.



## What is AusGOAL

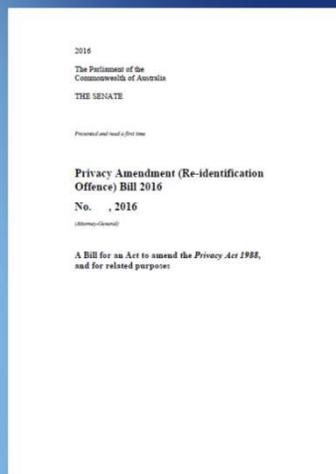
- 24 x 7 support for all levels of government, education and research sectors, and to those supplying data and information to government and research.
- Close alignment with FOI reform and respects privacy law other information laws.
- AusGOAL Qualities of Open Data - Administering and supporting open data portals in Australia



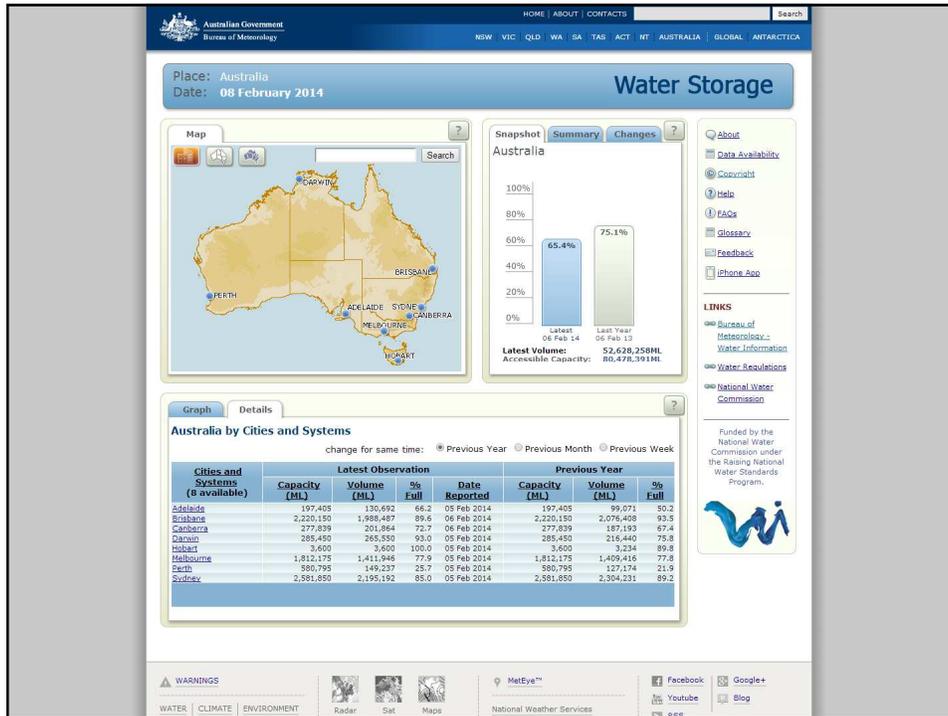
## Why a Framework / Programme?

- A licence alone isn't enough. Need to provide guidance in selection of licence in accordance with policy. OGP NAP.
- We learnt from GILF that policies don't implement themselves. Cultural change within government – requires communication, engagement, training and careful guidance – time and patience.
- Australia was engaging in reform of government information management and open access in one. Needed to build capacity and competency.
- Licensing can be complex, particularly when dealing with third-party nested copyright material. All Rights Reserved was not going to cut it anymore.
- A framework / programme is more valuable to custodians and publishers *and consequently* more valuable to the economy and the community.

## Re-identification a Criminal Offence?



- Two years imprisonment
- Collateral civil penalties
- Must notify agency if you commit an offence
- Offence to aid, conspire, publish, communicate
- Applies to individuals as well as companies
- Only Commonwealth datasets



Australian Government Bureau of Meteorology

HOME | ABOUT | CONTACTS

Water Information | Regulations | Standards | News and events | About

## Copyright and Creative Commons Information

Material (pages, documents, on-line graphs) on this web site is subject to copyright. Please note the Copyright Notice and Disclaimer statements relating to use of the material. Use of data on the Water Storage page is subject to the terms and conditions of the supplying organisations, given below.

