Engage

Getting on with Government 2.0

Draft Report of the Government 2.0 Taskforce

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What's in a name?

The invitation to "engage" is both a call to action and affirmation of the vision towards which that action leads. This is the promise of Government 2.0.

"Engagement" is what Government 2.0 is all about:

- Easy to find re-useable public information is, at heart, an invitation to the wider community to engage innovate and create new public value with public sector information (PSI), which often sits underused or simply ignored in government agencies and data banks. As we have seen during our work, as people engage, possibilities – foreseeable and otherwise – are unlocked through the invention, creativity and hard work of citizens, business and community organisations. The government's job is to liberate much more of its information as a key national asset.

- Public agencies and professional public servants are also invited to engage more energetically with the tools and capabilities of 'collaborative web' or Web 2.0. Everything, from enabling data to be re-used, to forming and participating in online communities in their areas of interest will help build a public service that is smarter, more responsive, more strategic and personally rewarding.

- Public agencies and their public servants increasingly associate good practice with deeper engagement with those outside the public service. As the new Australian Public Service Commission (APSC) guidelines make clear, Web 2.0 tools like blogs and wikis now provide unprecedented opportunities to take this much further.

  In the transition from traditional consultation towards true community collaboration engaging the community and the public service alike is key. In this more open, connected and instinctively adaptive and innovative process, the motivation, interest and skills of all involved contributes to it success.

- Engagement between those in and outside the public service is constrained by the need for public servants to continue to be professional and apolitical. Creating the culture and practices that can seize the new opportunities but yet stay true to enduring public service values will not be easy.

We have little to lose, and much to gain from moving boldly in this direction. Ultimately, the invitation to engage is an invitation to get involved and get things done. This requires us to accelerate the policy, organisational and cultural changes needed so we can reap the rewards of Government 2.0.

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Executive Summary

As a world leader in public administration and public policy innovation Australia should, with the United States of America, the United Kingdom and New Zealand be leading transition towards Government 2.0. However, although some individual Australian agencies have been international leaders we have yet to pursue Government 2.0 in a co-ordinated way that reflects a whole of government position.

Australia must do better if it is to realise the Government's aspirations as set out in the Taskforce's Terms of Reference which anticipate stronger, more co-ordinated governance and a renewed public service culture of openness and engagement. Proposed legislation to strengthen access to information and the promulgation of very encouraging new Australian Public Service Commission (APSC) guidelines for online engagement set the stage for us to join the other countries in pioneering Government 2.0.

The Taskforce recommends some important policy improvements that need to be made. However the greatest barrier to Government 2.0 is cultural. Leadership on the issue of more open disclosure and engagement is the key driver of cultural change.

The Taskforce was asked to provide advice on how government information can be made more accessible and usable in order to establish a pro-disclosure culture around public sector information.[3]

Recommendation summary:[4]
The Government should make a Declaration on Open Government that states:

- Public sector information is a national resource, and that releasing as much of it on as permissive terms as possible will maximise its economic and social value and reinforce a healthy democracy;

- Using technology to increase collaboration in making policy and providing services will help achieve a more consultative, participatory and transparent government;

- Online engagement by public servants should be enabled and encouraged. Robust professional discussion benefits their agencies, their professional development, and the Australian public; and

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[3]Note: The Government 2.0 Taskforce was asked to provide advice and guidance to Government on a number of enablers to Government 2.0 in the course of 2009, during this time a number of legislative reforms relating to freedom of information (FOI) have been considered by the Australian Parliament.

On 26 November 2009, Anthony Byrne MP, Parliamentary Secretary to the Prime Minister and Parliamentary Secretary for Trade, introduced to parliament the second stage of the Government's FOI legislative reforms, in the Freedom of Information Amendment (Reform) Bill 2009, and the Information Commissioner Bill 2009.

Critically for the consideration of the advice of this Taskforce, the latter Bill proposes the establishment of a new Australian Government Office of the Information Commissioner. This legislation has not yet been debated or passed by parliament at the time of publication of this report. If the legislation does not pass, the Taskforce encourages Government to give consideration as to how to implement the recommendations contained in this report.

[4] Note: The recommendation summaries appearing in this Executive Summary are abbreviated from the recommendations appearing in the report. For the precise recommendations of the Taskforce see Section 2.

- Open engagement at all levels of government is integral to promoting an informed, connected and democratic community, to public sector reform, innovation and best use of the national investment in broadband.

The Taskforce was asked to advise on how responsibilities should be assigned and coordinated to promote greater information disclosure, digital innovation and online engagement.

Recommendation summary:

The Taskforce recommends that a lead agency take responsibility for Government 2.0 policy and provide leadership, guidance and support to agencies and public servants. The agency's work program should be developed though a Government 2.0 Steering Group in consultation with:

- The Department of the Prime Minister and Cabinet;

- The proposed new Office of the Information Commissioner;[5]

- The Department of Finance and Deregulation;

- The Australian Public Service Commission;

- The National Archives of Australia;

- The Australian Bureau of Statistics; and

- The Department of Broadband, Communications and the Digital Economy.[6]

The Taskforce was asked to advise on building an online innovation culture to ensure that agencies are open to the use of new collaborative technologies and that efficiencies and knowledge are shared across government.

Recommendation summary:

To facilitate a more consultative, participatory and transparent culture the lead agency should provide guidance to improve the extent and quality of online engagement. All major agencies[7] should within 12 months of the Government's response to this report:

- Identify barriers within their organisation that inhibit online engagement and develop plans to reduce their impact;

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[5] The second stage of the Government's FOI reform agenda proposes a number of changes to the *Freedom of Information Act (1982) and Archives Act (1983)*, including a proposal, introduced for consideration by Parliament on 26 November 2009, for a new Australian Government Office of the Information Commissioner. This report refers to the proposed function of the Information Commissioner as outlined in the Information Commissioner Bill 2009 available at http://www.aph.gov.au/bills/index.htm#billsnet.

[6] This is not to preclude the possibility of one of the listed agencies being or including the lead agency.

[7] All Departments of State and material agencies. http://www.finance.gov.au/publications/flipchart/index.html or http://tinyurl.com/yhkrbe2 .

- Nominate specific projects aimed at enhancing policy making and delivery through the use of social networking and 'crowd sourcing' tools and techniques; and

- Identify specific projects that increase the use of online tools and platforms for internal collaboration within and between agencies across the public sector.

The Australian Public Service Commission (APSC)'s annual State of the Service Report should detail agencies' progress in implementing these measures, including successes and lessons learned.

All public inquiries funded by the Australian Government should, subject to security and privacy requirements, require that all submissions are posted online in a form that is searchable and able to be re-used.

The Government 2.0 lead agency should encourage the use of interactive media in public inquiries to facilitate public discussion of issues of relevance.

The Taskforce was invited to advise on how government can be made more consultative, participatory and transparent to ensure that the views, knowledge and resources of the community are utilised.

Recommendation summary:

The Taskforce endorses the revised online engagement guidelines for public servants issued by the APSC on 18 November 2009. In particular, the recognition that Web 2.0 provides unprecedented opportunities to open up government decision making to the community is strongly endorsed.

The Taskforce agrees that, consistent with Australian Public Service (APS) Values and Code of Conduct, APS employees should be actively encouraged and empowered to engage online. Government 2.0 approaches should be used by:

- The APSC in consultation with the lead agency to regularly review online engagement guidelines, through open and transparent processes;

- Agencies to support proposals that create greater engagement and participation with their customers, citizens and communities of interest;

- Agencies to create a culture that enables its people to experiment and develop new opportunities for engagement, rewarding those who explore new methods that can be used in mainstream agency activity; and

- The Government 2.0 lead agency to establish an online forum on which agencies can record their initiatives and lessons learned.

In consultation with relevant agencies, the lead agency should establish awards for individual public servants and agencies that recognise outstanding practice in the use of Government 2.0 tools to improve agency and program performance.

Significant cultural change is needed to enable greater support for the adoption of accessible Web 2.0 tools, collaboration and online community engagement activities, and PSI delivery projects.

The Taskforce was asked to investigate extending opportunities for the reuse of government information, and on what terms, to increase its beneficial use.

Recommendation summary:

The Taskforce recommends that in order to make Public Sector Information more open, accessible and reusable, it should be:

- Free[8]

- Based on open standards;

- Easily discoverable;

- Understandable[9]

- Machine-readable[10]

- Freely reusable.[11]

It should be released as early as practicable and regularly updated to ensure its currency is maintained.

By default public sector information (PSI) should be made available on the following terms:

- Consistent with the need for free and open re-use and adaptation, PSI released should be licensed under the Creative Commons BY standard;[12]

- Where ownership does not rest with the Commonwealth, or is shared with other parties, agencies should seek to ensure its release under Creative Commons BY;

- From June 2011 all agencies that enter into new agreements with third parties should ensure publication under a Creative Commons BY licence;[13]

- Copyright policy should be amended such that if published or unpublished works are covered by Crown copyright, the works should automatically be re-licensed under a Creative Commons BY licence at the time at which Commonwealth records become available for public access under the *Archives Act 1983*.

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[8] Provided at no cost in the absence of substantial marginal costs.

[9] Supported by metadata that will aid in the understanding the quality and interpretability of the information.

[10] Able to be easily shared by machines – see semantic web definition at Box 11.

[11] Not having limitation on derivative uses.

[12] http://creativecommons.org/licenses/by/2.5/au/

[13] A consistent clause should be developed by Department of Finance and Deregulation and inserted as a standing requirement of all Australian Government contracts, similarly to that used to ensure access and reporting by the Australian National Audit Office (ANAO).

Use of more restrictive licensing arrangements should be reserved for special circumstances and should only occur in accordance with guidance or advice from or with the agreement of the proposed new Office of the Information Commissioner.

The Government review the property-based definition of Commonwealth Record in the *Archives Act 1983*, with a view to replacing it with a definition that defines Commonwealth records as 'any information created or received by the Commonwealth in the course of performing Commonwealth business.

The Taskforce was asked to consider how developing and managing government information could be used to encourage greater disclosure of public sector information.

Recommendation summary:
Any decision to withhold the release of PSI, other than under a legal obligation to do so, should only be made in conformity with policies endorsed by the proposed new Office of the Information Commissioner, noting that agencies should:

- In the case of structured data,[14] exhaust options to protect privacy and confidentiality before seeking an exemption;

- Proactively identify and release, without request, data that might reasonably be considered as holding value to external parties; and

- Ensure that the PSI they release should be discoverable and accessible via a central portal (data.gov.au) containing details of the PSI.

Regarding the existing stock of PSI that has been brought into existence before the information management policies recommended in this report have been adopted, the proposed new Office of the Information Commissioner should, in consultation with relevant agencies, propose policies to government which would maximise the extent to which that stock of PSI was re-licensed Creative Commons BY whilst ensuring that this did not impose undue administrative burden on agencies. The Taskforce envisages that rules could be adopted whereby a large amount of PSI that has already been published – for instance government reports, legislation and records that are already accessible to the public – could be automatically designated Creative Commons BY, with other PSI being re-licensed Creative Commons BY on application with rights of appeal to the proposed new Information Commissioner.

In order to measure the benefits of releasing PSI, the proposed new Australian Government Office of the Information Commissioner (OIC) should:

- Within 12 months of its establishment develop a common methodology to inform Government of the social and economic value generated from published PSI;

- Require major agencies under the *Financial Management and Accountability Act 1997* (FMA Act) to report their performance in the release of PSI in their

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[14] "Any data kept in an electronic record, where each piece of information has an assigned format and meaning."
http://www.mgrush.com/content/view/70/33/

annual reports, commencing from the first year of the establishment of the OIC;

- Annually publish a report on the contribution of agencies to the consolidated value of Commonwealth PSI, commencing from the first year of the establishment of the OIC; and

- Consider the development of a summary version of the common methodology of releasing PSI for use by other FMA Act agencies;

The Taskforce recommends that the Australian Government engage other members of the Council of Australian Governments to extend the principles of open disclosure into a National Information Policy.

The Taskforce was asked to advise Government on structural barriers and policies to promote greater information disclosure, digital innovation and online engagement.

Recommendation summary:
Agencies should seek policy guidance or case by case guidance on the licensing of PSI either before its release or in administering licences after publication from the proposed new OIC.

The functions currently performed by the Commonwealth Copyright Administration (CCA) unit within the Attorney General's Department (AGD) relating to pre and post licensing of copyright material be transferred to the proposed new Office of the Information Commissioner.

It is recommended that the Government, through the proposed new Information Commissioner function, examine the current state of copyright law with regard to orphan works, with the aim of recommending amendments that would remove the practical restrictions that currently impede the use of such works.

The Taskforce was invited by the Government to identify policies and frameworks that would assist the Information Commissioner and other agencies.

Recommendation summary:
The Taskforce recognises the importance of clear guidance on the issues of privacy and confidentiality, and recommends the adoption of the following measures:

- To protect the personal information of individuals, the Privacy Commissioner should develop guidance on the de-identification of PSI before it is released; and

- To protect the commercial-in-confidence information of businesses, the proposed new OIC should develop guidance on the de-identification of PSI before release.

On the issue of security in relation to Government 2.0, the Taskforce recommends:

- The Defence Signals Directorate (DSD) provide guidance to agencies on mitigating concerns relating to the use of social networking and related tools.

This guidance should take account of the different environments in which agencies operate and the range of tools that may be used; and

- The lead agency, in conjunction with DSD, should develop guidance to assist agencies in the effective, efficient and secure use of Web 2.0 tools and how to undertake risk assessment.

Some of the most successful experiments in Government 2.0 have been led by not-for-profits in the UK and the US. In regard to this the Taskforce recommends:

- Australian policymakers facilitate recognition of info-philanthropy[15] as an eligible activity to qualify for deductible gift recipient status and other measures that recognise charitable or philanthropic purposes.

The Taskforce recommends that, in the development, management and implementation of a government information publication scheme, the proposed new Office of the Information Commissioner, once established, take regard of the findings and recommendations contained in the Taskforce project report 7. The Taskforce supports the model for the publication scheme set out in the Freedom of Information Amendment (Reform) Bill 2009[16] and notes that the Bill currently provides for the majority of the recommendations in Taskforce roject report 7.

The Taskforce was invited to identify and trial initiatives that demonstrate how the Government 2.0 agenda can be developed to encourage online innovation, consultation and engagement.

Details of projects commissioned and undertaken by the Taskforce and the lessons drawn from them are included in the Final report.

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[15] The building of public information goods and platforms for public benefit.
[16] http://www.pmc.gov.au/consultation/foi_reform/index.cfm or http://tinyurl.com/d7ywkt .

Recommendations

Central recommendation – A Declaration of Open Government by the Government

Accompanying the Government's announcement of its policy response to this report, the Government should make a Declaration on Open Government, stating that:

- Public sector information is a national resource and that releasing as much of it on as permissive terms as possible will maximise its economic, social value to Australians and reinforce its contribution to a healthy democracy;

- Using technology to increase collaboration in making policy and providing service will help achieve a more consultative, participatory and transparent government;

- Online engagement by public servants involving robust professional discussion, as part of their duties and/or as private citizens, benefits their agencies, their professional development, those with whom they are engaged and the Australian public. This engagement should be enabled and encouraged; and

- The fulfilment of the above at all levels of government is integral to the Government's objectives including public sector reform, innovation and utilising the national investment in broadband to achieve an informed, connected and democratic community.

Recommendation 2 – Coordinate with leadership, guidance and support

An existing agency should be appointed lead agency with overall responsibility for Government 2.0 policy and advancing the Government 2.0 agenda providing leadership, guidance and support to agencies and public servants on Government 2.0 issues:

- Its work program should be developed in consultation with relevant agencies, for example Department of the Prime Minister and Cabinet, the proposed new Office of the Information Commissioner, Department of Finance and Deregulation, the Australian Public Service Commission, National Archives of Australia, Australian Bureau of Statistics, Department of Broadband, Communications and the Digital Economy, through a Government 2.0 Steering Group.[17]

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[17] This is not to preclude the possibility of one of the listed agencies being or including the lead agency.

Recommendation 3 – Improve guidance and require agencies to engage online

To make government more consultative, participatory and transparent, the lead agency, in consultation with other relevant agencies, should issue and maintain guidance to improve the extent and quality of online engagement by agencies.

Within the framework of this guidance, and in conjunction with the lead agency, all major agencies[18] should:

- Identify barriers within their organisation which inhibit online engagement and develop and explain what they will do to reduce these barriers within 12 months of the Government's response to this report;

- Within 12 months of the Government's response to this report, each agency will identify specific projects to make use of social networking and 'crowd sourcing' tools and techniques to enhance agency policymaking, implementation and continuous improvement;

- Within 12 months of the Government's response to this report, each agency will identify specific projects to increase the use of online tools and platforms for internal collaboration within their agency and between agencies that they work with across the public sector; and

- The APSC to include in the annual State of the Service Report details of agencies' progress in implementing the above recommendations, covering successes, disappointments and lessons learned.

Subject to security and privacy requirements, all public inquiries funded by the Australian Government should ensure that all submissions are posted online in a form that makes them searchable, easy to comment on and re-use. The Government 2.0 lead agency should encourage those conducting inquiries to use interactive media such as blogs to publicly discuss emerging lines of thought and issues of relevance.

Recommendation 4 – Encourage public servants to engage online

The Taskforce endorses the revised online engagement guidelines for public servants issued by the Australian Public Service Commission (APSC) on 18 November 2009, including the declaration that Web 2.0 provides public servants with unprecedented opportunities to open up government decision making and implementation to contributions from the community. The Taskforce agrees that, consistent with APS Values and Code of Conduct, APS employees should be actively encouraged and empowered to engage online.

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[18] All Departments of State and material agencies see
http://www.finance.gov.au/publications/flipchart/index.htmlor http://tinyurl.com/yhkrbe2.

The APSC in consultation with the lead agency should regularly review online engagement guidelines, using Government 2.0 approaches to ensure the process is open and transparent.

Agencies should support employee-initiated innovative Government 2.0 based proposals that create, or support, greater engagement and participation with their customers, citizens and/or communities of interest in different aspects of the agency's work. They should create a culture that gives their staff an opportunity to experiment and develop new opportunities for engagement from their own initiative, rewarding those especially who create new engagement/participation tools or methods that can quickly be absorbed into the mainstream practice that lifts the performance of the department or agency.

The Government 2.0 lead agency should establish an online forum on which agencies can record their initiatives and lessons learned.

Recommendation 5 – Awards

In consultation with relevant agencies, the lead agency should establish awards for individual public servants and agencies that recognise outstanding practice in the use and impact of Government 2.0 tools to improve agency and program performance.

Recommendation 6 – Make Public Sector Information open, accessible and reusable

By default Public Sector Information[19] (PSI) should be.

- Free[20];
- Based on open standards;
- Easily discoverable;
- Understandable[21];
- Machine-readable[22]; and,
- Freely reusable[23].

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[19] The definition of PSI is introduced in Chapter 5 of this report. For ease of reference it is as follows: "information, including information products and services, generated, created, collected, processed, preserved, maintained, disseminated, or funded by or for the Government or public institutions, taking into account [relevant] legal requirements and restrictions". Organisation of Economic Co-operation and Development (OECD) Council, April 2008, *Recommendation of the OECD Council for enhanced access and more effective use of public sector information,* http://www.oecd.org/dataoecd/0/27/40826024.pdf or http://tinyurl.com/59tafe, pg. 4.

[20] Provided at no cost in the absence of substantial marginal costs.

[21] Supported by metadata that will aid in the understanding the quality and interpretability of the information.

[22] Able to easily shared machines – see semantic web definition.

[23] Not having limitation on derivative uses.

PSI should be released as early as practicable and regularly updated to ensure its currency is maintained.

Consistent with the need for free and open re-use and adaptation, PSI released should be licensed under the Creative Commons BY standard[24] as the default.

Use of more restrictive licensing arrangements should be reserved for special circumstances only, and such use is to be in accordance with general guidance or specific advice provided by the proposed new Office of the Information Commissioner.

Regarding the existing stock of PSI that has been brought into existence before the information management policies recommended in this report have been adopted, the proposed new Office of the Information Commissioner should, in consultation with relevant agencies, propose policies to government which would maximise the extent to which that stock of PSI was re-licensed Creative Commons BY whilst ensuring that this did not impose undue administrative burden on agencies. The Taskforce envisages that rules could be adopted whereby a large amount of PSI that has already been published – for instance government reports, legislation and records that are already accessible to the public – could be automatically designated Creative Commons BY, with other PSI being re-licensed Creative Commons BY on application with rights of appeal to the proposed new Information Commissioner function.

Where ownership of the data rests with the Commonwealth, data should be released under Creative Commons BY licence. Where ownership does not rest with the Commonwealth, or is shared with another party/ies, agencies are required to negotiate with the other party/ies with the aim of ensuring its release under these arrangements and under Creative Commons BY. Where Agencies enter into any new contracts or agreements with a third party/ies they should endeavour to include a clause clearly stating the Commonwealth's obligation to publish relevant data and that this be under a Creative Commons BY licence.[25] This policy should become mandatory for all contracts signed by the Commonwealth after June 2011.

Copyright policy should be amended so that if published or unpublished works are covered by Crown copyright, the works should automatically be re-licensed under a Creative Commons BY licence at the time at which Commonwealth records become available for public access under the *Archives Act 1983.*

Any decision to withhold the release of PSI, other than where there is a legal obligation to withhold release, should only be made with the agreement of, or in conformity with policies endorsed by the proposed new Office of the Information Commissioner and consistent with the Government's Freedom of Information policy, noting that:

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[24] http://creativecommons.org/licenses/by/2.5/au/

[25] A consistent clause should be developed by Department of Finance and Deregulation and inserted as a standing requirement of all Commonwealth Contracts - similarly to that used to ensure access and reporting by the Australian National Audit Office (ANAO).

- In the case of structured data[26], agencies must exhaust options to protect privacy and confidentiality before seeking an exemption; and,
- Agencies must proactively identify and release, without request, such data that might reasonably be considered as holding value to parties outside the Agency.

The Australian Government should engage other members of the Council of Australian Governments, to extend these principles into a National Information Policy agreed between all levels of Government, federal, state, territory and local.

In order to accelerate the adoption of Government 2.0, in addition to any distribution arrangements they wish to pursue, agencies should ensure that the PSI they release should be discoverable and accessible via a central portal (data.gov.au) containing details of the nature, format and release of the PSI.

Within a year of its establishment, the proposed new Office of the Information Commissioner, in consultation with the lead agency, should develop and agree a common methodology to inform Government on the social and economic value generated from published PSI.

The major agencies[27] under the *Financial Management and Accountability Act 1997* (FMA Act) should use the common methodology to report their performance in the release of PSI in their annual reports, commencing from the first of the establishment of the proposed OIC.

The proposed new Information Commissioner function should annually publish a report outlining the contribution of each agency to the consolidated value of Commonwealth PSI, commencing in the first of the establishment of the proposed OIC. The report should be published on line and be accessible for comment and discussion.

Following Government acceptance of the initial Value of PSI Report, the proposed new Office of the Information Commissioner should consider the development of a 'lite' version of the common methodology for use by other FMA Act agencies.

The Taskforce notes the proposed changes to the Freedom of Information Amendment (Reform) Bill 2009 to have the Information Commissioner issue guidelines to support the future operations of the Act as described in the Explanatory Memorandum for Schedule 2, Section 8[28]. To ensure a consistent implementation of PSI in relation to the Freedom of Information Act, these guidelines should give due consideration to the concepts outlined above.

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[26] Any data kept in an electronic record, where each piece of information has an assigned format and meaning.

[27] All Departments of state and material agencies see http://www.finance.gov.au/publications/flipchart/index.html or http://tinyurl.com/yhkrbe2.

[28] http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22legislation%2Fbillhome%2Fr4163%22 or http://tinyurl.com/ycqhp83.

Recommendation 7 – Addressing issues in the operation of copyright

Agencies should seek policy guidance or case by case guidance on the licensing of PSI either before its release or in administering licences after publication from the proposed new Office of the Information Commissioner.

The functions currently performed by the Commonwealth Copyright Administration (CCA) unit within the Attorney General's Department (AGD) relating to pre and post licensing of copyright material be transferred to the proposed new Office of the Information Commissioner. Other administrative functions of the Commonwealth Copyright Administration (CCA) unit should be reviewed to identify which of the functions should remain within AGD and those that should transfer to the proposed new Office of the Information Commissioner.

An important category of PSI held by public collecting institutions is information for which the copyright is held by third parties who cannot be identified or located, i.e. 'orphan works'. It is recommended that the Government, through the proposed new Information Commissioner function, examine the current state of copyright law with regard to orphan works (including s.200AB)[29], with the aim of recommending amendments that would remove the practical restrictions that currently impede the use of such works.

Recommendation 8 – Security and Web 2.0

The Defence Signals Directorate (DSD) should provide guidance to agencies on the appropriate mitigation treatments that could be adopted to address concerns or exposures identified in relation to the use of social networking and related tools. This guidance is to take into consideration the different environments that agencies operate in, the varying risk profiles that exist and the range of tools that may be used. DSD should update the Information Security Manual (ISM) accordingly.

The lead agency, in conjunction with DSD, should develop a Better Practice Guide (or "how to guide") to assist agencies in the effective, efficient and secure use of Web 2.0 tools and how to undertake associated risk assessment.

Sensitive and National Security data requires special consideration in the context of PSI. To ensure consistency between PSI arrangements in the future and the proposed changes to the FOI Act, the proposed new Office of the Information Commissioner should provide advice to agencies in relation to the treatment of PSI to enable its broadest possible release. Consistent with good practice, and the requirements of the Protective Security Manual (PSM),

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[29] Section 200AB of the Copyright Amendment Bill 2006, http://www.comlaw.gov.au/ComLaw/Legislation/Bills1.nsf/0/2642587b661e9782ca25721000025117?OpenDocument&VIEWCAT=attachment&COUNT=999&START=1 or http://tinyurl.com/yh5aqsb

agencies must avoid the over classification of data so as to limit the need to review or pre-process data to enable its release.

Recommendation 9 – Privacy and Confidentiality

To protect the personal information of individuals included in PSI, the Privacy Commissioner should develop guidance on the de-identification of PSI before it is released.[30]

To protect the commercial-in-confidence information of businesses included in PSI, the proposed new Office of the Information Commissioner should develop guidance on the de-identification of PSI before it is released.

Recommendation 10 – Definition of Commonwealth Record

The Taskforce recommends that Government agencies wishing to use third party sites for the purposes of collaboration, service delivery or information dissemination, ensure that copies of records so generated are retained in the possession of the Commonwealth such that they satisfy the definition of Commonwealth Record in the *Archives Act 1983*.

The Government review the property-based definition of Commonwealth Record in the *Archives Act 1983*, with a view to replacing it with a definition that defines Commonwealth records as 'any information created or received by the Commonwealth in the course of performing Commonwealth business'.

To enable and assist the discovery, sharing and reuse of PSI, agencies should deploy endorsed metadata standards such as the AGLS Metadata Standard (AS 5044) together with wholeofgovernment taxonomies such as the Australian Government's Interactive Functions Thesaurus (AGIFT) as outlined in the Australian Government's Information Interoperability Framework.

Whenever not being able to meet such standards would appreciably delay the release of PSI, agencies should release non-compliant data until such time as they are able to comply with the standards.

Recommendation 11 – Information Publication Scheme

The Taskforce recommends that, in the development, management and implementation of a government information publication scheme, the proposed new Office of the Information Commissioner, once established, take

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[30] The *Privacy Act 1988* provides for the Privacy Commissioner to prepare and publish guidelines on privacy under s 27(1)(e). The Taskforce understands, however, that responsibility for this function would transfer to the Information Commissioner following proposed amendments to the Privacy Act and proposed new legislation to establish an Office of the Information Commissioner. In this event, responsibility for the preparation of guidance on de-identification of PSI as outlined in this recommendation should transfer to the Information Commissioner.

regard of the findings and recommendations contained in the Taskforce Project report 7.

The Taskforce supports the model for the publication scheme set out in the Freedom of Information Amendment (Reform) Bill 2009[31] and notes that the Bill currently provides for the aims below. To reinforce its support, the Taskforce recommends information publication schemes be developed with the following explicit aims:

- Provide an overall and consistent statutory framework for information publication by all agencies;

- Encourage the widest disclosure of reliable and useful government information consistent with the public interest, and thereby greater trust in government;

- Guide agencies in overcoming attitudinal, technological and legal barriers to optimal information disclosure and use, and to improved public engagement;

- Provide a planning framework to assist agencies in their overall information management;

- Provide an integrated and simplified guide for agencies to meet their information publication and reporting obligations;

- Provide clear and understandable guidance to the public on their rights to, and methods of, accessing and using government information, leading to improved service delivery and public engagement in policy development; and

- Enable the proposed new Information Commissioner function to monitor schemes, and encourage agencies towards achieving government pro-disclosure objectives through reference to exemplars, and reporting of unsatisfactory progress.

Recommendation 12 – Encourage info-philanthropy

Because some of the most successful experiments in Government 2.0 have been fuelled by not-for-profits in leading countries such as the UK and the US, Australian policy makers should minimise obstacles to info-philanthropy being treated as an eligible activity to qualify for deductible gift recipient and other forms of legal status which recognise charitable or philanthropic purposes.

Recommendation 13 – Accessibility

Significant cultural change is needed to enable greater support for the adoption of accessible Web 2.0 tools, collaboration and online community engagement

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[31] http://www.pmc.gov.au/consultation/foi_reform/index.cfm or http://tinyurl.com/d7ywkt.

activities, and PSI delivery projects. The Taskforce therefore recommends
that:

- Agency compliance with the Worldwide Web Consortium's Web
  Content Accessibility Guidelines (WCAG)[32] as the minimum
  accessibility level for all online community engagement and online PSI
  provision is required. Data provided on the primary PSI site,
  data.gov.au, should be provided in full compliance with WCAG;

- Where an agency is considering a project where strict compliance with
  WCAG accessibility guidelines would unacceptably delay or prevent a
  project from proceeding, AGIMO will provide guidance on options to
  facilitate maximum access for people with disabilities;

  - In this case projects should only proceed with an online statement
    explaining site accessibility, together with an outline of where and
    why it does not meet a specific WCAG guideline, and what
    alternative options for accessible access were considered or are
    provided and plans for future compliance.

- A central register of accessibility compliance statements should be
  maintained on data. gov.au; and

- In consultation with relevant agencies, the lead agency should establish
  awards for agencies that recognise outstanding practice in the accessible
  use and impact of Government 2.0 tools to improve agency interactions
  with citizens, business and community groups.

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[32] This recommendation deliberately avoids specifying which version of WCAG is being referred to as a means of
ensuring the recommendation refers to the most current version of the guidelines mandated by the Government.

Prologue

1.1 The promise

The use of the internet as a platform for collaboration – the phenomenon of Web 2.0 – is already transforming our economy and our lives. Whole industries are being refashioned and citizens are being empowered – empowered to express themselves, organise, and collaborate in myriad new ways.

These phenomena offer powerful new opportunities to refresh and deepen the enduring principles and values of modern democratic government. They can make government not just more open and democratic, not just more consultative, but also a truer collaboration between the apparatus of the state and its citizens.

By embracing Government 2.0 we can:

- *Make government more democratic, participatory and informed;*

- *Cultivate and harness the enthusiasm of citizens, letting them more fully contribute to their communities;*

- *Improve service delivery by allowing the users of those services much greater participation in their design and continual improvement;*

- *Revitalise our public sector and make policy advice more relevant to and reflective of citizen needs and concerns by:*
    - *involving communities of interest and practice outside the public sector which offer unique access to expertise and local knowledge;*
    - *providing it with the tools for a much greater level of responsiveness;*
    - *equipping it with better informed public servants by encouraging them to interact directly with the community – so as to better appreciate their needs; and*
    - *more successfully attracting and retaining bright, enthusiastic citizens to public service by making their work less hierarchical, more collaborative and more intrinsically rewarding.*

- *Unlock the immense economic and social value of a huge resource – the information and other content already held by governments – to fuel Australia's innovative capacity.*

Government 2.0 will accordingly be central to delivering on critical national objectives including our National Innovation Agenda,[33] improving the quality, flexibility and agility of our public service,[34] and allowing us to make the most of our

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[33] Powering Ideas: An Innovation Agenda for the 21st Century
http://www.innovation.gov.au/innovationreview/Pages/home.aspx or http://tinyurl.com/67l3vm.

[34] Advisory Group on Reform of Australian Government Administration
http://www.innovation.gov.au/Section/Innovation/Pages/AdvancingPublicSectorInnovation.aspx or
http://tinyurl.com/nbx6jm.and Management Advisory Committee, Advancing Public Sector Innovation see

huge investment in broadband and other enabling infrastructure to make Australia a more connected democracy.

1.2 The obstacles

Old ways can die hard.

Even within the community and the market Web 2.0 is only now becoming pervasive when much of it was technically achievable over a decade ago. But old ways die harder still within government. It does not feel the winds of competition and must stay true to the principles on which it has laboriously been built and which are the foundation of its success - principles like due process, accountability and impartiality in decision making. Of all the sectors surveyed in a recent survey, governments had the lowest deployment of unified communications and collaboration technology.[35]

Table 1: Technology Deployment by Vertical Industry
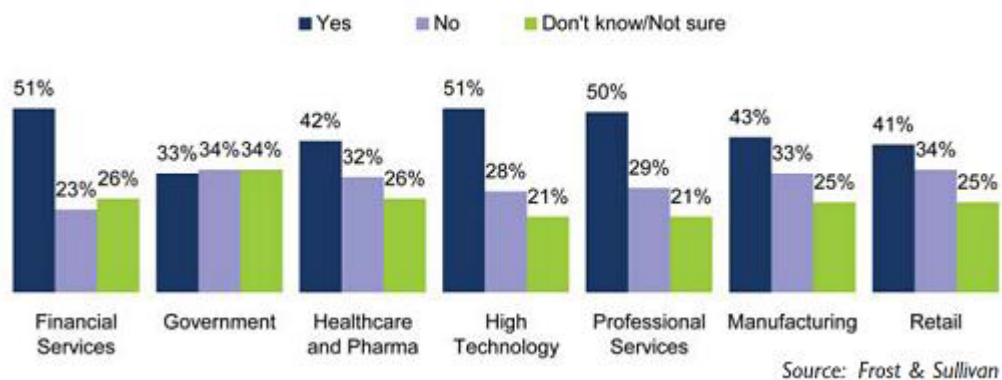
The call in our terms of reference for the establishment of "a pro-disclosure culture around non-sensitive public sector information" is straightforward enough. Yet the list of objections that might be made to the release of public sector information – reasons for arguing that despite overarching policies of transparency particular pieces of information should not be released – is virtually endless. At any stage public sector decision makers may be tempted to play it safe.

Accordingly, Government 2.0 cannot be realised without high level, whole of government attention to the issue and the new policy of Open Government being overseen by an agency with sufficient authority to ensure it informs each decision which might obstruct the free flow of government information.[36]

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http://www.innovation.gov.au/Section/Innovation/Pages/AdvancingPublicSectorInnovation.aspx or http://tinyurl.com/nbx6jm.

[35] Frost & Sullivan research sponsored by Verizon and Cisco, Meetings Around the World II: Charting the Course of Advanced Collaboration, 14 October 2009 p. 14. at http://newscenter.verizon.com/press-releases/verizon/2009/meetings-around-the-world-ii.html or http://tinyurl.com/ykemmef.

[36] There are many occasions where some principle is endorsed, but remains largely unimplemented. For instance, in 1986 the Prime Minister announced that new regulations would not be introduced without having run the gamut

Some Australian Government agencies have become recognised as international leaders in their embrace of Web 2.0. The Australian Bureau of Statistics (ABS) and Geoscience Australia have recently licensed much of their output using 'Creative Commons' attribution only, permitting others to use, and remix it with minimal cost and restriction. This invites others to enhance it for sale or for further free distribution. It is an invitation to deliberate, or serendipitous, enhancements of the value of an existing public asset.

The National Library of Australia (NLA), National Archives of Australia (NAA) and a number of Museums such as the National Museum of Australia (NMA) and Sydney's Powerhouse Museum[37] have engaged Australia's citizenry in contributing their own time and content to enrich and improve national historical collections of text and visual material. Some government agencies and some individual public officials maintain blogs where they share their expertise and have informal discussions of professional matters of public interest.

Yet at both federal and state level, these are exceptions rather than the rule. Once established, policy and practice within any bureaucracy are hard to change – and the Australian Public Service is no exception. Thus, although the Australian Government went to considerable length and cost to produce and distribute its 2009-10 Budget, one need venture no further than its inside cover to find that "no part may be reproduced by any process without prior written permission". The Australian Government's final report on the 2020 Summit forbade the reproduction of "major extracts or the entire document . . . by any process" without permission. And yet these reports have been funded by Australian taxpayers and agencies typically desire their contents to be known as widely as possible. This remains the case over a year after a major review into innovation recommended that public reports, and much else besides, be permissively licensed to permit free copying and transformation of PSI.

