Purpose
This document relates specifically to the conduct of research within the NSW Department of Primary Industries (NSW DPI or the department) and should be read in conjunction with NSW Trade & Investment’s Code of Conduct. It has been formulated in accordance with, and should be read in conjunction with, the Australian Code for Responsible Conduct of Research issued by the National Health & Medical Research Council in 2007.

The Guidelines for the Conduct of Research applies to everyone engaged by NSW DPI and its constituent authorities, whether as a permanent officer or under an employment contract, term appointment (including secondment), or temporary arrangement, who is involved in scientific research. Consultants and contractors engaged on a fee-for-service basis must also comply with these guidelines and with the Code of Conduct for members of advisory committees/boards, contractors and consultants to the NSW Department of Trade and Investment, Regional Infrastructure and Services.

The broad principles that guide research have long been established. Central to these are the maintenance of high ethical standards, validity and accuracy in the collection and reporting of data and responsibility of the research community to the public and to itself. These general principles are summarised below.

Principles

Integrity
The department and its staff are committed to high standards of professional conduct and intellectual integrity. Staff carrying out research have a duty to ensure that their work enhances the reputation of the department.

Ethical standards
Staff carrying out research should only participate in work which conforms to accepted ethical standards and which they are competent to perform. Design of research projects must take account of relevant ethical guidelines, such as conditions laid down by an Animal Ethics Committee. When in doubt, staff should seek assistance with their research from their colleagues, peers or managers. Debate on, and criticism of, research work are essential parts of the research process.

Research using animals
All staff carrying out research using animals must comply with the requirements of the Animal Research Act 1985. This means that every project involving the use of animals must be approved by the relevant Animal Ethics Committee. Carrying out these activities without approval places the organiser at risk of prosecution under the Act, and also jeopardises those parts of NSW DPI accredited as an animal research establishment and endangers the department’s reputation and standing in the community.

Statutory obligations
All staff carrying out research must seek and obtain any necessary statutory approvals before any relevant action is undertaken. For example, staff should consult the Office of Science and Research (OSR) ‘Roadmap for Research – A guide to conducting life science activities in New South Wales’ when conducting life science research.
**Health and safety**

The department and the staff carrying out research have a responsibility to ensure the safety of all those associated with the research. All staff have a responsibility under the *Occupational Health and Safety Act 2000* and the *Occupational Health and Safety Regulation 2001* to ensure safe working conditions for themselves and for their staff.

**Gene Technology Act 2000 (Cth)**

The department and staff carrying out research must, where relevant, meet the Guidelines for Accreditation of an Organisation Pursuant to the *Gene Technology Act 2000 (Cth)* and corresponding State law as administered by the Office of the Gene Technology Regulator.

**Biosecurity**

Biosecurity is a crucial consideration for any officer carrying out research. Importation of plant products, evaluation and release of imported species and release of organisms for biological control purposes all carry considerable risk to the community and appropriate codes must be followed. Any form of experimentation on farmers’ properties also carries with it a degree of biosecurity risk. All care must be taken to ensure weeds, pests and diseases are not transmitted onto or off experimental sites. Use of Security Sensitive Biological Agents (eg anthrax) is controlled by the *National Health Security Act 2000 (Cth)* and associated regulations, and these agents may only be used at facilities registered with the Commonwealth Department of Health and Aging. Imported biological materials must have AQIS approval and can only be used at AQIS Quarantine Approved Premises.

Appropriate codes covering these biosecurity requirements are being developed.

**Intellectual Property (IP)**

The department recognises the possible strategic, and where appropriate, commercial benefits to be gained from intellectual property developed in the course of or arising out of research projects. There are a number of key issues relating to such intellectual property:

- **Departmental policy and effects of contractual obligations**

  Where research is undertaken under contract, the conditions of the contract must be adhered to. Any other relevant departmental policies must also be adhered to. It is the responsibility of all staff to actively seek out further information to ensure they are following departmental policies and procedures.

- **Confidentiality and protection of intellectual property**

  Researchers are encouraged to submit research findings for peer review and publication. However, confidentiality may be required under contract or to protect the value of intellectual property and terms of research agreements must be followed. All intellectual property has potential to have commercial value and, unless otherwise directed, should be treated as confidential.

