

clear policy direction from the government and funding bodies. At the same time, internal factors can be a major player in the rights management decisions of individual institutions, from concerns about maintaining business models and donor relationships to a desire to 'protect' resources from 'undesirable' reuse.

There is increasing evidence that open access to collections can provide significant benefits to collecting institutions and be compatible with institutional business models. The Powerhouse Museum has reported that their donation of over 1300 public domain photographs to the Flickr Commons project hasn't reduced sales of the images, while the German Federated Archive, Bundesarchiv, has reported that uploading 100 000 of its images for use on Wikipedia has actually doubled its sales. At the same time, both institutions have experienced massive increases in user access to and engagement with the works, with thousands of tags, discoveries, remixes, and even formal partnership projects. Not to mention, of course, the increase in the institution's brand profile and value that comes from greater audience awareness of its resources.

All this points towards a need for the Australian cultural sector to take a more united approach on rights management.

Government agencies and funding bodies need to be convinced to value access and reuse, and include it in their KPIs; donors need to be brought up to date on the role of the public domain in cultural growth and development; and institutions need better information on building revenue models that take advantage of the digital environment.

The driving consideration in determining the sector's attitude to rights management should be what role we want for Australia's cultural and collecting institutions in the digital environment. In an online environment dominated by international content and cultural imperialism, Australia's collections represent an invaluable resource that will enable use to fight back and increase the knowledge, appreciation, and relevance of our culture and history. But this will be achieved by positioning ourselves as drivers, facilitators, and educators, not as guards, fences, and police.

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1. [http://www.innovation.gov.au/innovationreview/Documents/NIS\\_review\\_Web3.pdf](http://www.innovation.gov.au/innovationreview/Documents/NIS_review_Web3.pdf)
2. <http://www.opsi.gov.uk/advice/poi/power-of-information-review.pdf>
3. <http://www.oecd.org/dataoecd/49/28/40839436.pdf>

Cloud computing, where storage and processing is distributed across networked computers rather than hosted on a local server, raises further concerns about legal jurisdiction when content is stored outside Australia. The 'private clouds' referred to in *The Horizon Report* are an attempt to address these issues.

Open content is of particular interest to education libraries. There has been gradual evidence of a shift of emphasis from restricting access to content, towards an acceptance of open access, particularly in the higher education sector. As all education sectors calculate what it is costing them to maintain the current copyright regime in the digital age, there is a growing interest in open education resources.

It is not only cost driving this change. While there is content that may be 'free to education', due to copyright restrictions it is not open to educators or students to use in creation of new information products or to republish in new contexts. Just as there is a move towards open licensing in government (thanks to the government 2.0 taskforce, <http://gov2.net.au>) there is a strong case for moving education towards open licensed curriculum resources.

In a 21<sup>st</sup> century learning environment the flexibility to publish and communicate in digital formats is emphasised in policy documents like *Learning in an online world: Pedagogy strategy*<sup>2</sup> which states that schools should:

- make learning activities, information, courses and feedback available online anywhere – anytime;
- support students using online resources to share with other students and experts; and
- increase parent access to student work.

In each of these statements there is a requirement for access to, and sharing of, learning resources beyond the provisions of current educational copyright conditions. Learning resources published under traditional copyright licences cannot be made available to the public. Legally they can only be made available and accessed by staff and students via an intranet, learning management system, or other password controlled environment. What is required is a system that encourages teachers and students to adapt, build upon, remix and re-share learning resources, and thus realise the creative potential of multimedia resources.

Enter the Open Education Revolution. The Cape Town Open Education Declaration sees a clear future for open content.

*We are on the cusp of a global revolution in teaching and learning. Educators worldwide are developing a vast pool of*

## Open education revolution on the horizon

*The Horizon Report 2009: Australia-New Zealand Edition*<sup>1</sup> describes areas of emerging technology that will impact on education in Australia and New Zealand within three to five years. They list the top three technologies to watch as:

- mobile internet devices,
- private clouds, and
- open content.

It is to be expected that the same technologies will have a similar impact on libraries, and it could be wise to plan for, rather than wait for, them to hit.

Mobile internet devices are already making their presence felt particularly by libraries in areas with limited alternative public wireless coverage. Media and entertainment related content for mobile devices is readily available, but is library-related content and services readily accessible? Are we considering the copyright implications of content we purchase or license, and whether providing this on a new platform will be legal? While current copyright deals OK with use of content in physical containers such as tape or CD, legal issues around access to digital content are not so easy.