Australian Governments have recently funded the generation of data on the location of resources and public utilities to use in various ways, including on government websites and to support policy deliberation. Others have sought to extend its usefulness in their own applications at no cost to government. Yet doing so has been far from straightforward.

For instance the Commonwealth funded the establishment of a dataset to support its National Public Toilet Map website.[38] The Taskforce identified the release of the data

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of a rigorous process of regulatory impact assessment. However, the then Office of Regulation Review did not report on compliance with the policy by department. In the absence of this accountability, the policy was fully complied with in only 8% of cases even after the policy had been announced and operating for a decade. *Industry Commission, 1997, Regulation and its Review 1996-7, p. 41 Table 3.2.*

[37] In this report we use many examples of information which is generated principally by state or local government agencies. While our direct mandate is from the Australian Government, we have interpreted that mandate broadly. While our recommendations are, strictly speaking, recommendations to the Australian Government, many of the principles developed apply at the state level and all states are exploring the Government 2.0 agenda, though some are further advanced on the journey than others. We feel the use of such examples is useful both because the states control much of the data that affects people's lives most closely and because data collected by state agencies can and should often be the subject of national information agendas (as in the Council of Australian Government's (COAG) agendas in education and health).

[38] http://www.toiletmap.gov.au/ - The National Public Toilet Map (the Toilet Map) shows the location of more than 14,000 public and private public toilet facilities across Australia. Details of toilet facilities can also be found along major travel routes and for shorter journeys as well. Useful information is provided about each toilet, such as

as an 'early win' for its deliberations. However the relevant agency does not believe itself able to openly licence the data for a number of reasons but primarily because it considers that it does not own the copyright to elements of the dataset that have been provided by other jurisdictions and organisations.

The agency's response may be understandable in the circumstances.

However, this example demonstrates the value to agencies of a clear directive from Government, as a result of this report, and supported by the proposed establishment of the Office of the Information Commissioner. The aim is to ensure clear direction and practices on open access to public sector information and simplification of the approach to copyright, licensing and the treatment of intellectual property.

While there have been few hard legal obstacles preventing those public servants who wish to from participating in online discussion forums as part of their professional practice and development, the culture of the public service has tended to discourage it. For example, it was made clear to one Australian blogger and academic that it would be appropriate for his blog to be discontinued while he was temporarily seconded to Australia's public sector. A better alternative would have been to ensure his blog conformed to the relevant guidance for public servants.

The immense possibilities presented by Government 2.0 will not be easily converted to realities. Overcoming even some of these difficulties will be challenging and confronting for ingrained processes and cultures. Many of these issues are explored in further detail below. But if we cannot make rapid progress on the easy things – a task our peers in the United States, the United Kingdom and New Zealand have worked on for some time – it should not surprise us that we fall further behind the leaders.

The work of Government funded or managed agencies pervades and underpins some of the most important aspects of our lives. By improving their operation and their relationship with stakeholders, Government 2.0 gives us the scope to improve:

- *The quality of our schools;*

- *The quality and safety of our hospitals;*

- *The safety and productivity of our workplaces;*

- *The convenience of public utility services such as public transport, energy and local maintenance;*

- *The dynamism, engagement and responsiveness of the public sector, its services and regulatory systems.*

Government 2.0 enables us to achieve all this whilst deepening democracy and engaging the citizenry so that governments don't just 'consult' their constituents, but draw all those with the enthusiasm, expertise and relevant local knowledge into active collaboration with them.

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location, opening hours, availability of baby change rooms, accessibility for people with disabilities and the details of other nearby toilets.

Fortunately, it seems we are turning the corner and the central agencies of government are beginning to show leadership. In addition to those agencies pioneering Web 2.0 practices outlined above, the APSC has just published new guidelines which boldly encourage public servants to engage online. Before going on to elaborate the 'ground rules' which refer to the core values of the public service adverted to above, they begin as follows:

> *'Web 2.0 provides public servants with unprecedented opportunities to open up government decision making and implementation to contributions from the community. In a professional and respectful manner, APS employees should engage in robust policy conversations.*
>
> *Equally, as citizens, APS employees should also embrace the opportunity to add to the mix of opinions contributing to sound, sustainable policies and service delivery approaches...[39].'*

This gives the Taskforce considerable heart.

Central finding: Concerted action needed for Australia to lead Government 2.0.

As a world leader in public administration and public policy innovation, Australia should be among the pioneers, such as the US, the UK and New Zealand, of Government 2.0. However, despite strong pockets of enthusiasm and leading edge capability this is clearly not the case. The new guidance offered by the Australian Public Service Commission encouraging public servants to engage online is a very positive and encouraging recent development.

We must do better if we are to realise the government's aspirations as set out in the Taskforce's Terms of Reference[40]. We can only achieve those aspirations with stronger, more co-ordinated governance and a renewed Australian Public Service culture of openness and engagement.

Some important policy improvements need to be made. However the greatest barrier to Government 2.0 is cultural. Leadership is thus the key requirement.

Central recommendation – A Declaration of Open Government by the Government

Accompanying the Government's announcement of its policy response to this report, the Government should make a Declaration on Open Government, stating that:

- Public sector information is a national resource and that releasing as much of it on as permissive terms as possible will maximise its economic and

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[39] http://www.apsc.gov.au/circulars/circular096.htm

[40] see Appendix A.

social value to Australians and reinforce its contribution to a healthy democracy

- Using technology to increase collaboration in making policy and providing service will help achieve a more consultative, participatory and transparent government

- Online engagement by public servants, involving robust professional discussion as part of their duties or as private citizens, benefits their agencies, their professional development, those with whom they are engaged and the Australian public. This engagement should be enabled and encouraged

- The fulfilment of the above at all levels of government is integral to the Government's objectives including public sector reform, innovation and utilising the national investment in broadband to achieve an informed, connected and democratic community.

1. What is Government 2.0?

> From the formulation of public policy to more open forms of academic peer review, setting up mutual support groups for people facing similar health problems to collaborative forms of social innovation, the principles of open source promise to radically alter our approach to complex social problems.
>
> The future potential of these methods is such that they will soon become common place in our lives. Just as it is now impossible to think about getting things done without considering the role of the internet, so will it soon be impossible to think about how to solve a large social problem without considering the role of open methods.
>
> Mulgan, Steinberg and Salem, 2005 *Wide Open: Open source methods and their future potential* [41]

'Government 2.0' may be understood as the application of tools and approaches associated with collaborative web or 'Web 2.0' as it has been dubbed. These tools are potentially transformative of the way governments operate. Before elaborating on this, the report outlines key aspects of Web 2.0.

1.3 What is Web 2.0?

Until recently activity on the internet was dominated by the website and email. Where email is, as its name suggests, an electronic analogue of letters through the post, telexes and telegrams, the website is a broadcast medium permitting the producer of the website – often a firm – to broadcast to users or customers. Users of websites can also send information back to the producer via feedback forms, and indeed perform more complex operations within the producers computer systems as occurs for instance when we go online to book an airline ticket or do some banking.

If we call this internet "Web 1.0" it enabled broadcast, point to point and hub and spoke activity through websites, Web 2.0 enables connections and collaborations of all kinds.

Thus, the social networking website Facebook has facilitated and enriched communication between people within social networks.[42] Meetup.com,[43] where people propose meetings, anywhere and for anything, has facilitated all sorts of get togethers of people with common interests and passions. And the internet 'ideas market' Innocentive has brought together those with technical problems to solve and those who can solve them.[44]

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[41]Mulgan, G., Steinberg, T. with Salem, O., *Wide Open: Open source methods and their future potential",* Demos, UK, 2005.

[42] http://www.facebook.com/

[43] http://www.meetup.com/

[44] http://www.innocentive.com/

Search engines have facilitated collaboration between people who might be unaware that their own search behaviour is teaching the search engine to be more useful to future users.[45] Most radically of all, users of products come to build the products themselves as with Wikipedia[46] and stumbleupon.com[47].[48]

Somewhat more prosaically firms like Dell and Starbucks have built Web 2.0 platforms to engage their employees, suppliers and customers identify existing problems and to co-design future products.

All these tools create networks in which relationships can be made and deepened whilst knowledge of all kinds, whether it be scientific expertise or the understanding of something ephemeral and local is shared and further developed in the sharing.[49]

1.3.1 Web 2.0: the promise

Web 2.0 tools and approaches provide benefits of many kinds, both economic and social. One calculation concludes that internet searches generate total economic value of somewhere between 0.5 and 5% of US GDP.[50] Likewise purely commercial sites like Innocentive generate substantial economic returns.

Other benefits of Web 2.0 are harder to assess because they do not directly lower costs but improve the quality of our lives. Search engines and wikis do not just save time but produce more germane or more targeted and relevant results than previous methods. In addition to lowering costs in the commercial market for photography and making better use of the stock of images that exist, Flickr encourages enthusiasts by connecting them with an appreciative audience and with like minded enthusiasts.[51]

Web 2.0 allows fine grained interaction between firms and their suppliers and customers – previously not remotely possible - between people with particular interests, expertise or knowledge. A cancer patient can find others in the same predicament and, in addition to gaining mutual support can share information about drug reactions, doctors and specialists.

Blogs permit anyone with internet access to publish their thoughts globally and to invite discussion from others on any topic imaginable. Blogs permit rapid and highly informed discussion of all manner of subjects. One benefit of this is the rapid identification of those with the knowledge to speak authoritatively on a subject, however arcane. This potentially 'turbocharges' the process by which reputations are forged and authoritative insights are arrived at and disseminated.

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[45] Search algorithms typically employ users' selections of search results to optimise future searches for others.

[46] http://www.wikipedia.org/

[47] http://www.stumbleupon.com/

[48] In this sense open source software which is typically built by volunteer individuals and/or firms was a precursor to Web 2.0.

[49] Except where otherwise suggested, references in this report to Web 2.0 and expressions like 'online' include mediums that are not strictly part of the internet and which may not literally use cables, such as the mobile network.

[50] http://www.kk.org/thetechnium/archives/2007/10/the_value_of_se.php or http://tinyurl.com/y8u8rzk.

[51] http://www.flickr.com/

As the storms started to form and ultimately broke upon the world in the form of the global financial crisis, one blogger identifying herself only by the pseudonym of her family nickname, 'Tanta' anatomised the sub-prime mortgage market from her own perspective as an employee in the industry. Her professional training was in English literature, not economics, but her blog posts were produced with such meticulous integrity that the most influential expert bloggers on the economic crisis, including Nobel Prize winners in economics were reading and linking to her. Indeed she was cited in US Federal Reserve (the Fed) Research on the financial crisis without the Fed knowing her 'real' name. Before blogging this almost instant matching of 'talent' with circumstances could not occur.

It is difficult to put an economic value on many of these phenomena. However, they show how Web 2.0 is reconfiguring our world, driven by individuals and groups with a thirst for information and innovation and a powerful desire to engage on their own terms.

1.3.2 The vibe: the culture of Web 2.0

As commentators have observed, Web 2.0 emerged not as a function of new technology but because the ubiquity of internet technology was making new ways of operating and interacting possible. It is thus more a shift of mindset, and a change in the ecology within a large part of the information and communication technology (ICT) market than any simple shift in technology.

Web 2.0 companies have typically opened up large parts of their own businesses to participation from users. They have sought to co-operate with rather than control others, and in particular have reserved only some of their intellectual property rights. They have done so to encourage others to participate and provide their own. They have avoided 'reinventing the wheel' but built their own contributions to co-operate with those of other businesses. Their products have been continually adjusted and improved as feedback and user contributions make this possible.[52]

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[52] See O'Reilly (2005), "What is Web 2.0", http://oreilly.com/lpt/a/6228.

Box 1: A Government Agency's Early Experience with Web 2.0

It's worth sharing our early experiences with Web 2.0. In 2002 we had visionary staff who wanted to build a Web 2.0 space called '*My Museum*' as a component of a much larger website redevelopment and content management system project. Users would become members, select images of objects in our database, add captions, and upload their own images and captions. In short, users would curate and share their own online museum exhibitions.

My Museum was part of the stage two rollout of the project. By the time it was released, Flickr and YouTube had arrived with simpler interfaces, an easier process for joining and more sophisticated functionality. The commercial web space was moving much faster than My Museum and they ran right past us.

More importantly, we learned that we had been thinking about Web 2.0 as a technology rather than a human online community. We needed to plan for ongoing engagement – for Museum staff to be part of building a community, to join with My Museum members in creating great online exhibitions, to showcase staff members' exhibitions as well or invite 'guest' online curators as SFMOMA[53] has done in its Collection Rotation online feature. If we were developing *My Museum* today, we would focus on the human participants in the social media space and develop the technologies to fit the humans. We would also choose a much more rapid and flexible development process, able to respond quickly to innovation in the wider context. And we would ensure that Museum staff had both the time and the skills to participate and communicate effectively within the space.

Submission by Tikka Wilson.[54]

1.4 What is Government 2.0?

At its simplest level the term 'Government 2.0' is the result of applying Web 2.0 collaborative tools and practices to the processes of government. As they have outside of government, these tools and practices can increase productivity and efficiency. Yet this report is guided by the conviction that it can be much more than this. As Australia's self-organised Government 2.0 Google Group puts it:

> Government 2.0 is not specifically about social networking or technology . . . .
> It represents a fundamental shift in the implementation of government -
> toward an open, collaborative, cooperative arrangement where there is
> (wherever possible) open consultation, open data, shared knowledge, mutual
> acknowledgment of expertise, mutual respect for shared values and an
> understanding of how to agree to disagree. Technology and social tools are an

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[53] San Francisco Museum of Modern Art (SFMOMA), http://www.sfmoma.org .

[54] Tikka Wilson, Submission to *Towards Government 2.0: An Issues Paper,* http://gov2.net.au/submissions/.

important part of this change but are essentially [just] an enabler in this process.[55]

Given that government should be inherently collective and collaborative, the potential of a Web 2.0 enabled approach to government – what we call Government 2.0 – is potentially transformative. It offers the opportunity to make representative democracy more responsive, and more participatory. The incorporation of Web 2.0 technology into government engagement offers a unique opportunity to achieve more open, transparent, accountable and responsive government.

A Government 2.0 culture is open to the opportunities presented by technology, and is willing to listen, to engage with its citizens – indeed to invite them to directly collaborate in their own governance. It is a government that is in many ways more exposed: to criticism and unsought comment, but also to new ideas and informed feedback. These cultural challenges are at the heart of Government 2.0 and more profound than the technical and other challenges of adopting new technologies.

Government 2.0 will also subtly change the relationship between citizens and government. It will open up opportunities for citizens to engage more directly and collaboratively with public servants. But this will occur only where government agencies and public servants encourage their involvement – not just by inviting it, for we have no shortage of such invitations today – but by responding in ways that demonstrate their appreciation of public contributions. And of course alternatives should continue to be provided for those not wishing or able to engage online.

Further, increasing citizen participation pre-supposes access to information. Here Government 2.0 takes the next step in the evolution of open government by strengthening freedom of information rights and building upon those rights of *access*, rights to freely re-use, republish, repurpose and otherwise add value to government information. In short, to use the words of the Freedom of Information Bill currently before Parliament[56] Government 2.0 takes as a premise that "information held by the Government is to be managed for public purposes, and is a national resource".

A Government 2.0 culture represents a shift to an assumption that government information is open by default, in the absence of good reasons to the contrary. Not only would this represent cost savings in the administration of access requests, but, as argued elsewhere in this report, it makes information available for a range of new uses including uses that provide important social and community benefits.

Policy changes mandated by governments, and legal changes by Parliament, are necessary to make this transition. However many of these are either in place or in contemplation. While these changes are necessary they are not sufficient for Government 2.0 to take hold. For the transition cannot be forced. It must come to infuse the culture of public agencies and their operatives. It must become 'the way we do things here'. This will be a difficult transition to negotiate.

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[55] http://groups.google.com.au/group/gov20canberra or http://tinyurl.com/lffnvo

[56] http://www.pmc.gov.au/consultation/foi_reform/index.cfm or http://tinyurl.com/d7ywkt

The promise of Government 2.0 is a rich one, however, and this is not the kind of challenge that Australians are likely to resile from. If Australia fails to fully grasp the potential of Government 2.0 we will lose the opportunity to increase the effectiveness of policy making and forsake the opportunity to draw citizens into closer collaboration with their government. Our nation's innovative capacity will also suffer and the country will falter in its ambition to achieve a world class public service.

2. How Does Australia Compare Internationally?

Australian governments have made some encouraging moves towards Government 2.0. However, until recently these efforts, particularly at the federal level, have not been driven in a coordinated way, but rather have tended to rely on the interest and enthusiasm of individual agencies.

The 2008 Survey of e-government readiness[57] published by the United Nations Department of Economic and Social Affairs suggests that Australia is doing well in some respects but less well in others.

According to the UN Survey, Australia ranked eighth in the 2008 composite index of e-government readiness, just below Canada but above France and the UK (ninth and tenth respectively). Sweden ranked first, followed by Denmark, Norway and the US[58]. However the capability for e-government is a necessary but not sufficient condition for Government 2.0 approaches to thrive.[59]

Different historical, institutional and political contexts will affect the speed of transition of a country to a citizen-centred Government 2.0 model. However, it is clear that, in the government sphere, we lack an overall recognition of the potential of Government 2.0 and a governance framework to underpin individual agency efforts. Without these, it is likely that Australia will fall progressively further behind its international partners. While no other country is even close to fully embracing the possibilities of Government 2.0, some countries like the US enjoy particular structural advantages while others like the UK have recognised the economic and social benefits of Government 2.0 for some time and have begun the process of driving co-ordinated and centrally driven reforms.

1.5 Australia

In some respects Australia was an early leader in moves towards more open data management. For example the Australian Government's Spatial Data Access and Pricing Policy was one of the first examples in the world to make significant

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[57] UN Department of Economic and Social Affairs, Division for Public Administration and Development Management, (2008), *United Nations - Government Survey 2008. From e-Government to Connected Governance*, United Nations, New York. http://www.unpan.org/egovkb/global_reports/08report.htm or http://tinyurl.com/ye5btvp.

[58] The e-government readiness index is a composite index comprising a web measure index (measuring government presence on line), a telecommunication infrastructure index (how good is the infrastructure available to deliver e-services) and the human capital index (how well equipped are people to derive benefits from services in relation to literacy/education etc), pg 20 http://www.unpan.org/egovkb/global_reports/08report.htm or http://tinyurl.com/ye5btvp.

[59] The methodology of the UN Survey relates to e-government which is an indirect proxy for Government 2.0. It looks at aspects of the use and access in government of information and communications technologies rather than government take-up of Web 2.0 tools and approaches. However, in the absence of other comparative measures it assists in providing some context for the rest of this chapter.

government data freely available to the public[60]. Some states have also led the way with specific initiatives.

In developing its Future Melbourne Plan, Victoria enabled participation through a wiki so that people could directly edit the document or comment on Discussion pages.[61]

The New South Wales (NSW) Government recently launched a data catalogue of public sector information, including publications, spatial information, raw data, audio visual files and web services from agencies across the state and funded prizes for the best uses of that information.[62]

There have also been moves to develop administrative frameworks to support the release of public sector information. For example, the Queensland Government recently enacted its *Right to Information Act 2009*. This Act arose from recommendations in *The Right to Information, Reviewing Queensland's Freedom of Information Act* a review headed by Dr David Solomon and published in June 2008. The Queensland Government has made a commitment to provide access to information held by the Government, unless on balance it is contrary to the public interest to provide that information.

Similarly, the Report of the Victorian Parliament's Economic Development and Infrastructure Committee following the *Inquiry into Improving Access to Victorian Public Sector Information and Data[63]* has laid the foundations for the Victorian Government's policies on access to PSI.

Another practical development has been the Government Information Licensing Framework (GILF) project, the aim of which is to help those who use PSI to readily understand the rights of use associated with the material.[64] The GILF framework includes a suite of seven licences for PSI, six of which are Creative Commons licences.

The South Australian Government endorsed the GILF in December 2008. Implementation of the South Australian GILF Program began with an across government briefing and workshop in June 2009 and the establishment of a Working Group of agencies. Subsequent communication with agency chief executives announcing commencement of the program resulted in the expansion of the South Australian GILF Working Group, with implementations now underway[65].

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[60] http://www-ext.osdm.gov.au/osdm/policy/accessPricing_summary.html or http://tinyurl.com/yfnsxpo.

[61] http://www.futuremelbourne.com.au/wiki/view/FMPlan or http://tinyurl.com/5s6xvx.

[62] http://data.nsw.gov.au/catalogue?p=d and see http://www.information.nsw.gov.au/apps4nsw or http://tinyurl.com/lcv2n2.

[63] http://www.parliament.vic.gov.au/edic/inquiries/access_to_PSI/ or http://tinyurl.com/nkbruu.

[64] http://www.gilf.gov.au/ .

[65] Information provided to the Taskforce by the Office of the Chief Information Officer, South Australian Government.

In the non-government sphere, OpenAustralia,[66] inspired by and adapting web sites built by the UK's theyworkforyou,[67] aims to connect people to their parliament and their representatives.

1.6 United Kingdom

The UK has for a number of years been developing policies and implementing practices intended to make government information more easily available for re-use. The Office of Public Sector Information, a part of The National Archives, together with the Information Commissioners[68] and the Cabinet Office work on a series of initiatives intended to bring greater coordination to making information more freely available.

The Office of Public Sector Information (OPSI) plays a key role in information policy by setting standards and encouraging the use and re-use of PSI. OPSI has operated from within The National Archives since 2006.

Its functions include oversight of the Information Asset Register,[69] a central source for the information resources of government (particularly unpublished resources) and the Information Fair Trader Scheme[70] which requires public sector agencies registered under the scheme to encourage re-use of public sector information.

OPSI's objectives are:[71]

- To deliver the policy lead on the re-use of PSI across the UK;

- As a regulator to promote high standards of information trading across the public sector under the Information Fair Trader Scheme (IFTS) and investigate complaints under the Re-use of Public Sector Information Regulations;[72]

- To license, advise and manage the re-use of Crown copyright material;

- To develop innovative technological solutions and models that support emerging information policy; and

- To put solutions and new initiatives into practice that facilitate PSI re-use.

Other aspects of information policy in the UK come under the umbrella of the Information Commissioner's Office. This Office is an independent authority set up to

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[66] http://www.openaustralia.org/about/.

[67] http://www.theyworkforyou.com/.

[68] Scotland has its own Information Commissioner who regulates the Freedom for Information (Scotland) Act which covers Scottish public authorities.

[69] http://www.opsi.gov.uk/iar/index.

[70] http://www.opsi.gov.uk/ifts/index.

[71] Cited in *The United Kingdom Report on the Re-use of Public Sector Information 2009.* Presented to Parliament by the Lord Chancellor and Secretary of State for Justice by Command of Her Majesty, July 2009 http://www.opsi.gov.uk/advice/psi-regulations/uk-report-reuse-psi-2009.pdf or http://tinyurl.com/yhuwhor.

[72] http://www.uk-legislation.hmso.gov.uk/si/si2005/20051515 or http://tinyurl.com/ybrpqkk.

promote access to official information and to protect personal information, through its oversight of legislation relating to data protection, freedom of information, environmental information and privacy and electronic communications. It works with The National Archives, through a memorandum of understanding, to promote and manage the records management code.[73]

In 2007, the Cabinet Office commissioned a report on the social and economic benefits offered by better use of government held data. Following the publication of the Power of Information Review[74] in 2007, a Power of Information Taskforce[75] was set up. The Taskforce submitted its final report in March 2009, building on and extending the recommendations in the 2007 review. Its Show Us as Better Way contest generated over 500 submissions, made new datasets available for the first time and has resulted in funding of some new applications.

The Power of Information and the Making Public Data Public initiative[76] have led to a number of developments, including:

- Projects and services publishing public transport, environment and planning notices using semantic mark-up to make it easier to re-use;

- Arising from the recommendations of the Power of Information review, the Cabinet Office has opened data.gov.uk as a developer test site with the aim of making government data more widely available.[77] The site currently requires users to be registered and authorised but will be launched as a beta site in December 2009;[78] and

- The recently introduced 'Local democracy, economic development and construction Bill',[79] is expected to pass into law soon. It requires councils in England and Wales to provide local residents with an e-petition facility and publish schemes for both electronic and traditional petitions, to acknowledge any petition to its organiser, and to offer a response, all of which should be published online.

1.6.1 PSI initiatives in the UK and info-philanthropy

In addition to initiatives taken by government in the UK, a notable trend in the UK has been the development of Web 2.0 projects from outside government.

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[73] http://www.nationalarchives.gov.uk/documents/mou.pdf or http://tinyurl.com/yhr5rh4.

[74] http://www.england-legislation.hmso.gov.uk/advice/poi/power-of-information-review.pdf or http://tinyurl.com/ylqqo7p.

[75] http://www.cabinetoffice.gov.uk/reports/power_of_information.aspx or http://tinyurl.com/yhexqmz.

[76] Sir Tim Berners-Lee and Professor Nigel Shadbolt were asked by the Prime Minister in June 2009 to lead the Making Public Data Public project to advise on how Government can best use the internet to make non-personal public data as widely available as possible
http://blogs.cabinetoffice.gov.uk/digitalengagement/post/2009/10/27/Stephen-Timms-reports-progress-on-Making-Public-Data-Public.aspx or http://tinyurl.com/ylq6b8r .

[77] www.data.gov.uk.

[78] http://www.kable.co.uk/data-gov-uk-beta-cabinet-office-23oct09 or http://tinyurl.com/y9pbqmm.

[79] http://services.parliament.uk/bills/2008-09/localdemocracyeconomicdevelopmentandconstruction.html or http://tinyurl.com/6hh8sb.

The charity MySociety.org,[80] for example, has been very active in establishing websites which simplify the interface between citizens and their government and tracking government responses making government more efficient and accountable.

These are examples of 'info-philanthropy', or the creation by individuals or non-profit based organisations of information assets (information itself or platforms for delivering and adding value to the information) as a public good from which many people will benefit. Examples discussed briefly elsewhere in this report include:

- FixMyStreet.com;[81]

- TheyWorkForYou.com;[82] and

- PatientOpinion.com.[83]

1.7 United States

The day after his inauguration in January this year, President Obama issued two memoranda to agency heads which clearly set out his intentions for government to be accountable, transparent, participatory and collaborative. This followed the well-publicised use of information technology to engage with the public during his election campaign.

The Memorandum on the Freedom of Information Act (21 January 2009)[84] called for accountable, transparent government and required agencies to administer the Freedom of Information Act 'with a clear presumption: In the face of doubt, openness prevails'. The Memorandum contained an instruction that new guidelines on freedom of information, reaffirming a commitment to accountability and transparency, were to be issued. These guidelines, issued in March 2009, include an instruction that agencies should readily and systematically post information online in advance of any public request[85].

The Memorandum on Transparency and Open Government (21 January 2009)[86] called for transparent, participatory and collaborative government with the clear statement that 'My Administration is committed to creating an unprecedented level of openness in Government.'

In the Memorandum, the Chief Technology Officer was directed to coordinate the development of recommendations for an Open Government Directive.

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[80] http://www.mysociety.org/.

[81] http://www.fixmystreet.com/.

[82] http://www.theyworkforyou.com/.

[83] http://www.patientopinion.org.uk/default.aspx.

[84] http://www.whitehouse.gov/the_press_office/Freedom_of_Information_Act or http://tinyurl.com/yhjgqfm.

[85] http://www.justice.gov/ag/foia-memo-march2009.pdf or http://tinyurl.com/ygbdxzp.

[86] http://www.whitehouse.gov/the_press_office/Transparency_and_Open_Government or http://tinyurl.com/oom98d.

Examples of PSI initiatives in the US are cited throughout this report and also include the following:

- The US data.gov site[87] aims to increase public access to machine readable[88] datasets generated by the Executive Branch of the Federal Government. The site allows users to suggest other datasets for loading to the site. It also provides links to similar US State and local catalogues;

- The District of Colombia data centre[89] lists provides access to 405 datasets from a range of agencies. Users can subscribe to a live data feed and can access data in a number of different formats;

- The New York City Data Mine[90] is a catalogue of government-produced machine-readable data sets in a variety of formats;

- DataSF[91], in beta, provides links to a number of data sets from the City and County of San Francisco. It allows users to search for data sets using a number of criteria, comment on and rate data sets, and suggest additional data sets. The site requires users to register; and

- Everyblock[92] offers a news feed for every city block in 15 cities. It addressed the question, 'what is happening in my neighbourhood?' by collecting local news, events and civic information.

1.8 New Zealand

The New Zealand government first ventured into Government 2.0 with its guide to online participation in 2007 noting that, 'New technologies will enable easier access to government information and processes. People will have improved opportunities to be informed and participate in government'[93].

In August 2009, the New Zealand Government released a *Draft New Zealand Government Open Access and Licensing Framework* which recognises that the "licensing of public sector copyright works for re-use on liberal terms and otherwise enabling greater access to their information and data may: bring about creative, social and economic benefits for the people of New Zealand; and foster greater transparency of government agencies' performance."[94]

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[87] http://www.data.gov/.

[88] Machine readable formats store data in format that can be accessed by an automated sensing device and capable of being turned into some form of binary code. Examples of machine-readable media include (a) magnetic disks, cards, tapes, and drums, (b) punched cards and paper tapes, (c) optical disks, (d) barcodes and (e) magnetic ink characters http://en.wikipedia.org/wiki/Machine-readable_medium.

[89] http://data.octo.dc.gov/ .

[90] http://www.nyc.gov/html/datamine/html/home/home.shtml.

[91] http://datasf.org/ .

[92] http://www.everyblock.com/.

[93] http://plone.e.govt.nz/policy/participation/online-guide-07.pdf or http://tinyurl.com/yeupekk.

[94] http://www.e.govt.nz/policy/information-data/nzgoalframework.html or http://tinyurl.com/yhchmmy .

Early examples of online collaboration included:

- The Police Act wiki[95], inviting ideas for a new Policing Act;

- The Safer Journeys Discussion forums[96] for safer roads; and

- The Couch[97], an online panel on issues facing New Zealand families operated by the Families Commission.

More recent developments include:

- New Zealand published a guide to social media in 2007, as part of its status report on e-government:[98] Information has been provided on identity and authentication to help people prove their identity to government service providers securely via the internet;[99]

- The blog In Development[100] was launched in March 2008, containing links to a number of other government blogs;

- The National Broadband map[101] was launched in 2008, providing a mashup of telecommunications fibre maps, locations of government offices and other broadband demand data;

- Guidelines were published for public servants use of social media in early 2009;[102] and

- In August 2009 a discussion draft on creative commons licensing was released.[103] An example of use of Creative Commons licensing in New Zealand is the Northland regional council which has released around 90% of its geographic information system (GIS) data under this licence.

Examples of innovative use of Government 2.0 by Government agencies in New Zealand include:

- The Companies Office which tweets[104] and podcasts[105];

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[95] http://www.policeact.govt.nz/wiki/.

[96] http://forum.transport.govt.nz/index.php?topic=40.0.

[97] http://www.thecouch.org.nz/.

[98] http://plone.e.govt.nz/resources/research/progress/agency-initiatives/chapter6.html or http://tinyurl.com/yl9mrnd.

[99] www.i.govt.nz.

[100] www.blog.e.govt.nz.

[101] http://broadbandmap.govt.nz/map/.

[102] http://www.ssc.govt.nz/display/document.asp?docid=7160 or http://tinyurl.com/ye6cl9l .

[103] http://www.e.govt.nz/policy/information-data/nzgoalframework.html or http://tinyurl.com/ylkj8ql .

[104] http://twitter.com/CompaniesOffice.

[105] http://www.companies.govt.nz/cms/customer-support/training/homepage-content/latest-podcasts or http://tinyurl.com/ybcdhdh.

- InfoConnect, New Zealand's Transport Agency, is developing application programming interfaces (API)[106] to transport related data[107];

- Digital NZ[108] contains tools to work with New Zealand's digital content; and

- New Zealand's data.govt.nz is a directory of New Zealand government datasets which contains a facility to request datasets and make comments.[109]

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[106] Application programming interfaces are interfaces that a software program implements in order to allow other software to interact with it, much in the same way that software might implement a user interface in order to allow humans to use it. APIs are implemented by applications, libraries and operating systems to define how other software can make calls to or request services from them http://en.wikipedia.org/wiki/Application_programming_interface.

[109] http://www.data.govt.nz

3. The promise of Government 2.0: online collaboration

> Being truly citizen-centred means placing the citizen at the centre of the entire public service endeavour. This requires a meaningful commitment to actively engaging and empowering people at all points along the service delivery chain—from high-level program and policy formulation all the way to the point of service delivery, and capturing feedback from the users of services.
>
> New technologies are bringing new opportunities to enhance feedback between service delivery and policy or program design areas—more than half of all Australians now interact with government using a variety of these technologies—but a cultural shift among policy and service delivery agencies is needed for these opportunities to be fully exploited.
>
> Discussion Paper, *Reform of Australian Government Administration: Building the world's best public service*.[110]

Web 2.0 tools can make government more democratic, participatory and transparent but they are only tools. Their potential cannot be realised without a cultural shift in the way governments engage online.

1.9 Online collaboration

Web 2.0 vastly increases the extent to which we can have organisation without *organisations*.[111] Web 2.0 tools enable people of like mind and purpose to locate each other, and to work towards common goals. Where this works well, Web 2.0 can potentially lower costs, increase flexibility, improve quality and also the satisfaction of those performing useful tasks.

The most prominent early form of online collaboration, and a forerunner of Web 2.0, was the development of open source software. Unpaid volunteers (including commercial enterprises) work together to continually optimise, debug and enhance the functionality of software. They are able to work on the software because it is licensed in a way that requires users, if they pass it on, to pass it on with its 'source code' enabling others to alter it to suit their own needs.

Pure open source production of this kind can generate large savings for organisations. As Don Tapscott and Anthony Williams observe,

> By collaborating with open source communities, companies can reduce costs dramatically. IBM estimates it has saved $900 million per year compared to what it would have to spend on creating and maintaining an operating system

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[110] *Reform of Australian Government Administration: Building the world's best public service*, Advisory Group on Reform of Australian Government Administration, October 2009, at http://www.pmc.gov.au/consultation/aga_reform/index.cfm.

[111] Clay Shirky, (2008) *Here Comes Everybody: The Power of Organizing Without Organizations*, (2008) pp 29-30.

in-house. Companies must dedicate resources to filtering and aggregating peer contributions. But these types of collaborations can produce more robust, user-defined, fault-tolerant products in less time and for less expense that the conventional closed approach.[112]

To the surprise of most, the broad collaborative platform which Web 2.0 provides means that this 'open source' way of working is now appearing prominently in areas of online endeavour, ranging well beyond the production of software. Thus the Wikipedia project is building online encyclopaedias in myriad languages, and blogs are creating vast amounts of content on the internet. They are different in kind to the activities they now compete with. Some articles in Wikipedia are inadequately researched compared with a professionally edited encyclopaedia and the excess of hundreds of millions of blogs have highly variable quality. Thus users must use their discretion, though users have always had to decide how much they will rely on a source. But these media now enable one to find and verify matters of fact in ways that earlier generations could only dream of.

Search engines which capture the experience of their recent users to optimise searches for their next users, as well as Facebook, and Twitter are all offering interfaces through which people use their immediate or virtual connection to other people to make sense of the vast resources of the internet. "People subscribe to people" is often a dominant design principle of the online world, putting a premium on connecting and collaborating with others as a way of creating, finding, filtering and evaluating knowledge.

Even where traditional production modes remain dominant, some of the elements of open source production can complement traditional management. A forerunner of these trends was the Japanese management revolution in manufacturing production – particularly identified with Toyota – in which management systems were built to encourage learning at all levels of the enterprise by accessing not just the local knowledge of all employees but even those outside the organisation like customers and suppliers[113].

Today Web 2.0 enables firms to draw their own customers into many of the processes of research, design and production, giving them not only new 'voice' but enlisting them in many ways as co-producers of the products and services themselves, and the value they represent. That same potential is increasingly now available for those charged with developing better public policies, improved design and delivery of public services and smarter configuration of regulation.

The collaboration of those outside government also brings a potential difference in the kind of contribution they can make. While public servants bring certain types of knowledge and expertise to bear, there will increasingly be a range of people outside government with their own expertise and professional insights to contribute. In many

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[112] Don Tapscott and Anthony D Williams, *Wikinomics: How Mass Collaboration Changes Everything*, Portfolio, New York, NY, December 2006, p 94.

