

PUBLICATION OF COMMISSIONED & SPONSORED RESEARCH POLICY

Introduction and scope

1. The Sax Institute is responsible for producing and commissioning various kinds of research outputs. These include:
 - *Work commissioned by agencies outside the Sax Institute.* Through its *Evidence Check* program, the Sax Institute commissions researchers to undertake reviews for policy agencies addressing specific policy questions (commissioned research).
 - *Work that arises from funding received from a sponsoring or partnering organisation.* Through various funding contracts, the Sax Institute undertakes to provide research outputs, such as policy papers or journal articles in relation to a particular sponsored program or project (sponsored research).
2. This policy is intended to provide guidance on the Sax Institute's policy in relation to publication of the above outputs.
3. This policy does not apply to:
 - Non-commissioned publications by researchers who access the Sax Institute's research assets, including the 45 and Up Study.
 - Publications that result from peer reviewed funding grants, such as those from the National Health and Medical Research Council or the Australian Research Council.

The works in the above two categories may be published as seen fit by the author, subject to requirements made upon the author by third parties.

- Work commissioned directly by the Sax Institute for the purposes of publication by the Sax Institute, for example, briefings, corporate publications, newsletters etc. These works will be published by the Sax Institute at its discretion in accordance with the commissioning contract.
4. This policy applies to all forms of publication, including publication on the Sax Institute website, conference presentations, and peer reviewed literature.

Principles

5. The Sax Institute considers publication of health research to serve important public policy interests including:
 - Freedom of discussion throughout society and academic freedom in particular;
 - Openness and transparency; and
 - Dissemination of knowledge.

6. The Sax Institute also values:
 - The use of research in policy making;
 - Accuracy and reliability of research;
 - Fairness and the right to respond; and
 - The avoidance of harm to individuals, including respect for privacy.
7. This aim of this policy is to:
 - Give primacy to the public interest, by appropriately balancing the above values.
 - Provide a policy framework that is in accord with the *Australian Code for the Responsible Conduct of Research* and the *National Statement on Ethical Conduct in Human Research*.

Policy and rationale

8. The Sax Institute considers that, because of the strong public interests in the publication of research, commissioned and sponsored research should be free from restrictions on publication, except where necessary to serve another legitimate public interest, as outlined below.

Policy position: Publication, rather than non-publication, is the default position in relation to commissioned and sponsored research, subject to the exceptions below.

9. The Sax Institute notes the comments of the High Court in *Sankey v Whitlam* ((1978)142CLR1) that governments need some degree of confidentiality to operate, and that governments and public servants cannot discharge the responsibilities of their office if every document prepared to enable policies to be formulated was publicly available. The Sax Institute also notes the reflection of this principle in the Government Information (Public Access) Act 2009 which notes the public interest against disclosing information that would reveal a deliberation or consultation conducted, or an opinion, advice or recommendation given, in such a way as to prejudice a deliberative process of government or an agency.

Policy position: Where a policy making agency has requested the Sax Institute to commission research specifically for the purpose of informing confidential policy decisions and processes, the Sax Institute will respect, and ensure the commissioned researcher respects, the right of the agency to withhold publication of the research output.

However, the Sax Institute will:

- *At all times, encourage policy agencies to allow publication of commissioned work.*
 - *Ensure that commissioned researchers are aware, prior to accepting the commission that restrictions on publication of the research output work may apply.*
 - *Request that a policy agency seeking such a restriction:*
 - *consider, as an alternative, either part publication, or delayed publication (i.e. publication after the policy process is finalised); and*
 - *provide the Sax Institute with a reason for non-publication, to ensure transparency of this policy.*
10. The Sax Institute respects the right of commissioning and funding organisations to require the removal of the following from commissioned and sponsored research prior to publication:
 - Secret, commercial in confidence information
 - False or unsubstantiated allegations about a person that are defamatory.

11. The Sax Institute considers it appropriate to give commissioning and sponsoring organisations whose interests may be affected by a proposed publication an opportunity to provide comments on that publication, or an opportunity to prepare a response to the publication, or to point out information that may be inaccurate or may cause harm to an individual.

Policy position: Commissioning and sponsoring agencies may give researchers permission to publish commissioned work. The permission may be unconditional, or conditional upon the commissioning and sponsoring agency being given an opportunity to comment and prepare a response at least 40 days before publication. Comments from the organisation will be passed onto the author/researcher for consideration. In determining whether to incorporate such comments, the researcher should act in accordance with their ethical duties of integrity and the obligation in paragraph 4.5 of the Australian Code for the Responsible Conduct of Research which states that “researchers must take all reasonable steps to ensure that their findings are accurate and properly reported. If they become aware of misleading or inaccurate statements about their work, they must correct the record as soon as possible.” The Sax Institute will respect, and ensure the researcher respects, the right of funding and commissioning organisations to remove from proposed publications secret, commercial-in-confidence information and false or unsubstantiated allegations which are defamatory.

12. The Sax Institute recognises that both researchers and the community have legitimate interests in research being published in the peer reviewed literature, and that publication of a researcher’s work in another forum prior to submission to an academic journal may prevent such publication. However, in order to enhance knowledge, researchers should seek to publish important findings in the peer-reviewed literature as early as possible.
13. It is noted that commissioning agencies may wish to, or be required, to publish commissioned work before researchers have the opportunity to prepare a publication for a peer-reviewed journal. The Sax Institute’s agreement to withhold publication in paragraph 12 above does not apply to these agencies, who may publish a review at any time.

Policy position: The Sax Institute will delay publication of commissioned or sponsored research outputs on its website or in other forums if requested by the researcher to do so in order to allow the researcher to submit the material for publication in the peer-reviewed literature. However, the researcher must make such submission within a reasonable time (generally within 3 months) and if this does not occur, the Sax Institute may publish the research output. Commissioning agencies are able to publish reviews without delay or restrictions.