

# Meeting Australia's science, innovation and education priorities through Open Research

This document outlines how Open Research can accelerate Australia's capabilities in science, innovation, industry, and the knowledge economy. We explain why Australia is at a critical juncture in its management of research, what Australia can learn from international developments, and what policy changes are needed to facilitate Open Research.

# Owning Knowledge

**The problem:** Academic research is publicly funded research that is not broadly available to the public, nor for use in the sector without further payment.

Academics are paid (through grants, salaries) to research and write journal articles, which are then sent to publishers. Academics perform peer-review and editing for free. Publishers generally require that academic authors transfer copyright in their articles to the publisher, which the publisher then uses as a property right to sell access to the articles. Under a standard subscription model, users must pay to read the research. Users include academic institutions via their libraries and their researchers (including the researchers who wrote the article), industry, government, and members of the general public.

Publishers are increasingly offering to publish open access to readers (without subscription fees) by asking authors to pay an up-front fee ('article processing charge') to publish. These charges average \$3,000 per article but can go up to \$10,000 per article. There is no transparency as to how publishers calculate these fees and nothing to constrain their inflation. Academics often do not have the research funds to pay these fees, and sometimes pay from their own pocket. This model is unsustainable in the long term.

## Open Research

Open Research policy seeks to impact the research ecosystem, aligning external and internal incentives that affect academic careers, to better enable broad public access to and use of publicly funded research.

## OPEN RESEARCH IS INCREASINGLY INFORMING RESEARCH POLICY OVERSEAS, INSPIRED BY FOUR GOALS

1

To remove barriers to the free circulation of knowledge and data through Open Access to research.



2

To provide an infrastructure that supports research collaboration and translation in the public interest.



3

To enhance research integrity so that public policy and innovation is underpinned by the best available evidence and ethical practice.



4

To ensure taxpayer support for higher education and innovation delivers value for money.



An additional, important goal, especially in Australia, is to advance Open Access and Open Research in a manner that supports sector policies on respect for First Nations' Knowledge and Cultural rights.

Australia's participation in global moves towards Open Access and Open Research will help secure Australia's role within global research networks and collaborations.

## AUSTRALIA NEEDS



- ✓ An improved Australian Science capability.
- ✓ Improved access to the work in our research institutions and more effective research translation for the public (lay communities), including remote and regional communities.
- ✓ Enhanced engagement with research to meet both public good and commercialisation imperatives.
- ✓ A more rapid transition to an Open Research (Open Science) approach.

To do these things we need to **accelerate the unlocking** of our research knowledge from our research institutions and academic publishers. Policy makers need to identify and remove the existing obstacles and perverse incentives that disengage academics from delivering Open Research. Taking the right path – one that enables Open Research while keeping downward pressure on the cost - requires coordinated action to build an **enabling framework aligning sector policy with a supportive legal and contractual framework**.

**The needed changes are two-fold:**

- First, to improve all of the relevant institutional policies about ownership and retention of rights by our research communities, so that they are not needlessly signed away. We (i.e., our team) know how to do this from our own research and expertise. The sector, in coordination with public research funders, should act in a harmonised way on this.

- Second, to make explicit and specific changes in research policy drivers affecting the way Australian research is assessed and evaluated. This principally requires the recognition that quality and integrity are assessed at the level of the actual peer reviewed findings and scholarship, not proxies such as “prestige titles” in the scholarly publishing industry. This industry exploits Australian research by assuming control of outputs funded by universities and the taxpayer, then selling access to their research back to our institutions. This slows down dissemination and costs the taxpayer unjustified disproportionate amounts. To change this requires Australian Government leadership because of the intersection with public research policy and the practices of the major funding bodies (NHMRC/ARC). We propose that this should be led in a coordinated way by the three departments: Science and Innovation, Education, and the Attorney-General’s Department. We can detail the policy adjustments that we think are required.

## International developments worth considering:

Compared to academic counterparts overseas, Australian researchers are far more constrained by copyright law. Failure to amend the Copyright Act 1968 (Cth) to keep pace with research community practice increases monetary and transaction costs of conducting research in Australia. Reforms needed include:

- A right of quotation to permit reasonable use of third-party material. (This right is mandatory under the Berne Convention);
- Education exceptions (to remove illustrative uses from the scope of the statutory licence);
- A text and data mining right (to enable all kinds of data-driven research);
- Orphan work provisions (so that there is low cost, effective management of material with no evident copyright owner);
- A 'Hargreaves exception' where publishing contracts cannot override the library's or their users' ability to enjoy copyright exceptions, to enable efficient library delivery. E.g. in times of COVID crisis;
- A secondary publication right to ensure research can be translated e.g., into less scholarly, more applied versions for industry audiences without permission from scholarly publishers.

## POTENTIAL BENEFITS FOR AUSTRALIA FROM OPEN RESEARCH



Better flow of information and research between academics and industry, allowing the acceleration of commercial outputs from research – including for start-ups.



Avoiding unnecessary research replication and the public funding of such replication.



Access to research results by all Australians, including researchers located in regional, rural and remote Australia, and researchers based at institutions that cannot afford expensive subscription fees or article processing charges.



Ensuring that Australian research and industry is competitive internationally.

## Who we are

We are academics from Law Schools across Australia and experts in copyright law and policy, including Indigenous cultural rights. We are Chief Investigators on an ARC Discovery Project (DP 200101587) on the production, management and ownership of knowledge in the 21st century university.

Professor Kathy Bowrey, UNSW Law School, Professor Kimberlee Weatherall, USyd Law School, E/Professor Jill McKeough, UTS Law School, Professor Irene Watson, UniSA Law School, E/Professor Tom Cochrane, QUT Law School, Dr. Kylie Pappalardo, QUT Law School.