[113] See eg, Dyer, Jeffrey H. and Nobeoka, Kentaro, 2000. "Creating and managing a high-performance knowledge-sharing network: the Toyota case" *Strategic Management Journal,* Volume 21 Issue 3, Pages 345 – 367, http://www3.interscience.wiley.com/journal/71001350/abstract?CRETRY=1&SRETRY=0 or http://tinyurl.com/yll8px4.

cases, this will derive from their perspective as service *users,* or their local knowledge or some other expertise.

This phenomenon has been identified by Beth Simone Noveck in her work on 'wiki government'[114]. The central insight is that we have arrived at a point where technology offers the opportunity for policy development and service delivery to be both more democratic and more expert. We have the capability to fashion much more open and connected approaches. Those approaches will recognise that in some cases, those on whose expertise we want to draw may be found outside the particular agency developing policy or delivering services. They will be found in other agencies which interact with the delivery agency, in communities of users of services or general interest groups in Australia or elsewhere.

James Surowiecki's book *The Wisdom of Crowds* begins by pointing out that on the game show Who Wants to be a Millionaire, asking the crowd produces a right answer over 90% of the time whereas phoning a smart friend – the closest the contestant can come to an expert – generates correct answers just 65% of the time.[115] The point is not that all those in the audience know more than the expert, but rather, that to answer some questions, providing one has some plausible way to identify those with the specific expertise required, more minds addressing the problem increases our chances of finding a solution.

These ideas are the inspiration behind the pending Peer-to-Patent project in Australia.[116] Much of its value will come from finding just the right person in the community. Opening patent applications to online peer review, or crowdsourcing, will help to find the "needles in haystacks" which may demonstrate whether a patent application idea has been anticipated elsewhere. This will not only lower costs to government but, more importantly produce more accurate search results.

Understanding the value of crowdsourcing does *not* discount specific expertise and the policy experience of Australia's public servants. It certainly isn't a claim that any and every problem can simply be crowdsourced to a successful solution. Some solutions aren't well crowdsourced because they require specific expertise. Thus the Reserve Bank's responsibility to set official interest rates cannot be done well without considerable expertise. And other decisions – for instance the setting of tax rates or welfare payments - should not be crowdsourced because we require that they be decided by more focused, analytical processes.

What is changing is the range, type and mix of expertise on which complex and challenging decision processes can draw, especially as more of the issues we need to confront can involve contentious and conflicting values and assumptions. Government 2.0 heralds a move towards a more open, diverse – but still often highly specialised

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[114] Beth Simone Noveck (2009) *Wiki Government: How technology can make Government better, democracy stronger, and citizens more powerful*. Brookings Institution Press.

[115] James Surowiecki's, 2004, *The Wisdom of Crowds*, Doubleday, NY.

[116] The Australian Peer to Patent project is part of the international expansion of Peer-to-Patent into jurisdictions outside the United States. It operates with the support of IP Australia. and is the result of the collaborative efforts of the Queensland University of Technology Faculty of Law and New York Law School http://www.peertopatent.org.au/.

and expert – knowledge base from which we can draw to improve our chances of seizing an opportunity or solving a problem.

In this regard the Taskforce endorses the views of the Government's Advisory Group on the Public Service Reform (the Moran Review):

> Collaboration—especially where it draws together different ideas and perspectives from academia, business, citizens and other stakeholders—is vital in terms of driving innovation and addressing this barrier is a vital component of overall APS reform. … The APS needs to nurture a culture where new, innovative and creative policies are explored and experimented with.[117]

1.10 The third sector and democratic engagement

Often the prime movers of improved democratic engagement come from outside government.[118] The third sector of non-profit community organisations, pioneers in a whole range of areas, including aged care, education and community safety, has been particularly active in pioneering Government 2.0, particularly in countries like the US and UK, who are leading the way on Government 2.0.

The UK's, FixMyStreet helps people report local problems like graffiti, potholes and other matters requiring maintenance making their online reports easy and reporting local governments' performance in fixing them.[119] As a result it has become popular as a way for people to communicate with their government and has had over 55,000 jobs logged on it with a large number fixed.[120] A proof of concept Australian version was created at the GovHack day sponsored by the Taskforce. When fully functional It's Buggered, Mate,[121] would enable visitors to sketch out a local maintenance problem with public infrastructure on Google Maps complete with diagrams and comments. These deployments of Web 2.0 tools by those outside government improve the interface between government and the community. Large additional benefits in democratic engagement as well as myriad other social and economic benefits can be brought about by the release of PSI and the adoption of Web 2.0 tools and approaches more widely within government.

Some important attributes of these new tools are worth emphasising:

- They can considerable improve the efficiency of processes to identify and fix problems impacting people's lives;

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[117] Reform of Australian Government Administration: Building the world's best public service, pg 23 available at http://www.pmc.gov.au/consultation/aga_reform/docs/reform_aust_govt_admin.pdf.

[118] See "Mr Gruen goes to Washington; http://gov2.net.au/blog/2009/10/03/mr-gruen-goes-to-washington/ or http://tinyurl.com/yk2xno6.

[119] http://www.fixmystreet.com .

[120] As at 09 November 2009 1545 there were 58,498 updates on reports, 1,072 fixed in the past month and 699 reports in the past week.

[121] http://its-buggered-mate.apps.lpmodules.com .

- They widen the range of specialists and experts whose knowledge, time and observation can be harnessed more effectively to the common and shared ambition of quicker, more sustainable solutions; and

- They are fundamentally engaging, creating simple and effective ways for people to show they are interested and want to help. In many ways, the larger and often slightly nebulous ambitions of "citizen engagement" are built on the foundations of these more prosaic opportunities for people to participate where it matters most to them and their communities.

The third sector has also pioneered sites which help the community engage by making it easy for them to inform themselves and to communicate with their governments. In the UK the website WriteToThem[122] enables people to find out who their politicians are at every level of government and to write to them easily. OpenAustralia is a similar enterprise in this country which is dedicated to similar projects and often adapts code from MySociety[123] projects. However it is often unable to get permission to republish material that, for example, in the US is in the public domain and is, accordingly available without any restriction. The Australian site, MyRepresentatives which is still in development would take a postcode or an address from anywhere in Australia and return corresponding representatives at all levels of government.[124]

As Open Forum noted in its submission to the Taskforce, "People do not wish just to talk to government but to see proof they have been heard".[125] Thus for instance the attraction of writing to representatives via the WriteToThem website is that it tracks responses and reports on politicians' performance. WhatDoTheyKnow[126] offers an easy interface through which around 13 percent of all the UK's FOI requests to departments are now made, and like WriteToThem, it provides feedback on performance. [127]

The Recalled Products' website allows people in the Europen Union (EU) to access and search for the official safety record of products.[128] The recalled products site, still in beta, uses data from the European Commission's Consumer Affairs RAPEX web pages and allows keyword searches, really simple syndication (RSS) and an email alert facility.

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[122] http://www.writetothem.com.

[123] https://secure.mysociety.org/cvstrac/dir?d=mysociety or http://tinyurl.com/5dbphw.

[124] MyRepresentatives was built as a proof of concept site during the Taskforce's GovHack event, http://myrepresentatives.org/.

[125] Open Forum, Submission to *Towards Government 2.0: An Issues Paper* http://gov2.net.au/submissions/.

[126] http://www.whatdotheyknow.com.

[127] The figure is even higher for FOI requests to the Home Office with 32% of all requests being made using the *WhatDoTheyKnow* website; 'Fraction of FOI Requests Made via WhatDoTheyKnow.com Increasing Fast', 1 October 2009, http://www.mysociety.org/2009/10/01/whatdotheyknow-foi-fraction-up/ or http://tinyurl.com/y9fw8wv.

[128] *Recalled products* recalledproducts.org/.

1.11 Online collaboration, intrinsic motivation and the meritocracy of contribution

While traditional consultation methods can typically take months, with the production of issues papers, the taking of submissions and writing of reports, platforms such as bulletin boards and blogs can provide ongoing and very rapid feedback between government and the community. As David Williams[129] said to the Taskforce in an online submission, "I don't think that the imagination of the citizens needs capturing – they just need the opportunity to participate."

Even here the model might be taken further. In a Web 2.0 world, the drivers of motivation, reputation and authority are all subtly different. There are opportunities here to harness the motivation of online volunteers which promise to inject a new strand of meritocracy into public service.

Where public servants work under direction and for payment, volunteers are, by definition, intrinsically motivated by what they do. Intrinsic motivation is recognised as a crucial ingredient of much of the best quality work where high levels of skill and knowledge are required. We are still a long way from understanding the importance of intrinsic motivation or of how to maximise it in the workforce, but it seems clear that it is critical to highly skilled activity. Eric S. Raymond attributes a good deal of what he argues is the superiority of open source modes of working to intrinsic motivation:

> 'Fun' is therefore a sign of peak efficiency. Painful development environments waste labor and creativity; they extract huge hidden costs in time, money, and opportunity.[130]

For many public servants, service to the public is an important motivator, but some it must be said are time servers and there is evidence that altruism wanes over time during public servants' careers.[131] By contrast service to others is a motivator of most people who make major volunteering commitments, including online.[132]

The ethic of voluntarism coupled with the openness of online collaboration has typically led to a culture in which status and recognition are a function of the quality of contribution as judged by those who share an interest in the common ambitions of the community or network itself.

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[129] David Williams, Online submission to *Towards Government 2.0: An Issues Paper* http://gov2.net.au/consultation/2009/07/23/towards-government-2-0-an-issues-paper-final/ or http://tinyurl.com/mt4rgb.

[130] Raymond, Eric Steven, 2003. The Art of Unix Programming, http://catb.org/esr/writings/taoup/html/index.html at http://catb.org/esr/writings/taoup/html/ch01s05.html or http://tinyurl.com/yf9eqnw.

[131] Buurman, Margaretha Dur, Robert and van den Bossche, Seth, 2009. "Public Sector Employees: Risk Averse and Altruistic?" September, http://d.repec.org/n?u=RePEc:iza:izadps:dp4401&r=upt or http://tinyurl.com/yfn2e8p.

[132] All of those quoted in a report on the motivations of those correcting text errors in digitisations of historic newspapers for the National Library mentioned the way in which their work helped others as one of their motivations. Holley, Rose, 2009. "Many Hands Make Light Work: Public Collaborative OCR Text Correction in Australian Historic Newspapers, National Library of Australia. March, 2009. http://www.nla.gov.au/ndp/project_details/documents/ANDP_ManyHands.pdf or http://tinyurl.com/yk34add. pp. 17-18.

There are various ways in which the value that this brings can make a contribution to government. Firstly, governments can tap more confidently into online collaboration. Some of those who self-organise around an issue of shared interest are likely to have particular expertise and aptitude which can complement government resources. This, for example, is the assumption behind some of the innovation in welfare and service funding in countries like the UK, where people with disabilities, for example, or older people, are being funded more directly, allowing them to invest resources to reflect their intimate knowledge of need and context.[133] Providing matters of probity are appropriately dealt with, this level of expertise and insight could be drawn more closely and explicitly into the policy design and service delivery process.

This can be taken further. Should they wish, might the best volunteer contributors – whether that contribution is correcting text or discussing policy alternatives – be afforded greater recognition and respect which might be reflected in greater responsibility or more opportunities to contribute over time, in the way that salaried public servants are offered promotions? At the very least this would widen the pool of talent available to perform various tasks. It might also provide a pathway, which, providing candidates were otherwise appropriate, might lead to greater levels of responsibility.

Perhaps new pathways could complement existing career pathways in public service. This new pathway could be built, as structures of authority are built in the world of open standards and open source software, based on self-selection, enthusiasm and a record of aptitude and contribution in the field. And just as these values can be brought inside traditional organisations, firms in the Web 2.0 world are successfully experimenting with means of adapting aspects of this kind of volunteerism to their own organisational structures.

One approach which a number of software companies have experimented with is enabling employees to spend some of their time on projects which are for the benefit of the firm, but which they are free to choose. Employees with a creative idea have the authority to try it out, and to try to persuade others to collaborate and, in the process, create some of the organic possibilities and associations typical of the undirected spontaneous activity of markets and civil society.

If such an approach were centrally imposed on agencies it might simply reduce productivity. Nevertheless, tapping into the intrinsic motivation of public servants, and encouraging a greater degree of self selection for tasks is an important challenge for the public service. Approaches which have their origins in the culture of Web 2.0 might be trialled, either in pockets of the service or in recognition of particularly creative and well motivated public servants. Recommendation 5 seeks to encourage agencies to take measured steps in this direction.

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[133] See, for example, *In control* in the UK, http://www.in-control.org.uk/site/INCO/Templates/Home.aspx?pageid=1&cc=GB or http://tinyurl.com/5hqjtt.

4. The Promise of Government 2.0: The Benefits of Managing Public Sector Information (PSI) as a National Resource

In its recommendation for enhanced access and more effective use of public sector information the OECD Council defined PSI, as "information, including information products and services, generated, created, collected, processed, preserved, maintained, disseminated, or funded by or for the Government or public institutions, taking into account [relevant] legal requirements and restrictions." Except where otherwise indicated this is what the Taskforce means in this report.

It will be evident from this definition that governments are custodians of a great deal of PSI. In its role as deliverer of public information, through agencies like the Australian Bureau of Statistics, the Bureau of Meteorology and Geoscience Australia, the Government spends tens of millions of dollars generating information of benefit to Australians. Government is also a collector and custodian of much material in the Galleries, Libraries, Archives and Museums (GLAM) sector. Ultimately these institutions and their collections exist for public benefit.

Likewise in its roles as policy maker and service deliverer, the government spends large sums on collecting, analysing, and transforming vast amounts of data, information and content. Because government has already invested in the production of this information, it exists as a national asset.

The advent of the internet has vastly increased the value of this information because of the internet's extraordinary capacity to disseminate it at minimal cost. Internationally and nationally, there is a growing recognition of the extent to which PSI is a resource that should be managed like any other valuable resource – that is to optimise its economic and social value.

Not only is there value to be gained from governments making PSI available for reuse by others, but there are also significant benefits for public sector agencies that take steps to integrate their information with external information sources and services. For example, this might mean agencies making use of external information sources such as maps or statistics to add value to their PSI, or agencies making their services compatible with the support and feedback loops provided by online social networks. Agencies that maximise the value of their information assets will be those that develop an intermediary policy and identify external information sources and services that can be used as alternatives or complements to their own resources[134].

1.12 The principles of open access to PSI

To be useful information must be findable. Then it must be practically useable. Generally speaking, where an asset already exists, the most economically efficient

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[134] See Andrea Di Maio, 'Social Media in Government: From Citizen-Centric to Citizen Driven', speech to Gartner Symposium, Sydney Convention and Exhibition Centre, 17-19 November 2009.

price to make it available to others is the marginal cost of doing so. In the age of the internet that marginal cost of distribution of PSI typically approaches zero. Thus as this report argues, in the absence of good reasons to the contrary, in the world of the internet, PSI should be free – that is, distributed at zero price.

However, there is another sense in which PSI should be free, which is particularly germane to the way in which Web 2.0 can enhance its value. When information is released it creates new and powerful dynamics which can drive innovative use and re-use, allowing the commercial, research and community sectors to add value to it. Robinson *et al* outline a subset of the myriad ways in which data can be transformed to add value through Web 2.0 for instance via:

- advanced search;
- syndication;
- discussion forums;
- data visualisation;
- machine automated content and topic analysis;
- collaborative filtering; and
- crowdsourced correction or analysis.[135]

Such deliberate and serendipitous benefits will be facilitated by licensing PSI, on as liberal terms as possible, to drive wide-ranging benefits including better government, greater innovation and economic and social benefits. In this report, where we use the expression 'open access to PSI' or just 'open PSI' this generally refers to PSI which is freely available at zero price and on terms and formats that allow users to copy, use, transmit, reuse and transform the PSI from its original form.

The *Three Laws of Open Government Data,*[136] developed by David Eaves a member of the Taskforce's International Reference Group, seem apposite:'[137]

1. If it can't be spidered or indexed, it doesn't exist;

2. If it isn't available in open and machine readable format, it can't engage;

3. If a legal framework doesn't allow it to be repurposed, it doesn't empower.

Eaves sums this up even more succinctly as "Find, Play, Share".[138] To ensure that government information is effectively accessible, discoverable and reusable, close attention needs to be paid to the licensing terms and formats in which government information is released - see discussion below. An open access approach ensures that

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[135] Ed Felten, David Robinson, Harlan Yu and Bill Zeller, *Government Data and the Invisible Hand*, (2009) 11 Yale Journal of Law and Technology 160, available at http://www.yjolt.org/11/fall/robinson-160 or http://tinyurl.com/yj6ztdu.

[136] David Eaves, blog 'Three laws of open government data' http://eaves.ca/2009/09/30/three-law-of-open-government-data/.

[137] David Eaves is "A public policy entrepreneur, open government activist and negotiation expert David advises the Mayor of Vancouver on open government, works with two spin-offs of the Harvard Negotiation Project and serves as a fellow at the Centre for the Study of Democracy at Queen's University.", http://eaves.ca/about/.

[138] David Eaves, blog 'Three laws of open government data' http://eaves.ca/2009/09/30/three-law-of-open-government-data/.

the terms and formats will permit and enable findability, usability and reusability, consistent with Eaves' *Three Laws*.

In a number of the examples that appear below, we note the benefits of releasing PSI even where it has not been released on liberal licences. This is not an endorsement of the decision to reserve owners' rights under traditional copyright licencing rather than more liberal licensing, but it is clearly much better for the information to be released under copyright than not released at all.

Box 2: Unlocking PSI in the UK

The UK Office of Public Sector Information (OPSI) has established a PSI 'Unlocking Service' in beta which individuals can use to gain access to PSI in a straight forward way.[139] The service allows individuals to make requests for PSI that they wish to re-use. Requests can include pointing out where licences are too restrictive for re-use or suggesting where an API for data would be useful. The OPSI checks first that the data is not already available under data access laws and if it is not, uploads the request to allow others to vote for it. OPSI also contacts the PSI holder on the individual's behalf to seek the release of the information.

1.13 Enhancing accountability

Open PSI can be instrumental in enhancing accountability both in government and elsewhere. Thus for instance in the US the Securities and Exchange Commission (SEC) maintains a database of the financial reports companies are required to file with them. The database (EDGAR) was always available for a fee. The SEC resisted making the information available on the internet. In the 1990s however a public domain advocate, Carl Malamud (with the help of benefactors) purchased access to the data and put it online in an accessible format. The SEC was surprised by the site's popularity and within two years had put EDGAR online themselves.[140]

The US Environmental Protection Agency operates a publicly available database containing information on toxic chemical releases and waste management activities reported annually by industry and federal facilities[141]. Using the Toxic Release Inventory (TRI) Explorer[142], people can look up toxic releases in their area. Other US organisations such as the Right to Know Network[143] and Scorecard[144] use the TRI data to provide the information in an easily searchable form and combined with other data sources (for example, information on the possible health hazards of toxic chemicals).

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[139] Office of Public Sector Information, UK, www.opsi.gov.uk/unlocking-service/ or http://tinyurl.com/y9ze6zz.

[140] http://www.sec.gov/edgar.shtml.

[141] Toxics Release Inventory (TRI) Program, www.epa.gov/tri/.

[142] www.epa.gov/triexplorer/.

[143] See Right to Know Network TRI page, www.rtknet.org/db/tri.

[144] www.scorecard.org/.

Recovery.gov is the US government's official website providing access to data on spending of public money under the *American Recovery and Reinvestment Act 2009.*[145] The creation of the website was provided for under the Act, which obliged the establishment of "a website on the Internet to be named Recovery.gov, to foster greater accountability and transparency in the use of funds made available in this Act."[146] The website allows people to see both information on spending across the US and to look up individual projects in their neighbourhood. The website also allows people to report potential fraud, and waste and abuse of recovery funds.

In the US FedSpending is a non-government site that provides all the available data on US Federal Government expenditure and allows users to examine and compare it by department or by state or even whether contracts were competitively bid or not.[147]

Likewise in the US MapLight[148] and Fundrace[149] both highlight political donations, and OpenCongress[150] (run by the Sunlight Foundation) allows you to compare donations to politicians to their voting records and legislation. We have already discussed services like TheyWorkForYou in the UK and OpenAustralia. The winner of the Canberra GovHack event was a group which built LobbyClue[151] a Web 2.0 tool which integrates data from the lobbyist's register and AusTender.[152]

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[145] www.recovery.gov.

[146] www.recovery.gov/About/Pages/About.aspx or http://tinyurl.com/ylzj59b.

[147] http://www.fedspending.org/.

[148] http://maplight.org/.

[149] http://fundrace.huffingtonpost.com/.

[150] http://www.opencongress.org/.

[151] Renamed Lobby Lens at the time of writing see http://team7.govhack.net.tmp.anchor.net.au/.

[152] https://www.tenders.gov.au/

Box 3: OpenAustralia – the Community Value-Add to Government Information

OpenAustralia is an example of how, if government information is released in ways that make it more accessible and useable, the community can add value to that information in ways that benefit government and citizens.

OpenAustralia started out in 2007 as a website that "makes it easy for people to keep tabs on their elected representatives in Parliament." The site was founded by software developer Matthew Landauer and visual effects supervisor Katherine Szuminska. The site has been developed by a team of volunteer programmers and enthusiasts – about five people are at its core, but as many as 50 have helped develop the site.

It is now run by the OpenAustralia Foundation.

The original inspiration for OpenAustralia came when Matthew and Katherine attended the launch of the UK site theyworkforyou.com. Similar to the UK site, OpenAustralia aims to republish all Hansard and other information about members of parliament with the aim of making democracy and the activities of our political leaders more transparent.

OpenAustralia has secured permission to publish Commonwealth Hansard in a more accessible and searchable format. Unfortunately, requests to do similarly with State and Territory Hansard have made little headway. The Queensland Parliamentary Service isn't prepared to give OpenAustralia "authorised publisher" status to publish Queensland Hansard on the OpenAustralia website.[153]. OpenAustralia also publishes data from the Register of Members Interests and biographical information about members of parliament (MPs) from the Australian Parliament House website.

Visitors to the site can enter their postcode and find out who their representative is and what their representative has said recently in Parliament. Visitors can also follow particular topics, by using the site search or by subscribing to email alerts every time a particular representative or senator says something or when a particular topic is discussed or both.

In June 2009, the site had 25,000 page views per month and just over 1300 email subscribers. OpenAustralia.org found that of those, 300 (23%) of its active 1300 email subscribers were using .gov.au email addresses, suggesting that the subscribers were public servants.[154]

In addition, media reports suggest that OpenAustralia has identified numerous errors in version of Hansard, that even Hansard reporters admit to using the OpenAustralia service in preference to the official version because it is more reliable.[155] OpenAustralia has been working with the Department of Parliamentary Services to speed the fixing of any Hansard errors that OpenAustralia discovers.

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[153] http://www.crikey.com.au/2009/11/17/qld-hansard-a-closed-book-to-openaustralia/ or http://tinyurl.com/y8d4cqs.

[154] http://www.news.com.au/technology/story/0,28348,25649658-5014239,00.html or http://tinyurl.com/l8x544.

[155] http://www.canberratimes.com.au/news/national/national/general/govt-opens-up-to-participatory-ict/1565831.aspx?storypage or http://tinyurl.com/ybrdrpk.

1.14 The economic value of PSI

Once it is made freely available by governments, PSI has great economic potential. According to a survey conducted by the European Commission in 2006 (MEPSIR study[156]), the overall market size for PSI in the EU is estimated at EUR 27 billion.[157] Various international studies[158] confirm the greater economic benefit via increased corporate and individual taxes on secondary publishing and service activities for countries that adopt a more flexible public sector information management approach. These increased revenues typically outweigh any revenue losses from moving from charging for PSI to distributing it free of charge. Likewise the 2007 UK Power of Information Report estimated the amount of money generated by direct sales of information by UK trading funds to be much smaller than the wider value of PSI to the economy.[159] In Australia, economic modelling suggests that the use of spatial data and high precision positioning systems can increase productivity in the order of several billion dollars[160] across a range of industry sectors, such as:

- agriculture (grains and cattle);
- forestry;
- fisheries;
- property and business services;
- construction;
- transport;
- electricity, gas and water;
- mining and resources;
- resource exploration;
- communications; and
- government.

Of course the potential benefits of dealing with information are not isolated to the public sector. The 2008 UK Capgemini Information Management Report found that failure to properly exploit information assets was costing the UK private and public sectors a staggering £46 billion and £21 billion respectively.[161] These estimates are of

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[156] http://ec.europa.eu/information_society/policy/psi/mepsir/index_en.htm or http://tinyurl.com/y9xhc49.

[157] Note there is a wide range of estimates of the value that is generated from PSI owing to the immaturity of the field and divergent assumptions about what PSI is and what value generation is dependent on it. See Pira international for a different approach which estimates a much higher value of PSI.

[158] Supra note 20, pp. 13–15; see also Ed Mayo and Tom Steinberg, *Power of Information Review: an independent review,* Commissioned by the UK Cabinet Office, June 2007, p. 34–35 (last accessed: 25 June 2009). http://www.england-legislation.hmso.gov.uk/advice/poi/ or http://tinyurl.com/yb2fxg7.

[159] Ed Mayo and Tom Steinberg *The Power of Information Review: an independent review*, Commissioned by the UK Cabinet Office, June 2007, p. 34. http://www.england-legislation.hmso.gov.uk/advice/poi/ or http://tinyurl.com/yb2fxg7.

[160] Acil Tasman, (March 2008) 'The Value of Spatial Information: The impact of modern spatial information technologies on the Australian economy' available at http://www.crcsi.com.au/UPLOADS/PUBLICATIONS/PUBLICATION_324.pdf or http://tinyurl.com/yabjcof and Allen Consulting Group (November 2008) Economic benefits of high resolution positioning services. Final report (Proposed for Victorian Department of Sustainability and Environment and the Cooperative Research Centre for Spatial Information) http://www.crcsi.com.au/UPLOADS/PUBLICATIONS/PUBLICATION_348.pdf or http://tinyurl.com/y8e2csr

[161] Capgemini, 2008, "Failure to exploit information loses UK economy £67 billion a year" March 3rd at http://www.uk.capgemini.com/news/pr/pr1605. Accessed on 9th November 2009.

their nature imprecise. Yet their magnitude indicates the stakes involved. With an increasing number of the mobile phones it manufactures Global Positioning System enabled, Nokia expects services based on the locational information available to make up the main share of future revenues with drivers subscribing to real-time traffic information enabling them to anticipate traffic jams and/or check fuel prices in advance of choosing a petrol station.[162]

Box 4: John Quiggin on optimal pricing for Public Sector Information

On the one hand information wants to be expensive, because it's so valuable. The right information in the right place just changes your life. On the other hand, information wants to be free, because the cost of getting it out is getting lower and lower all the time.

This quote from Stewart Brand frames the debate on the pricing of Public Sector Information. But the term free is itself ambiguous in English. Public Sector Information can be 'free as in speech' that is, available for access, downloading and modification, without being 'free as in beer', that is given away for no charge, as is implied in the phrase 'free beer'. The terms '*libre*' and '*gratis*' are often used to refer to this distinction.

The central finding of this project is that, under the conditions created by Web 2.0, making information effectively freely available (*libre*) generally requires that it be provided free of charge (*gratis*). As the costs of disseminating and accessing information have declined, the transactions costs associated with charging for access to information, and controlling subsequent redistribution have come to constitute a major barrier to access in themselves. As a result, the case for free (*gratis*) provision of Public Sector Information is even stronger than has already been recognised.

From the transactions cost perspective, it is equally important that the provision of information should not be burdened with unnecessary restrictions on use, such as those associated with standard copyright. A good default choice, which provides for free (*libre*) use, protects this freedom in reuse and is consistent with free (*gratis*) pricing is the Creative Commons BY.

The work in this Project has shown how these points can be demonstrated, and estimates of the social loss associated with priced access to information derived, using a simple diagrammatic analysis of the kind familiar to undergraduate economics.

Personal correspondence in the course of a Project on the economic value of PSI.

One report completed for the European Commission offers the following breakdown of the economic value of PSI:

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[162] European Commission Staff. 2009, Working Document Accompanying document to the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the re-use of Public Sector Information – Review of Directive 2003/98/EC http://ec.europa.eu/information_society/policy/psi/docs/pdfs/directive/com09_212/staff_working_document.pdf or http://tinyurl.com/ylgrbau.

Table 2: Economic value of PSI in the European Union, 1999

Economic value of public sector information in the European Union, 1999 (EUR billion)

⬤ Geographical	35.8
⬤ Economic and social data	11.7
⬤ Business services	9.4
⬤ Other	7.4
⬤ Cultural	3.9
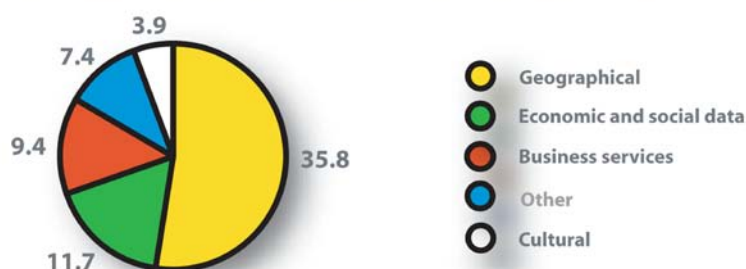
Recent moves towards the free distribution of PSI in Australia illustrate how much consumers of information respond to a zero price and thus how much benefit zero price distribution can generate.

The Australian Government announced its Spatial Data Access and Pricing Policy in September 2001 which was implemented over the six months to February 2002. The policy was "premised on the view that all fundamental spatial data should be freely available at no more than marginal cost of transfer in order to maximise the net economic and social benefits arising from its use".[163] The growth in use as a result of the policy – an average annual rate of over 40% which rose to over 200% in the third and fourth years is illustrated in the table below.

Table 3 - Growth in Spatial Data Delivered under free access

Year	Scheduled Dataset Units Delivered
2001-02	75,310
2002-03	83,049
2003-04	52,565
2004-05	219,821
2005-06	862,530

Source: Pollock, 2009, p. 35.[164]

The ABS has also been at the forefront of the movement within Australian Government to free up data, the result being a surge in its use going from around a million downloads per year in when data was sold to recover costs to over 4 million downloads a year in the first full year of free access.

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[163] http://www-ext.osdm.gov.au/osdm/policy/accessPricing_summary.html or http://tinyurl.com/yfnsxpo.

[164] Pollock, Rufus, 2009. *The Economics of Public Sector Information*, Cambridge Working Papers E 0920, May, p.35 http://www.econ.cam.ac.uk/dae/repec/cam/pdf/cwpe0920.pdf or http://tinyurl.com/yflehgx.

Table 4: Freeing up data drives strong demand growth at ABS
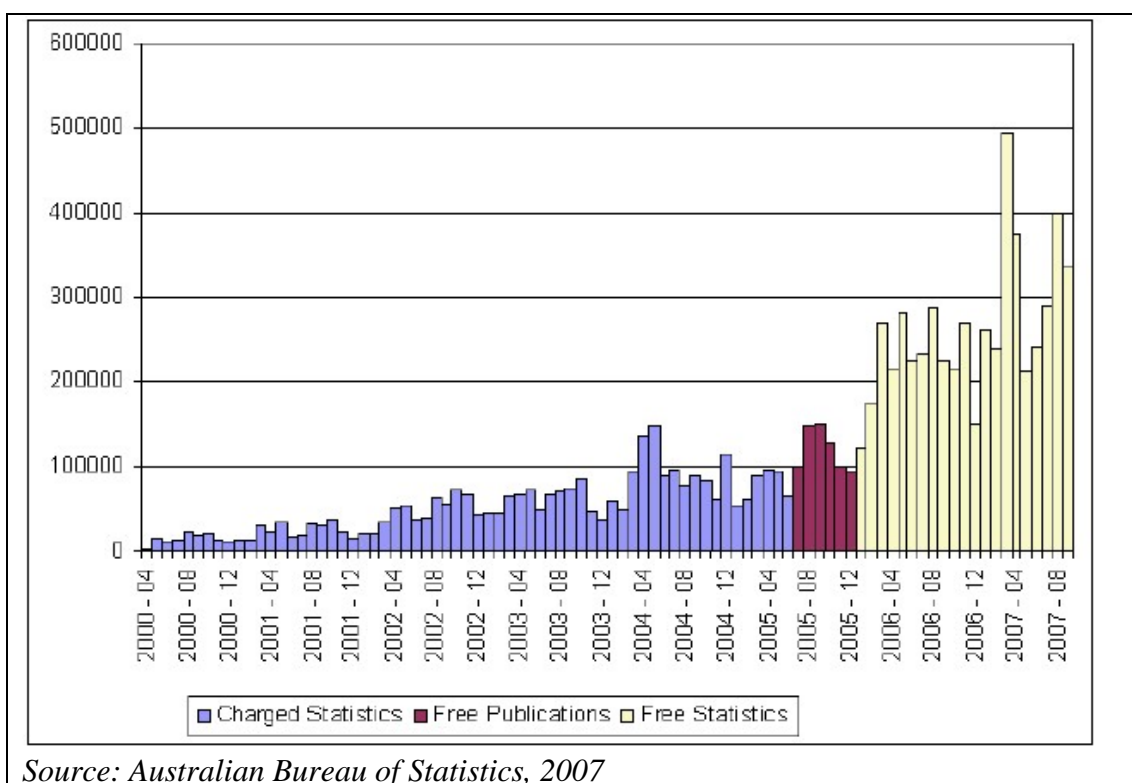
Source: Australian Bureau of Statistics, 2007

Box 5: Some economic advantages of open access to data

The United States makes complete weather data available to anyone at the cost of reproduction. . . . European countries, by contrast, typically claim government copyright over weather data and often require the payment of substantial fees. Which approach is better? . . . The US weather risk management industry, for example, is ten times bigger than the European one, employing more people, producing more valuable products, generating more social wealth. Another study estimates that Europe invests €9.5bn in weather data and gets approximately €68bn back in economic value - in everything from more efficient farming and construction decisions, to better holiday planning - a 7-fold multiplier. The United States, by contrast invests twice as much - €19bn - but gets back a return of €750bn, a 39-fold multiplier. Other studies suggest similar patterns in areas ranging from geo-spatial data to traffic patterns and agriculture. "Free" information flow is better at priming the pump of economic activity.

James Boyle, 2005.[165]

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[165] James Boyle: 2005. Public information wants to be free, *Financial Times,* February 24
http://consommacteurs.blogs.com/pg/files/FreePublicInfo.pdf or http://tinyurl.com/yl8vjdv. Original reference can be found here
.http://books.google.com/books?hl=en&lr=&id=a0AbDHMb5rAC&oi=fnd&pg=PA137&dq="borders+in+cyberspace"&ots=Rba8jsGD2l&sig=Ybt4uynggQj6MzNzyBIa0W-uayY#v=onepage&q=%22borders%20in%20cyberspace%22&f=false or http://tinyurl.com/ykll3qc.

1.15 Social Benefits of PSI

Many of the social benefits derived from PSI are not quantifiable in strict economic terms but they improve our lives in myriad ways. Australia's cultural institutions, such as the NLA, the Powerhouse Museum in Sydney, the Australian War Memorial and the NAA, have all have made extensive parts of their collections available online, and freely available. They are all using Web 2.0 tools and engaging the community to improve their collections.

Most of the examples in this section are a perfect illustration of the intrinsic connection between open access to PSI and online collaboration. For open access online not only optimises the extent to which the information or 'content' can be encountered by the public but, if given the change the public invariably add great value not just by detecting and correcting errors, but by contributing content of great value themselves.

For example, as the NAA explained in its submission to this inquiry, its website "Mapping our Anzacs"[166]:

> "... was built quickly on a small budget, with resultant limitations in terms of usability, but it indicates the potential for citizen collaboration. In nine months, the Archives has received hundreds of corrections to the names of service personnel, next of kin, and places of birth and enlistment, and 1800 public contributions to the digital scrapbook have extended and enhanced the archival account of World War I service. Additionally, feedback via the site suggests that the public is willing to do more, including offers from individuals to undertake bulk data correction…The Mapping our Anzacs experience suggests that exposing the public to government processes – rather than limiting their exposure to finished products – can be intrinsically motivating for public users, making them feel honoured to be trusted to help and appreciative of the opportunity to be involved."[167]

Since 2007, the NLA has had historic Australian newspapers[168] scanned and digitised by optical character recognition software. It has then published the resulting text on the web in such a way as to permit the public to correct errors[169] produced by the optical character recognition software. The result has been spectacular:

- In the first month of use over 200,000 lines of text were corrected. Today over six million lines of text have been corrected;

- At no point since early in the program has there been a time when text correction is not taking place. It continues 24 hours a day 7 days a week;

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[166] http://mappingouranzacs.naa.gov.au/.

