

# FOR THE FREEDOM TO COMMENT BY SCIENTISTS

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The proportion of Australian research and development (R&D) effort by government agencies (53 per cent) is second only to the Soviet Union, and other communist-bloc countries.<sup>1</sup> Of the rest, 37 per cent of performance is derived from industry, and only 10 per cent from universities, and other tertiary institutions. By contrast, over one quarter of Canadian R&D is associated with places of higher learning, while a fifth of American R&D comes from this source.

Traditionally academics in tertiary institutions have a much greater degree of freedom than their industry or public servant counterparts. Scientific comment on controversial issues is therefore severely restricted in Australia, compared to most other industrialized western countries. Speaking out of turn could lead to discrimination when it comes to promotion, or transfer, or at the worst to dismissal and difficulty in securing another job elsewhere.

The announcement by the then Prime Minister Whitlam on 3 June, 1974 that public servants were free to publicly criticize their own departments, therefore seemed a step in the right direction. Whitlam could not guarantee that an outspoken public servant would avoid subtle victimization later, but he was able to eliminate the more blatant reprisals in the form of instant dismissal or demotion. Predictably, there have been few major revelations from conscience-stricken public servants.

There are of course plenty of scientists, and others, in the public service who know on which side their bread is buttered. They tell unashamedly to Ministers what they want to hear, and they withhold adverse comment on what their political masters want to remain ignorant about.<sup>2</sup> Such activities can earn one meteoric promotion, if applied at the right time and place. There is also the so-called “silent majority”, who by their silence condone anti-social government activities, and [it was] presumably of these that Abraham Lincoln so aptly said: “To sin by silence when they should protest, makes cowards of men”.

Of course I was aware of the lack of safeguards when I first publicly criticized CSIRO for its lack of involvement in environmental research.<sup>3</sup> At that time I had been prevented from publishing two papers on environmental topics<sup>4,5</sup> through the Organization. While CSIRO claimed that they had no objection to my publishing privately, such papers are generally less readily acceptable to scientific journals, while the readership also regards them with some suspicion, particularly if the author’s place of work is well known.

It is of interest that the then Science Minister, Mr Morrison, was making statements to the effect that CSIRO should get more involved in the environment.<sup>6,7</sup> It appeared therefore, that by discouraging me, CSIRO was in fact defying the Minister.

I had taken my fight about the first paper<sup>4</sup> only as far as my Divisional Chief, but I confronted CSIRO Chairman, Dr Jerry (now Sir Robert) Price with the second one.<sup>5</sup> Subsequently, I wrote a third paper<sup>8</sup>, which I eventually ended up bringing to Morrison's attention. I pointed out that, in view of his earlier remarks<sup>6,7</sup>, he should overrule CSIRO. Needless to say, he did no such thing<sup>9</sup>.

In the meantime, the Labor Government set up the Royal Commission into Australian Government Administration, and this turned out to be an ideal opportunity to air my grievances with CSIRO.<sup>10</sup> Our submission got good publicity<sup>11</sup>, which did little to further endear me to the Organization. The contents of the submission were pre-circulated, and thus well known to anyone who was interested enough to read it.

The Industries Assistance Commission (IAC) was holding an Inquiry into Financing Rural Research shortly afterwards, and it was suggested to me by the IAC secretary<sup>12</sup> that I give evidence there as well. I sought CSIRO's permission to prepare a submission in their time in view of Morrison's earlier statement<sup>13</sup> to the effect that it was the duty of scientists to contribute. This request was predictably turned down by CSIRO<sup>14</sup>, and belatedly also by the Minister<sup>15</sup>, but the evidence was presented just the same.<sup>16</sup>

The submission, which was also pre-circulated, contained criticism of CSIRO's approach to agricultural research, and as such, caused CSIRO further irritation.

The situation was evidently also aggravated by a series of disagreements with my former chief. He did not like my constructive criticism of the aim of the Laboratory in Rockhampton<sup>17</sup>, nor did he take kindly to my successfully publishing material<sup>4, 5, 8</sup> he had dismissed out of hand. Furthermore, I had previously expressed objection to the implicit support he gave as Committee member over the years to the continuation of French nuclear tests in the atmosphere.<sup>18</sup> Finally, he was obviously embarrassed<sup>19</sup>, when I exposed<sup>20</sup> the fact that he himself had published a paper totally unrelated to his CSIRO duties under the Organization's auspices<sup>21</sup>, while objecting to my publishing on environmental topics with CSIRO's blessing. Predictably, there was to be no reprimand<sup>22</sup>, thus establishing that rank and file scientists operate under a different set of rules from chiefs.

