

Targeted consultation: NHMRC's draft *Open Access Policy* and *Open Access Policy – Further Guidance*

Please complete the table below with your feedback and return via email to quality@nhmrc.gov.au by **5.00pm AEDT Wednesday 5 May 2021**.

Name	Professor John Shine AC PresAA FRS
Institution	Australian Academy of Science
Position	President
Is this feedback on behalf of an individual or institution?	This feedback is on behalf of the Australian Academy of Science (the Academy).
Feedback on the <i>Open Access Policy</i>	
Section 1. Introduction	In the introduction, the reference to the “Australian Government’s commitment to open access, open data and intellectual property (IP) management” should be cited.
Section 3. Definitions	<p>The Academy supports the amendment of the definition for ‘publication’ and the addition of a definition for ‘repository’. Both changes improve the clarity of the policy.</p> <p>The definition of ‘data’ should be updated to conform with the broader definition provided in the January 2021 revisions to the OECD’s Recommendation of the Council concerning Access to Research Data from Public Funding, to which Australia is a signatory.</p>
Section 4.1 Publications	<p>The Academy supports the shift in the new policy to open access being made available immediately without embargo rather than within a 12-month period from publication. It highlights the value of having current research immediately available following peer-review and will help strengthen Australia’s research environment.</p> <p>Regarding repositories, where the policy says “acceptable location (e.g. publisher website, institutional repository, subject repositories)” it should specify if the repository needs to be Australian or if it can be international. This is becoming critical: in some subject areas Australian research publications and research data is being housed in international repositories and there are no publicly accessible copies of the data in Australia. Hence, access to Australian-funded research is reliant on funding for these repositories being sustained in perpetuity, or arrangements being made to enable Australian research to be repatriated. Additionally, local grant numbers may not work in international repositories unless they are globally unique and persistent.</p> <p>While research data is not in scope for this consultation, the Academy supports the Findable, Accessible, Interoperable and Accessible framework (F.A.I.R.), and notes that the issues around repositories for research publications, also applies to research data.</p> <p>For licencing, the Academy notes that the <i>Open Access Policy</i> recommends a Creative Commons Attribution ‘CC BY’ licence rather than the ‘CC BY 4.0’, which is currently the most up-to-date licence and was created to be</p>

	applicable internationally . The CC BY 4.0 licence is also recommended in the Australian Data Research Commons Research Data Rights Management Guide .
Options for application of this Policy for NHMRC grants commencing prior to 1 January 2022 (Option A or Option B)	The Academy supports Option B for application of the policy to grants commencing prior to 1 January 2022, as researchers and institutions will need an interim period to adjust to the new open access requirements. Option B is consistent with the goal to make information available immediately and more directly reflects the aim of having CC BY licencing as the new standard.
Feedback on the <i>Open Access Policy – Further Guidance</i> ‘Frequently asked questions for publications’	
FAQ 4	The Academy supports this change, it highlights the value of having current research immediately available following peer-review. However, it needs to be clarified whether the repository is meant to be Australian only, or if international repositories are acceptable.
FAQ 5	The Academy suggests that definitions are also provided in the <i>Open Access Policy – Further Guidance</i> or that readers are directed to the definitions listed in the <i>Open Access Policy</i> to clarify terms like Author Accepted Manuscripts or Versions of Record.
FAQ 6 & 7	These FAQs should clarify whether the institutional repository needs to be Australian-based, or if international repositories are acceptable.
FAQ 8	This is a good change. It acknowledges the value of pre-prints while also highlighting the importance of peer-review.
FAQ 9	This addition is commendable. It adds clarity and reduces ambiguity. Including additional detail like this helps the audience ensure they are adhering to all the requirements and does not leave the rules open to interpretation.
FAQ 10	The Academy recommends extending the second sentence in this FAQ to include access constraints: “It generally helps the user to understand what the data are, where they can be found, whether there are any access constraints and how they can be used.”
FAQ 11	The Academy supports the stronger stance taken here than in the previous version. It highlights the importance of open access and unambiguously states the requirements. The recognition that the appearance of data in the repository is often subject to an administrative delay that is not attributable to the researcher is also helpful.
FAQ 12	The Academy supports this change.
FAQ 13	This FAQ should specify if the repository can be international or national. The Academy also recommends rewording “Acceptable openly accessible locations include” to “The repository must support open access and F.A.I.R. Acceptable locations include”. As it is currently worded, the sentence is saying that that the repositories are openly accessible, but the content within them may not support open access policies.
FAQ 14	The CC-BY 4.0 licence, or most recent version of the CC BY licence at the time of publication, should be recommended in this FAQ. The CC BY 4.0 licence is currently the most up-to-date licence and was created to be applicable internationally . It is also recommended in the Australian Data Research Commons Research Data Rights Management Guide .
FAQ 15	The NHMRC could supply a relevant list of publishers committed to the FAIR principles to support researcher decision making. For example, the Coalition for Publishing Data in the Earth and Space Sciences

	provides this list , in the context of earth, space and environmental sciences. A similar list could be made for publishers in in NHMRC-relevant fields.
FAQ 16	The NHMRC's Publication and dissemination of research: A guide supporting the Australian Code for the Responsible Conduct of Research states that "researchers should be aware of questionable or unscrupulous practices, such as 'predatory publishing/publications'". A similar statement about the responsibility of researchers to be aware of practices like these when selecting where to publish their research may add value here.
FAQ 18	The Academy supports this change, it adds clarity and will help researchers comply with the requirements.
FAQ 19	<p>The Academy expresses concern about the way this FAQ is worded. It is impractical for researchers to be unable to specifically list open access costs in their budget but suggest the costs can still be taken out of the grant funds provided. Open access publication costs may be substantial and could affect progress on the research plan. If open access is a requirement and grant budgets can be used to pay for it, these costs should be able to be listed as a line item in the budget. Further, transparency would seem to require that applicants can list open access as a cost of the project.</p> <p>While we recognise that this wording comes directly from the NHMRC's current Direct Research Costs Guidelines and may be beyond the scope of this current consultation, the guidelines relating to open access costs should be reviewed considering the changes to the <i>Open Access Policy</i>.</p>