[167] National Archives of Australia , Submission to *Towards Government 2.0: An Issues Paper, p.19* http://gov2.net.au/submissions/.

[168] http://newspapers.nla.gov.au/ndp/del/home.

[169] The site http://newspapers.nla.gov.au/ndp/del/home has a league table of "Top Text-Correctors". As at 10 Nov 2009 2100 the list was headed by jhempenstall with 288,593 corrections.

- 78% of users are based in Australia but there is a growing international community with users in the UK, US, NZ and Canada. One of the top ten correctors was based in US; and

- No vandalism of text was detected in six months so no roll back to previous versions or moderation was required.[170]

As a major volunteer contributor to the NLA's Newspaper Digitisation Program explained it to the Taskforce:

> Yes it can be addictive. For me I value the opportunity to leave my own slight impression or watermark upon Australian historiography.

> In the history of the National Library of Australia the Newspaper Digitisation Program may well be seen as a watershed in how the institution very successfully (and accidentally) reached out to the user population, and received a level of commitment and engagement that was beyond belief.

Similar projects aimed at improving, expanding and adding value to PSI are happening outside Australia, for example, *Your Archives* was launched in beta in April 2007 by The National Archives in the UK. It is a wiki that allows people to submit both articles about historical subjects and articles about records in The National Archives' collection. People can also use the site to collaborate with others on research projects and can edit other pages. The site does however retain a number of restrictions on the use of its data[171].

In education in Australia we are relying increasingly on students choosing their preferred tertiary education institutions and even their local primary and secondary schools. Yet we actively hide information from parents and students about the quality of those institutions. We collect information at substantial public cost but then suppress the information so it cannot be accessed by students eager to use it to determine which institutions offer the best service for them. By contrast in the UK similar information is available to students creating obvious incentives for schools to improve their performance.[172]

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[170] Holley, Rose, 2009. "Many Hands Make Light Work: Public Collaborative OCR Text Correction in Australian Historic Newspapers, National Library of Australia. March http://www.nla.gov.au/ndp/project_details/documents/ANDP_ManyHands.pdf or http://tinyurl.com/yk34add. Museums and archives are inviting the public to correct and enrich their collections with their own knowledge and artefacts.

[171] The Terms and Conditions of *Your Archives* state that the content of *Your Archives* may only be used for personal, non commercial purposes. It also does not permit copying and pasting extracts from *Your Archives* into other online sources. Users may only hyperlink to the relevant part of *Your Archives* rather than including pages from *Your Archives* in frames on their site. All pages from *Your Archives* must load into the user's entire window. http://yourarchives.nationalarchives.gov.uk/index.php?title=Your_Archives:General_disclaimer or http://tinyurl.com/yc2ljk9.

[172] www.unistats.com. Note: The relevant student opinion information is released in the UK – unlike in Australia – but it is still released subject to copyright which prevents others adding value to it without permission. Gruen 2008 argues that substantial additional value could be added to it and it is likely that some of this would be added if the data were permissively licensed.

1.16 Taskforce use of PSI

Through its MashupAustralia contest the Taskforce sought to provide a practical demonstration of how an open access approach to Australian PSI could be achieved and the benefits it can generate.[173] In conjunction with the contest, the Taskforce worked with 15 Australian Government agencies and, through the Online Communications Council's Digital Economy Working Group, with state and territory governments to release over 50 datasets on licensing terms and in formats that permit and encourage use and reuse at data.australia.gov.au[174].

A summary of the results of the contest is in Box 6.

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[173] http://mashupaustralia.org/about/.

[174] http://data.australia.gov.au/.

Box 6: Hack, Mash and Innovate!

The Taskforce invited web developers and designers to show why open access to Australian Government information is good for our economy and society by holding the "MashupAustralia" contest. Cash prizes of up to $10,000 were offered for "excellence in mashing" and special prizes were offered for students and the "data transformation challenge".

To support MashupAustralia, the experimental site *data.australia.gov.au* was launched to host the 68 datasets made available for the contest by federal and state agencies under a Creative Commons Attribution 2.5 Australia (CC BY) licence. Datasets already available under CC BY or equivalent terms (such as the ABS catalogue) were also available to competitors.

One of the early lessons learnt was that most government datasets aren't available in "mashable" formats, so the Taskforce added a "data transformation challenge" to the contest to reward entrants who put in extra effort to enhance datasets or convert them from proprietary and Web 1.0 formats like CSV into formats which more readily facilitated transformation on Web 2.0 like RDF, XML, JSON and KML.

MashupAustralia was greeted with overwhelming support from the web community and this enthusiasm was also evident in the 'hack' events that were held in Sydney, Melbourne and Canberra with the support of Google, Microsoft, Lonely Planet, OpenAustralia, CSIRO and others.

The Taskforce also commissioned the organisers of the highly successful Web Directions Conferences to host a Government endorsed hack day in Canberra called "GovHack" at which over 100 developers collaborated on their mashups with support from international and local mentors, including hack day veterans Matthew Cashmore (Lonely Planet) and Tom Coates (Yahoo! US).

In addition to generating some high quality entries for MashupAustralia, GovHack also gave developers the opportunity to interact with some of the public servants who manage the datasets, and it was clear that there was much that these two communities can learn from each other.

In total over 82 entries were submitted for MashupAustralia, which is fantastic in a five week timeframe and well on par with other mashup contests globally.

5. The policy context

1.17 Freedom of Information (FOI)

The Ministers announcing this Taskforce noted that it:

> "... builds on our FOI reforms to date by seeking to free up government data and information to enhance government accountability. It will also allow business and others to innovate with government information so that it is more useful and compelling to others."[175]

The *Freedom of Information Act 1982* (FOI Act) , introduced by the Fraser Government in 1982 and subsequently by all States, allows members of the public to access information held by government, though significant quantities of information are either exempt or excluded from access. The underlying rationale for exemption is that the public interest in access to documents is, in some cases, outweighed by the public interest in maintaining their confidence, e.g. in the case of documents containing information that, if publicly released, would damage the defence of the Commonwealth or reveal Cabinet deliberations.

The Rudd Government has committed to reform the practice of FOI[176] and in November 2008 put forward the first stage of its FOI reform agenda. The *Freedom of Information (Removal of Conclusive Certificates and Other Measures) Act 2009* subsequently commenced on 7 October 2009, and repealed the power to issue conclusive certificates in the FOI Act and the *Archives Act 1983*. Changes to the fees and charges associated with FOI requests have also been put forward in March 2009 via the *Freedom of Information (Fees and Charges) Amendment Regulation* which seeks to reduce or make free of charges applications for some government information.

The second stage of the reform agenda will seek a number of changes to the legislation underpinning the release of government information via two new bills, the Information Commissioner Bill 2009 and Freedom of Information Amendment (Reform) Bill 2009, which in their proposed forms, create a new Australian Government Office of the Information Commissioner[177] and amend the FOI Act and Archives Act[178]. Although the second stage of the legislative reform is yet to be passed by Parliament, and may therefore be subject to amendments and changes during its passage, the Taskforce strongly endorses in principle the nature of the changes in the reform agenda, and considers legislative reform an essential precursor and enabler to Government 2.0.

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[175] The Ministers' Media Release announcing the Taskforce is at
http://www.financeminister.gov.au/media/2009/mr_352009_joint.html or http://tinyurl.com/ycuu6y4.

[176] Freedom of Information (FOI) Reform details at http://www.dpmc.gov.au/consultation/foi_reform/index.cfm or http://tinyurl.com/y95mlec.

[177] Bill available at
http://www.dpmc.gov.au/consultation/foi_reform/docs/information_commissioner_bill_2009_exposure_draft.pdf
or http://tinyurl.com/ya43rqd.

[178] Bill available at http://www.dpmc.gov.au/consultation/foi_reform/docs/FOI_reform_bill_2008-Exposure_Draft.pdf or http://tinyurl.com/yhq733r.

In particular, the Taskforce endorses the FOI reforms focus on:[179]

- Ensuring that the right of access to documents under the FOI Act is as comprehensive as it can be, limited only where there is a stronger public interest in withholding access to documents;

- Giving greater weight to the role that the FOI Act serves in the pro-active publication of government information; and

- Introducing structural reforms, including creating a new Australian Government Office of the Information Commissioner, to provide a platform for system wide information policy development across government.

The Taskforce is particularly encouraged that amendments to the objects clause of the FOI Act are proposed, putting forward a strengthened underlying rationale of the Act. The proposed new objects clause will read as follows:[180]

- The objects of this Act are to give the Australian community access to information held by the Australian Government, by:

    (a) requiring agencies to publish the information; and

    (b) providing for a right of access to documents;

- The Parliament intends, by these objects, to promote Australia's representative democracy by contributing towards the following:

    (a) increasing public participation in Government processes, with a view to promoting better informed decision making;

    (b) increasing scrutiny, discussion, comment and review of the Government's activities;

- The Parliament also intends, by these objects, to increase recognition that information held by the Government is to be managed for public purposes, and is a national resource;

- The Parliament also intends that functions and powers given by this Act are to be performed and exercised, as far as possible, to facilitate and promote public access to information, promptly and at the lowest reasonable cost.

The Taskforce understands that these proposed amendments signal that the intention of the FOI reform is to promote Australia's representative democracy by increasing public participation in government processes, with a view to promoting better-informed decision making and increasing scrutiny, discussion, comment and review

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[179] Letter from Senator Faulkner to Secretaries, dated 30 April 2009, "Open Government And Freedom Of Information", available at www.cabinetsecretary.gov.au/media/2009/docs/Letter_to_Secretaries_FOI.rtf or http://tinyurl.com/yfaafcl.

[180] Letter from Senator Faulkner to Secretaries, dated 30 April 2009, "Open Government And Freedom Of Information", available at www.cabinetsecretary.gov.au/media/2009/docs/Letter_to_Secretaries_FOI.rtf or http://tinyurl.com/yfaafcl.

of the Government's activities. Both of these objectives are central to Government 2.0 thinking and practice. Thus if passed through parliament as proposed, the amended FOI legislation will provide a solid basis upon which to build Government 2.0 in Australia.

A central objective of the Government's FOI reform agenda is "to increase recognition that information held by the Government is to be managed for public purposes, and is a national resource."[181] Discussion of PSI as a national resource is at Chapter 4.

The new FOI principles of openness, transparency and accountability, when adopted by the APS, are an essential precondition for many of the goals of Government 2.0 to be met.

1.18 Proposed new Australian Government Information Commissioner

Following the first stage FOI reforms undertaken by the Government in November 2008, (see section 7.1 Freedom of Information (FOI)), proposed changes to legislation still being considered by Australia's Parliament include a Bill (Information Commissioner Bill 2009) outlining the establishment of a new statutory function in the form of an Australian Government Office of the Information Commissioner, to ensure that the Government's policy of establishing a pro-disclosure culture and open government is delivered.[182]

In light of the fact that the proposed legislation outlines a new Office of the Information Commissioner (OIC), within which a newly created Freedom of Information Commissioner position will sit, the Taskforce is encouraged that a more permissive approach to information management and government engagement appears likely. The establishment of the proposed new Information Commissioner function will create the structural and functional basis for a Government 2.0 agenda. In particular, the Freedom of Information Amendment (Reform) Bill 2009 (FOI Amendment Act) acknowledges that the functions and powers given by the legislation "are to be performed and exercised, as far as possible, to facilitate and promote public access to information, promptly and at the lowest reasonable cost."

Within the context of Government 2.0, the proposed responsibilities listed below are considered by the Taskforce to be important mechanisms to drive cultural change in the APS with regard to information disclosure and release[183]:

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[181] Freedom of Information (FOI) Companion Guide, p10, available at http://www.dpmc.gov.au/consultation/foi_reform/docs/Companion_Guide.pdf or http://tinyurl.com/yjbu3g4.

[182] The Information Commissioner Bill can be found at http://www.pmc.gov.au/consultation/foi_reform/index.cfm. or http://tinyurl.com/d7ywkt

[183] The Information Commission Bill gives the Information Commissioner three function, namely the 'information commissioner functions' which are concerned with reorting to government on broader government information management, the 'FOI functions' which are responsibilities relating to oversighting the FOI Act and the 'privacy functions' which are responsibilities relating to privacy including under the Privacy Act.

- The Information Commissioner is to report to the Minister responsible for the Information Commissioner legislation on broader information management matters (beyond FOI and privacy). The Information Commissioner is to be assisted in this function by an Information Advisory Committee comprising senior officials from key agencies and suitably qualified persons external to government;

- The Information Commissioner also has a number of responsibilities in connection with the proposed new agency information publication scheme, including assisting agencies to identify and prepare information for publication and to issue guidelines for that scheme. It could be expected that the Information Commissioner's broader information management functions, as supported by the Advisory Committee, would continuously inform responsibilities for the information publication scheme;

- It is proposed that the new Freedom of Information Commissioner will have investigative powers with respect to complaints in relation to agencies' adherence with the new FOI legislation. Specifically, new processes are proposed whereby the Information Commissioner would have discretion to investigate an action taken by an agency in the performance of its functions or exercise of its power under the FOI Act, and/or investigate agencies' conduct upon complaint by a member of the public. The Information Commissioner would then be empowered to issue a notice on completion of his/her investigation, which may include recommendations that the agency should implement, or take further steps if he or she is not satisfied these recommendations are properly implemented (for example, reporting the matter to the relevant Minister). The Taskforce considers the proposed investigative powers appropriate;

- The Information Commissioner Bill 2009 proposes that the Information Commissioner will have a review and reporting function with respect to how agencies are complying with the Information Publication Scheme and the Australian Government's policy and practice with respect to information management and the systems used for information management. The Taskforce supports the establishment of a robust review and reporting function, and notes that the lessons generated are likely to capture considerable value (for example in ongoing policy development, agency benchmarking) for agencies and the new Office of the Information Commissioner alike.

In their submission in response to the Issues Paper, the NSW Young Lawyers noted that:

"Many state and territory governments utilise the role of an Information Commissioner which operates to promote access to government held information and the protection of personal and other sensitive information held by governments. However, such a role appears reactionary – ensuring compliance with laws by government departments and monitoring and reporting on the performance of government agencies. In order for government to better administer access to PSI and overcome any perceived

cultural challenges around disclosure of PSI, government could utilise the office of the Information Commissioner to take a more proactive step in the identification of information to be made available, and the appropriate disclosure and maintenance of such information, according to national (or international) standards."[184]

In a similar vein, in their submission, the NAA saw areas where they and the proposed new Office of the Information Commissioner could work collaboratively to help deliver Government 2.0, observing that:

"There are three primary areas where Archives and the [proposed] OIC could work collaboratively:

- coordination of government information management policy, guidance and practice through the OIC Information Advisory Committee, recognising the Archives' status as a lead agency in government information management;

- development of guidelines for the publication of information in the public domain, consistent with the proposed FOI Act reforms, with the consequent realisation of associated recordkeeping issues in the short and long term; and

- development of best practice in the management and appropriate publication of information released to the public arising from individual FOI applications.

The Archives and the [proposed] OIC and other relevant agencies, should develop strong cooperative and collaborative links both within the Information Advisory Committee, and separately with the Archives as a lead agency in this area. Development of such links will augment the development and delivery of Government 2.0 to all Australians."[185]

Australia can potentially learn from the experience that the UK Government has had with their Information Commissioner and The National Archives in UK working together. In their submission NAA noted that:

A Memorandum of Understanding between the United Kingdom Information Commissioner and the United Kingdom National Archives sets out how they will work together on promoting and monitoring a code of practice, issued under the Freedom of Information Act, which prescribes good practice in records management and applies to all FOI authorities and other bodies subject to the Public Records Act 1958. This could serve as a good model for

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[184] NSW Young Lawyers, Submission to *Towards Government 2.0: An Issues Paper,* p 4, http://gov2.net.au/submissions/.

[185] National Archives of Australia, Submission to *Towards Government 2.0: An Issues Paper,* p 21, http://gov2.net.au/submissions/.

cooperative arrangements between the National Archives of Australia and the proposed Office of the Information Commissioner.[186]

Taken together, the reforms to FOI and related legislation already made in conjunction with the proposed reforms to be considered by Parliament in 2010, are likely to create within the Australian Government a statutory office which has as its objectives key elements of the Government 2.0 agenda.

The Taskforce notes that the creation of an Office of the Information Commissioner empowered to adopt a proactive approach towards achieving "wholeofgovernment" information management would be an important enabling step toward greater recognition that government information is a national resource to be used for public purposes.

1.19 What Public Sector Reform is happening in the Australian Public Service (APS) and how will it impact on Government 2.0?

1.19.1 Reform of Australian Government Administration

On 3 September 2009, the Prime Minister, the Hon Kevin Rudd MP, announced the formation of an Advisory Group on Reform of Australian Government Administration (the Moran Review) with the Secretary of the Department of the Prime Minister and Cabinet, Mr Terry Moran AO, as Chair.[187]

The Advisory Group will deliver a blueprint for reform of Australian Government administration by early 2010. The blueprint will outline steps needed to rejuvenate the APS and enable it to serve the government of the day in addressing the challenges facing Australia in the 21st century.

The Advisory Group has released a discussion paper that canvasses a number of issues and raises a series of questions for discussion with the Australian people and public service. The paper indicates that the Advisory Group's discussion will framed by the government's stated expectations of the public service:

1.   Having a values-driven culture that retains public trust;

2.   Providing high-quality, forward-looking and creative policy advice;

3.   Delivering high-quality programs and services that put the citizen first;

4.   Providing flexible and agile responses to changing realities and government priorities; and

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[186] National Archives of Australia Submission to *Towards Government 2.0: An Issues Paper,* pp 21-22, http://gov2.net.au/submissions/.

[187] See http://www.pmc.gov.au/consultation/aga_reform/index.cfm for detailed information.

5.   Being effective and efficient in all operations.[188]

The discussion paper also notes that:

> The fundamental purpose of the APS has remained constant [since federation]. With strong roots in the Westminster system, the APS:
>
> - Serves the government of the day, including by striving to be a professional and rational advocate of ideas that are in the best long-term interests of Australia;
>
> - Fulfils important accountability responsibilities, through Ministers, to the Parliament; and
>
> - Serves the public, within the policy and program framework determined by the government[189]

The Moran Review has mooted an aspiration for the public service in which it strives to put "Australia and Australians at the centre of everything we do". Web 2.0 tools and approaches provide one of the most powerful ways of achieving that goal we have. Government 2.0 can provide Australians with unprecedented opportunities to collaborate in a wide range of functions of government and to be more actively consulted about others.

1.19.2 Review of the National Innovation System

The report on the Review of the National Innovation System, Venturous Australia—Building Strength in Innovation (the Cutler Review), was released by the Minister for Innovation, Industry, Science and Research, Senator the Hon Kim Carr, on Tuesday, 9 September 2008. The Review, undertaken by Dr Terry Cutler and an expert panel, received over 700 submissions from a wide range of stakeholders and held consultation sessions around Australia.

The report identified that Australia's innovation system requires renewal, refurbishment, recasting and, where necessary, re-imagining, and included 72 recommendations.

The recommendations cover a wide cross-section of the innovation system. They include:

- Increasing funding for publicly funded research agencies;

- The replacement of the Research and Development (R&D) Tax Concession with a Tax Credit system; and

- A new competitive innovation grants programme for industry.

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[188] Reform of Australian Government Administration: Building the world's best public service, pg 8 available at http://www.pmc.gov.au/consultation/aga_reform/docs/reform_aust-govt_admin.pdf or http://tinyurl.com/yfuaq55.

[189] Reform of Australian Government Administration: Building the world's best public service, pg 1 available at http://www.pmc.gov.au/consultation/aga_reform/docs/reform_aust-govt_admin.pdf or http://tinyurl.com/yfuaq55.

The report also covers areas viewed as critical for improving the innovation system, such as human capital, innovation in the public sector, government procurement, and governance issues.

The Government is considering the recommendations of the report, as well as the comments and feedback received, in its development of a White Paper on Innovation. The White Paper will provide a robust 10-year framework to develop innovative performance across all areas of Australia's national innovation system. The White Paper is due to be delivered early 2010.[190]

This review impacts directly on the work of the Government 2.0 Taskforce. The review made recommendations relating to innovation and the use of Web 2.0 technology in the broad economy and in government that have directly influenced the considerations of the Government 2.0 Taskforce.

1.19.3 Advancing Public Sector Innovation

Arising from the Cutler Report, the Department of Innovation, Industry, Science and Research (Innovation) is leading a cross-government project to investigate how to advance innovation within and by the public sector under the auspices of the Management Advisory Committee (MAC). The project is expected to report the MAC by the end of 2009.[191]

The project will develop recommendations and a strategy for how the public sector can foster an innovation culture that tackles barriers to innovation and shares and rewards innovative practices. It will look at how the public sector can:

- Encourage 'bottom-up' innovation;

- Use new technologies and platforms to increase collaboration and to facilitate, disseminate and promote innovative practices;

- Identify and address barriers to public sector innovation;

- Use innovative mechanisms such as pilots and trials;

- Draw on external expertise and ideas from citizens and stakeholders; and

- Use the above measures to improve service delivery.

This project and the Taskforce's work are complementary and the team undertaking MAC project has worked closely with the Taskforce.

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[190] The Report can be downloaded from the Department of Innovation, Industry, Science and Research's web site at http://www.innovation.gov.au/innovationreview.

[191] See http://www.pmc.gov.au/consultation/aga_reform/index.cfm for detailed information.

1.19.4 APSC interim protocols on online media participation

Interim protocols were published by the APSC in December 2008[192]. Their intention was to provide interim guidance to agencies and public servants using, or planning to use, online media to communicate with clients and stakeholders. However they were widely viewed as not encouraging public servants to use social media.

The APSC has consulted widely, including with the Taskforce on new guidelines[193] with a focus on encouraging public servants to grasp the opportunities that social media provide whilst staying true to APS Values and Code of Conduct. The revised guidelines recognise the opportunities that Web 2.0 provides for public servants to open up government decision making and implementation to contributions from the community.

The Taskforce was very pleased to see the APSC's new Guidelines. The Guidelines are provided in Box 7.

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[192] http://www.apsc.gov.au/circulars/circular088.htm
[193] http://www.apsc.gov.au/circulars/circular096.htm

Box 7: New APSC Guidelines for online engagement by public servants

Web 2.0 provides public servants with unprecedented opportunities to open up government decision making and implementation to contributions from the community. In a professional and respectful manner, APS employees should engage in robust policy conversations.

Equally, as citizens, APS employees should also embrace the opportunity to add to the mix of opinions contributing to sound, sustainable policies and service delivery approaches. Employees should also consider carefully whether they should identify themselves as either an APS employee or an employee of their agency.

There are some ground rules. The APS Values and Code of Conduct, including Public Service Regulation 2.1, apply to working with online media in the same way as when participating in any other public forum. The requirements include:

• being apolitical, impartial and professional;

• behaving with respect and courtesy, and without harassment;

• dealing appropriately with information, recognising that some information needs to remain confidential;

• delivering services fairly, effectively, impartially and courteously to the Australian public;

• being sensitive to the diversity of the Australian public;

• taking reasonable steps to avoid conflicts of interest;

• making proper use of Commonwealth resources;

• upholding the APS Values and the integrity and good reputation of the APS.

APS employees need to ensure that they fully understand the APS Values and Code of Conduct and how they apply to official or personal communications. If in doubt, they should stop and think about whether to comment and what to say, refer to the Code of Conduct, consult their agency's policies, seek advice from someone in authority in their agency, or consult the Ethics Advisory Service in the Australian Public Service Commission.

Agencies may find it helpful to provide guidance and training to employees in using ICT resources, including personal use, the use of social media, and any rules or policies about representing their agency online. It would be particularly helpful to workshop scenarios around some of the more complex or 'grey' issues that arise for employees in deciding whether and how to participate online, in the performance of their duties or otherwise, consistent with the above principles.

6. Challenges to greater online collaboration

> Will Rogers famously said that "everybody is ignorant, just on different subjects." But one of the lessons of modern social media is that the reverse is also true: everyone is knowledgeable, just on different subjects. And social media provides unique ways to tap into that knowledge.
>
> Bittle, Haller and Kadlec.[194]

The remaining chapters of this report consider the challenges which must be met if we are to achieve all that Government 2.0 promises. This chapter considers the need for whole of government co-ordination and leadership through a single government agency. The remainder of this chapter and subsequent chapters consider:

- Challenges to greater online collaboration by government agencies and their officers;

- Challenges to achieving open PSI; and,

- Other issues and challenges.

The Taskforce's recommendations follow from its consideration of the challenges and obstacles in our way at present.

1.20 The need for systematic changes to policy and culture: the case for 'whole of government' management

A paradox looms large in our understanding of the dilemmas of Government 2.0.

All the most prominent Web 2.0 platforms are available for free on the internet and essentially function as community assets or public goods.[195] Yet remarkably, though a central rationale for governments is the provision of public goods because individual firms have insufficient incentive to do so, none of the major public goods of Web 2.0 have been built by governments.[196]

Not only have governments been largely absent in building Web 2.0 platforms, they are experiencing great difficulty in taking to the new medium. Web 2.0 evolved from the thousands of experiments in building value on the web. The culture that emerged was perfectly suited to capturing the extraordinary possibilities of this most creative,

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[194] Scott Bittle, Chris Haller and Alison Kadlec, 2009, "Promising Practices In Online Engagement" at http://www.publicagenda.org/pages/promising-practices-in-online-engagement or http://tinyurl.com/nty9fw.

[195] The technical definition of a public good in economics is that it is available to all without exclusion and the consumption of the good by one party does interfere with its consumption by another. Classic public goods in economics textbooks are defence and lighthouses. (Web 2.0 platforms are typically super public goods because the value of the network rises with each participant.).

[196] Though the public good lies at the centre of the system, the initial engineering of the internet itself and some of the fundamental software of the worldwide web have been projects of government. Other public goods of Web 2.0 have been built by the commercial sector and by individuals or organisations not primarily motivated by profit.

flexible and adaptive of mediums – personal, immediate, provisional and, in consequence, informal. All these things mean that mistakes in the Web 2.0 world can be and are made readily but they are equally readily corrected, sometimes by the original contributor, sometimes by other users.

The practice of Government, generally stands in contrast to this approach. Instead of being immediate, government announcements and actions can take some time to be forthcoming while all possible stakeholders are consulted and points of view are considered. Instead of being informal, government-speak is quite formal with each word chosen very carefully. Government processes are set up to minimise, if not completely avoid, the chance of making a mistake.

The significance of this state of affairs for the task at hand is substantial. For the existing ways of working are ingrained and supported not just by an array of long standing and mutually reinforcing policy settings but by a well established set of preferences, practices and tacit understandings. In short, for Government 2.0 to properly emerge we need to change the ways we develop policy in a coordinated way and we need a transformation in culture in order to achieve this. This task cannot be done in a piecemeal way. Rather it is necessary for direction to be given by those with a 'wholeofgovernment' authority and accountability to coordinate action and deliver the required changes,. As the draft of a consultancy report to the Taskforce on entrenching Government 2.0 has observed:

> "... the range of interest and accountabilities engaged is very broad. This obviously reflects the breadth of the cultural change agenda mentioned in many places in this report. It also reflects the stage in the change process where both behaviours and ownership are not yet embedded in the line and have yet to become "the way we do things round here". In the meantime, concerted effort from a range of agencies at the centre of government is needed to drive the required cultural and institutional shifts.[197]

> The very breadth of interests engaged does, however, give rise to two key questions:

> 1. Who within government at a department/agency level owns and is ultimately accountable for delivery of the broad Government 2.0 agenda after the Taskforce winds up in December 2009?;

> 2. Are existing roles and responsibilities clear for critical elements of delivery of Government 2.0 and are there any roles that are missing or that require strengthening/clearer specification?

The Taskforce is particularly concerned that these questions be properly addressed and for that reason makes the following recommendation:

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[197] Project 13: Gov 2.0 Governance and Institutions: Embedding the 2.0 agenda in the APS, Mike Waller, Heuris Partners Ltd. Similar approaches have been adopted in relation to a range of other cross cutting issues at Commonwealth and State level, e.g. in relation to gender and other equity issues, climate change, sustainable development which have progressed from central agency pre-occupations towards broad accountability across line agencies. The same has been true of health and safety performance in companies.

Recommendation 2 – Coordinate with leadership, guidance and support

An existing agency should be appointed lead agency with overall responsibility for Government 2.0 policy and advancing the Government 2.0 agenda providing leadership, guidance and support to agencies and public servants on Government 2.0 issues:

- Its work program should be developed in consultation with relevant agencies, for example Department of the Prime Minister and Cabinet, the proposed new Office of the Information Commissioner, Department of Finance and Deregulation, the Australian Public Service Commission, National Archives of Australia, Australian Bureau of Statistics, Department of Broadband, Communications and the Digital Economy, through a Government 2.0 Steering Group[198].

1.21 Getting to first base: accessing the tools

Until there's clear guidance from the government and from central agencies that not only is it OK for public servants to engage online (within the appropriate framework) – but that they are encouraged and empowered to do so and cannot be marginalised, bullied or otherwise sidelined by their superiors for engaging appropriately – we are not going to get far with Government 2.0 in Australia.

Craig Thomler. [199]

Access to work tools like web-based email, collaborative work spaces and instant messaging create powerful new possibilities for collaboration particularly where collaborators are physically apart. Likewise Twitter, Facebook and blogs provide access to professional information and conversation. Yet not enough public servants have work access to these building blocks of Government 2.0. None of the public servants on the Taskforce or members of the secretariat had access to instant messaging despite the fact that it was an important collaborative tool for other Taskforce members, and several public servants when working from home.

One public servant responded to the invocation for public servants to "feel free and encouraged to engage in robust professional discussion online" as follows:

Ha – we can't get to FaceBook, YouTube, Flickr, or most common discussion forums where I work.[200]

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[198] This is not to preclude the possibility of one of the listed agencies being or including the lead agency.

[199] Craig Thomler, Australian Public Servant and blogger. 31st October 2009, Taskforce Blog at http://gov2.net.au/blog/2009/10/21/if-you-could-start-with-a-blank-sheet-of-paper…/#comment-3260 or http://tinyurl.com/ylh5yps.

[200] Public Servant, Taskforce Blog, 23rd Oct 2009 at http://gov2.net.au/blog/2009/10/21/if-you-could-start-with-a-blank-sheet-of-paper%e2%80%a6/#comment-2607 or http://tinyurl.com/yze5tps.

On the Department of Broadband, Communication and the Digital Economy's Future Directions of the Digital Economy blog: Another public servant observed:

> One of the most important enablers of access to the "digital economy" is a broadband internet connection. Yet, even many government departments are faced with inadequate connectivity. The ACCC, for example, shares a paltry 4mbit connection between 600 staff members.
>
> The "Digital Economy blog team" themselves have validated YouTube as an important part of the internet. Employees at many government departments aren't able to view your YouTube channel because the site has been blocked.
>
> How does DBCDE hope to bring the "digital economy" to Rural Australians when the government can't even bring it to its own employees?[201]

As a practical matter, the lack of access to the tools makes online engagement impossible. As one public servant commented, having been referred to the Taskforce's blog: "Just tried to hit the link you included ..This site has been categorised as "Political/Activist Groups/Blogs/Personal Pages".[202] In addition networks grow in usefulness as they gain members so each public servant absent from the network degrades its usefulness for others. Further demand for such tools is also a function of their supply, because people learn how to use them and their potential usefulness *by using them.*

Sometimes it is difficult to build access to all Web 2.0 tools for legitimate security reasons. Thus for instance web-mail typically uses encrypted tunnels which may necessitate expensive additional investment to secure against malware. But some reasons which cite security for not giving access are less convincing. For instance social networking tools are frequently taken to raise risks of people voluntarily disclosing confidential information. Management also often consider such tools to facilitate time wasting. Yet employees have any number of opportunities to leak confidential information should they be so minded. An inability to control time wasting looks more like a management problem than a good reason to forsake the productive use of Web 2.0 tools. In each case if necessary, conduct on the internet can be kept under much closer surveillance than most employee activities.

1.22 Online engagement

Engagement is the central theme of this report. It deals with the connection of people to information so that knowledge assets can be re-used to create new and often unexpected value. It deals as well with the growing opportunities for more effective collaboration with citizens in different dimensions of government – policy development, regulatory reform, program and service design. The promise of

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[201] Public Servant, 10 December 2008, Digital Economy Blog at http://www.archive.dbcde.gov.au/2009/july/future_directions_blog/topics/digital_economy_benefit/public_servant or http://tinyurl.com/ykltrf7 .

[202] http://apsozloop.ning.com/xn/detail/3812050:Comment:1530. or http://tinyurl.com/ydt7n6l. [203] http://www.mosman.nsw.gov.au/web/external/twitter

Government 2.0 is to lift the quality and impact of engagement with the business of governing.

That promise raises questions both for public sector agencies and for public servants:

- How can agencies harness the potential of Web 2.0 tools to make their interaction with the public and others outside the agency more mutually rewarding, satisfying and productive?; and

- What opportunities does Web 2.0 create to improve the work of individual public servants? How can the tools best leverage their existing expertise, further develop that expertise, improve the quality of their deliberations, extend the range of their information sources and improve the skill and ease with which they assess issues and offer possible solutions?

1.22.1 Online engagement by agencies

To achieve Government 2.0 agencies need to:

- Take much greater advantage of tools and practices to capture the expertise and experience of citizens, service users and front-line public service workers to enrich the knowledge from which public policy and service delivery decisions are made;

- Use Web 2.0 tools as a major contribution to the task of refreshing and renewing the public service as a critical institution in Australia's governance;

- Recognise that the more open and connected techniques of communication and knowledge sharing should also fuel innovation in the search for new responses to the difficult policy challenges of a complex, networked world; and

- Use these tools internally to engage with their own staff and with staff across the public service.

However there is growing evidence from Australia and around the world that public sector agencies are experimenting with the growing array of social networking tools and applications.

Mosman Council in Sydney uses Twitter.[203] In New York, a website, SeeThroughNY is giving a clearer view of how state and local tax dollars are spent, allowing taxpayers to share, analyse and compare data from other jurisdictions and authorities.[204] Intellipedia is a Wikipedia-inspired tool to make it easier for the multiple agencies involved in homeland security in the US to collaborate and speed up the provision of high-quality and timely advice to the government.[205]

The UK Department of Innovation created widgets that allow people to lift consultation questions onto their own websites. The State Government in Utah created

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[203] http://www.mosman.nsw.gov.au/web/external/twitter

[204] http://www.seethroughny.net/

[205] http://www.ciocentral.org/entry/intellipedia-the-intelligence-wikipedia/

the first iPhone app for government, which allows people to lookup agencies and services and news from Utah.gov.[206]

The rapid growth of examples from governments around the world has prompted a suitably Web 2.0 response: one site collects examples of good practice with Government 2.0 applications and solutions around the world.[207] A page on Victoria Online collects examples of Victorian agencies using Facebook specifically as part of their social media and networking strategies.[208]

In Australia, companies like Bang The Table are using social networking platforms to lift the quality of the discussion around sometimes contentious policy issues.[209] Recent issues include the rail line into the central business district of Newcastle, Hornsby Shire Council's housing strategy and the update of the Canberra social plan have used Bang The Table's platform.

More examples of agencies embracing the potential of Web 2.0 tools and capabilities emerged from one of the projects commissioned by the Taskforce. In its report Adoption, *Barriers, Best Practice and Recommendations of Web 2.0 in Government*, e8 Consulting has provided some valuable evidence from contemporary Australian practice at least at the federal level which reinforces that record of innovation. The details are included in the consultants' report at [[clarify Attachment XXX for final report]]

In the US, the Hope Street Group is experimenting with what it described as "policy 2.0", opening up the policy making process with new collaboration platforms. Using the Jive community platform 22 K-12 educators, six private sector professionals, and eight participants from the civil society sector across 17 states collaborated online and produced recommendations for teacher evaluation systems.[210]

The recommendations from the process were published in a report which noted that the most exciting thing about the collaboration platform "is that it puts the power to craft real policy solutions in the hands of the engaged citizen, whether that citizen is a teacher who wants to have input in the policy that impact his/her livelihood, or a community member motivated by a desire to improve a failing school district."[211]

Emerging practice, as outlined in Chapter Five, is moving beyond 'consultation' towards true policy collaboration between those within and those outside government agencies. That implies a shift in thinking and practice at both a cultural and managerial level in the public service. The promise of Government 2.0, at least in part, is to spread the search for both formal and experiential, or informal, expertise to find ways more effectively to integrate that knowledge into the deliberation and decision-making process.

