

Medical Research Future Fund (MRFF) Policy Statement – Participation by Department of Health employees in research activities funded by the MRFF

1. Purpose

To assist Department of Health employees to understand:

- the extent to which their obligations as employees of the Department of Health impact their ability to participate in activities funded by the MRFF
- the circumstances in which participation is or is not allowed
- the processes to be followed with regards to seeking approval to participate in activities funded by the MRFF.

2. Objective

This policy aims to:

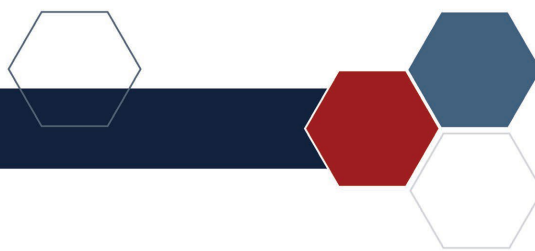
- provide clarity to employees regarding those activities which are allowed and those not allowed with regards to participation in research activities funded by the MRFF
- identify a consistent, transparent approach when staff carry out their duties as part of a Department approved partnership or joint project that may contribute to the outcomes of research activities funded by the MRFF
- reinforce the Health and Medical Research Office (HMRO) and the Department's commitment to the highest standards of probity, professionalism, integrity and ethical conduct
- promote public confidence in the procedural integrity of MRFF decision-making processes to mitigate any potential procedural or reputational risks arising from these activities, to the Department and Minister for Health and Aged Care (Minister)
- provide a framework to support the provision of relevant information, data and services to interested parties by employees.

3. Scope

This policy applies to Australian Public Service (APS) employees as well as contractors and consultants of the Department.

It is intended that this policy also applies to employees of National Health and Medical Research Council and Cancer Australia,¹ which are bodies within the Health portfolio. The principles of this policy are also aligned to by the Business Grants Hub, within the Department of Industry, Science, Energy and Resources, through its own Probity Framework. This is on the basis that those employees are integral to the administration of MRFF grants.

¹ For Cancer Australia, this policy applies only with respect to the Australian Brain Cancer Mission.



This policy does not apply to members of boards, committees and advisory bodies appointed by legislation, by a Commonwealth statutory authority, or by a Minister.

4. Context

The participation of employees in the pre-award stage of research activities subsequently funded by the MRFF may result in the perception of one or more of the following:

- a real or apparent² conflict of interests
- a real or apparent conflict of duties
- a real or apparent concern that the staff member cannot or has not carried out their duties appropriately
- the gaining of a benefit or advantage from improperly using information
- a failure to comply with the *Privacy Act 1988*, which regulates how personal information is managed by entities
- a failure to comply with one or more of the regulatory frameworks relevant to employees of the Department.

The participation of employees in the post-award stage of research activities could support projects to consider the policy and program contexts of research programs more carefully and therefore support improved outcomes overall.

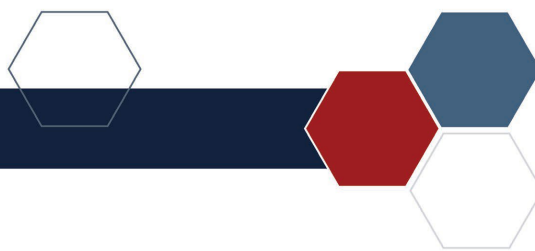
5. Policy

Activities not allowed

Employees are not allowed to participate in activities relating to applications for MRFF grant funding during the pre-award phase of a grant. These activities include but are not limited to:

- writing a Letter of Support for an application or request for MRFF funding
- providing information or services to assist with the preparation of an application for a MRFF grant where such information or services are not otherwise available to all prospective grant applicants
- being named as an investigator or otherwise as a participant in an application for a MRFF grant
- acting as an expert, advisor or consultant in the preparation of an application for a MRFF grant
- otherwise providing services or collaborating directly or indirectly on an application for a MRFF grant.

² Arising from a perception that participation is improperly influencing an employee when performing their official duties. Apparent conflicts of interests exist regardless of whether or not the interest is actually influencing the employee.



Employees are also not allowed to join projects funded by the MRFF following the execution of a grant agreement as a named investigator, although participation in other capacities is allowed.

Employees are not allowed to participate in any activity in support of a research project funded by the MRFF, where that employee also has a role in monitoring or evaluating that activity, managing a funding agreement with the organisation in receipt of that particular grant, or making payments from the MRFF in relation to a particular grant.

