



National Research Council Bill 2016 – Bill No. 5 of 2016

Introduction

This Bill establishes the **National Research Council** and regulates the operations of the **National Research Fund**.

The objective of the Bill is to **raise the standards and development of research**, in all scientific, health, educational, heritage, industrial, technological, social and economic areas.

The Bill's Explanatory Note states that **consultations** on the Bill were held with the Ministry of Education, Heritage and Arts, the Fiji National University, the University of the South Pacific, the University of Fiji, the Sugar Research Institute of Fiji, the Fiji Institute of Applied Studies and the Koronivia Research Station.

Objectives, scope and intent of the Bill

As outlined in clause 4 of the Bill, the objectives are to make provision for a national body to pursue and fund activities designed to:

- **raise the standards and development of research**, in all scientific, health, educational, industrial, technological, social and economic areas; and
- **encourage or promote consideration of ethical issues** relating to research and development.

Summary of provisions

Part 1 of the Bill provides for the short title and the commencement provisions. The new Act will come into force on the date or dates appointed by the minister responsible for education by notice in the Gazette.

Part 1 also affirms that the State will be bound by the provisions of the Bill, and provides the definitions of terms used throughout the Bill. The full list of definitions is in **annex A** of this paper. Part 1, clause 4 outlines the objective of the Bill.

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Part 2 establishes the Council. Clause 6 states that the Council will consist of:

- the chairperson to be appointed by the Minister;
- the permanent secretary responsible for strategic planning;
- the permanent secretary responsible for education;
- three persons who are or have been actively engaged in research, including academic research, to be appointed by the Minister; and
- other persons to be appointed by the Minister, each representing an institution designated by the Minister by notice in the Gazette.

Part 2 also provides for the powers and functions of the Council. These are outlined in clauses 8 and 9 of the Bill, and include (among others) to:

- administer the Fund, including the development of rules for the allocation of funds;
- fund any research after consideration of the research proposal and all relevant circumstances surrounding the request for funding;
- plan, co-ordinate and develop research and development policies and programmes for consideration by the Government;
- promote, evaluate and advance research and development, funded by the Council, in all scientific, health, educational, heritage, industrial, technological, social and economic areas;
- amalgamate the research needs of government ministries, and seek a unified and transdisciplinary approach; and
- advise the Minister on matters related to priority research, its relevance and development.

This Part also provides for meetings of the Council and the conduct of such meetings.

Part 3 compels the **disclosure of interests by members of the Council**. If a member of the Council is present at a meeting and has an interest in a matter being discussed or considered by the Council, whether direct or indirect, pecuniary or otherwise, the member must immediately disclose that interest and take no further part in the discussion or consideration of the matter, unless the Council otherwise determines.

Part 3 also provides **protection** to members of the Council. Clauses 15 and 16 provide for the **protection of animals, the environment, natural resources and heritage** in research.



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Part 4 provides for the **National Research Fund**. The Fund will be used for funding research and development proposals, and will consist of:

- moneys appropriated from the Consolidated Fund and authorised to be paid into the Fund by Parliament;
- revenues allocated to the Fund by the Minister or under any written law;
- moneys earned by the Council through fees and charges, including revenues gained through sale of any property produced or from dealing with any intellectual property rights emerging from investments made in the course of any research and development activity paid for with the money from the Fund;
- grants, endowments, donations or contributions to the Fund;
- moneys borrowed by the Council; and
- returns on investments made by the Council.

Part 4 also enables a person to apply to the Council for funding of a research. The Council, after consideration of the research proposal and all relevant circumstances surrounding the request for funding, may approve, with special terms and conditions, an application and the funding of the research.

Part 5 outlines the concept of **misconduct or unethical behaviour**. It also empowers the Minister to terminate the appointments of members of the Council. In this section, “misconduct” or “unethical behaviour” means a breach of a provision of this Act, including the following:

- fabrication, falsification or misrepresentation in reporting or of any finding or result;
- plagiarism;
- misleading ascription of authorship;
- failure to declare and manage conflicts of interest without any reasonable excuse;
- falsification, misrepresentation or deception in a proposal to obtain funding;
- compromising the safety of human participants, or the wellbeing of animals or the environment;
- negligence of the obligations and duties under the Act; and
- wilful concealment or facilitation of research misconduct by others.



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“Research misconduct” does not include honest differences in judgment in management of the research project, and may not include honest errors that are minor or unintentional.

Part 6 empowers the Minister to make regulations that would give effect to the provisions of the Bill.

It also promotes **non-discrimination** of persons on the grounds of race, culture, ethnic or social origin, colour, place of origin, sex, gender, sexual orientation, gender identity and expression, birth, primary language, economic or social or health status, HIV/AIDS status, disability, age, religion, conscience, marital status or pregnancy.

International comparisons

- **Canada’s** National Research Council Act 1985 establishes the Council, and sets out its duties, powers, and organisation.¹
- **Australia’s National Health and Medical Research Council Act 1992** focuses on health and medical research, rather than spanning all subjects.²
- **New Zealand**³ has the Health Research Council Act 1990, and the New Zealand Council for Educational Research Act 1972.
- In the **United Kingdom**, the Research Councils UK (RCUK) is a non-departmental government body whose purpose is to manage a strategic partnership between individual research councils that coordinate and fund research in the arts, humanities, science and engineering. There are seven councils - some are established in legislation, and some are not.

¹ <http://www.laws.justice.gc.ca/eng/acts/N-15/page-1.html>

² <https://www.legislation.gov.au/Details/C2014C00364>

³ http://www.legislation.govt.nz/all/results.aspx?search=ts_act%40bill%40regulation%40deemedreg_research+council_resele_25_a&p=1

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Further information

- **The role of research councils in project funding – a comparison of the roles and instruments used by research councils in three countries**, a paper for the conference “Indicators on Science, Technology and Innovation. History and New Perspectives”, November 2006: http://www.prime-noe.org/spip.php?action=acceder_document&arg=374&cle=bf8e13f40ca46fb1214f629fa4096ac888b2fe34&file=pdf%2FResearch_councils_Slipersaeter_v1-2.pdf

Disclaimer

This briefing was prepared to assist consideration of the Bill by Members of Parliament. It has no official status. Although every effort has been made to ensure accuracy, it should not be taken as a complete or authoritative guide to the Bill. Other sources should be consulted to determine the subsequent official status of the Bill.



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Annex A - definitions used in the Bill

“**Council**” means the National Research Council established under section 5;

“**Director**” means the Director of the Council appointed under section 7;

“**Fund**” means the National Research Fund; “**member**” means a member of the Council;

“**Minister**” means the minister responsible for education;

“**Parliament**” means the Parliament of the Republic of Fiji;

“**person**” means a natural or legal person, including a company, association or body of persons whether corporate or unincorporate;

“**protected information**” means information, the disclosure of which may reasonably be expected to disclose a trade secret or adversely affect a person in relation to the lawful business affairs of the person or the person’s research interests, including any research proposal or idea contained in or relating to the research proposal;

“**research**” means a systematic investigation and study of materials and sources in order to establish facts and reach new conclusions, that is undertaken by a researcher who requests or acquires funding for research from the Council;

“**research proposal**” means a proposal submitted to the Council for funding of the activities outlined in the proposal; and

“**researcher**” means a person who undertakes any research.