These are challenges that will be true for large private and civil society organisations as well as for those in the public sector. They need to give rise to a culture of

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[206] http://www.mobilewhack.com/utahgov-announces-two-free-iphone-apps/

[207] http://government20bestpractices.pbworks.com/

[208] http://www.vic.gov.au/social-media/facebook.html

[209] http://www.bangthetable.com/

[210] http://www.jivesoftware.com/

[211] http://www.hopestreetgroup.org/content/index.php/publications/235-policy-20-using-open-innovation-to-improve-teacher-evaluation-systems.html

leadership and accountability that is appropriate in this more fluid, contingent and relational world.

In many ways, these concerns reflect an underlying tension between a social networking culture that is essentially open, collaborative and can turn up the unexpected innovation and a public service that, sometimes for good reasons, continues to be a culture of control, hierarchy and predictability.

Several conclusions can be drawn about the experience of agencies in the wider use of online engagement tools:

- Where it is done well, online engagement can open up both new sources of input and contribution to policy discussions and take the notion of engagement beyond traditional consultation;

- Issues of control can be contentious as agencies seek to harness the promise of a richer mix of voices and ideas that a social networking strategy offers while, at the same time, remaining anxious to control an agenda and 'steer' conversations;

- There seems to be limited use of social networking and other online engagement tools for the work of collaboration inside agencies and between public sector agencies; and

- There also seems to be limited use of these tools in the policy development process and even fewer examples of what could be described as genuine 'co-production' Online engagement by agencies needs guidance and support.

As discussed earlier in this report, there are a set of blockers, like culture, security and privacy, that have been used as reasons for the limited current use of online engagement by Australian Government agencies. Whilst policy change can assist in the transition, a good deal of the change will only happen as a result of increased training and support.

The lead agency needs to work with relevant agencies to develop and provide:

- Education in the form of guidance and training. These needs to focus on real issues and what is the noise so that decision makers can make good decisions about engaging online. It should also include a series of 'how to' guides for agencies on engaging online and using Web 2.0 tools;

- Support in the form of contact officers who can be asked questions by agencies and provide a 'help desk' for online engagement advice;

- Tools: the Australian Government needs to establish a Government 2.0 toolkit to give agencies a menu of tools and approaches to choose from. The toolkit could include tips on and access to preferred software – accessible with pre-negotiated licences. The lead agency could also provide access to established networks of expertise – for instance in providing community engagement, moderation and other services. It could also extend to the provision of services such as a blogging platform removing the requirement for agencies that did not wish to, leaving them to focus on achieving outcomes not running the process.

Box 8: At Arm's Length

Several major agencies have commissioned work that demonstrates the value of online engagement. While these sites have not been run by the agencies themselves, they do provide access to communities of interest who are discussing issues, sharing information and content and providing a platform for agencies to observe the conversation. In a sense the agency can conduct consultation and engagement "at arm's length"

The Human Rights E-Forum: [212] The Forum was established by the Institute for Cultural Diversity with funding from the Australian Human Rights Commission (AHRC) to provide a place for people to discuss issues of human rights in a cultural diversity context. The AHRC participates by providing content and by monitoring the discussions.

The Homelessness Information Clearinghouse:[213] FaHCSIA funded the development of this information site to provide news and information specifically for organisations involved in the delivery of homelessness services. This site also includes a platform for communities of practice. Several of these include members from within government and outside.

Human Rights consultation:[214] The Open Forum was commissioned to run an online consultation on the Human Rights in Australia. This was a time limited engagement rather than an ongoing conversation, but demonstrated that existing tools and expertise can be harnessed to provide effective consultation, without the need for agencies to manage the entire process in-house.

1.22.2 Online engagement by agencies needs to be reported

Agencies need to accelerate or even embark on their use of Web 2.0 technology and adopt a more open and collaborative culture if they are to see the benefits that can arise from Government 2.0. Government, the public and agencies themselves must also be able to measure the progress they are making. The APSC reports on a range of activities across the APS in its annual State of the Service Report. Its report for this financial year contains the first systematic information we have on which agencies are using Web 2.0 tools like Twitter and Facebook. The APSC's reporting on the use of Web 2.0 tools should be developed further to support the measurement and reporting of agencies' progress towards Government 2.0.

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[212] http://www.culturaldiversity.net.au

[213] http://www.homelessnessinfo.net.au

[214] http://www.openforum.com.au/NHROC

Recommendation 3 – Improve guidance and require agencies to engage online

To make government more consultative, participatory and transparent, the lead agency, in consultation with other relevant agencies, should issue and maintain guidance to improve the extent and quality of online engagement by agencies.

Within the framework of this guidance, and in conjunction with the lead agency, all major agencies[215] should:

- Identify barriers within their organisation which inhibit online engagement and develop and explain what they will do to reduce these barriers within 12 months of the Government's response to this report;

- Within 12 months of the Government's response to this report, each agency will identify specific projects to make use of social networking and 'crowd sourcing' tools and techniques to enhance agency policymaking, implementation and continuous improvement;

- Within 12 months of the Government's response to this report, each agency will identify specific projects to increase the use of online tools and platforms for internal collaboration within their agency and between agencies that they work with across the public sector; and

- The APSC to include in the annual State of the Service Report details of agencies' progress in implementing the above recommendations, covering successes, disappointments and lessons learned.

Subject to security and privacy requirements, all public inquiries funded by the Australian Government should ensure that all submissions are posted online in a form that makes them searchable, easy to comment on and re-use. The Government 2.0 lead agency should encourage those conducting inquiries to use interactive media such as blogs to publicly discuss emerging lines of thought and issues of relevance.

1.23 Public Servants, Public, Private and Professional Practice

Virtually all formal organisations distinguish between the official activities of their employees and agents and their private conduct. The distinction is central to the culture of the public service. The APS Code of Conduct and associated documents have well developed protocols for making these distinctions, although the issues remain inescapably subtle and require considerable judgement in their application.

However, between the ideal types of a public servant officially putting forward an agency's position and one speaking in a private capacity there is much middle ground. In negotiating this terrain, public servants may find official stipulations, codes of

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[215] All Departments of State and material agencies see http://www.finance.gov.au/publications/flipchart/index.html or http://tinyurl.com/yhkrbe2.

conduct and other guidance useful. Yet for the distinction to be practically useful, they must have an intuitive 'feel' for how they apply as they negotiate the public space of the internet in 'real time'.

To date public servants have taken an extremely cautious approach. There is a rich array of blogs hosted from within Australia and elsewhere which provide a valuable avenue for professional discussion. It is true that such blogs sometimes descend into party political debate and even acrimony. It is appropriate that officials avoid public debate of this kind unless it is seen as strictly private activity (and even here sensitivity should be shown if the official is relatively senior). Yet a great deal of blog discussion is not of this kind. And, except for some pseudonymous participation, Australia's public servants are typically absent.

Box 9: On the Role and Regulation of Public Servants

In an environment of open consultation and perpetual beta, errors and omissions become matters of public record. As such public servants need to be provided room to fail, if they are not to be forced into paralysis or subversion of the access policy. To operate successfully Gov 2.0 must accept the existence of errors and implement tight corrective feedback loops seeking a trajectory of increasing accuracy. It cannot work if public servants are in constant fear of criticism and rebuke for the errors and omissions that are a natural part of any drafting or problem solving process. It is also worth noting here that a shift from being authors of policy to public curators frees public servants to collaborate as citizens in the public contemplation of policy.

Submission by Andrae Muys[216]

As a general proposition, engaging with the tools and platforms of social networking should be accepted as a valuable and productive way for public servants to share and develop their expertise. In that sense, they should be accepted as an integral part of their professional development toolkit.

For instance a public servant may be engaging in social networks, discussing both private and professional matters. Keeping their social connections with other professionals – including from other countries - is of great value in enhancing the public servant's network of contacts from which they might learn something of considerable value to their agency. It is certainly something which agencies pay for when they fund conference attendance. And in a discussion on some prominent blog, it could surely be helpful for public servants to discuss issues and explore alternative views as a professional rather than as a representative of the agency.

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[216] Andrae Muys, Submission to *Towards Government 2.0: An Issues Paper* http://gov2.net.au/submissions/.

Table 5: The spectrum of activities for public servants

Further, in the right institutional and cultural context, and particularly where it was not some matter of heated party political debate, it could be appropriate for an employee of an agency to discuss their own professional judgement as to the pros and cons of various policy options, providing it was clear that they accepted whatever view the government of the day or their agency had or might come to. As the Minister for Finance and Deregulation, the Hon. Lindsay Tanner MP commented; "While no one is suggesting that we allow public servants to simply tell reporters what is on their mind, they should feel free and encouraged to engage in robust professional discussion in public including online".[217] It would be fair to say that current APS culture is some way from this ideal and will require commitment from Government and leaders of the public service to affect a positive culture change.

In this regard the Taskforce agrees with Google:

> Members of the Australian Public Service should be able to make attributed comments in fulfilment of their official duties and as part of their work environment that do not necessarily represent the views of their agency, and the default might be that their views do not unless stated otherwise. This is the customary default setting by corporations that permit their employees to blog on an attributed basis, then backed by internal protocols and approval processes as appropriate to the organisation and its culture.[218]

The Taskforce believes that the existing culture of the APS focuses too strongly on online engagement as a risk, and quite inadequately on the huge opportunity it offers to provide greater access to the professional capability of public servants and to advance the mission of public agencies. The recent revision of the online engagement guidelines from the APSC represents an important step towards a culture that focuses on reward and not just risk.

In this regard Andrea Di Maio's words about the absence of public servants from much discussion of Web 2.0 are apposite

> Wouldn't it be appropriate to single them out and finally recognize that they are an asset government should leverage, through a wise use of "Government 2.0"? . . . It is as if employees were considered legacy, just part of an

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[217] Speech to Government 2.0 Conference, Cebit Australia, Canberra, 19 October 2009, http://www.financeminister.gov.au/speeches/2009/sp_20091019.html at http://tinyurl.com/yfkb3pd.

[218] Google, Submission to *Towards Government 2.0: An Issues Paper* http://gov2.net.au/submissions/.

organization that will be transformed, and not the real fuel and soul of those organizations.

Until when their role will be given equal dignity as "citizens", Government 2.0 will remain an interesting subject for discussion, will marginally contribute to service improvement, but won't realize a fraction of its potential.[219]

Realising the promise of Government 2.0 will be much harder to the extent that individual public servants do not feel either encouraged or empowered to use these new tools and platforms let alone actively to incorporate them into their professional practice. In many ways, the behaviour of public servants and their managers as they embrace, or try to limit the possibilities of social networking will determine whether Government 2.0 remains essentially 'embroidery' on the edge of, or fundamentally changes, mainstream practice in the public service.

This issue has been the subject of one of the liveliest extended conversations on the Taskforce blog[220]. It has also been the subject of some significant changes, during the course of the Taskforce process, in the guidance offered by the APSC about online engagement by public servants.

On the blog, the Taskforce invited contributions to an exercise that took a "blank sheet of paper" approach to the question – how would you write the guidance for public servants about the most effective and appropriate way to manage their online engagement? The idea of the exercise was to see what would emerge if, just for the purposes of this conversation, no account was taken of the current or comparative examples of online engagement guidance in Australia or around the world, public or private. If you were starting from scratch, but knowing what we now know about these tools and their associated rewards and risks, how would you frame the guidance for public servants?

What followed was a lively and closely argued debate, involving half a dozen or more people, which laid out in some detail the nature of the challenge and opportunity presented by social networking tools for professional practice in the public service. Over 40 pages of detailed argument, exposition and debate came to a couple of fundamental conclusions.

Firstly, public servants should be both encouraged and empowered to engage these new tools as a normal and indeed integral part of their daily work. Secondly, bringing this about will not be easy or simple. Fundamental concerns for confidentiality, impartiality and probity in the conduct of public management at every level mean that in some circumstances complex and careful judgements have to be made. The capacity for the public service to fulfil its obligations to the government of the day implies, in some situations, behaviour and choices that conflicted with the open and connected nature of the social web.

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[219] Di Maio, Andrea, "Why So Many Are Getting Government 2.0 Wrong" 16 October 2009, http://blogs.gartner.com/andrea_dimaio/2009/10/16/why-so-many-are-getting-government-2-0-wrong/ or http://tinyurl.com/yle2aox. See also Blurring the boundaries. http://www.governing.com/column/blurring-government.

[220] http://gov2.net.au/blog/2009/11/02/if-i-could-start-with-a-blank-sheet-of-paper%E2%80%A6/; http://gov2.net.au/blog/2009/11/02/if-i-could-start-with-a-blank-sheet-of-paper%E2%80%A6/; http://gov2.net.au/blog/2009/11/11/blank-piece-of-paper-2/;

From the blog discussion, these additional insights emerged as central to helping public servants be both more active and more confident in their embrace of social networking tools for online engagement:

- Any guidelines should be based on the assumption that the tools and capabilities of social networking offer unprecedented beneficial opportunities. We should try to reduce fear and uncertainty about the circumstances in which public servants should engage and guidance should require such decisions to be made in a way that weighs negative risks, but also balances them against potential benefits;

- Online engagement both internally and externally makes it easier for public servants to be involved in the task of refreshing and renewing the public service as a critical institution in Australia's governance;

- Public servants should be encouraged to talk openly about their areas of expertise and professional practice in policy debate; and

- Public servants work in a political environment. The use of Web 2.0 tools by public servants cannot undermine the need act professionally, impartially, and courteously. Nor can it compromise 'due process' requirements to comply with the law, including discrimination legislation, or significantly relax disclosure and secrecy provisions.

As this discussion on the Taskforce blog started and gathered momentum, the APSC was in the process of developing guidelines for online engagement to replace its earlier interim guidelines which represent a major shift in thinking and a clear embrace of the positive potential of Web 2.0 tools in online engagement. The value of the guidelines will be tested over time by the practical impact they have on the behaviour and decisions of individual public servants and their managers. But the new guidelines put Australia into a leading position in the encouragement they provide for public servants to seize what the guidelines rightly refer to as the "unprecedented opportunities" the new tools provide for engagement. They also elaborate on how sensibly to manage the inevitable risks.

Recommendation 4 – Encourage public servants to engage online

The Taskforce endorses the revised online engagement guidelines for public servants issued by the Australian Public Service Commission (APSC) on 18 November 2009, including the declaration that Web 2.0 provides public servants with unprecedented opportunities to open up government decision making and implementation to contributions from the community. The Taskforce agrees that, consistent with APS Values and Code of Conduct, APS employees should be actively encouraged and empowered to engage online.

The APSC in consultation with the lead agency should regularly review online engagement guidelines, using Government 2.0 approaches to ensure the process is open and transparent.

Agencies should support employee-initiated innovative Government 2.0-based proposals that create, or support, greater engagement and participation with

their customers, citizens and/or communities of interest in different aspects of the agency's work. They should create a culture that gives their staff an opportunity to experiment and develop new opportunities for engagement from their own initiative, rewarding those especially who create new engagement/participation tools or methods that can quickly be absorbed into the mainstream practice that lifts the performance of the department or agency.

The Government 2.0 lead agency should establish an online forum on which agencies can record their initiatives and lessons learned.

Recommendation 5 – Awards

In consultation with relevant agencies, the lead agency should establish awards for individual public servants and agencies that recognise outstanding practice in the use and impact of Government 2.0 tools to improve agency and program performance.

7. Challenges to freeing up Public Sector Information (PSI)

In light of the potential for PSI to improve our lives as discussed in Chapter 6, it is not surprising that the benefits of free and open publication of PSI were recognised by the Organisation for Economic Cooperation and Development (OECD) when, in June 2008, it adopted the *Recommendation of the Council for Enhanced Access and More Effective Use of Public Sector Information* (the Recommendation),[221] as part of the policy framework that supports the Seoul Declaration for the Future of the Internet Economy.[222]

As an OECD member Australia, together with other member countries, recognised the objective of the Recommendation was:

> to increase returns on public investments in public sector information and increase economic and social benefits from better access and wider use and re-use, in particular through more efficient distribution, enhanced innovation and development of new uses[223]

All Member countries were invited to "disseminate this Recommendation throughout the public and private sectors to encourage all relevant participants to take the necessary steps to enhance and promote more effective use of PSI".

The Australian Government's adoption of a National Information Policy promoting open access to PSI is consistent with the OECD Recommendation and fulfils the FOI Reform objective of managing government information for public purposes as a national resource. It also allows Australia to realise the economic and social benefits that derive from this more flexible approach.

The call in our terms of reference for the establishment of "a pro-disclosure culture around non-sensitive public sector information" is straightforward enough. Yet as demonstrated below, the list of objections that *might* be made to the release of PSI – reasons for arguing that *this* particular piece of information is not "non-sensitive" – is virtually endless. At any stage public decision makers may be tempted to play it safe.

Accordingly Government 2.0 cannot be realised without high level, whole of government attention to the issue and the new policy of openness being overseen by an agency with sufficient authority to ensure it informs each decision which might obstruct the free flow government information.[224]

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[221] OECD Committee for Information, Computer and Communication Policy, *Recommendation of the Council for Enhanced Access and More Effective Use of Public Sector Information,* 30 April 2008 http://www.oecd.org/dataoecd/0/27/40826024.pdf or http://tinyurl.com/kpgova.

[222] OECD, *Seoul Declaration for the Future of the Internet Economy*, 18 June 2008 http://www.oecd.org/dataoecd/49/28/40839436.pdf or http://tinyurl.com/6dfgvb.

[223] OECD Committee for Information, Computer and Communication Policy, *Recommendation of the Council for Enhanced Access and More Effective Use of Public Sector Information,* 30 April 2008, p 4 http://www.oecd.org/dataoecd/0/27/40826024.pdf or http://tinyurl.com/kpgova.

[224] There are many occasions where some principle is endorsed, but remains largely unimplemented. Thus for instance in 1986 the Prime Minister, Bob Hawke announced a rigorous new process of regulatory impact

Box 10: Reducing Metadata Paralysis by Choosing Simpler Metadata Sets

It is acknowledged that metadata assists with search, discovery and access for data sets. However, in the case of spatial data, a certain level of 'metadata paralysis' can be observed where some agencies focus on completing a full metadata record as an absolute prerequisite before publication of the data set. This reduces the speed with which data is made available to the public.

SIBA recommends mandating the use of minimal metadata requirements for spatial datasets as one of the key mechanisms for making more government data searchable and usable, including legacy data. SIBA also recommends the use of standards based metadata capture and access capabilities and related tools, which reduce the effort to create metadata.

Information supplied to the Taskforce by the Spatial Industries Business Association (Australia) (SIBA).

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assessment. However the then Office of Regulation Review did not report on compliance with the policy by department. In the absence of this accountability, the policy was fully complied with in only 8 percent of cases even after the policy had been announced and operating for a decade. *Industry Commission, 1997, Regulation and its Review 1996-7, p. 41 Table 3.2.*

Box 11: The Semantic Web

The Semantic Web is an emerging suite of interrelated initiatives proposed by the inventor of the World Wide Web, Sir Tim Berners-Lee and sometimes referred to as Web 3.0. Berners-Lee's vision for the Semantic Web is of a network that uses intelligent agents to help users search and navigate through the overwhelming and bewildering superabundance of Web resources to find, understand and reuse what they need much more efficiently and accurately than is currently possible.

Providing sets of raw data without accompanying context (in the form of standardised human/machine-understandable metadata) limits the ability of people and computers to find, understand and re-use the information provided. For example, what does the data value '60' represent? Is it someone's age? A speed limit? When was the information collected? By whom? What are the units of measurement? Providing metadata in a standardised format also facilitates a precise, natural language search. For example, 'What are the Commonwealth import duties for a lathe purchased from Germany?' or 'What agricultural land south of the Lachlan River is under threat from soil erosion?'.

In Australia the AGLS Metadata Standard[225] (AS 5044) has been endorsed by all Australian Governments as the standard for describing government resources (information and services) to support their discovery in a Web environment. There are other relevant metadata standards as well for things like rights management, geospatial data, recordkeeping, digital preservation, etc, all of which can potentially be useful in a semantic web environment. There are of course costs associated with marking up data with semantic annotations. These costs increase with the degree of metadata provided for each element. A difficult-to-answer issue is, 'At what point do the costs of providing extra information exceed the benefits?'

As an emerging technology, some Australian Government agencies have experimented with the Semantic Web. For example, the Pharmaceutical Benefits Scheme lists of substances and Anatomical Therapeutic Codes[226] is updated monthly as linked data in RDF.[227] Based on these and similar international experiences, such as the US Government Semantic Web portal for linked government data,[228] it is clear that governments have a role to play in leading and encouraging the uptake of Web 3.0 technologies in support of greater innovation based on the reuse of public sector information and enhanced citizen/government interaction.

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[225] http://www.agls.gov.au/.

[226] http://www.pbs.gov.au/substance.rdf and http://www.pbs.gov.au/atc.rdf.

[227] Resource Description Framework, a formal specification of the Semantic Web http://www.w3.org/RDF/

[228] http://www.data.gov/

1.24 Perceived Obstacles to open release of PSI

At present, for PSI to be successfully released it must successfully clear the following hurdles:

- For someone to use PSI they must know it is there. Yet agencies often have no systematic knowledge of all the data they hold and to the extent that they do, they have not been required to make such knowledge available to the public in a register;

- If information is known to the agency it may still have to run the gamut of a long chain of permissions for it to be released. Most obviously if it's existence has not already been published, there may be the need for permission for those outside agencies to have it located and its existence made clear;

- Even if its existence is publicly known, the institutions of government ensure that secrecy is the default. Thus public officials face sanctions ranging from subtle disapproval through to reprimand and ultimately jail sentences for releasing information they are not authorised to release, generally irrespective of the merits of release;

- Releasing information must also be consistent with domestic and national security considerations and with privacy laws;

- There can be economic reasons not to publish. Some PSI may be costly to get into a useable form, whilst a particular agency may earn some revenue from the licensing of PSI; and

- Further, once publication takes place, the information cannot flow freely without liberal licensing and even then, given the way in which copyright is built around the notion of cascading permissions to copy, problems may remain (See 10.4.1 below).

1.25 The inevitability of judgement and the scope to frustrate openness

This list of possible *bona fide* reasons for obstructing the free flow of information is daunting enough in itself. In fact, however, many of the decisions involved require fine judgements, some on detailed points of law. And this is against the backdrop of public sector decision making where incentives are focused on the avoidance of mistakes and/or embarrassments and consensus decision making rather than the seizing of opportunity.

Throughout their decision making, officials and politicians will also be considering how information might be 'spun' by the media, their opponents or those with direct commercial interests or an axe to grind. These considerations will militate against release if the data discloses inadequacies in a government program. And whether it does or not might not be known by the decision makers. All this strengthens the case for secrecy for the risk averse.

Thus for example Andrea Di Maio recently warned agencies to be prepared for the linking or combining of data with other data sets in ways that reveal unexpected or inconvenient truths.[229] Releasing PSI also invites 'intermediation' meaning external bodies using PSI to add value or deliver services to individuals and therefore acting as an intermediary between government and individuals. Di Maio warned that this could dilute the brand of agencies or government as a whole. As trust shifts to these intermediaries operating outside government supervision, agencies may also need to consider where accountability lies in terms of the quality of the information, its reliability and currency and how agencies will ensure that the public continue to receive high quality information and services. The Taskforce agrees that these matters should be carefully considered in agencies' management of Government 2.0. They should never be seen as reasons for preventing PSI from being open.

There might be concerns, legitimate or less so, about the quality of the data. With rare exceptions it will be better to drive the accountability and innovation benefits that come from an open access approach to PSI by releasing the data subject to clearly expressed caveats about its quality and possibly with the intention of subsequently revising and improving it, rather than to use its poor quality to suppress it and the good its release might do. This issue is often best illustrated in emergencies when data is far from perfect but will usually do much more good than none at all, particularly if people are forewarned about its inadequacies. And often release is a prelude to the data being improved as corrections, or at least the identification of problems is 'crowdsourced' as has happened with the NAA's 'Mapping our Anzacs' program.

One possible obstacle may be embarrassment and the agency's desire to not release their information because of the potential real or perceived organisational, professional or personal embarrassment. An incident of this nature occurred during the organisation of MashupAustralia by the Taskforce. A federal department was well disposed to release a dataset going back several decades for MashupAustralia. It was largely in the public domain in scattered form and would have been released under existing FOI. However it was discovered to be poorly maintained with some data being wrong or missing. There are no hazards that we can imagine that would have arisen from the publication of the data, but the department then chose not to release it. Many Taskforce members are familiar with stories such as this one.

Even where information is released it is natural for managers seeking to minimise adverse risk to try to control whatever they can. In addition to being reinforced by an organisation's culture and incentives, it is also 'professionalised'. Thus specific professions advising management, such as the provision of legal, communications or IT advice and services will typically see maximisation of control as a default setting to minimise adverse risks. If one has information one cannot be sure that it will not be used or misused in ways that may embarrass an agency. So why release it if one can avoid it? If one has copyright, why relinquish some of the rights it gives one, instead of staying in control of how users use the information? If one is managing a commercial entity like the NSW trains services why let others use your information

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[229] Gartner Symposium in Sydney on 17-19 November 2009

when you are accustomed to controlling it yourself? And why release information that you may – just may – want to sell someday yourself?[230]

Around all these issues is a penumbra of doubt. Often something will not be released, not because it is clear that it is in breach of some stipulation – for instance the Privacy Act - but because someone thinks it just could be and of course privacy regulation, like so many areas of regulation can be complex. So rules of thumb are needed for practitioners. They may not precisely reflect the details of that act, or of any of the other possible obstacles, but they may nevertheless obstruct the release of information that the Privacy Act actually permits to be released. Privacy officials use the acronym BOTPA 'Because of the Privacy Act' often with some irony to describe such situations where the Privacy Act is cited to defend suppression where a proper understanding of the Privacy Act indicates that it actually permissible.[231]

Box 12: People and Cultural Change

The Issues Paper[232] acknowledges that people and cultural change within government is a significant hurdle for Government 2.0. We do have a risk-averse culture and we have a culture of highly controlled communication. Most agencies have public affairs, marketing, web and publishing teams with clearly defined roles, responsibilities and approvals processes for published material. Web 2.0 challenges this structure in being an informal conversation space that produces a public record (and, for federal government agencies, a Commonwealth record).

Submission by Tikka Wilson.[233]

1.26 Cooperation and the relinquishment of control

In the words of Tim O'Reilly, a central design principle of Web 2.0 is, "Cooperate, don't control". As Vinton Cerf (2006), puts it,

> Because the network is neutral, the creators of new internet content and services need not seek permission from carriers or pay special fees to be seen online. As a result, we have seen an array of unpredictable new offerings . . . [E]ntrepreneurs need not worry about getting permission for their inventions will [sic] reach the end users . . . This is a direct contrast to closed networks like the cable video system, where network owners control what the consumer can see or do.[234]

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[230] See "The Theory of SPIN: Serial Professional Innovation Negation" on the Taskforce blog at http://gov2.net.au/blog/2009/08/04/the-theory-of-spin-serial-professional-innovation-negation/ or http://tinyurl.com/yl8ncym.

[231] See Office of the Privacy Commissioner, 'Top ten privacy issues', speech, 2007, p 11, http://www.privacy.gov.au/materials/types/download/8562/6429 or http://tinyurl.com/yj7d3lk.

[232] http://gov2.net.au/blog/2009/07/23/official-issues-paper-released/ orhttp://tinyurl.com/log2om.

[233] Tikka Wilson, Submission to *Towards Government 2.0: An Issues Paper,* http://gov2.net.au/submissions/.

[234] Quoted in Lee Robin S. and Wu, Tim, 2009. "Subsidizing Creativity through Network Design: Zero-Pricing and Net Neutrality", *Journal of Economic Perspectives,* Volume 23, Number 3, Summer 2009—Pages 61–76, at p. 66.

In this world a great deal of co-operation takes place between people and organisations that never communicate directly with each other. Yet they co-operate with each other because common standards have been developed – in the way that we communicate with each other using the standards provided by a language. The internet and World Wide Web are themselves the product of a wide array of evolving standards. The platforms that have been built for Web 2.0, whether they are commercial platforms like Facebook or open source software like WordPress which anyone can use to run a blog on their own website domain, are, amongst other things standardised environments which anyone wishing to use the standard can use to interact with others. The burgeoning complexity we see around us could not occur if co-operation was organised piecemeal, action by action, with each user of these platforms seeking specific permission for each action they took.

Likewise Application Programming Interfaces, or APIs, on Web 2.0 platforms effectively provide those who would extend the functionality of those platforms *pre-approval* to do so. APIs publicly specify the technical requirements of operating on the platform and provide advance permissions to do so. Accordingly developers who are independent of the platform owner are invited and enabled to build for the platform, which provides value for users and in so doing makes the platform more valuable. This provision for others to come in and enhance the functionality of the platform has been a key to the success of Web 2.0 platforms enabling developers to build a rich and growing menu of functionality on the platform.[235]

Why wouldn't the owners of these platforms want to stay in control, individually negotiating permission on each application that runs on them? Because they understand;

- The dynamism of the industry they operate in;

- The impossibility of any one agent being in control in the sense of understanding what use the platform can or should be put to; and

- The need for those who will invest to develop the platform, and so add to its value, to know the terms on which they can do so, and have security that those terms will not be changed at the whim of the platform provider.

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[235] Of course this has been true of IT platforms since before the advent of Web 2.0. It was one of the keys to the success of Microsoft's operating systems.

Box 13: Permissions, information, innovation and serendipity

Free access to information and serendipity are closely related. A central fact about the human condition, ignored in many economic models, is that even at our most sophisticated we are only boundedly rational. A person or group cannot consider all possible propositions and information states they could encounter. Thus, the possible outcomes of any research project, large or small, can never be fully anticipated. Serendipity is central to our relationship to information.

Many serendipitous discoveries arise when a prepared mind makes a previously unnoticed connection between seemingly disparate pieces of information. The number of such discoveries that are possible in a given information network depend on the number of people with access to the network and on the number of connections they can potentially make. This is of the order the square of the number of pieces of information accessible to each member of the network.

Even seemingly moderate restrictions on the freedom of information may drastically reduce the potential for serendipitous discovery. This is true whether we are talking about freedom as in available without having to pay or in another sense of the freedom to copy and tinker with others' work and ideas.

Suppose that requirements for paid access reduce the number of network participants by 80 per cent (this seems likely given the general pattern in which most value accrues to the top 20 per cent of participants in any activity) and, that pricing and access restrictions mean that each participant only accesses 20 per cent of the information that would be available in the absence of those restrictions. Then the number of observed connections potentially available is only 0.8 per cent (0.2*0.2*0.2) of those that would be available without restrictions. While this is a purely illustrative example, there is no reason to suppose that it overstates the loss of potential discovery associated with the absence of free information.

In policy terms, the ubiquity of serendipity and the inherent impossibility of predicting serendipitous discovery implies that there must always be a presumption in favour of free inquiry and therefore of free access to information. This presumption may be rebuttable in particular cases, but the burden of proof should always be firmly on those arguing to restrict our freedom.

To use Richard Stallman's memorable terminology, wherever possible information should be free; free as in speech and free as in beer.

John Quiggin, Federation Fellow, Professor of Economics, University of Queensland[236]

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[236] Personal correspondence with the Taskforce in the course of working on a Project on the economic value of PSI.

Psychologically, relinquishing control is rarely easy.

Before control is relinquished it is usually very hard for those who enjoy that control to see why relinquishing control might be good, not just for the world, but for *them,* the party relinquishing control. Yet since we have come to see separation of powers as important to government, we have seen the way in which greater things can come from decentralisation of power and from constraints on central power. Likewise following the admonitions of Adam Smith and his intellectual descendants more recently in Australia, commerce has thrived once restrictions on trade and commerce designed to strengthen it had been relinquished.

In large part because of the extraordinarily serendipitous nature of the internet, platforms like Google, Facebook, Twitter, LinkedIn and Ning find that the most effective way to privately profit from the public platform they have built, is to provide free access to it, and liberal APIs. Indeed, as Paul Graham has observed,[237] some internet startups look like non-profits for a long time. With faith in the social value of the platform they are building, they believe they need to 'monetise' only some very small fraction of that to profit handsomely.

Ironically, governments whose core functions include the creation of public goods and the 'platforms' we call 'infrastructure' in the online world, have so far been slow to seize the opportunity they have to make their assets – particularly their PSI – a 'platform' on which others could operate, add value and innovate. This is despite the fact that the tax system automatically 'monetises' a substantial fraction of any value added to PSI. In the age of serendipitous web, relinquishing control will very often indirectly raise substantially more revenue through taxation on additional economic activity than would be raised from the sale of PSI.

In seeking to use copyright to stay 'in control' of their PSI, governments have lost sight of the costs this has on the ultimate value of that PSI. This is a matter to which the report now turns.

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[237] http://www.paulgraham.com/good.html

Box 14: Innovation in Open Networks - Creative Commons, the Next Layer of Openness

If you try to imagine what it would have been like to create Google before we had this stack of open standards, you would probably have had to pay millions of dollars to create the software on a proprietary operating system. It would have required a huge team of people taking many years. Since it was a "search engine" it most likely would have been given to the phone company to design and run. . . . This total project probably would have taken a decade and cost a billion dollars and would probably not even have worked properly.

In fact, the total cost of actually building and launching the first Google server was probably only thousands of dollars using standard PC components, mostly open source software as the base and connecting to the Stanford University network which immediately made the service available, at no additional cost, to everyone else on the Internet.

The open standards and the small pieces loosely joined had created an ecosystem of components and networks that dramatically lowered the cost of development, collaboration and delivery. This allowed people to innovate, launch, fail, connect, mashup and remix in such an efficient way and at such low cost, that the center of innovation moved from the research laboratories of the giant companies to the startup and venture capital scene in Silicon Valley.

Of course, there were startups and venture capitalists before the Internet, but the influence and scale of this new engine of innovation was unprecedented. The Internet continues to disintermediate and disrupt sector after sector by lowering friction and enabling interoperability. . . .

The Internet has enabled us to technically connect and collaborate. But just as network software engineers were required to open communications between online users, we now need lawyers to sort out the copyright and content regulations between us so that we - businesses and individuals - can share, collaborate and build legally. . . .

In the early days, those of us who were proponents of TCP/IP had to argue with regulators, lawyers, and technologists who, for a variety of reasons, did not support the standard. Creative Commons still has critics who do not yet understand the benefits of the network effects and collaboration that it enables. Like each new layer of the Internet stack, Creative Commons will soon become, in hindsight, an obviously necessary ingredient for collaboration, enabling yet-to-be-imagined innovations that will have a dramatically positive effect on business, society, and the environment.

Joi Ito, Creative Commons: Enabling the next level of innovation, [238]

1.27 Licensing PSI as if it were a national resource

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[238] McKinsey and Co, *What Matters,* 30th Oct 2009, http://whatmatters.mckinseydigital.com/internet/creative-commons-enabling-the-next-level-of-innovation or http://tinyurl.com/yapz9mf.

Copyright law provides economic incentives for creative expression by granting copyright owners exclusive rights to control certain uses of their work. Yet where governments produce or fund PSI the need for such protection is less convincing. As Professor Anne Fitzgerald puts it; "since many government materials . . . are created in the ordinary course of activities . . . the traditional justification of copyright as providing an incentive to produce and disseminate new information is much less relevant".[239]

At the same time, the advent of the internet and digital technologies have created a tension with copyright law. Everything a computer can see it can copy, indeed arguably it *has already* copied. And Web 2.0 is characterised by interactivity, information sharing and collaboration. Characteristic of Web 2.0 phenomena such as social networking, video sharing, wikis, blogs, mashups[240] and folksonomies.[241] is instant copying, pasting, sharing, adaptation. All of these activities implicate copyright rights.

As a general rule, copyright law requires people to ask permission before doing any of these things with others' material unless they can bring their proposed use within an implied licence or Australia's limited exceptions such as fair dealing which are unlikely to cover much of the remix and reuse, particularly that done on commercial Web 2.0 platforms. For example, Railcorp in New South Wales reportedly threatened four developers who took sought to develop iPhone applications enabling Sydney commuters to check railway timetables on their phones.[242] Railcorp's copyright obliged users of their data to seek permission which was not granted.

In the time that it takes to work through the process of seeking permission to use data, the need for the data, or the opportunity to find an alternative, may have passed. This occurred when Google sought permission to republish bushfire location information on public lands during the horrific Victorian bushfires of 2009. Their request could not be met by agency staff who felt that the only response they could give was a refusal unless Google was prepared to wait for the request to be escalated to heads of departments for consideration, by which time the need for the data was less desperate[243].

If the Australian Government wishes to achieve a pro-disclosure culture that treats government information as a national asset, a more effective management of Commonwealth copyright licensing is required. At present, Government copyright gives government officials the power to approve or disapprove a particular use and reuse of government information, and this may be on grounds unrelated to copyright concerns.