Exemptions

Exemptions apply in the following circumstances:

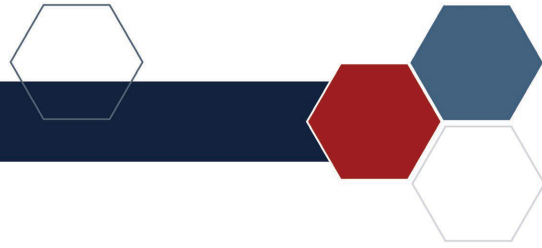
- where an employee contributes to processes that might indirectly assist MRFF grant applicants as a cohort but do not benefit individual grant applicants specifically. Examples might include Departmental or Governmental process for information sharing (such as Multi-Agency Data Integration Project, or Services Australia statistics requests)
- where an employee of a corporate Commonwealth entity performs such activities as part of their duties as an employee of that entity, and where the grant in question is for the purposes of that entity. Corporate Commonwealth entities are eligible to receive grants funding under the *Medical Research Future Fund Act 2015*
- where an employee has been granted an exemption in writing from this part of the policy by the Chief Executive Officer (CEO) of HMRO, in order to undertake a specific activity, subject to the employee abiding by any conditions imposed on that exemption.

Activities that are allowed

Activities that are allowed fall into three categories:

- Activities that are undertaken in the course of an employee undertaking their usual duties within the Department. Examples might include:
 - development of Grant Opportunity Guidelines
 - indirect or direct decision maker for a grant outcome
 - support of MRFF-related External Advisory Panels and the Australian Medical Research Advisory Board
 - development of or participation in the Government or Department's response to Parliamentary Inquiries that lead to specific grant opportunities
 - development of or participation in advice to Government by Health-related committees that lead to the specific grant opportunities.
 - publicly accessible processes for providing data or advice
 - activities agreed by both parties that are governed by a memorandum of understanding, for example the Department of Health and Australian National University Memorandum of Understanding.

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- Activities that are seen to support the objectives of the Department of Health, particularly to support research programs to produce outcomes that can support the development and implementation of evidence based policies and programs. Examples might include
 - Participating on an advisory or management board for a research project, particularly where the research project aligns with an officer's responsibilities with the department
 - Contributing to the implementation of a project, including participating in structured processes as part of providing input and advice
- Activities that are undertaken by an employee outside of their employment in the Department³. Examples might include:
 - studying or undertaking medical research work while employed in the Department (areas not directly related to HMRO, MRFF initiatives or grants)
 - activities undertaken by the scholars of Sir Roland Wilson Foundation PhD and Pat Turner Scholarship.

Such activities must not otherwise conflict with a person's duties as an employee of the Department.

6. Management of the policy

6.1. Responsibility

The CEO of the HMRO has responsibility for the application of this policy including decisions regarding exemptions from the provisions of this policy.

The HMRO should be contacted if there are questions about the application of this policy.

6.2. Compliance

It is expected that staff will adhere to this policy. The CEO of the HMRO will provide advice to staff and their supervisors to support implementation of this policy, as required.

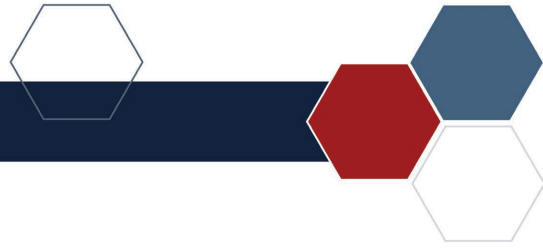
6.3. Exemptions

Any request for an exemption from any part of this policy must be made in writing to the CEO of the HMRO, and must specify:

- The nature of the exemption sought
- The reason for the exemption
- The duration of the exemption
- To whom the exemption applies

No exemption is considered to have been granted until the CEO provides written confirmation that this is the case. The CEO has sole discretion regarding any conditions attached to an exemption.

³ I.e. activities that are undertaken in accordance with the outside employment policy of the relevant entity.



7. Related policies and frameworks

This policy does not override or supplant the responsibilities of employees in relation to other governance and probity frameworks. The following in particular may be relevant in relation to employee participation in activities funded by the MRFF:

The APS Code of Conduct in section 13 of the *Public Service Act 1999*

<https://www.legislation.gov.au/Details/C2019C00057>

Sections 25-29 of the *Public Governance, Performance and Accountability Act 2013*

<https://www.legislation.gov.au/Details/C2017C00269>

Commonwealth Grants Rules and Guidelines 2017 (CGRGs), particularly sections 12 (Governance and Accountability) and 13 (Probity and Transparency)

<https://www.finance.gov.au/sites/default/files/2019-11/commonwealth-grants-rules-and-guidelines.pdf>

Department of Finance General duties of officials (RMG 203)

<https://www.finance.gov.au/government/managing-commonwealth-resources/general-duties-officials-rmg-203>