For data suppliers using the Creative Commons license, click on the CC-BY logo to obtain the terms of the license, and include the attribution specified below when reusing their material. For suppliers whose licence is listed as "Other", please contact them using the details provided, to obtain their licence conditions.

Owner	License	Attribution	Contact
ACTEW Corporation Limited		Attribution not required	ACTEW website IP
Melbourne Water Corporation (Melbourne Water)		© Melbourne Water Corporation (Melbourne Water)	Ph: 461 3 9235 7100 Melbourne Water website IP
Power and Water Corporation (Power and Water)		© Power and Water Corporation (Power and Water)	Power and Water website IP
Queensland Bulk Water Supply Authority (Sewage)		© Queensland Bulk Water Supply Authority (trading as Sewage)	sqwater.website IP
South Australian Water Corporation (SA Water)		© South Australian Water Corporation (SA Water)	SA Water website IP
Southern Water		© Southern Water	Southern Water website IP
Sydney Catchment Authority		© Sydney Catchment Authority	SCA website IP
Water Corporation		© Water Corporation	Water Corporation website IP

Interested in Copyright and Creative Commons? See the [Water Division Creative Commons License page](#) for appropriate use.

Unless otherwise noted, all material on this page is licensed under the [Creative Commons Attribution Australia License](#)

WARNINGS

WATER | CLIMATE | ENVIRONMENT

Radar | Sat | Maps

MetEye™

National Weather Services  
Aviation Weather Services  
Defence Services  
Space Weather Services  
Registered User Services  
Commercial Weather Services  
Business Entry Point

Facebook | Google+ | Youtube | Blog | RSS

Careers | Sitemap | Feedback

Freedom of Information  
Indigenous Weather Knowledge  
Glossary

Available on the App Store

Available on the Google Play Store



# What does CC Look Like?



Please give attribution to:  
 State of Queensland (Queensland Police Service) 2016



## Meet the CC Family



**NOT FOR DATA**



## Why Use CC Licences?

1. Available in 50 international languages.
2. Machine readable and searchable.
3. Well drafted – international community ensures cross-jurisdictional compatibility.
4. Free to use.
5. They are a de-facto international standard. More than a billion resources on the Internet are licensed under a CC licence. The community understands CC, the challenge was for government to understand.
6. Meet the definition of an electronic protection measure under the *Copyright Act 1968*.
7. The licences include better limitation of liability clauses than many government (lawyer?) drafted limitation of liability clauses.
8. The Australian governments could not deliver these licensing features. Bespoke open licence proliferation acts against open.

## Criticisms of CC

- No indemnity
- No sub-licensing
- Attribution stacking
- Inflexible
- Automatic Termination

## Charging

- Free
- Graduated removal of charging
- Cost of distribution of a single copy – Government agencies in Australia do charge for CC licensed data not delivered via the Internet.
- Cost shifting (Queensland Government Cadastre)
- Is the sales / licensing function loss producing
- Dropping services that are not needed
- Engage finance and treasury departments

# Conclusion

- AusGOAL is CC-BY licensed.
- Manage the business and the law together. Lawyers need to move from risk averse to risk management – become enablers. Only ask leading questions of your lawyers.
- Communication is critical. This is not an IT issue, and the framework should not make it a legal issue. It's a people issue. Leaders need followers.
- Be prepared to be patient and celebrate the wins.



# Thank you!

Baden Appleyard  
Barrister, National Director – AusGOAL  
Mobile: +61 (0) 459 824 061  
E-Mail: [b.appleyard@ausgoal.gov.au](mailto:b.appleyard@ausgoal.gov.au)  
LinkedIn: <http://au.linkedin.com/in/badenappleyard>  
Website: <http://www.ausgoal.gov.au>  
Facebook: <https://www.facebook.com/AusGOAL>  
Twitter: [@AusGOAL](https://twitter.com/AusGOAL)



Licence URL: <http://creativecommons.org/licenses/by/4.0/>  
Attribution: © AusGOAL (Baden Appleyard) 2016