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[239] Report to the Taskforce on Copyright and Intellectual Property, Project 4.[[Location of report TBA for final report]]

[240] A web page or application that takes data and combines it either with other data or other web services to create something new. For example, a mashup may take data about the location of government services such as Medicare and Centrelink offices and then plot their locations and other associated data on a map.

[241] A folksonomy is a system of classification derived from the practice and method of collaboratively creating and managing tags to annotate and categorize content.

[242] http://www.smh.com.au/news/digital-life/mobiles--handhelds/articles/how-railcorps-derailing-commuter-apps/2009/03/06/1235842625754.html?page=fullpage#contentSwap1 or http://tinyurl.com/yas7zvl.

[243] Information supplied to Taskforce by Google.

Yet there is a clear public interest in Australia's citizens, businesses and non-profit organisations having free and frictionless access to government materials. Authorising widespread distribution, copying and commentary on the policy statements of our political leaders and government agencies will contribute to better informed public debate.

Allowing unfettered use and reuse of government data and information more generally can add to Australia's innovative capacity and economic prosperity. Something as simple as Apps for Democracy, a contest that cost Washington, DC $50,000 returned 47 iPhone, Facebook and web applications with an estimated value in excess of $US2,300,000 to the city.[244]

At present however, the standard Commonwealth copyright licensing statement[245] permits you to "download, . . . cache, display, print and reproduce the material in unaltered form only" and only for "**personal, non-commercial use or use within your organisation**. You may not deal with the material in a manner that might mislead or deceive any person. **Apart from any use as permitted under the Copyright Act 1968, all other rights are reserved**". All other use requires the permission of the Commonwealth Copyright Administration.

In other words, the default position permits members of the public to use internally but not to republish or adapt government material. Obviously, further permissions can be sought from the Commonwealth Copyright Administration Unit, which is more likely to grant the request than to deny it. However, the time and initiative required to secure more than the default limited permissions notice may already have interfered with use and reuse of this government material.

In some jurisdictions, government information is carved out from copyright protection. In the United States federal government materials (produced by officers or employees of the US government) are in the public domain and free of copyright.[246] In countries as diverse as New Zealand[247], Japan, Poland, South Africa, South Korea, Taiwan and Thailand key government documents such as public laws and judgments are not protected by copyright.

In Australia, if a government agency wishes to depart from the default Commonwealth copyright position, the process of formulating licensing terms is likely to involve the agency seeking legal advice and also consulting with the Commonwealth Copyright Administration Unit. A good idea or innovative passion can wane in the days it requires to progress through these processes.

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[244] http://www.appsfordemocracy.org/.

[245] See the copyright statement on the Australia.gov.au website at http://australia.gov.au/about/copyright.

[246] Copyright Act 1976, s 105 states that "[c]opyright protection … is not available for any work of the United States Government, but the United States Government is not precluded from receiving and holding copyrights transferred to it by assignment, bequest, or otherwise". A "work of the United States Government is defined in s 101 as a work prepared by an officer or employee of the US Government as part of the person's official duties. However, there are exceptions to the general rule for certain works of the National Institute for Standards and Technology and the US Postal Service.

[247] *Copyright Act* 1994 (NZ), s 27.

When permission for use of material is forthcoming, it may be granted on terms that hamper downstream use. For example, in attempting to respond to criticism of its action in relation to the iPhone app developers, NSW Railcorp released its data under a licence that gave it the power to approve apps and make suggestions for their improvement, attracting criticism from the developer community.[248] As discussed elsewhere in this report, one of the benefits of Government 2.0 is to leverage the expertise of the community. Giving a government official a pre-approval right over technical application interferes with this process.

The concerns which motivate this desire to maintain control, i.e. the accuracy, updating, integrity of data etc., should be addressed by means other than copyright law.[249] Indeed, certain types of use and reuse may not be dependent on accurate, up-to-date data. The greatest innovative benefit comes from letting the community determine what use it wishes to make of this data, which may or may not be the same as that anticipated by government.

Creative Commons (CC) is a development in copyright licensing which is designed to codify permissions and in so doing maximise the extent to which users understand how they can use, copy, reuse and transform copyright works. It can be argued that if the government wishes to licence permissively it should draft its own licences around its specific needs. The perceived advantage of doing so is that this maximises the government's control. However on the contemporary internet this comes at a surprisingly large cost. The permissions codified into CC licences have been designed to be machine readable. A system in which humans must vet each licence will drive up transactions costs, foregoing many of the self-organising possibilities of Web 2.0.

CC is about bridging the gap – it is a clear, internationally recognised symbol that some digital uses and reuses are pre-approved without any further need to seek permission. CC licences are a suite of standard copyright licences[250] that allow the copyright owner to pre-authorise the terms on which they allow others to use and reuse their material. They were first released in 2002 and have become an international standard for open access licensing.

In this respect, as Joi Ito observes, CC has many of the characteristics of standards and protocols used on the web to provide common platforms on which people and machines can cooperate with maximum flexibility and minimum cost.[251]

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[248] NSW public transit plan hits delay, *Australian Financial Review*, 29 Sep 2009 http://afr.com/p/business/technology/item_HeBer3hi5b9I9CGqmA8kWO or http://tinyurl.com/ya7chzb.

[249] In *Commonwealth v Fairfax* (1980) 147 CLR 39, though he upheld the Commonwealth's right to restrain publication on the basis that publication would infringe copyright. It is clear that the power exists in law. However, J Gilchrist, subsequently observed that the Commonwealth practice was a "poor exercise of government copyright…because it was essentially used for an ulterior purpose, that of preserving the confidentiality of documents. In the governmental sphere this is more appropriately dealt with by specific laws dealing with disclosure". Gilchrist, J. 1996. *The role of government as proprietor and disseminator of information*, vol. 7, no. 1, Australian Journal of Corporate Law pp 62-79, at p 62.

[250] http://www.creativecommons.org.au/licences.

[251] McKinsey and Co, *What Matters,* 30th Oct 2009, http://whatmatters.mckinseydigital.com/internet/creative-commons-enabling-the-next-level-of-innovation or http://tinyurl.com/yapz9mf.

Box 15: Review of Government Copyright

It will be for the government to determine how it manages copyright in what we hope will be a uniform approach to disclosing more PSI. In doing so, we recommend that the government promote understanding of copyright along with the government's detailed position on open access. In selecting a licensing option, the government could identify and use a Creative Commons licence or develop a user-friendly licence that meets with the government's approval, without lengthy disclaimers.

Alternatively, before delegating powers to PSI managers, the government could revisit the regulation of existing Crown copyright and, more generally, copyright in materials which contain PSI. In doing this, serious consideration should be given to adopting the approach of the US government to regulating Crown copyright. In the US, "a work prepared by an officer or employee of the [federal] government as part of that person's official duties" is not protected by US federal copyright law. Mirroring this in Australia could at least remove one layer of regulation that hinders the free flow of PSI and avoid the need to consider licensing options.

Submission by NSW Young Lawyers[252]

The Taskforce appreciates that Creative Commons licensing involves a different approach to government licensing practices. For this reason, it has addressed the most commonly raised concerns about the use of Creative Commons licences by Australian government agencies that were raised in various submissions received in response to the Taskforce's *Towards Government 2.0: Issues Paper*.

Box 16: Troubleshooting Concerns About Creative Commons Licensing

Concern	Explanation
The Commonwealth would no longer control the licensing of its own material[253]	The US not-for-profit organization Creative Commons Corp. is the licence steward for the CC licences. In this role, CC develops versions of the licences in close consultation with the community and key licence adopters, to reflect international legal and policy developments and community experience. The versioning process is lengthy and transparent, with drafts being posted online and discussed via mailing lists. Like other key stakeholders, the Commonwealth can participate in this process. Once a new licence version is finalised however, the individual licensor decides whether to change the existing CC licence attaching to their work. If they make no such election the original licence continues to apply despite the availability of later versions.
CC licences are irrevocable[254]	CC licences grant the public a perpetual right to use the work, for the full term of copyright. The perpetual nature of a CC licence is seen by some government advisors as creating a risk. Even if we

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[252] Young Lawyers, Submission to *Towards Government 2.0: An Issues Paper,* http://gov2.net.au/submissions/.

[253] See Attorney-General's Department Submission to the Government 2.0 Taskforce (AGD Submission), para 5 and 30, http://gov2.net.au/submissions/..

[254] See id. para. 31; *see also*, Submission of the Copyright Agency Limited, p6; Submission of Australian Copyright Council, para. 95, , http://gov2.net.au/submissions/.

assume there may be some risk to the government as a practical matter the risk is likely to be very small. Commonwealth revocation of copyright permission is in fact rare. Further the government's inability to revoke the licence gives downstream users and remixers' confidence in using licensed work consistent with its licence terms. This confidence is vital to achieve the economic, social and innovation benefits of government information discussed elsewhere in this report. In addition, the Commonwealth can always withdraw a work. This will not withdraw licensed copies already in existence but will stop new licensed copies from being granted by the Commonwealth.

Absence of no endorsement or misleading use provision[255]	An express "no endorsement" provision has been drafted for inclusion in the Creative Commons Australian 3.0 licence version, which is currently being finalised.[256] It expressly prohibits a person who receives CC licensed material suggesting that they have approval, sponsorship or endorsement from the licensor, without written permission. [257] Even without this licensors also have some existing protection under existing Australian laws prohibiting misleading and deceptive conduct.
Third party copyright material[258]	The issue has been raised that, if there is any third party owned copyright material included in a government document, the government agency would need to ensure that the third party was aware of the proposed licence for the government document. This is the situation with or without a CC licence. The only reason an agency may want to pay particular attention to this issue when using a CC licence is because it may represent a change in standard licensing practice and thus, warrant additional discussion.
Attribution stacking	Concern has been expressed that the problem of "attribution stacking" may occur where successive derivatives of Creative Commons licensed material build up. This concern has been raised by those in the open data movement to argue against the use of CC licences and in favour of a complete waiver of copyright (by a Public Domain Dedication or ccZero).[259] In the interests of rapid opening our PSI, the Taskforce has not made recommendations for Public Domain or CC zero release. In addition to the fact that doing so would likely raise more fundamental legal issues, attribution, including attribution stacking can play a helpful role in supporting data integrity through multiple chains of use and reuse. Technical and/or practical solutions, as evidenced by the free software and wiki

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[255] See AGD Submission, para. 31.

[256] See http://www.creativecommons.org.au/v3draft.

[257] Seehttp://creativecommons.org.au/v3draft.

[258] See AGD Submission para. 31.

[259] See e.g., http://sciencecommons.org/projects/publishing/open-access-data-protocol/.

communities, exist to address this concern.

Enforcement[260]	To date, CC licences have not been considered by or enforced in an Australian court. However, in *Jacobsen v Katzer* (2008) the United States Court of Appeals for the Federal Circuit enforced an open source software licence, in a judgment that made it clear that the US courts will uphold open source and CC licences, even though they are applied to copyright materials distributed for no financial return. CC licences have also been enforced in the Netherlands and Bulgaria[261], treated as valid in court cases in Spain and enforced in Norway[262].
Lack of simplicity for users[263]	CC licences have been variously criticised for being longer than the standard Commonwealth notice. However, government agencies have readily incorporated a CC licence notice within a standard Commonwealth copyright notice without unduly complicating it.[264] In addition the CC system allows agencies to make a simple statement indicating the CC licence applying to their material and then allows the user to read further if they wish. The licence notice links through to a "Commons Deed" (a human-readable short statement of the key licence terms), which in turn links through to the Legal Code (the full, 'lawyer-readable' licence).
Inability to customise or add conditions.	It is correct that CC licences derive their benefit as clear and internationally recognised copyright licences by having standard terms, that are not customisable for an individual government agency (beyond choosing between the different licence conditions of NonCommercial, ShareAlike, NoDerivatives). This is necessary if they are to perform their role as machine-readable standards.

The responsibility for the management and administration of Commonwealth Copyright currently resides with the Attorney Generals Department, recognising that this occurred for administrative simplicity and in the absence of a separate Office as now proposed for a new Australian Government Information Commissioner function. According to the Department's web site:

> *The Commonwealth Copyright Administration (CCA) is responsible for the management of copyright in published materials on behalf of Commonwealth agencies. The CCA:*

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[260] See AGD Submission, para. 31.

[261] See "Creative Commons Bulgaria Licence upheld in court", Veni Markovski, 9 June 2008, at http://blog.veni.com/?p=494.

[262] See "Creative Commons License Honoured, US$ 2150 for Flickr Photo", on Gisele Hannemyr's "Trails" blog, 15 October 2006, at http://heim.ifi.uio.no/~gisle/blog/?p=92, accessed 14 November 2009.

[263] See AGD Submission, para 31; see Copyright Council Submission para 95.

[264] See GA, http://www.ga.gov.au/copyright.jsp and ABS, http://www.abs.gov.au/websitedbs/D3310114.nsf/Home/%C2%A9+Copyright?opendocument#from-banner=GB or http://tinyurl.com/y9az2f5.

- *responds to requests from the public to reproduce Commonwealth copyright material*

- *provides administrative advice on the management of copyright materials to Commonwealth agencies.*

As touched on in several areas of this report, issues of Copyright are now central to PSI. Further, in the pro-disclosure era, the need to address copyright issues must be addressed in advance and not in response to case-by-case "requests from the public". Recommendations in relation to the use of Creative Commons as a licensing model assist with this greater need for transparency and responsiveness. As a consequence, the Taskforce is of the view that the current administrative functions of the Commonwealth Copyright Administration (CCA) unit within the Attorney General's Department relating to pre and post licensing of copyright material should transfer to the proposed new Office of the Information Commissioner. Further, the Taskforce is of the view that, other administrative functions of the Commonwealth Copyright Administration (CCA) unit be reviewed to identify which of the functions should remain within AGD and those that should transfer to the proposed new Office of the Information Commissioner.

1.27.1 Copyright law and cultural heritage

Finally, the issue of copyright law and Australia's cultural heritage deserves separate and special consideration in the context of Government 2.0. Just as liberating core governance documents for use and reuse can promote more informed current decision making and strengthen representative democracy, an understanding of our cultural heritage and historical background can aid in understanding how we came to our present situation and promote a wiser discussion.

Where copyright in cultural collections is not a barrier, there are exciting possibilities in the use of tools such as Flickr which is used by most major cultural and archival organisations to make photographic and video collections available more widely. The ability to use such tools to enhance accessibility is particularly important in the archival context where access to collections may be restricted simply because of the sheer bulk of most public archival collections and the relatively limited number of archivists and funding available to make the collections known.

Copyright law can be a major hindrance for archival institutions wishing to make their collections more accessible and useable. While archival bodies may own their physical collections as objects, they may not own all, or any, of the copyright that resides in them. To make matters more complex, according to the *Copyright Act 1968*[265] protection for unpublished works (e.g manuscripts) will not start to expire until publication has occurred. Until published these documents which form a significant part of archival collections will be subject to copyright protection forever. The UK changed the law on this in 1988 by ending perpetual copyright in existing unpublished works. This issue also needs to reviewed in the Australian context and

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[265]

http://www.comlaw.gov.au/comlaw/Legislation/ActCompilation1.nsf/0/2E3EEB3B6191AB60CA2574FF0081BA02?OpenDocument

the rationale for protecting unpublished works under copyright law more closely examined[266].

Any review of this topic needs to consider the recent decision of the Full Federal Court of Australia in *Copyright Agency Limited v State of New South Wales* [2007] FCAFC 80 which held that the delivery of a survey plan of land by a surveyor to their client amounted to "publication". This raises a question as to the circumstances in which materials become published. An important category of PSI held by public collecting institutions is information for which the copyright is held by third parties who cannot be identified or located - ie. 'orphan works'. In 2006, the Australian Government announced its intention to conduct an inquiry into orphan works. Despite the intention that s 200AB Copyright Act, effective from 1 January 2007, would provide for flexible dealing it has failed to realise any more certainty in this area. This state of affairs needs to be reviewed and s 200AB given more meaningful purpose.

In some cases cultural collecting institutions may take a risk management approach to dealing with copyright in works for which there is little prospect of identifying a copyright holder and/or little prospect of any income being derived from the work in question. For every such case, however, there would be many other cases whereby institutions are reluctant to take the risk, even for very old unpublished manuscripts. Tracking down such copyright owners can be incredibly resource intensive, so the choice is to invest scarce resources in an arid and legalistic exercise, or take the easier path of just not releasing the content in question. Frequently, the solution is non-release, which not only runs counter to the pro-disclosure culture promoted by the Freedom of Information reforms and Government 2.0 for more current information, but is especially regrettable in the case of material of greater age.

The Australian Government's archival collection held by the NAA is a mixture of Crown and privately held copyright. In most cases, because of the age of the material, it is not practically possible to track down the owners of non-Crown copyright. As noted above, copyright subsists indefinitely in a literary, dramatic or musical work that has not been published. This covers material not actually created by the Commonwealth but present in significant quantity on government records. Whilst this does not prevent the NAA from making the material available to the public under the s 57 of the *Archives Act 1983*, it does have implications for people who want to reuse that material who currently need both to seek permission through the NAA to use Crown copyright and to also attempt to track down any private copyright owners.

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[266] S Ricketson and C Creswell, Law of Intellectual Property (1999 -) LBC Information Services: Sydney [3.155]

Recommendation 6 – Make Public Sector Information open, accessible and reusable

By default Public Sector Information[268] (PSI) should be.

- Free[269];

- Based on open standards;

- Easily discoverable;

- Understandable[270];

- Machine-readable[271]; and,

- Freely reusable[272].

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[267] National Archives of Australia, Submission to *Towards Government 2.0: An Issues Paper,* http://gov2.net.au/submissions/.

[268] The definition was introduced in Chapter 5 of this report. For ease of reference it is as follows: "information, including information products and services, generated, created, collected, processed, preserved, maintained, disseminated, or funded by or for the Government or public institutions, taking into account [relevant] legal requirements and restrictions".

[269] Provided at no cost in the absence of substantial marginal costs.

[270] Supported by metadata that will aid in the understanding the quality and interpretability of the information.

[271] Able to easily shared machines – see semantic web definition.

PSI should be released as early as practicable and regularly updated to ensure its currency is maintained.

Consistent with the need for free and open re-use and adaptation, PSI released should be licensed under the Creative Commons BY standard[273] as the default.

Use of more restrictive licensing arrangements should be reserved for special circumstances only, and such use is to be in accordance with general guidance or specific advice provided by the proposed new Office of the Information Commissioner.

Regarding the existing stock of PSI that has been brought into existence before the information management policies recommended in this report have been adopted, the proposed new Information Commissioner function should, in consultation with relevant agencies, propose policies to government which would maximise the extent to which that stock of PSI was re-licensed Creative Cross BY whilst ensuring that this did not impose undue administrative burden on agencies. The Taskforce envisages that rules could be adopted whereby a large amount of PSI that has already been published – for instance government reports, legislation and records that are already accessible to the public – could be automatically designated Creative Commons BY, with other PSI being re-licensed Creative Commons BY on application with rights of appeal to the new Information Commissioner.

Where ownership of the data rests with the Commonwealth, data should be released under Creative Commons BY licence. Where ownership does not rest with the Commonwealth, or is shared with another party/s, agencies are required to negotiate with the other party/s with the aim of ensuring its release under these arrangements and under Creative Commons BY. Where Agencies enter into any new contracts or agreements with a third party they should endeavour to include a clause clearly stating the Commonwealth's obligation to publish relevant data and that this be under a Creative Commons BY licence.[274] This policy should become mandatory for all contracts signed by the Commonwealth after June 2011.

Copyright policy should be amended so that if works covered by Crown copyright should automatically be licensed under a Creative Commons BY licence at the time at which Commonwealth records become available for public access under the *Archives Act 1983*.

Any decision to withhold the release of PSI, other than where there is a legal obligation to withhold release, should only be made with the agreement of, or in conformity with policies endorsed by the proposed new Information Commissioner function and consistent with the Government's Freedom of Information policy, noting that:

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[272] Not having limitation on derivative uses.

[273] http://creativecommons.org/licenses/by/2.5/au/.

[274] A consistent clause should be developed by Department of Finance and Deregulation and inserted as a standing requirement of all Commonwealth Contracts - similarly to that used to ensure access and reporting by the Australian National Audit Office (ANAO).

- In the case of structured data[275], agencies must exhaust options to protect privacy and confidentiality before seeking an exemption; and

- Agencies must proactively identify and release, without request, such data that might reasonably be considered as holding value to parties outside the Agency.

The Australian Government should engage other members of the Council of Australian Governments, to extend these principles into a National Information Policy agreed between all levels of Government, federal, state, territory and local.

In order to accelerate the adoption of Government 2.0, in addition to any distribution arrangements they wish to pursue, agencies should ensure that the PSI they release should be discoverable and accessible via a central portal (data.gov.au) containing details of the nature, format and release of the PSI.

Within the first year of its establishment, the proposed new Information Commissioner function, in consultation with the lead agency, should develop and agree a common methodology to inform Government on the social and economic value generated from published PSI.

The major agencies[276] under the *Financial Management and Accountability Act 1997* (FMA Act) should use the common methodology to report their performance in the release of PSI in their annual reports, commencing from the first of the establishment of the proposed OIC.

The proposed new Information Commissioner function should annually publish a report outlining the contribution of each agency to the consolidated value of Commonwealth PSI, commencing in the first of the establishment of the proposed OIC. The report should be published online and be accessible for comment and discussion.

Following Government acceptance of the initial Value of PSI Report, the proposed new Information Commissioner function should consider the development of a 'lite' version of the common methodology for use by other FMA Act agencies.

The Taskforce notes the proposed changes to the Freedom of Information Amendment (Reform) Bill 2009 to have the proposed new Information Commissioner function issue guidelines to support the future operations of the Act as described in the Explanatory Memorandum for Schedule 2, Section 8[277]. To ensure a consistent implementation of PSI in relation to the Freedom

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[275] Any data kept in an electronic record, where each piece of information has an assigned format and meaning.
[276] All Departments of State and material agencies see
http://www.finance.gov.au/publications/flipchart/index.html or http://tinyurl.com/yhkrbe2.
[277]
http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22legislation%2Fbillhome%2Fr4163%22 or http://tinyurl.com/ycqhp83.

of Information Act, these guidelines should give due consideration to the concepts outlined above.

Recommendation 7 – Addressing issues in the operation of copyright

Agencies should seek policy guidance, or case by case guidance, on the licensing of PSI either before its release or in administering licences after publication from the proposed new Office of the Information Commissioner .

The functions currently performed by the Commonwealth Copyright Administration (CCA) unit within the Attorney General's Department (AGD) relating to pre and post licensing of copyright material be transferred to the proposed new Office of the Information Commissioner. Other administrative functions of the Commonwealth Copyright Administration (CCA) unit should be reviewed to identify which of the functions should remain within AGD and those that should transfer to the proposed new Office of the Information Commissioner.

An important category of PSI held by public collecting institutions is information for which the copyright is held by third parties who cannot be identified or located, i.e. 'orphan works'. It is recommended that the Government, through the proposed new Information Commissioner function, examine the current state of copyright law with regard to orphan works (including s.200AB), with the aim of recommending amendments that would remove the practical restrictions that currently impede the use of such works.

1.28 How widely should PSI principles apply?

Should the principles the Taskforce has proposed to government departments apply to publicly funded universities, schools, hospitals or commercial and quasi commercial enterprises like the ABC? In principle the answer is that whatever information or content has been funded by the public should, in absence of good reasons to the contrary, be discoverable, accessible and useable as a public asset in the absence of strong reasons to the contrary.

There are however large practical issues around drawing the net as widely as this. The Taskforce notes the approach taken by the Victorian Parliament's *Inquiry into Improving Access to Public Sector Information and Data,* and particularly its recommendation that PSI be narrowly defined so that attention can be given to the PSI of core government agencies such as departments first, though the inquiry was sympathetic to extending the definition of PSI over time.[278]

The OECD Council defined public sector information in its *Recommendation for enhanced access and more effective use of public sector information*, as 'information,

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[278] Recommendation 4, Economic Development and Infrastructure Committee. *Inquiry into improving access to public sector information and data,* Victorian Parliament, June 2009, http://www.parliament.vic.gov.au/edic/inquiries/access_to_PSI/orhttp://tinyurl.com/nkbruu.

including information products and services, generated, created, collected, processed, preserved, maintained, disseminated, or funded by or for the Government or public institutions, taking into account [relevant] legal requirements and restrictions"

In principle all public sector information as defined by The OECD Council in its *Recommendation for enhanced access and more effective use of public sector information* [279] should be subject to a uniform policy regime as set out in this report. However, this will be a substantial undertaking. Accordingly it may be appropriate for there to be staged introduction of the policy.

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[279] The definition was introduced in Chapter 5 of this report. For ease of reference it is as follows: "information, including information products and services, generated, created, collected, processed, preserved, maintained, disseminated, or funded by or for the Government or public institutions, taking into account [relevant] legal requirements and restrictions".

8. Other Issues and Challenges

1.29 Government 2.0 and Security

> *Wisdom consists in being able to distinguish among dangers and make a choice of the least harmful. — Niccolo Machiavelli, The Prince*

The internet entered the commercial mainstream in the last few years of the 20th Century. Its use by Government agencies was not far behind. However, this was significantly limited initially to the provision of static information, primarily via departmental websites. While it was common for larger commercial and enterprise users to provide access to the internet for staff from their desktop by 1998, this level of access for public servants was to lag for some years. Even today, there are many public servants who do not have access from their desktop or have it in a very restricted fashion.

The advent of Web 2.0 appears to be following a similar script.

In 2009, most Australian Government departments do not allow staff access to the most common Web 2.0 tools. Indeed, as discussed earlier, many do not even provide webmail access. One of the common reasons associated with these restrictions, and a contributor to the lag in adoption of new internet tools generally, is related to the Commonwealth's approach to managing potential or actually security threats.

The basis of information technology security in the Australian Government is described in the Information Security Manual[280] (ISM), published by the Defence Signals Directorate (DSD). This document, updated regularly, provides a broad set of recommendations for maintaining IT security in government agencies. The recommendations are based on a set of principles covering all aspects of IT security.

Compliance with all aspects of the ISM is mandated for Commonwealth agencies unless a specific waiver is granted. Many of the policies and practices outlined in the ISM are clearly well suited to the Defence, Security and Intelligence community. However there is a concern that these same policies inhibit the operation of mainstream agencies and stymie their capacity to respond quickly to technological change, innovation in the market place and associated opportunities and new business or government requirements. This is not to be dismissive of the exposure, but to draw attention to the different threat profiles faced and a practice that is clearly inhibiting the broader use of Web 2.0 tools.

Given the low risk culture of the public sector, it is difficult to see how agencies wishing to enter into the Web 2.0 world will be able to argue that the benefits to citizens, and to the operations of the agency, are of sufficient value to offset an exposure which cannot easily be assessed.

The ISM acts to discourage agencies from using Web 2.0 by explicitly warning against the use of social networking sites and the use of blogs. It expressly prohibits

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[280]http://www.dsd.gov.au/_lib/pdf_doc/ism/ISM_Sep09_rev1.pdf.

the publication of any data on the web by a public servant unless "... it has been authorised for release into the public domain."

Following are some relevant extracts from the current edition of the PSM :

> ### *Accessing social networking websites*
>
> *4.1.90. It is recommended that agencies prevent personnel from accessing social networking websites that pose a higher than normal security risk relating to the unauthorised release of government information or disclosure of personal information.*
>
> *4.1.100. Websites that may pose a higher than normal security risk relating to the unauthorised release of government information or disclosure of personal information can include, but are not limited to, websites such as Facebook, Myspace and Twitter.*
>
> ### Posting information on the Web
>
> *4.1.93. Personnel posting information on the Web, especially in forums and blogs, need to remain cognisant of whether the information has been authorised for release into the public domain. Information that appears to be benign in isolation could, in aggregate, along with other information, have a considerable security impact on the Australian Government.*

While not diminishing the importance of security considerations, the take-up of Web 2.0 tools by Australian Government agencies is inhibited by risk averse interpretations of the ISM. In the absence of guidance, agency officials will err on the side of caution in their consideration of the risks associated with Web 2.0 tools, and potentially eschew proper consideration of their benefits in the view that the security risks are too high.

Specific guidance is needed in order to assist agencies make informed, appropriate decisions about the IT-related security risks associated with the implementation of Web 2.0 tools.

Recommendation 8 – Security and Web 2.0

> The Defence Signals Directorate (DSD) should provide guidance to agencies on the appropriate mitigation treatments that could be adopted to address concerns or exposures identified in relation to the use of social networking and related tools. This guidance is to take into consideration the different environments that agencies operate in, the varying risk profiles that exist and the range of tools that may be used. DSD should update the Information Security Manual (ISM) accordingly.
>
> The lead agency, in conjunction with DSD, should develop a Better Practice Guide (or "how to guide") to assist agencies in the effective, efficient and secure use of Web 2.0 tools and how to undertake associated risk assessment.

Sensitive and National Security data requires special consideration in the context of PSI. To ensure consistency between PSI arrangements in the future and the proposed changes to the FOI Act, the proposed new Office of the Information Commissioner should provide advice to agencies in relation to the treatment of PSI to enable its broadest possible release. Consistent with good practice, and the requirements of the Protective Security Manual (PSM), agencies must avoid the over classification of data so as to limit the need to review or pre-process data to enable its release.

1.30   Privacy and the release of PSI

Personal information generally falls outside the discussion about release of PSI – and with good reason; few would want to see the personal details they gave to agencies available publicly online or featured in mash-ups. Indeed, in addition to breaching the *Privacy Act 1988,* such a practice would likely discourage people from using government services and undermine their confidence in Government 2.0.

However, to ignore personal information in the Government 2.0 setting would be to severely limit the scope of efforts to release PSI and curtail the social and economic benefits that may flow on from its use.

The solution to tapping this resource while protecting privacy is for agencies to release personal information in de-identified form. However, de-identifying data can be challenging. It is not always a simple matter of removing a name. In its submission to the Taskforce, the Office of the Privacy Commissioner cites the example of AOL who in 2006 released (what it thought were) anonymised search logs of 650 000 users. In the end, journalists were able to identify a number of users based on linkages between searches.[281] In the United States, it has been pointed out that 87% of Americans can be identified by just birth date, five digit zip code, and gender. [282]

Moreover, the *Privacy Act 1988* will apply to information where the identity of the subject is apparent or *reasonably ascertainable.*[283] This means that even if obvious identifying details like name and address have been stripped, if the identity of the person can be ascertained from the remaining data (even if not immediately apparent), then the Act will apply, and agencies may breach the Act if they release the data to the public.

For these reasons, agencies may be tentative about releasing de-identified data, particularly given the increasing sophistication of data mash-ups and matching and the subsequent risks of re-identification. This hesitancy is evidenced in the relatively small number of data sets on the *data.australia.gov.au* website consisting of de-identified personal information

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[281] Office of the Privacy Commission, *Submission*.

[282] Robert Gelman *Public Record Usage in the United States* quoted by Andrew Hayne, 'Privacy regulation and e-research' in *Legal framework for e-research: realising the potential*, ed. Dr Brian Fitzgerald, University of Sydney Press, 2008, p 412, http://ses.library.usyd.edu.au/bitstream/2123/2668/1/LegalFrameworkFront.pdf.

[283] Definition of 'personal information', *Privacy Act 1988*, s 6(1).

To encourage agencies to release data in a form that is fully de-identified, it would be useful to draw together information and practical experience on de-identifying data into a set of guidelines for agencies. There are agencies with experience in de-identifying data that would have a valuable contribution to make in this regard, such as the Australian Bureau of Statistics which regularly releases de-identified demographic data. There are also developments in other methods and technologies to effectively de-identifying data which could assist agencies. For example, information scientists at the Commonwealth Scientific and Industrial Research Organisation (CSIRO) are testing 'privacy preserving analytics' which allow data to be de-identified in such a way that it is impossible to re-identify while maintaining the accuracy of the data.[284]

Recommendation 9 – Privacy and Confidentiality

> To protect the personal information of individuals included in PSI, the Privacy Commissioner should develop guidance on the de-identification of PSI before it is released. [285]

> To protect the commercial-in-confidence information of businesses included in PSI, the proposed new Office of the Information Commissioner should develop guidance on the de-identification of PSI before it is released

1.31 Information / records management

Good information and records management is an essential enabler of access to and re-use of public sector information. Agencies need to know what information they have got, how important it is, how to find it and how to keep it for as long as it is needed. The importance of good recordkeeping as a prerequisite to the public's right to information is well argued in the recent Solomon Report on Freedom of Information in Queensland[286].

Where the public accesses government information and records for potential reuse, original records should be stored and secured in systems that are designed to maintain the authenticity and integrity of those records. The concept of the original, authentic and reliable record should remain a fundamental principle. In the interest of accountability and transparency, government has an obligation to ensure that this principle is upheld at creation and maintained as the record is managed over time.

Re-use itself may generate new records that will need to be managed as records in their own right. For example, a government agency may decide to expose a draft

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[284] See CSIRO Media Release: 'Privacy Software to unlock health data gold mine', 1 August 2005, http://www.csiro.au/news/Privacy-Software.html.

[285] The *Privacy Act 1988* provides for the Privacy Commissioner to prepare and publish guidelines on privacy under s 27(1)(e). The Taskforce understands, however, that responsibility for this function would transfer to the Information Commissioner following proposed amendments to the Privacy Act and proposed new legislation to establish an Office of the Information Commissioner. In this event, responsibility for the preparation of guidance on de-identification of PSI as outlined in this recommendation should transfer to the Information Commissioner.

[286] *The Right to Information, Reviewing Queensland's Freedom of Information Act*, June 2008. http://www.foireview.qld.gov.au/.

policy on its website for citizen consultation; citizen comments or annotations will provide input into the final policy, therefore the annotations or comments need to be captured as public records.

Other issues of social web services (third party sites) hosting government data include challenges in exporting data to comply with records management requirements and uncertainty over information ownership and retention over time. Under the property-based definition of Commonwealth Record in the *Archives Act 1983*[287], any information created, managed and stored on third party sites in "The Cloud" may not be legally regarded as Commonwealth property nor, as such, as a Commonwealth record. In other words the Commonwealth is likely to have no control over, nor ownership of these records. They may be destroyed without warning and without the Commonwealth having any recourse. Legally, the public may have no right of access to these records under freedom of information or Archives legislation.

Public sector information created in any format, including digital formats, often needs to be preserved for periods of time that extend beyond the life of the system of software application in which they were created or disseminated. To ensure the ongoing useability of PSI it is important for agencies to use open file formats that comply with openly documented and interoperable standards. Failure in this area creates the risk that the information may become unreadable as a result of technological change. The use of open file formats allows others to build tools capable of presenting or repurposing the information for as long as that information has value.

Recommendation 10 – Definition of Commonwealth Record

The Taskforce recommends that government agencies wishing to use third party sites for the purposes of collaboration, service delivery or information dissemination, ensure that copies of records so generated are retained in the possession of the Commonwealth such that they satisfy the definition of Commonwealth Record in the *Archives Act 1983*.

The Government review the property-based definition of Commonwealth Record in the *Archives Act 1983*, with a view to replacing it with a definition that defines Commonwealth records as any information created or received by the Commonwealth in the course of performing Commonwealth business.

To enable and assist the discovery, sharing and reuse of PSI, agencies should deploy endorsed metadata standards such as the AGLS Metadata Standard (AS 5044) together with wholeofgovernment taxonomies such as the Australian Government's

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[287] Section 3 of the *Archives Act 1983* defines a Commonwealth Record as:

(a) a record that is the property of the Commonwealth or of a Commonwealth institution; or

(b) a record that is to be deemed to be a Commonwealth record by virtue of a regulation under subsection (6) or by virtue of section 22;

but does not include a record that is exempt material or is a register or guide maintained in accordance with Part VIII.
http://www.comlaw.gov.au/ComLaw/Legislation/ActCompilation1.nsf/all/search/FFAF1E0B63963261CA2572480026151A or http://tinyurl.com/yfgb9v9.

Interactive Functions Thesaurus (AGIFT) as outlined in the Australian Government's Information Interoperability Framework. Wherever not being able to meet such standards would produce any appreciable delay of release, the data should be released provisionally and then updated with compliant metadata.

Whenever not being able to meet such standards would appreciably delay the release of PSI, agencies should release non-compliant data until such time as they are able to comply with the standards.

Box 18: Digital Records of Archival Value are to be Preserved

The Archives has determined that digital records of archival value, created in any format, are to be preserved and, accordingly, it has established a digital archive. The Archives' digital preservation process is founded on the fundamental principle that good recordkeeping and archival systems provide access to complete, reliable and authentic records into the future. The records must be safe from unauthorised access, alteration and deletion.

