

SUBMISSION TO THE JOINT SELECT COMMITTEE ON ETHICAL CONDUCT

Stuart McLean, Emeritus Professor, School of Pharmacy, University of Tasmania

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Introduction

This submission considers mechanisms which could be developed to support ethical and open Government in Tasmania. It is based on the ethical framework under which, in Australia, all publically-funded research involving humans is conducted. Although the research workplace is clearly different from that of government, there are reasons for considering that the experience in promoting ethical conduct in research is relevant to public administration. Firstly, ethics applies to all human activities, and the general set of principles developed for health research can be usefully applied to other situations. Secondly, the methods used in the research workplace to achieve high ethical standards may indicate how this could be accomplished in public life.

There is a striking contrast between the well-developed ethical oversight of research involving humans (or animals) and its absence in other workplaces. Thus even a small and innocuous research project must prove its ethical soundness before commencing, whereas major projects affecting large numbers of people or other species are not subject to the same level of ethical review. This submission is based on my own experience of the research ethics governance process as both a researcher and a former member of the human research ethics committee at the University of Tasmania.

There are three parts to the ethical approval process for research involving humans.

1. The values and principles of ethical conduct are set out. This is essential so that researchers and others are informed about current ethical standards.
2. Researchers must apply for ethical approval, and their application must show that they can identify ethical issues and indicate how these will be appropriately handled.
3. The application to undertake research is reviewed by an ethics committee whose membership is broadly-based, reflecting both expert and community values.

In addition, there is an Australian Code for Responsible Conduct of Research (2007)¹ which deals more generally with responsible conduct and what to do if it is breached, and this can be usefully considered together with ethical management.

While management of research ethical standards differs in detail from what might be done to support ethics in government, it provides are ideas and principles which could inform the establishment of an Ethics Commission for government activities.

What is Ethical Conduct?

If there is a lack of understanding about what does, and does not, constitute ethical conduct, then we should not be surprised if there is ethical misconduct. A clear exposition of ethical values has an essential educative function. The ethical responsibilities of researchers and their institutions are detailed in the National Statement on Ethical Conduct in Research Involving Humans 2007². This National Statement originated with the 1964 Helsinki Declaration of ethical values in medical research but has undergone continual evolution in the light of experience and changing ethical sensibilities.³ The NHMRC National Statement lists ethical values to provide clear guidance to researchers, ethics review committees and others involved in ensuring that work undertaken is ethically acceptable. It is intended to be consistent with the international human rights instruments that Australia has ratified.

The National Statement does not so much list the “do’s and don’t’s” but aims to promote an ethical ethos which will permeate human research activities. In this, general guidance can be more useful than detailed prescriptive regulations, which tend to invite circumvention by clever operators. In its latest (2007) revision, the National Statement aims to provide greater flexibility in the practice of ethical review, enabling it to be applied to a wide variety of situations.

There are four main ethical values in human research. The comments under each have been modified to make their relevance to public activities clearer.

1. Respect for human beings

This means that the intrinsic value of each person is recognised. There are several aspects to this, but of particular relevance here is that the individuals should have the freedom to choose whether to become involved and that this is assisted by the provision of sufficient information, in an understandable form, for them to make this choice. An important consequence is that people involved must be fully informed about a proposal and its risks, in plain language, before they consent to it.

2. Merit and integrity

Several questions can be used to test whether a proposal has these values. Is the proposal sound, and based on a thorough review of current knowledge gained from previous experience? Do the people involved have the required experience, qualifications and competence to carry out the proposed work?

3. Justice

This value requires that all people be treated equally. For example, will the burdens be shared fairly amongst those involved? Will there be a fair distribution of any benefits arising?

4. Beneficence

For those persons involved and for the wider community, are the potential benefits likely to outweigh the risks of harm or other adverse effects?

These values are not exhaustive, and others of particular relevance to government activities include making a contribution to societal goals and a respect for cultural diversity. These and other values could be added to a make a more comprehensive list suitable for public life.

Promoting Ethical Conduct

How can researchers and their institutions ensure that their work is ethically acceptable? The two elements of this are the ethical review of proposed projects and a code of practice to assist responsible conduct and deal with breaches.

Ethical Review Although probably not directly applicable to the workings of public life, the research ethical review process does include some mechanisms which could be used more generally. Researchers must describe the project in a standard format (now using a National Ethics Application Form <https://www.neaf.gov.au/>) which is submitted for approval to a local Human Research Ethics Committee (HREC).⁴

Some aspects of this may be applicable to the work of public officials. First, a simple checklist of prompts can readily identify most ethical issues at an early stage when appropriate management strategies can be developed. For example, does the proposal affect vulnerable groups (eg children, indigenous people); have affected persons given free and informed consent; what are the likely benefits versus risks? Although it would be impractical to always expect ethical approval in advance of action being taken, a regular retrospective ethical review of significant public activity should identify problems and enable remedial action.

Code of Ethical Conduct The Australian Code for the Responsible Conduct of Research (2007)¹ provides a guide on responsible and ethical research practices for researchers and their institutions. It details what constitutes responsible practice, identifies breaches and misconduct (usually arising through dishonesty or a conflict of interest which has been mismanaged) and gives a framework for resolving complaints and allegations of research misconduct. These goals, which have obvious relevance to other workplaces, are explained in the Summary of Code Content:⁵

“This part of the Code helps institutions and researchers to understand their responsibilities in the event that a breach of the Code occurs or an allegation of research misconduct is made. The Code guides institutions through the appropriate responses and explains the responsibilities and rights of researchers if they witness research misconduct. This section of the Code is designed to ensure there are agreed, clear, fair and effective processes in place in the event of an allegation of research misconduct.”

The Code outlines how to conduct a fair and open inquiry which may be followed by disciplinary action, if appropriate. Like the National Statement, this is a living document, subject to continual improvement as experience grows and thinking about the issues evolves.

References

1. The Australian Code for the Responsible Conduct of Research (2007)
<http://www.nhmrc.gov.au/publications/synopses/r39syn.htm>
2. National Statement on Ethical Conduct in Research Involving Humans 2007
http://www.nhmrc.gov.au/publications/ethics/2007_humans/contents.htm
3. Stockhausen, K. The Declaration of Helsinki: revising ethical research guidelines for the 21st century. *Med J Aust* 2000; 172:252-3.
4. In Tasmania, the HREC (Tas) Network is constituted by joint agreement between the University of Tasmania (Utas) and the Department of Health and Human Services (DHHS) http://www.research.utas.edu.au/human_ethics/index.htm.
5. Summary of the Code Content of The Australian Code for the Responsible Conduct of Research (2007)
http://www.nhmrc.gov.au/publications/synopses/r39syn_summary.htm