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educational resources on the internet, open and free for all to use. These educators are creating a world where each and every person on earth can access and contribute to the sum of all human knowledge.<sup>1</sup>

The challenge is to ensure teachers can easily find resources that are licensed in a way that encourages them to use, share, and modify good content, and more easily develop relevant learning materials for their students. As well as greatly enhancing efficiency and creativity of teaching and learning, open education resources also encourage teachers and students to build on the work of others and to share their own creative work.

### Searching for open resources

Licence-based search is becoming increasingly important and is beginning to appear in both education and general search engines. Services such as Education Network Australia (edna, <http://www.search.edna.edu.au>) was among Australia's first collectors/aggregators of online education resources freely available on the web. A recently added search option enables filtering by licence as a way of further promoting the use of open education resources.

### Getting started with Open Education

OER Commons [www.oercommons.org](http://www.oercommons.org) provides a directory of Open Education resources by subject area and year levels, as well as search, tagging, rating, and reviewing.

OpenEd <http://opened.creativecommons.org> is a new Open Education community encouraging discussion and sharing of Open Education projects around the world.

WikiEducator [www.wikieducator.org](http://www.wikieducator.org) is a community of educators who train others in development of open education resources.

Australia has been slow to adopt open licences in school education, and availability of open education resources created for Australian curriculum is limited. As we move towards a national level Australian curriculum it is important that we work to build an Australian open education collection.

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1. *Horizon Report 2009* Australia-New Zealand edition <http://www.nmc.org/pdf/2009-Horizon-Report-ANZ-Edition.pdf>
2. MCEETYA, 2005, *Learning in an Online World: Pedagogy Strategy*, <http://url.edna.edu.au/66bM>
3. *Cape Town Declaration*, 2007, <http://www.capetowndeclaration.org/read-the-declaration>

## Copyright Future: Copyright Freedom Conference Canberra 27–28 May 2009

A copyright conference organised by Professor Brian Fitzgerald of Queensland University of Technology, and held under the auspices of the QUT law school and the ARC Centre of Excellence on Creative Industries and Innovation, may contribute to new directions in copyright policy in Australia.

Opened by The Hon Robert McLelland, the Copyright Future: Copyright Freedom conference, held on 27–28 May 2009, represented a significant shift in public debate in Australia over principles of copyright law. Instead of concentrating presentations and discussion on the political concerns of traditional copyright owner/user factions, the conference invited speakers to examine the history of copyright lawmaking and consider ways to create a future in which information is accessible, not foreclosed.

The conference took place at Old Parliament House, Canberra, where politicians passed Australia's current copyright legislation, the *Copyright Act 1968*. Australia's first federal copyright statutes were passed in Melbourne, in 1905 and 1912, but a large and very significant part of Australia's copyright history is associated with the politicking and debate that occurred in both chambers over more than 60 years.

In that period and beyond, copyright law developed largely in accordance with the requirements of copyright industries, publishers, broadcasters, filmmakers, software producers, and music industry. Many users and consumers of copyright material considered that the law exerted a stranglehold, unduly restricting dissemination of, or access to, information.

Conference presenters focused on the years leading up to, and extending beyond, the passage of the Copyright Act in 1968, relating signal events that occurred in the halls and chambers of Old Parliament House. They considered more generally the history of copyright lawmaking in Australia, explaining why laws that originally regulated the supply of books came to regulate the supply of information by different technologies.

Overseas speakers included Professor Adrian Sterling, of Queen Mary College London – a distinguished Australian expatriate copyright scholar, and in the 1950s and 1960s, Deputy Director of the International Federation of Phonographic Industries – Professor Julie Cohen of Georgetown University, and Professor

Lawrence Lessig of Harvard University, the founder of Creative Commons. The Honourable Michael Kirby introduced and commented on Professor Lessig's presentation.

Speakers from Australia included the eminent constitutional scholar Professor Leslie Zines, well-known economist Nicholas Gruen, Professor Anne Fitzgerald of QUT, John Gilchrist from the University of Canberra, and Benedict Atkinson, author of *The True History of Copyright: the Australian Experience 1905–2005*. Speakers from New Zealand and Canada provided perspectives on the effect of international copyright law and trade rules on 'medium' powers, that is, countries like NZ, Canada, and Australia, that import more copyright information products than they produce or export. In these nations, sophisticated consumer markets demand more product, but consumers often complain of restricted access rules and high prices.

The trio of Zines, Sterling, and Gilchrist enabled questions of history to be debated with particular depth. Each man played a prominent role in consecutive events that shaped and created the modern Australian copyright law. Zines and Gilchrist were secretaries, and are the last survivors, or perhaps the two most significant review committees in the history of Australian

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