The cornerstone of the digital archive is the Archives developed software, Xena, developed in the open source environment. Xena (XML Electronic Normalising of Archives) converts digital records into a format that can be preserved and accessed regardless of future technological change.

The National Archives converts digital records into open preservation file formats that can enable access to their contents in the future. The open formats are based on standards, have full specifications that are publicly documented, and are interoperable with a range of software applications. As well as converting data into open formats, the Archives' software also enables the data to be exported back to original formats and to access the information in the way it was originally presented.

The Archives has avoided using proprietary (ie closed format) software to enable independent access and to avoid issues such as breach of patent and payment of royalties. The use of open file formats will allow others to build tools capable of presenting or repurposing records preserved by the National Archives.

Submission by the National Archives of Australia[288]

1.32 Whole of Government Information Publication Scheme

The terms of reference of the Taskforce require it to identify policies and frameworks to assist the proposed new Office of the Information Commissioner and other agencies in developing and managing a whole of government information publication scheme to encourage greater disclosure of public sector information.

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[288] National Archives of Australia, Submission to *Towards Government 2.0: An Issues Paper* http://gov2.net.au/submissions/.

Requirements for an information publication scheme arise in the context of proposals for amendments to the Commonwealth's *Freedom of Information Act 1982* (FOI Act). The Freedom of Information Amendment (Reform) Bill 2009[289] establishes an information publication scheme and sets out ten categories of information that must be published. The proposed publication scheme is considerably more expansive than both the UK and Queensland models which require publication of information under seven classes of information (which are substantially covered in the proposed publication scheme set out in the Bill). However, in addition to the ten mandatory categories of information that must be published, the proposed scheme also includes provision for agencies to publish other information at its discretion (guided by the objects of the Act and guidelines to be issued by the Information Commissioner). It is this feature that makes the scheme an agency driven or proactive scheme as it allows the type of information to be published to evolve and to be tailored depending on the agency's functions (rather than as a scheme fixed by designated and fairly standard classes of operating information).

The Bill also requires agencies to publish plans showing how they propose to implement the scheme. The plans set out what information the agency proposes to publish through its scheme, how and to whom the agency proposes to publish the information and how the agency otherwise proposes to comply with the scheme's requirements. The Bill gives the proposed new Information Commissioner function responsibility for reviewing the operation of the scheme in each agency, investigating compliance and reporting on the operation of the scheme.

The implementation of the proposed information publication scheme could further assist agencies in the recognition of their Information Assets and form the basis of an Information Register. Such a Register would represent a core tool in improving the means by which others discover and locate data held. It would need to be based on types or classes of data that are named and described in such a way as to be meaningful to those outside the agency. In some cases, the Register could include details of the reasons for release and non-release of data and act as a "check-list" for agencies in determining compliance with guidelines surrounding the release of PSI.

However, beyond any legislative requirements, the proposed information publication scheme backs important aspects of Government 2.0. If the government is to encourage public collaboration and input to policy development and service delivery through the contribution of ideas and expertise, it is important that the community be as informed as possible. The information publication scheme is one way in which this can occur. A well informed community also, of course, is an essential driver for greater government accountability and transparency.

In this case, Australia has limited examples of established practice. Most freedom of information legislation includes a range of documents, or information about documents, that agencies are required to publish. However, the extension of this basic requirement to comprehensive 'model publication schemes' requiring agencies to maintain publications schemes approved by a Commissioner, has to date occurred only in the UK and Scotland and, in Australia, in Queensland with other States making moves to follow. The UK refined its initial publication scheme in light of

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[289] http://www.pmc.gov.au/consultation/foi_reform/index.cfm or http://tinyurl.com/d7ywkt.

early difficulties in implementation, and, while acknowledging the differences between the UK model and the Australian Government's proposed publication scheme, particularly the wider publication requirements in the Australian model, the UK's current 'model publication scheme' provides a useful model from which to draw lessons for Australia.

1.32.1 Taskforce Project report

The Taskforce commissioned a report through its project fund to support the work of the Taskforce and to contribute to its deliberations on the form and nature of the information publication scheme. The report, by Eric Wainwright and Dagmar Parer of eKnowledge Structures[290] provides a comprehensive view of the Australian and international contexts, and recommendations for an approach for an information publication scheme for the Australian government. The report also makes suggestions for implementation of the publication scheme.

At a very practical level, the report includes suggested content for initial guidelines to be issued to agencies by the proposed new Office of the Information Commissioner, a model information publication scheme and suggested guidelines for agency information publication plans.

A number of 'quick wins' are identified to help agencies increase discoverability of seven categories of information already covered by publication and reporting obligations. These cover information in Annual Reports, documents required to be tabled under Senate Procedural Orders, and documents required to be listed under FOI Act Section 9 Statements.

Other aspects of the report are summarised below.

1.32.1.1 Opportunities arising from the information publication scheme

The project report notes that our concept of a 'publication' has changed. A 'publication' is no longer necessarily a static entity but may include web-resources that are continually updated, statements of varying formality aimed to encourage public engagement and/or feedback, and data provided for potential reuse. Channels for dissemination are likewise varied.

The report also notes that much potentially useful information held by agencies currently is not visible or is difficult to find.

The report argues that information publication schemes provide an opportunity both to encourage agencies to consider new ways of extending the reach and uses of their information, and to encourage a more integrated approach to the management of that information within the agency.

As Wainwright and Parer point out[291], Australian Government agencies are already subject to a range of compliance requirements relating to the publication and dissemination of information, and present legislative and regulatory information

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[290] Eric Wainwright and Dagmar Parer, eKnowledge Structures (2009) *Whole of Government information publication scheme*, Government 2.0 Taskforce Project 7. [[Location of report TBA for final report]]

[291] ibid, p.18-20.

publication obligations are complicated. Some requirements are agency-specific[292] and others apply across agencies[293]. Information publication schemes provide an opportunity for agencies to integrate and streamline the publication and information dissemination requirements to which they are subject.

1.32.1.2 Implementation

Experience in the UK indicates that expectations of full agency compliance at the outset of the scheme may need to be tempered.

Wainwright and Parer describe a number of strategies that might assist in the initial stages of implementation[294]. These include:

- a strong indication of high-level political support for the scheme;

- substantial initial support from the proposed new Information Commissioner function, including guidelines, templates and support for agencies before the publication scheme takes effect to assist agencies prepare for implementation;

- a staged introduction of the scheme. It is suggested that this might be limited initially to portfolio departments, with full implementation being phased in over a further 12 months. In addition, because the legislation enabling the publication scheme sits within the FOI Act it is assumed that it will apply only to agencies covered by the FOI Act. Eventually however, agencies not covered by that Act might be encouraged to also participate in the scheme;

- that data not be included in the publication scheme until after 1 July 2011 because of the particular difficulties for agencies in data handling and licensing issues and the need for specific guidance on these matters.

In addition, at the implementation phase, the Taskforce considers that AGIMO will need to work with the Department of the Prime Minister and Cabinet to assist agencies with the technical requirements for implementing the information publication scheme.

1.32.1.3 Project report findings and recommendations

The report contains a comprehensive list of findings and recommendations that aim to maximise potential benefits that might flow from the implementation of the information publication schemes. The findings and recommendations are reproduced at Appendix G and the full project report is available at [[TBA for final report]][295]

The Taskforce broadly endorses the conclusions to which the report comes and urges the proposed new Office of the Information Commissioner, once established, to take account of the report.

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[292] e.g. S.53 of the *Patent Act 1990* requires the publication of certain information about patent applications and applications
http://www.comlaw.gov.au/comlaw/Legislation/ActCompilation1.nsf/0/EAB4C263579FFE56CA2572AA0011CD8F/$file/Patents1990WD02.pdf or http://tinyurl.com/yg9t7yt.

[293] e.g. The Senate *Procedural Orders for Indexed Lists of Departmental and Agency files, Departmental and Agency Contracts, Agency Advertising and Public Information Projects, Departmental and Agency Appointments and Vacancies, and Departmental and Agency Grants.*

[294] op cit pp.9, 32

[295] [[Location of report TBA for final report]].

Recommendation 11 – Information Publication Scheme

The Taskforce recommends that, in the development, management and implementation of a government information publication scheme, the proposed new Office of the Information Commissioner, once established, take regard of the findings and recommendations contained in the Taskforce project report 7.

The Taskforce supports the model for the publication scheme set out in the Freedom of Information Amendment (Reform) Bill 2009[296] and notes that the Bill currently provides for the aims below. To reinforce its support, the Taskforce recommends information publication schemes be developed with the following explicit aims:

- Provide an overall and consistent statutory framework for information publication by all agencies;

- Encourage the widest disclosure of reliable and useful government information consistent with the public interest, and thereby greater trust in government;

- Guide agencies in overcoming attitudinal, technological and legal barriers to optimal information disclosure and use, and to improved public engagement;

- Provide a planning framework to assist agencies in their overall information management;

- Provide an integrated and simplified guide for agencies to meet their information publication and reporting obligations;

- Provide clear and understandable guidance to the public on their rights to, and methods of, accessing and using government information, leading to improved service delivery and public engagement in policy development;

- Enable the proposed new Information Commissioner function to monitor schemes, and encourage agencies towards achieving government pro-disclosure objectives through reference to exemplars, and reporting of unsatisfactory progress.

1.33 Gifts of public good – Information Philanthropy

Innovation often occurs well in advance of the regulatory and cultural frameworks needed to support it. Many of the most innovative endeavours have been made by people with an idea, some time to volunteer and the wherewithal to make it happen.

For the many innovations that have social and democratic value but no apparent commercial return there are currently few options. Funding through government grants is unlikely, micro-donations and online advertising will rarely cover any

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[296] http://www.pmc.gov.au/consultation/foi_reform/index.cfm or http://tinyurl.com/d7ywkt.

substantial costs and the current philanthropic framework does not support substantial giving to such projects.

In the UK and the US examples such as mysociety.org and guidestar.com demonstrate the potential for social good. In Australia initiatives such as OpenAustralia and the Taskforce's mashup competition and associated hack day events are clear examples of the potential and appetite to innovate with data and online engagement.

It may be possible for organisations whose purpose is to build online systems for public good to receive Deductible Gift Recipient (DGR) and Tax Concession Charity (TCC) status for organisations but it is far from straightforward. There are no categories that specifically support the provision of public goods online in the Australian Taxation Office (ATO) regulatory definitions. DGR and TCC status provides both tax advantages for the organisation and the capacity to receive grants and donations from philanthropic foundations and other donors.

This is not surprising as Information Philanthropy is new and is not widely understood. Reducing the obstacles to the free flow of philanthropy to projects that use government data for public good, or improve the democratic process will no doubt boost innovation and expand the understanding of the value of such projects. Some areas of philanthropy, specifically sports, arts and rural and regional development have overcome barriers to philanthropy for deserving but not compliant projects through the creation by the Australian Government of a Specially Listed Deductible Giving Recipient Foundation. Such a foundation is able to receive donations from individuals, business/corporates, and philanthropic foundations and trusts such that they comply with the relevant tax and charity law, and meet all their legal requirements. Because of its special listing, this structure is able to give to non-DGR not-for-profit organisations. The Australian Sports Foundation and the Australian Cultural Fund are examples of such organisations.

The consultants to the Taskforce have proposed the establishment of such a Specially Listed Deductible Giving Recipient Foundation to support the initial development of info-philanthropy. For the purposes of establishing this, one might define the foundation's mission as assisting in projects of properly registered not-for-profit organisations and which, in a way that is not party political or focused primarily on advocacy either:

- Re-use data, including data of Australian governments for public benefit or

- Engage citizens in projects that seek to enhance democratic accountability or the democratic process and the development of public policy.

It is anticipated that this foundation would be independently governed, and could be managed by one of the existing foundations to draw on their experience and administrative resources. The Taskforce would appreciate input on the advisability of such a course.

Establishing a philanthropic process to support online projects does not reduce the need for good governance, accountability or ongoing sustainability, but it does free people with good ideas to get on with the work of creating projects for public good.

Recommendation 12 – Encourage info-philanthropy

> Because some of the most successful experiments in Government 2.0 have
> been fuelled by not-for-profits in leading countries such as the UK and the US,
> Australian policy-makers should minimise obstacles to info-philanthropy
> being treated as an eligible activity to qualify for deductible gift recipient and
> other forms of legal status which recognise charitable or philanthropic
> purposes.

1.34 Where agencies are charging for PSI

One practical matter that must be addressed in opening up PSI is the possible loss of
revenue accruing from mandating free and open access where PSI is being sold.
Australia has already been a leader in this area in the early 2000s with geographic
data.

The Taskforce commissioned a report on the pricing of PSI. It is developing a
powerful case for making the presumption in favour of marginal cost (free) pricing
and open licensing a very strong one, particularly with data and information though
perhaps less so with 'content' such as the Australian Broadcasting Corporation's
(ABC's) programming or digital content from museums and galleries.

As several studies have found, government revenue will often benefit more from taxes
on the economic growth stimulated by open access to PSI than it will suffer from zero
pricing PSI. This is an important, but not a complete answer to the dilemmas that the
issue raises even in principle, and certainly not in practice.

Firstly, even where zero pricing is the optimal economic policy from the perspective
of national welfare open PSI will not always generate higher net government revenues
and here additional revenue will have to be found. Those in charge of government
budgeting are typically loath to take into account speculative revenue gains for fear of
harming the rigour of the budgetary process. And the revenue benefits from taxation
of increased economic activity arising from open PSI take time to materialise. In
addition when it committed to its fiscal stimulus through the recent economic
downturn the government adopted stringent fiscal targets in coming years.

Thus, if governments are to find alternative sources of revenue as they have done
before, they will need evidence that the loss of revenue brings some commensurate
benefit. As a result, marginal cost and zero pricing of PSI will need in some cases to
be phased in as budgets permit.

Secondly there are a range of practical matters that require attention to make the
transition to open PSI with data that is currently being charged for. The agencies
earning revenue from sale of PSI will typically not be the agencies that reap the tax
revenue from the additional economic activity stimulated by open PSI, creating a
variety of frictions in the practical process of opening PSI. This will particularly be
the case with state governments, which have much narrower tax bases, raising both
the political and economic cost of generating any additional revenue and reducing the
extent to which the states will capture revenue from any additional economic activity
arising from opening up PSI.

For this reason the lead agency should work with relevant agencies to understand their circumstances and help them individually prioritise actions to move towards greater marginal cost pricing of their PSI. At the same time it should publicly report on progress in this area across government so as to maintain Australia's policy leadership in this area. It should also ensure that the Australian Government is well informed on any issues which are constraining state governments from authorising greater open access to PSI under their control.

1.34.1 Content and cultural agencies

Cultural agencies like the Australian Broadcasting Corporation (ABC) and Special Broadcasting Service (SBS) and some galleries and other cultural institutions, have well established business ventures from the sale and licensing, including international licensing of their content, which may require restrictions on the distribution of their content.[297] Because such agencies are not lavishly funded they are always seeking to explore avenues within their charters for greater internal funding. This mindset can lead agencies to pay greater attention to the revenue raising benefits of selling content – together with the restrictive licensing this entails – than the broader costs of doing so, not just to their mission but more broadly still.

The Taskforce has focused its energies on making recommendations to encourage a transformation in the use of information and data rich PSI. In the meantime the lead agency should seek to have the issues better understood both with agencies which generate content for sale and the broader community. There may well be a substantial prospect of bringing such agencies to release more PSI, particularly when the cost of selling it and the scope for free distribution to stimulate greater interest in and sales of complementary products is taken fully into account.[298] Some such as the ABC and the Powerhouse Museum in Sydney have made an excellent start and they are recognised as global leaders.

If the Taskforce is successful in initiating a new era of open PSI in Australia we can deliberate further on precisely where we draw the line in the licensing of content. We need to make sure we can walk before we run.

1.35 Accessibility and Web 2.0 Tools

New online initiatives often face accessibility dilemmas. Are the tools accessible, can they be made accessible within the time our project is viable, how can I use external tools that are not fully compliant? And what about content provided by third parties?

In many instances the application of full accessibility compliance can result in major delays, abandoning of initiatives or a severe weakening in functionality. In the public

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[297] There may also be various variety restrictions on their own rights to license the material having purchased it from third parties with their own ambitions to license it elsewhere. The Taskforce does not envisage that its recommendation for all contracts for the provision of material to government which will become PSI should extent to third party 'content' contracted to agencies such as the ABC and SBS.

[298] Bray, Paula, 2009, "Open Licensing and the Future for Collections", Powerhouse Museum, Sydney, Australia at http://www.archimuse.com/mw2009/papers/bray/bray.html or http://tinyurl.com/yf7qb6m accessed on 23rd Nov 09.

sector compliance is mandated, if compliance cannot be met then the project cannot proceed. The result is that access is denied for everyone.

This situation is made more difficult with the pace of technology change, the enormous choice of tools and the practice of perpetual Beta. Tools may never be made accessible before being replaced by a host of new ones. Also, as our population ages the need for accessibility increases and the implementation of Web Content Accessibility Guidelines 2 (WCAG) adds complexity to compliance.

Even the application of WCAG guidelines is not a one-size-fits-all approach. Accessibility requirements differ between audiences, interpretations differ between entities and application varies between systems. Where collaboration or user-generated content is included, it may be difficult to avoid inconsistencies in the application of the guidelines.

An example is the online presentation of submissions to inquiries. These are often provided in a wide variety of formats, by organisations and individuals who have no understanding of how to make such documents accessible. The resources and time required to make them accessible would be out of scope of the submission process. Currently, with mandated compliance, such submissions may not be made public and no-one gets access, diminishing the value of the consultative process.

The main aim of any publicly funded projects is, without question, good access for everyone. But an approach based simply on compliance suggests that accessibility is something to be added on to projects, rather than to engender a culture of understanding and an integration of accessibility concepts into the core of the project.

To improve this situation, cultural change is required, as well as an acceleration of accessibility innovations within online tools and services within government and the wider community.

Progress will require that several factors within the public sector be encouraged, i.e. understanding, a thoughtful approach to accessibility decisions, accountability for those decisions and a consideration of accessibility from the outset of online projects:

- Accessibility is a human issue, not a technology issue nor a compliance issue. Developing a deep understanding that accessible is best, and accessibility is the right thing to do for the audience, rather than because compliance is mandated. We do it because we should, not because we have to;

- Freedom for agencies to choose non-accessible tools after careful consideration and always with the aim of maximum accessibility compliance. This enables agencies to deliver innovative engagement projects while maximising accessibility in the circumstances and providing alternative options for accessibility. For example, an agency may wish to use Facebook as tool as part of a consultation process, which would in many cases make good sense. However, the agency would need to ensure that it was not limiting the potential for citizens to participate in the consultation because of accessibility issues associated with the tool;

- Public accountability for these decisions. Decisions to initiate an online project without compliance must be subject to public scrutiny. Site visitors should know why the decisions were made, what the alternatives measures for access are, and what the agency is planning to do to improve accessibility;

These factors will have significant positive effects:

- Agencies will expect Web 2.0 tool vendors and online service providers to improve their accessibility;

- Public servants will gain a much deeper understanding of the requirements for accessibility, rather than the requirements for compliance;

- Software providers will build accessibility in intrinsically if they better understand the interest and opportunity of government to be their market;

- Agencies will be accountable for their decisions, improving the quality of these decisions and ensuring maximum access for everyone within the scope and resources of the project.

Changes to existing systems and accessibility built into new systems from the start will, in time, create an online environment which is accessible by nature rather than through compliance. Accessibility made in the context of service delivery and online engagement rather than mandated compliance will result in deeper understanding and, eventually, culture change.

Through the use and development of Open Source systems, the government has an opportunity to contribute to improving accessibility in the wider community. Government is also in a position to influence suppliers of proprietary systems to maximise accessibility for Web 2.0 platforms and other Government 2.0 tools.

To support the application of accessibility beyond compliance with guidelines the Taskforce has also recommended awards for agencies that recognise outstanding practice in the accessible use and impact of Government 2.0 tools to improve agency interactions with citizens, business and community groups.

Recommendation 13 – Accessibility

Significant cultural change is needed to enable greater support for the adoption of accessible Web 2.0 tools, collaboration and online community engagement activities, and PSI delivery projects The Taskforce therefore recommends that:

- Agency compliance with the Worldwide Web Consortium's Web Content Accessibility Guidelines (WCAG)[299] as the minimum accessibility level for all online community engagement and online PSI provision is required. Data provided on the primary PSI site, data.gov.au, should be provided in full compliance with WCAG;

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[299] This recommendation deliberately avoids specifying which version of WCAG is being referred to as a means of ensuring the recommendation refers to the most current version of the guidelines mandated by the Government.

- Where an agency is considering a project where strict compliance with WCAG accessibility guidelines would unacceptably delay or prevent a project from proceeding, AGIMO will provide guidance on options to facilitate maximum access for people with disabilities;

- In this case projects should only proceed with an online statement explaining site accessibility, together with an outline of where and why it does not meet a specific WCAG guideline, and what alternative options for accessible access were considered or are provided and plans for future compliance;

- A central register of accessibility compliance statements should be maintained on data. gov.au*;*

- In consultation with relevant agencies, the lead agency should establish awards for agencies that recognise outstanding practice in the accessible use and impact of Government 2.0 tools to improve agency interactions with citizens, business and community groups.

APPENDICES

A   Terms of Reference – Taskforce Web Site

The Government 2.0 Taskforce ('Taskforce') will advise and assist the Government to:[300]

- make government information more accessible and usable — to establish a pro-disclosure culture around non-sensitive public sector information;

- make government more consultative, participatory and transparent — to maximise the extent to which government utilises the views, knowledge and resources of the general community;

- build a culture of online innovation within Government — to ensure that government is receptive to the possibilities created by new collaborative technologies and uses them to advance its ambition to continually improve the way it operates;

- promote collaboration across agencies with respect to online and information initiatives — to ensure that efficiencies, innovations, knowledge and enthusiasm are shared on a platform of open standards; and

- identify and/or trial initiatives that may achieve or demonstrate how to accomplish the above objectives.

The Taskforce will advise Government on structural barriers that prevent, and policies to promote, greater information disclosure, digital innovation and online engagement including the division of responsibilities for, and overall coordination of, these issues within government.

The Taskforce will work with the public, private, cultural and not for profit sectors to fund and develop seed projects that demonstrate the potential of proactive information disclosure and digital engagement for government.[301]

In particular the Taskforce will also identify policies and frameworks to assist the proposed new Office of the Information Commissioner and other agencies in:

- developing and managing a whole of government information publication scheme to encourage greater disclosure of public sector information;

- extending opportunities for the reuse of government information, and considering the terms of that use, to maximise the beneficial flow of that information and facilitate productive applications of government information to the greatest possible extent;

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[300] Terms of Reference are on the Taskforce web site at http://gov2.net.au/about/.

[301] More information can be found on the Taskforce's Project Fund page, http://gov2.net.au/about/project-fund/

- encouraging effective online innovation, consultation and engagement by government, including by drawing on the lessons of the Government's online consultation trials and any initiatives undertaken by the Taskforce.

The Taskforce will meet regularly, consulting in an open and transparent manner and use online solutions for its engagement wherever possible.

The Taskforce will provide a final report on its activities to the Minister for Finance and Deregulation and the Cabinet Secretary by the end of 2009. The Taskforce will disband on completion of its final report.

B   Acronyms

ABC	Australian Broadcasting Corporation
ABS	Australian Bureau of Statistics
ACCC	Australian Competition and Consumer Commission
AGIMO	Australian Government Information Management Office
ANAO	Australian National Audit Office
APS	Australian Public Service
APSC	Australian Public Service Commission
ATO	Australian Taxation Office
COAG	Council of Australian Government
CSIRO	Commonwealth Scientific and Industrial Research Organisation
DBCDE	Department of Broadband, Communications and the Digital Economy
DGR	Deductible Gift Recipient
DSD	Defence Signals Directorate
EU	European Union
FMA Act	*Financial Management and Accountability Act 1997*
FOI	Freedom of Information
GILF	Government Information Licensing Framework
GIS	Geographic Information System
The Taskforce	Government 2.0 Taskforce
ICT	Information and communication technology
ISM	Information Security Manual
MAC	Management Advisory Committee
NAA	National Archives of Australia
NLA	National Library of Australia
NMA	National Museum of Australia
NSW	New South Wales
NZ	New Zealand
OECD	Organisation for Economic Cooperation and Development
OPSI	Office of Public Sector Information (UK)
OSDM	Office of Spatial Data Management
SBS	Special Broadcasting Service

SEC	Securities and Exchange Commission (US)
TCC	Tax Concession Charity
The Fed	Federal Reserve System, Central Bank of the United States
TRI	Toxic Release Inventory (US)
UK	United Kingdom
US	United States

C   Glossary

Many of the terms listed below have a variety of meanings. The definitions provided reflect the sense in which each term is used in this report. Many of these definitions owe acknowledgement to Wikipedia.

Blog	A blog (a contraction of the term "web log") is a type of website, often maintained by an individual, with regular entries of commentary or news on a particular subject, or descriptions of events, or other material such as graphics or video. The ability for readers to leave comments in an interactive format is an important part of many blogs.
Broadband	Refers to high-speed internet access, either at the level of the individual internet connection or in the context of larger telecommunications networks.
Creative Commons (CC)	A not-for-profit organisation which releases a range of copyright licences known as "Creative Commons licences". These licences allow content owners to specify which rights they wish to retain in their works and which rights they are willing to waive.
Creative Commons Attribution 2.5 Australia Licence	A form of Creative Commons licence designed for use in Australia which allows users to copy, distribute and modify a work so long as they attribute it in a way specified by the content owner.
CC BY	See Creative Commons Attribution 2.5 Australia Licence
Crowdsourcing	Crowdsourcing is a distributed problem-solving and production model. Problems are broadcast to an unknown group of solvers in the form of an open call for solutions. Crowdsourcing may produce solutions from amateurs or volunteers working in their spare time, or from experts or small businesses which were unknown to the initiating organization.
Data visualisation	A way of representing data through the use of graphics-based tools. Data visualisation could be as simple as plotting data on a graph, or could involve using online tools to create interactive graphics and visual-based applications.
Folksonomy	A folksonomy is a system of classification derived from the practice and method of collaboratively creating and managing tags to annotate and categorize content[302]

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[302] http://en.wikipedia.org/wiki/Folksonomy

Free software	Software released under a licence allowing users to modify and redistribute it as they wish. Free software is not necessarily given to users without charge: Richard Stallman coined the phrase that free software is "free as in free speech, not as in free beer."[303]
GovHack	An event sponsored by the Government 2.0 Taskforce and held in Canberra on October 30 and 31st 2009. It brought together a range of developers and encouraged them to create new mashups using government data.
Hacking	Not necessarily a negative term, hacking can refer to the act of building new applications or modifying existing ones with the goal of encouraging openness, sharing and collaboration.
Interoperability	Refers to the ability of two different systems to share data with one another. In an online sense interoperability can be encouraged through the use of open standards to facilitate data exchange between different systems or platforms.
Mashup	A web page or application that takes data and combines it either with other data or other web services to create something new[304]. For example, a mashup may take data about the location of government services such as Medicare and Centrelink offices and then plot their locations and other associated data on a map.
Metadata	Metadata is structured information describing data, making it more discoverable in online environments. Metadata also provides context to data and can make data easier to reuse and combine with other data. Metadata can also include information about the quality of the data.
Online consultation	Online consultations or e-consultations refer to an exchange between government and citizens using the internet. Generally, an agency consults a group of people to get their thoughts on an issue when a project or a policy is being developed or implemented. This enables governments to draft more citizen-centred policy.
Open source software	Open source software is built under a development process where the source code is freely available and can be modified and redistributed by users. It commonly uses what Eric S. Raymond described as a "bazaar model", where software is collaboratively and openly developed online, as opposed to a "Cathedral" model where development is centralised and not open. Open source software differs from "free software" by emphasising this collaborative development model rather than the rights which should be associated with software.

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[303] The Free Software Definition http://www.gnu.org/philosophy/free-sw.html

[304] For examples, see http://mashupaustralia.org/.

Open standards	An open standard is one which is collaboratively developed, clearly defined and recognised by an independent body. Open standards are vendor neutral and encourage interoperability by not being confined to any one platform.
Peer produced	Peer production relies on self-organizing communities of individuals who come together to produce a shared outcome. In these communities the efforts of a large number of people are coordinated to create meaningful projects. Common examples are Wikipedia and Linux, a computer operating system.
Public Sector Information	The Organisation for Economic Co-operation and Development defines public sector information as "information, including information products and services, generated, created, collected, processed, preserved, maintained, disseminated, or funded by or for the Government or public institution".[305]
RDF (Resource Description Framework)	A set of World Wide Web Consortium (W3C) specifications involving a model for using metadata to provide a description of data. RDF is one of the specifications included in the W3C's conception of the Semantic Web.
Remix / re-use	In an online context refers to the process of users taking data and modifying it to create something new. It generally requires that the original content be released under a sufficiently permissive form of copyright licence, such as Creative Commons.
RSS (Really Simple Syndication)	Really Simple Syndication (RSS) feeds notify users when a website or part of a website has been updated. RSS feeds can be accessed through programs known as RSS aggregators or online services such as Google Reader. Additionally, many modern web browsers and mail clients are capable of receiving RSS feeds which receive new content when the original website is updated.
Semantic Web	The Semantic Web is a series of W3C specifications that provides a framework to describe information about data, known as metadata. It involves a vision of a machine-readable web, where intelligent agents would be capable of understanding data presented online by interpreting the accompanying metadata.
Social media	Social media can take many different forms, including internet forums, weblogs, social blogs, wikis, podcasts, pictures, video, rating and bookmarking. Technologies include: blogs, picture-sharing, email, instant messaging, music-sharing, crowdsourcing, to name a few.
Social	Engaging in a social network service, i.e. a service which builds

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[305] Organisation of Economic Co-operation and Development (OECD) Council, April 2008, *Recommendation of the OECD Council for enhanced access and more effective use of public sector information,* http://www.oecd.org/dataoecd/0/27/40826024.pdf, pg. 4.

networking	online communities of people who share interests and/or activities. Facebook and Twitter are examples of social network services which are widely used worldwide
Syndication	Refers to the distribution of online content to places other than its original point of publication, for example through Really Simple Syndication (RSS).
Tweet	A micro-blog post (140 characters) on the Twitter social network site, or the act of posting on it. Each post is referred to as a tweet, and the act of sending a tweet is referred to as tweeting
Twitter	Twitter is a free social networking and micro-blogging service that enables its users to send and read messages known as tweets. Tweets are text-based posts of up to 140 characters displayed on the author's profile page and delivered to the author's subscribers who are known as followers. Senders can restrict delivery to those in their circle of friends or, by default, allow open access. Users can send and receive tweets via the Twitter website, Short Message Service (SMS) or external applications. While the service itself costs nothing to use, accessing it through SMS may incur phone service provider fees.
User-generated	User-generated content refers to sites on which the public has been allowed, and encouraged, to make its content freely available. An example is YouTube which displays a wide variety of user-generated video content.
Web 1.0	Web 1.0 refers to an online era dominated by static websites with little interaction available. The difference between Web 1.0 and Web 2.0 could be characterised as the difference between a one-to-many broadcasting and many-to-many communication.
Web 2.0	A term describing a broad shift towards an online environment characterised by interaction, collaboration and user-generated content. Examples of Web 2.0 websites include social networking sites such as Facebook, the online encyclopaedia Wikipedia and the video-sharing site YouTube.
Wiki	A website which allows users to edit content as a form of crowdsourcing.
World Wide Web Consortium (W3C)	The World Wide Web Consortium (W3C) is the main international standards organization for the World Wide Web. The consortium consists of member organizations and maintains full-time staff working together to develop standards for the Web. W3C also serves as an open forum for discussion about the Web
XML (Extensible Markup	A World Wide Web Consortium specification which calls for documents to be structured so that they include both data and metadata describing that data. XML is used in languages and file

Language)   formats such as Really Simple Syndication (RSS), XHTML,
                   Microsoft's Open Office XML format and OpenOffice.org's Open
                   Document format.

D   The OECD principles for public sector information

In April 2008 the Organisation of Economic Co-operation and Development (OECD) Council adopted the *Recommendation of the OECD Council for enhanced access and more effective use of public sector information*.[306] (Australia is a member of the OECD and was a participant in and a signatory to the Recommendation.) It recommends that member countries 'in establishing or reviewing their policies regarding access and use of public sector information…take due account of and implement the following principles, which provide a general framework for the wider and more effective use of public sector information and content and the generation of new uses from it.'

The Taskforce endorses the broad thrust of the principles but notes that there is a strong case for greater prominence to be given to timeliness in these principles. It is common for information to be locked up for far too long while it is brought into a state deemed acceptable for publication. Where data requires further work there should be a strong presumption that it should be released – together with clear declarations of any limitations in the quality of the information and the ways in which this limits its usefulness. While there are no doubt circumstances where the early release of data that will be subsequently revised could do more harm than good, this will be rare. And we must guard against the tendency for custodians of data to be risk averse in weighing the balance between potential costs – for instance complaints – and benefits which might go without much notice.

1.   Openness. Maximising the availability of public sector information for use and re-use based upon presumption of openness as the default rule to facilitate access and re-use. Developing a regime of access principles or assuming openness in public sector information as a default rule wherever possible no matter what the model of funding is for the development and maintenance of the information. Defining grounds of refusal or limitations, such as for protection of national security interests, personal privacy, preservation of private interests for example where protected by copyright, or the application of national access legislation and rules.

2.   Access and transparent conditions for re-use. Encouraging broad non-discriminatory competitive access and conditions for re-use of public sector information, eliminating exclusive arrangements, and removing unnecessary restrictions on the ways in which it can be accessed, used, re-used, combined or shared, so that in principle all accessible information would be open to re-use by all. Improving access to information over the Internet and in electronic form. Making available and developing automated online licensing systems covering re-use in those cases where licensing is applied, taking into account the copyright principle below.

3.   Asset lists. Strengthening awareness of what public sector information is available for access and re-use. This could take the form of information

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[306] http://www.oecd.org/dataoecd/0/27/40826024.pdf or http://tinyurl.com/59tafe

asset lists and inventories, preferably published online, as well as clear presentation of conditions to access and re-use at access points to the information.

4.   Quality. Ensuring methodical data collection and curation practices to enhance quality and reliability including through cooperation of various government bodies involved in the creation, collection, processing, storing and distribution of public sector information.

5.   Integrity. Maximising the integrity and availability of information through the use of best practices in information management. Developing and implementing appropriate safeguards to protect information from unauthorised modification or from intentional or unintentional denial of authorised access to information.

6.   New technologies and long-term preservation. Improving interoperable archiving, search and retrieval technologies and related research including research on improving access and availability of public sector information in multiple languages, and ensuring development of the necessary related skills. Addressing technological obsolescence and challenges of long term preservation and access. Finding new ways for the digitisation of existing public sector information and content, the development of born-digital public sector information products and data, and the implementation of cultural digitisation projects (public broadcasters, digital libraries, museums, etc.) where market mechanisms do not foster effective digitisation.

7.   Copyright. Intellectual property rights should be respected. There is a wide range of ways to deal with copyrights on public sector information, ranging from governments or private entities holding copyrights, to public sector information being copyright-free. Exercising copyright in ways that facilitate re-use (including waiving copyright and creating mechanisms that facilitate waiving of copyright where copyright owners are willing and able to do so, and developing mechanisms to deal with orphan works), and where copyright holders are in agreement, developing simple mechanisms to encourage wider access and use (including simple and effective licensing arrangements), and encouraging institutions and government agencies that fund works from outside sources to find ways to make these works widely accessible to the public.

8.   Pricing. When public sector information is not provided free of charge, pricing public sector information transparently and consistently within and, as far as possible, across different public sector organisations so that it facilitates access and re-use and ensures competition. Where possible, costs charged to any user should not exceed marginal costs of maintenance and distribution, and in special cases extra costs for example of digitisation. Basing any higher pricing on clearly expressed policy grounds.

9.   Competition. Ensuring that pricing strategies take into account considerations of unfair competition in situations where both public and

business users provide value added services. Pursuing competitive neutrality, equality and timeliness of access where there is potential for cross-subsidisation from other government monopoly activities or reduced charges on government activities. Requiring public bodies to treat their own downstream/value-added activities on the same basis as their competitors for comparable purposes, including pricing. Particular attention should be paid to single sources of information resources. Promoting non-exclusive arrangements for disseminating information so that public sector information is open to all possible users and re-users on non-exclusive terms.