  - Any data or product (eg germplasm) made available to other organisations should be accompanied by a material transfer agreement (MTA) identifying the circumstances where that IP can be used (standard MTA agreements are available from the Legal Branch).
  - Research Leaders, Managers and Directors can determine that particular pieces of IP can be made available to third parties to avoid legal complexity over material with little commercial value, or to avoid unwarranted costs to protect the IP.
  - If data of a confidential nature are obtained from other persons, confidentiality must be observed.

- **Ownership of intellectual property**

  All research results, data and intellectual property generated by staff of NSW DPI are the property of NSW DPI, unless contractual arrangements specify otherwise.
d. **Inappropriate or unauthorised use of intellectual property**

Staff carrying out research must not misappropriate or plagiarise or use research data or intellectual property in breach of any duty of confidentiality or for their own personal or third party advantage. Staff should inform management of any allegations of inappropriate conduct in order that it may be investigated in accordance with NSW Trade & Investment’s [complaints handling policy](#).

e. **Third party IP**

Where research projects involve the use of third party IP, staff carrying out research must ensure that they have ‘freedom to operate’ with the IP. It is the responsibility of the staff involved to ensure third party IP does not inhibit or prevent the application of outputs from a project. In addition, funding bodies are requesting that research organisations declare that there will not be any impediments to development and the application of project IP and this will be the responsibility of the principal officer involved.

### Moral rights

The department acknowledges the moral rights of authors and creators of original works, which are separate from economic rights, including ownership. These rights include:

- the right of attribution of authorship (the right to be named as author or creator)
- the right of protection against false attribution
- the right of integrity of authorship (the right to object to any distortion, use or modification of a work which harms the author’s/creator’s honour and reputation)

Moral rights cannot be assigned or waived by the author or creator.

Under DPI policy the author has the delegation to transfer copyright (as required for journal publication).

### Management

Line management within NSW DPI is responsible for all research and development conducted within the department. Consequently, Directors, Research Leaders and Managers and Industry Leaders are responsible for ensuring appropriate management structures are in place to address the management needs of each project.

### Publication of research

Where possible and practicable, staff are encouraged to submit research for publication in peer reviewed publications. This will help to ensure output is appropriately referenced and accessible for the wider community.

### Specific Matters

#### Project approval

Only departmental approved research is to be conducted and authorised approval processes, including costing and entry into CLARITY, are to be followed.

#### Data gathering, storage and retention

Data must be recorded in a durable and appropriately referenced form, in accordance with the department’s record keeping policies and relevant legislation.

Staff carrying out research must ensure that original data are safely held for periods of at least five years or for any longer period necessary to meet contractual commitments. These records must be kept in the department’s formal record keeping system TRIM (saved as an OnTrack Project File (OTPF) where possible) and saved at regular intervals to ensure compliance with the [State Records Act NSW (1998)](#). However, if the storage of actual data is not possible in TRIM due to its format, or if the data is already held in a departmental quality assurance validated data storage system, advice should be sought from the NSW DPI on how to proceed. A copy of the original data should be retained in the research unit in which they were generated. Management should be advised where data is stored for
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safe keeping. Original data must never be stored as only copies where they are subject to accidental deletion or destruction (eg on a laptop C drive).

Records may only be destroyed in accordance with record disposal authorities approved by the State Records Authority (and contained in the TRIM Records Management System).

Data management must comply with relevant privacy legislation and protocols such as the Australian Standard on Personal Privacy Protection. Where research information can identify co-operators and/or staff, care needs to be taken to ensure that this information is collected, used/accessed and disposed of correctly. Particular care must be taken when the information is to be published and/or given to other parties.

Authorship

Where there is more than one author of a publication, one author (by agreement among the authors) should formally accept overall responsibility for the entire publication. Such formal acceptance must be in writing, be signed by all authors and be kept on file in the unit of that “responsible author” with a copy being provided to the “responsible author’s” Research Leader or appropriate manager.

The criteria for authorship of a publication must be understood by all staff involved from the outset. The industrial classification of staff involved in a research project has no bearing on rights to authorship. Minimum requirement for authorship would be participation in conceiving and/or executing and/or interpreting at least that part of the publication in a co-author’s field of expertise, sufficient for him/her to take public responsibility for it. All acknowledged authors must meet these minimum requirements for authorship. The authors of the publication must read the final paper and agree to its publication.

Due recognition of all participants is a proper part of a research process. Authors should ensure that the work of non-authors, including research assistants, technical officers, cooperative producers and businesses is properly acknowledged.

