



Commonwealth Integrity Commission: consultation draft

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To the Department of the Attorney-General,

Thank you for the opportunity to provide feedback on the proposed Commonwealth Integrity Commission.

Science & Technology Australia (STA) is the peak body representing more than 88,000 scientists and technologists in Australia. We do so through our member organisations including specialist scientific societies, research institutes, and research strategy bodies such as councils of deans.

Introduction

Science & Technology Australia supports the creation of a Commonwealth Integrity Commission. A commission could encourage transparency, accountability, and evidence-informed decision making at a federal level. We also anticipate that the creation of such a commission will help aid in the prevention of misinformation.

STA, however, does not support the inclusion of publicly-funded researchers in the remit of the CIC. This is not because publicly-funded research is above questions of integrity, but rather because publicly-funded research is already covered by numerous other accountability mechanisms.

To date, these mechanisms have been effective to prevent or deal with corruption. This success is reflected in the trust that continues to be shown by the public towards these institutions. Annual research into public trust shows that universities, and scientists, are among the most trusted institutions and professions in Australia.¹

Universities and publicly-funded research are accountable to the following bodies which prevent or deal with corruption:

- State-based crime and corruption commissions which act on local issues of corruption;
- National legislation regulating foreign interference and relationships which prevent corruption from foreign actors; and
- National research funding agencies which prevent and act on corruption in research.

These bodies are effectively working to prevent and act on corruption. There has been no evidence of widespread and unchecked corruption in the research sector.

The inclusion of universities and research institutions in the scope of this commission would therefore double up on oversight already provided by bodies that have a record of effective integrity assurance.

State-based crime and corruption commissions

While universities are predominantly funded by the Commonwealth Government, all of them - with the exception of the Australian National University (ANU) - are entities created under state legislation. Consequently, under the Foreign Relations Act passed in late 2020, [the Australian Government expressly classified universities as State](#)

¹ [“Universities In Australia: Attitudes and Challenges”](#) ANU Centre for Social Research and Methods, 2019

[entities](#). It is up to the State crime and corruption commissions which have jurisdiction over preventing and dealing with corruptions in their State's public institutions.

Even the ANU falls within the remit of the ACT Corruption commission's remit as the provider of "public education" in the ACT. Only private universities which do not exist in state legislation may not fall within this act (unless they receive public funding).

These commissions have shown they are capable of continuously evolving procedures to prevent corruption, but also handling incidences of corruption when they arise. For example, the Queensland Crime and Corruption Commission reviewed reporting procedures at Queensland-based universities. It found no evidence of corruption but were able to offer recommendations (all of which were acted upon) to improve these preventative measures.

On the other side of the spectrum, the South Australian Independent Commissioner Against Corruption investigated allegations of misconduct and sexual harassment by the then Vice-Chancellor of the University of Adelaide in 2020. The State body's report was released publicly and swift action was taken by the university.

The willingness, and capacity, of universities and research institutions to prevent and act on instances of corruption is one of the reasons why the Australian people continue to rate universities highly in public sentiment on trust in institutions.

Federal Legislation

Recently, there has been a great deal of work undertaken by the sector to consider and address risks of corruption that originate beyond Australia's borders. Recent information from the Australian Security Intelligence Organisation has highlighted these risks in relation to foreign interference.

The sector is vigilant on the risk of corruption and has been working with security federal organisations through the Universities Foreign Interference Taskforce. The sector has also engaged positively with the Australian Government to review several pieces of national security legislation including:

- The Defence Trade Controls Act 2012
- Security Legislation Amendment (Critical Infrastructure) Bill 2020
- Australia's Foreign Relations (State and Territory Arrangements) Act 2020

These pieces of legislation provide significant oversight by the Australian Government, and mechanisms for handling incidents of attack and corruption.

The inclusion of researchers in further legislative oversight like the CIC will double up on much of this legislation as well as on the State-based anti-corruption systems. It is also likely to create confusion over which bodies or legislation pertain to what areas of corruption - potentially leading to confusion and the risk of multiple inquiries running concurrently at different tiers of Government, cutting across - and potentially even compromising - one another.

National Research Funding Agencies

Unlike many publicly-funded entities, the science and research sectors have strong independent regulatory oversight. Every university and research institution has the

power to investigate allegations of corruption or research misconduct, ethics requirements and powers to issue penalties for violations. They also have a robust peer review process in which researchers constantly review the work of others, analysing it for flaws, gaps or more serious breaches of stringent research standards.

If these internal processes are not activated, then the national research funding bodies have the capacity to do so. The majority of publicly-funded researchers gain their funding through the Australian Research Council and the National Health and Medical Research Council.

The ARC and the NHMRC both provide regular guidance to ensure the conduct of responsible research and behaviour for the researchers funded by them. They also have the capacity to investigate complaints around corruption and research integrity through the Australian Research Integrity Office (scheduled to be reviewed in 2021). This office has the power to suspend funded activities, suspend funding, and prevent researchers from further receiving public research funding.

Summary

While Science & Technology Australia supports the creation of a Commonwealth Integrity Commission, we see no need to include publicly-funded researchers in this federal legislation. **Publicly-funded researchers are already covered by state corruption commissions, legislation to scrutinise international engagements, and oversight and investigation from national research funding agencies.**

These accountability measures have been shown to be effective in both preventing corruption and taking consequential action when corruption does occur. Universities and scientists are among the most trusted institutions and people in Australia, in part because of these measures.

The inclusion of publicly-funded researchers in the CIC risks doubling up on current regulations - which could make it more difficult to prevent and monitor for corruption.



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