10. Redress mechanisms: Providing appropriate transparent complaints and appeals processes.

11. Public private partnerships. Facilitating public-private partnerships where appropriate and feasible in making public sector information available, for example by finding creative ways to finance the costs of digitisation, while increasing access and re-use rights of third parties.

12. International access and use. Seeking greater consistency in access regimes and administration to facilitate cross-border use and implementing other measures to improve cross-border interoperability, including in situations where there have been restrictions on non-public users. Supporting international co-operation and co-ordination for commercial re-use and non-commercial use. Avoiding fragmentation and promote greater interoperability and facilitate sharing and comparisons of national and international datasets. Striving for interoperability and compatible and widely used common formats.

13. Best practices. Encouraging the wide sharing of best practices and exchange of information on enhanced implementation, educating users and re-users, building institutional capacity and practical measures for promoting re-use, cost and pricing models, copyright handling, monitoring performance and compliance, and their wider impacts on innovation, entrepreneurship, economic growth and social effects.

E Doing Government 2.0 Ourselves

This section summarises the activity of the Taskforce in gathering evidence on Web 2.0 tools and approaches from July to December 2009.

As identified in the Terms of Reference, in the course of developing the advice contained in this report, the Taskforce:

- Engaged and consulted in an open and transparent manner, using online solutions wherever possible.

- Worked with the public, private and third sectors to fund and develop seed projects that demonstrated the potential of Government 2.0.

As much as possible, and with the intention of forming views on Web 2.0 approaches with a basis in experience, the Taskforce's activities openly and transparently sought to embody a Government 2.0 approach to inform its deliberations and advice.

The Australian Government had undertaken a range of online consultations with citizens prior to the establishment of the Government 2.0 Taskforce. However, these attempts were discrete and whilst largely successful in establishing a community for a short period of time contributing to the development of particular themes, they have each existed in isolation.

By engaging and consulting using Web 2.0 tools and approaches, the Taskforce blurred the distinction between thinking and doing, between collecting evidence and recommending a course of action. Not only did the Taskforce articulate a vision and suggest some practical ways to accelerate Government 2.0, it was also able as part of the same process to illustrate what it might look like.

In the process, the Taskforce observed many of the benefits that other jurisdictions have reported arising from the tools and practices of Government 2.0 including:

- Widening of the mix of voices and ideas in discussions (which formed the core of our work on Australian Public Sector Information , online innovation and citizen engagement);

- Getting ideas and questions more quickly out into the public domain for interested third parties to respond to;

- Allowing an ongoing discussion to take place in a central, open and easily accessible online space which acts as a focal point and driver of Taskforce activities; and

- Demonstrating the ability to learn by doing which meant that we have been able to see the impact and potential of many of the ideas we were discussing at the same time that we were recommending them in our report.

Taskforce Engagement and Consultation

As outlined in the Terms of Reference, in the course of its deliberations, the Taskforce was asked to "[consult] in an open and transparent manner, using online solutions wherever possible."

The Taskforce's online engagement activity over the period of its deliberations was a pioneering effort, demonstrating an open and transparent use of Web 2.0 tools for the purposes of consultation and policy development. Taskforce members, and international and Australian-based private, public and third sector contributors and experts actively engaged in Government 2.0 policy discussions and forums, both online and face-to-face.

Both in its engagement with external parties and in its internal operations, the Taskforce informed its deliberations, sought views and discussed openly policy issues using Web 2.0 tools.

Thus, by actively and deliberately trialling Web 2.0 tools and approaches the Taskforce hopes to have demonstrated a firm basis in experience of both the risks and the benefits arising from the tools, and to be in the best informed position to put forward recommendations and advice to Government in relation to others' replication of these processes.

Issues Paper

As part of its initial consultations with the public, and to gather wider input on Government 2.0 in the Australian context, the Taskforce released an Issues Paper on 23 July 2009.

The purpose of the Issues Paper was to elicit feedback, arguments, information and stories from key sectors of the community regarding the central tenets of Government 2.0. It posed 35 questions related to release of public sector information and government engagement using Web 2.0 tools including the following four key questions:

> How can we build a culture within government which favours the disclosure of public sector information?

> What government information should be more freely available and what might be made of it?

> What are the major obstacles to fostering a culture of online engagement within government and how can they be tackled?

> How can government capture the imagination of citizens to encourage participation in policy development and collaboration between citizens and government?

In order to demonstrate in practice an open, transparent consultation style – a central principle of Government 2.0 – the Paper was released online[307], first in beta on

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[307] http://gov2.net.au/blog/2009/07/23/official-issues-paper-released/

18 July 2009, and then as a final on 23 July 2009. The Issues Paper was also licensed under a Creative Commons attribution licence which allowed others to share or remix the content as long as the Taskforce was attributed as the original author.[308] Both of these factors sought to increase the transparency of the process and maximise input to, and use of, the Issues Paper by interested members of the public.

The Taskforce received 61 submissions to the Issues Paper, the majority of which (with the consent of the submitters) were uploaded to the gov2.net.au site.[309] A number of submitters also agreed to have a comment field alongside their submission on the website to allow individuals to comment on the ideas raised. Submissions came from a broad range of stakeholders including government agencies, business, not-for-profit organisations and individuals. The Taskforce also provided a consultation page on the blog where individuals could attach comments to specific paragraphs of the issues paper.

Australia-wide consultations – Taskforce Roadshow

Public consultation – Taskforce Open Forums

Continuing the open consultation style established on the Taskforce blog (see below) around the Issues Paper, went to the general community through a series of public forums to extend the conversation on the issues and challenges of Web 2.0 in Government to a national audience. A national Roadshow brought hundreds more people into the debate, from capital cities and regional locations alike.

A total of eight Open Forum events were held around Australia in August and September 2009. The Open Forums were attended by over 250 people, and each individual event was attended by the Taskforce Chair and at least one other Taskforce member. Open Forums were held in major cities around Australia in August and September 2009.[310]

The Townsville Open Forum (and an additional Forum in Bendigo, Victoria, which ultimately did not go ahead) was organised after calls on the Taskforce blog for the Taskforce to visit remote areas as well as capital cities.[311]

Expert consultation – Taskforce Roundtables

In conjunction with the Open Forum events, the Taskforce also ran a series of roundtable events in each capital city (with two held in Canberra). At each roundtable event around a dozen individuals from both the public and private sectors were invited to meet with the Taskforce Chair and other Taskforce members to share their views on the issues and challenges of Government 2.0.

The purpose of the roundtable events was to gain the input of individuals with specific expertise and experience in areas related to the Government 2.0 agenda. Attendees at the roundtables included Chief Information Officers, archivists, Privacy and Information Commissioners from various levels of government, representatives from

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[308] http://creativecommons.org/licenses/by/2.5/au/

[309] http://gov2.net.au/submissions/

[310] Insert link to blog re roadshows

[311] http://gov2.net.au/roadshows/#comments

business and the third sector, academics and public servants who have led innovative Web 2.0 initiatives in their respective agencies.

The views and input gained from the roundtables informed the deliberations of the Taskforce addressing its Terms of Reference.

Interested third parties also approached the Taskforce directly – both as a group, and via the individual Taskforce members who represented extensive networks across a range of industries. Additionally the Taskforce invited other, more traditional submissions to the Taskforce through letters to senior bureaucrats and Ministers across Australian governments from the Taskforce Chair and via a number of government committees.

Taskforce communications

Blog[312]

The Taskforce blog was the Taskforce's primary communications channel with the public. The blog was used to:

Give Taskforce members and guest bloggers a forum to discuss relevant issues around the Taskforce's work;

- Give members of the public a place where they could interact with Taskforce members and each other by commenting on blog posts;

- Call for public input through a "Consultation" page which allowed users to comment on documents on a paragraph-by-paragraph basis.[313]

- Host submissions made to the Taskforce for public viewing;

- Announce Taskforce initiatives such as contests and Open Forum events; and

- Call for project proposals in allocating the Project Fund.

Over the course of the evidence gathering activity of the taskforce, the blog hosted over 75 posts and over 1,189 comments.[314] Comments to the blog were post-moderated: that is, they appeared automatically unless they were caught in an automated profanity and spam filter, in which case they would be reviewed by the Secretariat and released onto the blog if appropriate. The blog established itself as a frank yet respectful information exchange, and with time became a valuable source of input for experts as well as others who also had a wealth of experience to contribute but for a variety of reasons chose not to create a public profile.

Besides providing an open and transparent forum for policy discussion, the blog offered an opportunity to mature a valuable forum for ongoing policy development, in that the discussions are available to any interested party with access to the internet.

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[312] http://gov2.net.au

[313] http://gov2.net.au/consultation

[314] As of November 24th 2009

Twitter[315]

Twitter is an online service, accessible through an internet browser or a range of downloadable programs, allowing users to broadcast tweets, or messages of a maximum of 140 characters.

The Taskforce issued 63 tweets through its Twitter account, had over 740 followers and followed 308 other Twitter users.[316] The Taskforce generally used the hashtag #gov2au in its tweets, although also made use of the #GovHack and #mashupaustralia tags when relevant to Taskforce initiatives.[317]

The Taskforce used Twitter primarily as a broadcast medium to announce new initiatives and events, and often new posts on the Taskforce blog. Due to the shortness of tweets, the Taskforce generally preferred to avoid answering questions or engaging in conversation on Twitter.

Facebook[318]

Facebook is a social networking website with over 300 million active users which allows people to create a page under their own name and then become friends with other people who have Facebook pages – generally people they know from outside of Facebook. In addition, Facebook users can become fans of public figures or entities such as the Taskforce which have pages on Facebook.

The Taskforce's Facebook had 109 fans.[319] While the page was not open to comments from other Facebook users, it did include a message which said:

We've disabled posting on Facebook but not because we don't want to listen to you. On the contrary, we welcome comments one and all so please help us by placing your comment on our blog at gov2.net.au/

Ideascale

Ideascale is a collaborative tool that organisations can use to gather and vote on ideas from stakeholders and clients. The Taskforce employed Ideascale to facilitate the running of contests, using it to provide a space for structured brainstorming, nomination of Government 2.0 innovators and voting on ideas.[320] This provided the Taskforce with an opportunity to experiment with another collaborative tool to test its effectiveness for a public sector consultation process. Overall the Taskforce found using a tool like Ideascale broke down some of the traditional barriers between government and the community and allowed for the effective free flow of ideas in an informal and encouraging environment.

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[315] http://twitter.com/gov2Taskforce

[316] These figures are current as of November 24th 2009.

[317] On Twitter a hashtag is a small string of text preceeded by a hash character which indicates that a tweet is relevant to some given topic. Hashtags are used as searching tools, so that a user can mark a tweet as falling under a given topic and search for tweets featuring hashtags which match their interests.

[318] http://twitter.com/gov2Taskforce

[319] As of 24 November 2009.

[320] http://gov2Taskforce.ideascale.com/

Taskforce internal communications

In keeping with the focus on demonstrating online tools, the Taskforce stayed in touch, shared files and developed ideas using the online project collaboration tool Basecamp. Basecamp provided an online space for members to communicate and progress the work of the Taskforce. The site was password protected and provided a calendar, message board, a wiki-style writeboard and a number of other features to allow the Taskforce to track, share and plan its work.

For meetings, the Taskforce used Cisco's high definition videoconferencing Telepresence system to conduct much of its work virtually and avoid unnecessary travel. As outlined in the Cisco Telepresence case study elsewhere in this report, this helped the Taskforce save carbon and time, whilst mixing face to face and virtual meetings also delivered productivity improvements.

International Reference Group

The Taskforce wanted to draw on the expertise of Web 2.0 practitioners who have successfully undertaken similar work internationally. To this end, it invited key people to participate in an International Reference Group (IRG).

Members were drawn from a range of sectors including government – from CIOs to archivists, academia, private and not for profit as well as bloggers and people making innovative use of Web 2.0 platforms, coming from the UK, Europe, Canada, Singapore, the US and New Zealand.

The Taskforce engaged with IRG Members, giving updates on the progress of the Taskforce and encouraging their participation in discussions on the blog. Members were also asked to peer review the Taskforce's draft recommendations and provided valuable feedback and international comparisons on Government 2.0 experiences in other jurisdictions.

A list of the IRG members is available online[321].

Government 2.0 seed projects

The Terms of Reference stated that the Taskforce should work with the public, private, cultural and not for profit sectors to fund and develop seed projects that demonstrate the potential of proactive information disclosure and digital engagement for government.

To meet this obligation, the Taskforce funded 18 projects and a number of contests using a project fund of $2.45 million which was established in partnership with Microsoft.[322] Project proposals were released for quote on the Taskforce blog in three rounds of submissions, and proposals put forward included projects to research and

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[321] http://gov2.net.au/blog/2009/10/23/inquiries-2-0-part-3-0/#irg

[322] The fund was provided by Microsoft and was made available to the Taskforce for Government 2.0 projects and contests. Microsoft did not have a role in deciding which projects were funded but did manage the fund under the direction of the Taskforce Chair.

report on particular elements of the Government 2.0 agenda. Consultants selected by the Taskforce to undertake the projects were funded to look at issues ranging from enhancing the discoverability and accessibility of government information to exploring the use of social media for emergency management. A full list of projects is available online[323].

To ensure transparency and interchange between project consultants and the Taskforce, project draft reports were circulated via the Taskforce's online collaboration hub. Some project consultants took up the invitation to post requests for input or feedback on the Taskforce blog. Taskforce members also self-nominated to provide Taskforce input to the projects and act as a point of contact for the rest of the Taskforce.

MashupAustralia

The Taskforce also went looking for existing champions of Government 2.0 who demonstrated leadership in finding new ways to integrate the tools and capabilities of social networking into their work.

We launched the MashupAustralia contest, inviting proposals for clever ways to take public sector information and mash it up in unexpected ways to generate new services. Over 80 proposals were assessed by the international judging panel, and the competition was a powerful demonstration of what is happening increasingly in other jurisdictions, as governments recognise the value of public data in the potential for innovation

Through its MashupAustralia contest the Taskforce sought to provide a practical demonstration of how an open access approach to Australian PSI could be achieved and the benefits it can generate. In conjunction with the contest, the Taskforce worked with 15 Australian Government agencies and, through the Online Communications Council's Digital Economy Working Group, with state and territory governments to release over 50 datasets on licensing terms and in formats that permit and encourage use and reuse at data.australia.gov.au

On 30 September 2009, the Taskforce invited web developers and designers to demonstrate how open access to Australian Government information would benefit our economy and society by holding the MashupAustralia contest.[324] Cash prizes of up to $10,000 were offered for excellence in mashing, and special prizes were offered for students and the data transformation challenge. Entries to the competition closed on 13 November 2009.

To support MashupAustralia, the experimental site data.australia.gov.au was launched to host the 68 datasets made available for the contest by federal and state agencies under a Creative Commons Attribution 2.5 Australia (CC BY) license. Datasets already available under CC BY or equivalent terms (such as the ABS catalogue) were also available to competitors.

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[323] http://gov2.net.au/blog/2009/09/01/open-for-business/#information.

[324] http://gov2.net.au/blog/2009/09/30/your-invitation-to-mashupaustralia/

MashupAustralia was greeted with overwhelming support from the web community and this enthusiasm was also evident in the hack events that were held in Sydney, Melbourne and Canberra with the support of Google, Microsoft, Lonely Planet, OpenAustralia, CSIRO and others.

GovHack

We held the first Australian Government GovHack event in Canberra, hosting a weekend of intensive and creative activity as around 150 web focussed designers, developers and other experts converged on the Australian National University to build web applications and mashups in a 24 hour period from 30-31 October 2009. Entrants came up with new ways of creating valuable public services from existing public information.

The Taskforce also commissioned the organisers of the highly successful Web Directions Conferences to host a Government endorsed hack day in Canberra called GovHack.[325] Over 100 developers collaborated on mashups at the event, held on 30-31 October 2009, with support from international and local mentors, including hack day veterans Matthew Cashmore (Lonely Planet) and Tom Coates (Yahoo! US).

In addition to generating some high quality entries for MashupAustralia, GovHack also gave developers the opportunity to interact with some of the public servants who manage the datasets, and it was clear that there was much that these two communities can learn from each other.

In total over 81 entries were submitted for MashupAustralia, over five weeks. One of the early lessons learnt was that most government datasets aren't available in mashable formats, so the Taskforce added a data transformation challenge to the contest to reward entrants who put in extra effort to enhance datasets or convert them from proprietary and Web 1.0 formats like CSV into formats which more readily facilitated transformation on Web 2.0 like RDF, XML, JSON and KML.

The Project Fund

The Taskforce Project Fund, established in partnership with Microsoft was used to support the work of the Taskforce. The Taskforce initiated six contests and nineteen projects and research activities focussing on specific components within the Terms of Reference. The outcomes of these initiatives provided input to the report and illustrated potential solutions to Government 2.0 issues.

Once each contest, project and associated initiative was agreed upon, details were provided to the community, government departments and the APS via the Taskforce Blog and the associated Ideascale site. The response to each initiative was enthusiastic and comprehensive from all sectors of the community. Taskforce members reviewed and selected the most suitable candidates and organisations to deliver each of the projects and win each of the contests.

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[325] http://govhack.org/

With an introductory letter from the Taskforce Chair, project owners consulted with a wide range of government agencies at all levels. They also worked closely with other project owners and assigned Taskforce members with experience in respective fields of work, to avoid subject and topic crossover with agencies and to further strengthen respective project outputs.

A good example of this consultative process was Project 8**:** Online Engagement Guidance and Web 2.0 Toolkit for Australian Government Agencies. The project required the development of a Toolkit Blueprint and guidelines to help Australian Government agencies understand and apply Web 2.0 tools and techniques to engage the community regarding policy development, service delivery and regulatory issues.

To deliver this the project team contacted members of the International Reference Group, Taskforce project sponsors, met with a range of contacts in Australian Government agencies and consulted with a working group of technical specialists across key government agencies.

Government 2.0 contests

The Taskforce initiated a series of contests designed to demonstrate the potential of Web 2.0 as an engagement tool, using the Taskforce blog and an IdeaScale account as the main tools. The prizes for these contests were paid for from the Microsoft Project Fund.

In August 2009, the Taskforce floated three Hack, Mash and Innovate contest ideas on its blog.[326] Two of these concepts evolved into the Brainstorming Contests and MashupAustralia. The third concept was to hold a gov.au makeover and involve a number of Australian government agencies who would work collaboratively with each other and with community experts to build a new widget or online presence.

After approaching a number of Australian Government agencies and potential partners to manage this contest, the Taskforce decided not to proceed with the gov.au makeover and directed efforts toward the other contest ideas.

Brainstorming Contests

In September 2009, the Taskforce ran a structured brainstorming challenge in three parts.

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[326] http://gov2.net.au/blog/2009/08/13/hack-mash-and-innovate-contests-coming-soon/

Structured Brainstorming

The first challenge invited the community to suggest ideas and projects for the Taskforce with the following question in mind: how can the Government 2.0 Taskforce best meet its Terms of Reference? The Taskforce offered a cash prize of $1,000 and the opportunity to put forward a project proposal based on the best brainstorming ideas. In response a total of 42 ideas were submitted and after careful consideration the Taskforce selected two winning ideas, both of which were nominated by Brad Peterson – Government Gazettes in XML[327] and Whole of government persistent URL resolver service.[328]

Nominate a Government 2.0 Innovator

The second challenge asked the community to nominate recent examples of excellence in Government 2.0 from government agencies and individuals in Australia. After considering 24 nominations from all levels and sectors of Government, the Taskforce recognised Government 2.0 champions in three different categories:

- **Large agency:** ABC Pool[329]
- **Small agency:** Mosman Municipal Council[330]
- **Individual:** Craig Thomler[331]

The Government 2.0 champions will be invited to attend the eGovernment Forum[332] and eGovernment awards[333] dinner at CeBIT in 2010.

Suggest a Dataset

The third challenge asked the community to suggest datasets that could be made available under the open access to public sector information principle for the MashupAustralia contest.[334] A total of 62 suggestions relating to government datasets were received, including proposals to improve access to government mapping applications, develop APIs for programmatic access to public datasets, release of historical and scientific image libraries, as well as local government registers.

Not for Profit PSI Project Ideas

In October 2009 the Taskforce initiated a contest in partnership with Connecting Up Australia[335] inviting the community to develop ideas for using public sector information in a not-for-profit setting, and offered a prize of $5,000 for a charity/not-

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[327] http://gov2taskforce.ideascale.com/a/dtd/16792-5361

[328] http://gov2taskforce.ideascale.com/a/dtd/15293-5361

[329] http://gov2taskforce.ideascale.com/a/dtd/14545-5361

[330] http://gov2taskforce.ideascale.com/a/dtd/14350-5361

[331] http://gov2taskforce.ideascale.com/a/dtd/14343-5361

[332] http://www.finance.gov.au/e-government/better-practice-and-collaboration/events/index.html

[333] http://www.finance.gov.au/e-government/better-practice-and-collaboration/e-government-awards.html

[334] http://mashupaustralia.org/open-access-to-psi/

[335] http://www.connectingup.org/

for-profit organisation of the winner's choice, along with assistance from Connecting Up Australia to further develop their idea.

The contest was heavily promoted to the not-for-profit sector by Connecting Up Australia, and a total of 70 ideas were submitted.

 [[Add sentence re winning ideas: in final report]]

Accessibility Make-Over Challenge

The importance of ensuring the accessibility of Australian Government agencies' online presence as they develop and deploy Web 2.0 technologies and techniques was a recurring theme in blog posts both from Taskforce members and the wider community.

The Taskforce launched its last contest, the Accessibility Makeover Challenge in mid-October 2009. With the assistance of accessibility experts Media Access Australia,[336] the community was invited to nominate government websites that have implemented Web 2.0 technologies and techniques for review. Four nominations were received and three of these - together with the Taskforce's own blog and the Government's social inclusion portal - were then posted on MAA's AWARe[337] website for two weeks to capture structured community feedback about their accessibility. Based on this feedback and MAA's own expert assessments, MAA prepared "makeover action plans" for the following five Web 2.0 websites to provide the relevant Government agencies with recommendations for improving their accessibility:

- Parliament of Australia - Live Broadcasting[338]
- Government 2.0 Taskforce[339]
- National Library - Newspapers[340]
- Prime Minister's Media Gallery[341]
- Social Inclusion[342]

[[Add para re key recommendations when final reports received from MAA: in final report]]

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[336] http://www.mediaaccess.org.au/

[337] http://www.aware.org.au/

[338] http://webcast.aph.gov.au/livebroadcasting/

[339] http://gov2.net.au

[340] http://newspapers.nla.gov.au/

[341] http://www.pm.gov.au/Media_Centre/Multimedia

[342] http://www.socialinclusion.gov.au/Pages/default.aspx

F   Summary of Government 2.0 Taskforce projects

Using the funds made available to it via the Project Fund, the Taskforce commissioned a series of projects designed to provide insight into key Government 2.0 issues through research and case studies. In determining its priorities for using the project fund, the Taskforce engaged with the online community to obtain feedback and ideas for projects that would help address its terms of reference. The outputs of these projects can be found in [[TBA for final report]].

Enhancing the Discoverability and Accessibility of Government Information – This research project provided long and short term recommendations about how to make Government information easier for citizens to find and use, including a whole of Government search strategy, enforcing standardised metadata, adoption of the WCAG 2.0 accessibility guidelines, a more customer focused and coordinated approach to online service delivery and greater use of Creative Commons licenses.

Identify Key Barriers within Agencies to Government 2.0 and Survey of Australian Government Web 2.0 practices – Based on a survey and interviews with a range of public servants about their experiences and perceptions of implementing web 2.0 in Government, this research project found that there are significant inconsistencies in the levels of access that public servants have to Web 2.0 tools and a growing gap between their use at home and work. A variety of legal, technical and cultural reasons were cited for the restrictions on work based access to Web 2.0 tools, but the report concluded that most of these could be addressed within existing policy frameworks through better education of public servants (particularly senior management) about the benefits, risks and practical uses of Web 2.0 in Government.

Copyright Law and Intellectual Property – This research project examined the broad policy rationale for copyright in relation to public sector information and found there is a strong argument to realign Commonwealth copyright policy based on the principles of open access and re-use which would facilitate complex flows of information between and within the public and private sectors. The report argued that this could be achieved without the need for significant changes to copyright legislation by repositioning crown copyright to enable rather than restricting re-use; adopting copyright management practices appropriate to the Web 2.0 environment (e.g. standardised open licenses which provide clear statements of users' permissions); and providing clearer guidance to agencies about the use of open licenses, and the meaning of "publication" in the Copyright Act.

Early leadership in Semantic Web – This project developed guidance that agencies can use to assist them with the proper semantic tagging of datasets, and provided a case study based on the Department of Climate Change website to demonstrate their practical application.

The value of Public Sector Information for Cultural Institutions – This project examined issues relating to the pricing of access to Public Sector Information, particularly in relation to cultural institutions such as museums and libraries. The report found that most Australian cultural institutions have implemented their digitisation strategies as "unfunded mandates", and in the face of budget constraints and a choice between providing comprehensive access based on cost-recovery and

less-comprehensive free access, most have opted for some form of cost-recovery. The report argues that if transaction costs are greater than 20 per cent of the price charged, free (publicly financed) access will deliver greater social benefit, and recommended that agencies consider a strategy of "differentiated information products" to provide a balance between free and cost-recovered access.

Whole of Government Information Publication Scheme – This report provides a framework for a whole of government information publication scheme to encourage greater disclosure of public sector information based on anticipated changes to Freedom of Information legislation in Australia and international best practice (particularly the UK and Queensland). The report recommended that the proposed new Office of the Information Commission develop and implement an Information Publication scheme that would provide guidance and support to agencies (particularly in relation to licensing and copyright), and monitor/report on their progress against the scheme's objectives. The report also identified the need for a whole of Government search strategy to support improved discoverability and use of all agency information available to the public under the scheme.

Online Engagement Guidance and Web 2.0 Toolkit for Australian Government Agencies– This project provided a series of practical resources to provide guidance to Government agencies using Web 2.0 tools, as well as providing a recommendation for a toolkit of Web 2.0 technologies that agencies can use based on principles of shared services and re-use. The report also concluded that as part of the Toolkit, the Government's existing investments in GovDex could be further leveraged to provide a shared services platform for agencies with limited resources and/or technical capabilities for online engagement.

Preservation of Web 2.0 Content – This project examined the preservation and record-keeping challenges raised by the use of Web 2.0 tools by agencies, and concluded that a more expansive view of information management is needed and that clearer guidance needs to be provided to agencies about how to effectively capture appropriate records from social media and online engagement tools. To support these objectives, the report also suggested the introduction of more business focused definition of records under the Archives Act and minimum standards for records management in contract with cloud computing vendors.

Framework for Stimulating Information Philanthropy in Australia - This project considered the potential for taxation and other concessions that would stimulate increased investment in "information philanthropy" projects, including consideration of whether charitable status should apply to such ventures. The report concluded that the current Deductible Gift Recipient (DGR) arrangements do not adequately cater for information philanthropy, and recommended that a new 'information philanthropy' DGR category could be added to the legislative definition of charitable purposes (in line with recent changes to UK law and the Productivity Commission review into the not-for-profit sector).

Government 2.0 Governance and Institutions: Embedding the 2.0 Agenda in the Australian Public Service – This project examined the need for organisational and governance reforms to embed the Government 2.0 agenda within the Australian Public Service and concluded that cultural rather than technological change would be

the critical success factor and that this should also influence the choice of a lead agency to mange this change.

ALRC Family Violence Consultation Pilot – A consultant was engaged to assist the Australian Law Reform Commission to run an online engagement pilot with their stakeholders. This project set out to provide a case study of how an agency could improve its online engagement capabilities by following best practice in the use and risk management of Web 2.0 tools.

OpinionWatch Analysis – Using the cutting edge "OpinionWatch" technology developed by Australia's Information and Communications Technology (ICT) Centre of Excellence (NICTA), this project applied sentiment analysis techniques to provide a fresh perspective on the trends in the views and comments presented to the Taskforce through both formal submissions and a range of online engagement channels used by the Taskforce.

Planning Alerts – Funding was provided to develop the planningalerts.org.au website, which will provide improved citizen access to local government planning applications. The software developed to drive this website will also be made available for re-use and adaption to other Government scenarios under an open source license.

Whole of Government Video Service Scoping Study – Based on review of emerging international best practice, this project considered the viability of a centralised whole of Government video service for use by agencies and provided advice on the benefits, costs and risks of different implementation models [[Further details TBA for final report]]

Online Engagement Review: A consultant was engaged to undertake a review of the effectiveness of the online engagement tactics used by the Taskforce and found [[Further details TBA for final report]]

G   Extract from Government 2.0 Taskforce Project 7: Whole of Government Information Publication Scheme

Eric Wainwright and Dagmar Parer, eKnowledge Structures (2009) *Whole of Government information publication scheme*, Government 2.0 Taskforce Project 7. The full project report is available at [[TBA for final report]][343] Findings and recommendations of the report are reproduced below.

Findings

- Present legislative and regulatory information publication obligations of Australian government agencies are complicated. Requirements vary for different categories of organisation, and they are being specified by a range of Parliamentary and government bodies. The complexity of obligations makes it difficult for agencies to comply fully or to demonstrate the extent of their compliance. The process for meeting some obligations is also outdated. Consequently, some obligations are not currently met, or are met to the minimum requirement, rather than positively supporting the Government's goal of more open public disclosure.

- There is a risk that agencies will view the Information Publication Schemes as just another obligation to add to the present complex set of publishing obligations. It will be important for Schemes to integrate and streamline overall agency obligations if they are to receive agency support.

- Only three other government jurisdictions (the U.K., Scotland and Queensland) have introduced publication schemes of a type analogous to that specified in the FOI Bill. The current U.K. model (closely followed by Queensland) offers many desirable features for an Australian Government implementation.

- The Commonwealth's introduction of Information Publication Schemes is similar to provisions enacted in Queensland and those being considered in New South Wales, and seems likely to be followed by similar approaches in other States.

- The Objects and definitions in the FOI Bill enable the Information Commissioner to ensure that all forms of information, and online consultation, engagement and transaction channels be encompassed within Information Publication Schemes.

- Experience in other government jurisdictions suggests that if an initial momentum for the introduction of Schemes is to be achieved, and agencies are to be positive about their introduction:

  o High level political support is required initially.

  o Substantial initial support for agencies is required from the Information Commissioner.

  o High level management leadership is needed in agencies.

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[343] [[location of report TBA for final report]]

- o Phasing in of requirements needs consideration

- The FOI Bill's requirement for agencies to produce a plan for how they intend to implement Schemes adds a significant oversight capability for the Information Commissioner. It also has the potential to lead agencies towards more integrated information management planning.

- The powers for the Information Commissioner under the IC Bill provide an opportunity for the Commissioner to lead and promote a more integrated information management framework across the Australian Government, supporting agencies in improving public information management, dissemination and engagement. In particular, there is an opportunity to develop a whole-of-government focus for extending public use of government data.

- If agencies are to reduce the workloads associated with formal FOI requests, they will need to give early consideration to more pro-active disclosure and the extended administrative release of information.

- Once Schemes have been developed by agencies, they need to be promoted strongly to the public via agency websites, and in other ways, if they are to influence public expectations and behaviour.

- Our survey of current agency information disclosure practices suggests that if agency websites are to support the objectives of Information Publication Schemes, then most agencies will need to address the elimination of current barriers to public discovery and use of information accessible through those websites.

- If the intent of Information Publication Schemes is to be achieved optimally, a wide range of underlying agency information management issues will need to be addressed, from initial document and metadata creation processes through to use of third party engagement channels.

- While some specialist agencies have made much progress in developing services for the dissemination and use of government data, this area is not receiving the attention and resources it deserves, as a potential national economic contribution. Most Departments and agencies will not be able to progress this area of Schemes without clearer guidance on Government directions.

- The discoverability of much important 'operational information' held on agency websites could be improved significantly in the short term by agency attention to the formats and metadata assignment practices for a small number of information types – notably material within Annual Reports, FOI Section 9 Statements, and Indexed Lists of Files.

Recommendations

- That the Information Commissioner draw on the UK and Queensland governments' general approaches to publication schemes content, in establishing guidelines for the Australian Government's implementation of Information Publication Schemes.

- That the Information Publication Schemes should be developed with the following explicit aims, to:

  o Provide an overall and consistent statutory framework for information publication by all agencies.

  o Encourage the widest disclosure of reliable and useful government information consistent with the public interest, and thereby greater trust in government.

  o Guide agencies in overcoming attitudinal, technological and legal barriers to optimal information disclosure and use, and to improved public engagement.

  o Provide a planning framework to assist agencies in their overall information management.

  o Provide an integrated and simplified guide for agencies to meet their information publication and reporting obligations.

  o Provide clear and understandable guidance to the public on their rights to, and methods of, accessing and using government information, leading to improved service delivery and public engagement in policy development.

  o Enable the Information Commissioner to monitor Schemes, and encourage agencies towards achieving government pro-disclosure objectives through reference to exemplars, and reporting of unsatisfactory progress.

- That a 'Whole-of-Government Information Publication Framework' be implemented, consisting of:

  o The Information Commissioner's Office which:

    ▪ Establishes and monitors Information Publication Schemes to support the Objects of the FOI Bill.

    ▪ Issues guidelines, templates and other assistance to agencies in developing and implementing agency Information Publication Schemes.

    ▪ Monitors agency compliance with their Schemes, and performance against their Plans for delivering their Scheme's objectives.

    ▪ Collaborates with other agencies with responsibilities for information management, in clarifying responsibilities, minimising duplication of effort, and ensuring that agencies receive appropriate guidance and training opportunities. Over time, the collaboration could lead to a more integrated whole-of-government information management framework.

    ▪ Ensures provision of a website covering current agency information publication requirements, with links to agency Information Publication Schemes and associated Plans.

  o Publicly available agency Information Publication Schemes and associated plans, covering all agency publication and reporting obligations.

  o A whole-of-government search facility that supports the discoverability and use of all agencies' information available to the public.

- A service facilitating the use and re-use of government information, through appropriate licensing and copyright arrangements.

- That at an appropriate time after the appointment of the Information Commissioner, the Cabinet Secretary and Prime Minister jointly write to Departmental Secretaries and heads of affected agencies, indicating their responsibilities to promote open disclosure and public engagement under the new FOI Act, and requesting them to designate a senior executive as an 'Information Champion' responsible for developing an organisational climate towards open disclosure, and the implementation of the Information Publication Scheme and associated Plan.

- That agencies be required to make available their Information Publication Plans to the Information Commissioner and the public, at not more than two yearly intervals, and preferably annually, as a product of their corporate planning processes.

- That the Information Commissioner consider the guidelines proposed in Adjuncts 1, 2 and 3 to this report, as a basis for the Commissioner's initial guidance to agencies.

- That implementation of Schemes commence with portfolio Departments, and that full implementation in other agencies be phased in over a further 12 months (i.e. up to 18 months after commencement of the Information Commissioner Act).

- That agencies not be required to consider datasets in their Schemes and associated Plans until after 1 July 2011.

- That when appropriate, the Information Commissioner examine options for extending Scheme obligations to Commonwealth bodies not currently defined as agencies under the FOI Act.

- That the Information Commissioner, through the Information Advisory Committee and such other mechanisms as may be desirable, establish discussions between the OIC and other Government agencies and Parliamentary bodies, aimed at consolidating and streamlining the present information publication and reporting obligations of agencies.

- That agencies be required by the Information Commissioner to make available for the Commissioner a copy of their current Scheme and Plan annually, by a date to be specified by the Commissioner, so as to enable the Commissioner to report to the Minister on compliance and related matters.

- That an inter-agency working group led by the NAA be established to examine options for ensuring continuing access to 'non-current' information removed from agency websites.

- That any requirements in Schemes which relate to personal information, while noted as encompassed, await new guidelines from the OIC following consideration of any new legislation arising from the forthcoming review of Privacy protection.

- That agencies give attention to increasing the discoverability of seven categories of information covered by present publication and reporting obligations – information in Annual Reports, documents to be tabled under

Senate Procedural Orders of Continuing Effect numbers 10,11,12,13 and 14, and documents required to be listed in FOI Act Section 9 Statements.

H   Details of Taskforce Team

Fifteen members make up the Government 2.0 Taskforce.[344] They are:

Dr Nicholas Gruen (Chair)

Ms Ann Steward (Deputy Chair)

Mr Glenn Archer

Mr Sebastian Chan

Mr Adrian Cunningham

Prof Brian Fitzgerald

Ms Mia Garlick

Mr Peter Harper

Ms Lisa Harvey

Mr Martin Hoffman

Ms Pip Marlow

Mr Alan Noble

Dr Ian Reinecke

Dr David Solomon

Mr Martin Stewart-Weeks

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[344] Brief bios are at http://gov2.net.au/members/.