“Honorary authorship” is unacceptable. Honorary authorship occurs when a person is listed as an author of a publication when he/she has not participated in a substantial way in conceiving and/or executing and/or interpreting at least part of the work described in the publication.

Approval for publication

Publication must follow the department’s publication and websites policy. Appropriate approval must be sought for the publication of all scientific outputs, whether it is a journal publication, a book chapter, a conference paper, a report, a poster, a media article or other material.

Publication of multiple papers

Publication of multiple papers based on the same set(s) or subset(s) of data is improper unless full cross-referencing occurs within the papers (for example, by reference to a preliminary publication at the time of publication of the complete work, which grew from it). Simultaneous submission of papers based on the same set(s) or subset(s) of data to more than one journal or publisher should be disclosed to each journal or publisher at the time of submission.

Quality assurance

The department’s research services are subject to quality assurance in order to ensure traceability and accountability which produces results which are reliable and reproducible.

Where NSW DPI has established formal quality assurance procedures which apply to research activities such as laboratory work, staff carrying out research must ensure that such procedures are followed, and that the conditions of external certifications and accreditations are observed. This includes documentation of methods, equipment calibration, maintaining records, conducting audits, implementing corrective actions and all other activities required to support quality management systems consistent with ISO9001 and/or ISO 17025.

Student/research trainee supervision

The management of visiting scientists or students located at departmental facilities must comply with any departmental policy or procedure on visiting scientists or students.
Disclosure of potential conflicts of interests

Disclosure of any potential conflict of interests is essential for the responsible conduct of research. These may include, but are not limited to, any affiliation with, or financial involvement in, or payment of assistance of any kind from, any organisation with a direct interest in the subject matter of a research project.

The NSW Trade & Investment’s Code of Conduct provides guidance on dealing with conflicts of interest.

Formal written disclosure of any conflict of interests will generally be required to research supervisors, the editors of journals to which papers are submitted and to bodies from which research funds are sought.

Misconduct and handling allegations of misconduct

Scientific misconduct may include fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted within the scientific community. It includes misleading attribution of authorship and the listing of authors without their permission, publication of material without all authors' consent, attributing work to others who have not in fact contributed to the research, and the lack of appropriate acknowledgment of work primarily produced by a research student/trainee or associate. It does not include honest errors or honest differences in interpretation or judgment of data.

Examples of research misconduct include but are not limited to the following:

- **Misappropriation**
  An officer carrying out research or a reviewer must not intentionally or recklessly: plagiarise, which means the presentation of the documented words or ideas of another as his or her own, without attribution appropriate for the medium of presentation; make use of any information in breach of any duty of confidentiality associated with the review of any manuscript or grant application; omit reference to the relevant published work of others for the purpose of inferring personal discovery of new information.

- **Interference**
  An officer carrying out research or a reviewer must not intentionally and without authorisation take or sequester or materially damage any research-related property of another, including without limitation the apparatus, reagents, biological materials, writings, data, hardware, software, or any other substance or device used or produced in the conduct of research.

- **Misrepresentation**
  An officer carrying out research or a reviewer must not with intent to deceive, or in reckless disregard for the truth, state or present a material or significant falsehood or omit a fact so that what is stated or presented as a whole states or presents a material or significant falsehood.

The above list is not exhaustive. For example, departure in animal experimentation from approved protocols accepted by a specific discipline may constitute misconduct.

Protection of interested parties

Where an allegation of inappropriate conduct is made, the protection of interested parties from unproven, ill founded or mischievous claims is essential.

Interested parties may include:
- the person bringing the allegation
- the staff member against whom a complaint is made
- research students and staff working with the staff member concerned
- journals in which a relevant paper may have been or is about to be published
- funding bodies including Research & Development Corporations
- cooperative research centres, other government agencies and private/public companies which have contributed to the research
Animal Ethics Committee.

Complaint handling

Complaints should be dealt with in accordance with existing procedures. Where an employee cannot raise a matter with the supervisor as it may involve them directly, then they should report the matter to the relevant Unit Leader, Branch Director, Chief Scientific Officer, Executive Director or Deputy Director General. Formal investigations will be conducted in accordance with the Disciplinary Guidelines laid down within the NSW Public Service Personnel Handbook.

Special rules

In some disciplines there will be special areas which require regulation, for example the handling of hazardous materials. The rules, policies and guidelines for such activities form part of the general code of ethics for each discipline.

Revision history

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