CSIRO had by this time decided to get rid of me. When attempts failed to dismiss me on grounds of inefficiency<sup>23</sup>, because my publications record was better than that of most of my colleagues, it was decided to try and have me transferred to Melbourne.<sup>24</sup>

The Organization went as far as to admit that my work at Rockhampton was quite satisfactory.<sup>24</sup> I therefore concluded that the move was politically, rather than scientifically motivated, and I refused to go.<sup>25, 26</sup>

Despite initial opposition<sup>27</sup>, long-service of 10 weeks was granted<sup>28</sup>, before the recommendation for dismissal<sup>29</sup> was eventually received. I immediately appealed against the recommendation.

The hearing of the Committee of Inquiry in Canberra was a complete farce. CSIRO should have sought Ministerial approval for the transfer, because my salary was above the level specified by the Science and Industry Research Act. The then Minister (Clyde Cameron) had evidently been advised rather than asked.<sup>30</sup> My case was widely reported throughout the country<sup>31</sup>, and this resulted in bad publicity for the Organization.

Initially one might have suspected that this could have been an easy out for the Organization, because my position was very strong. Witnesses at Royal Commissions are protected by Section 6N of the Royal Commissions Act 1902-1973 against victimization. The onus rests with the employer to prove that an employee witness claiming immunity was not being victimized. If prejudicial actions against an employee cannot be disproved, this then constitutes an indictable offence carrying a penalty of \$1000, or imprisonment for one year. CSIRO did decide to try and transfer me again.<sup>32</sup> It must have been a difficult decision,

since the Executive would obviously be most anxious to avoid further bad publicity, particularly while an Inquiry was being held into CSIRO.<sup>33</sup>

Since the previous CSIRO case against me largely rested on an exchange of letters between the Secretariat and me, my new tactic was to minimize the volume of correspondence, and restrict myself to one-sentence replies. However, when a new job eventuated, I decided to take it, and hand in my resignation to CSIRO.

In the meantime, my attention had been drawn to an initiative of the US National Academy of Sciences designed to guarantee the freedom of Inquiry and Expression for scientists, both at home, and abroad.<sup>34</sup> The Academy drew up a five-point declaration, which it asks scientists everywhere to sign, and remit to Washington. I asked the CSIRO Chairman, and members of the Executive to sign the document.<sup>35</sup> It will be interesting to see what they will do. If the document is not signed, then this would reflect badly on CSIRO, and it would invite curtailment, or even termination of combined US–Australian research projects.<sup>34</sup> In absence of a reply<sup>36</sup>, I had to get a question asked in Parliament<sup>37</sup> to ascertain the response. The final decision will be publicized by me in the right quarters.

Throughout my 23 years with the Organization, I have belonged to the CSIRO Officers' Association, indeed I served on the Victorian Committee for a year in the 50s. From the start, the Association's reaction ranged from cool and cautious<sup>38</sup>, to outright hostile<sup>39</sup>, particularly from the more distant south. My strongest support came from the State Branch in Brisbane, but my own colleagues in Rockhampton felt themselves threatened. They resented the disturbance being created in a backwater to which they had hoped to retire peacefully.

I have strong reasons to suspect that certain senior people in the CSIROOA were unwilling to rock the boat on my behalf for fear of tarnishing their own image and thus adversely affecting their own chances of advancement within CSIRO. The Association was obviously interested in the outcome of my battles, since precedents were being set, which would ultimately affect other members. However initial involvement at the official level had been disappointing, and minimal. However, nothing begets success more than success. The union recently promised to pay costs for any legal representation I might have sought at a future Inquiry into my dismissal. Presumably they will be relieved to know that the offer will not now be taken up because of my resignation.

The CSIROOA seems to be out of touch with its membership, largely because of the latter's apathy. The body actually made a submission of its own to the Royal Commission into Australian Government Administration, but it failed to consult members like me, who might have been interested in contributing.

I feel in this connection that there is a growing body of members who reject the union's preoccupation with salary-related matters, and who would prefer the Association to concern itself more with such things as directing CSIRO's work to socially and environmentally more beneficial purposes.<sup>40</sup> For this reason, I feel also that the CSIROOA should fight for the right of members to speak up on issues of public interest, and it should have shown much more concern when the new Minister deprived staff of a say in the running of CSIRO by suspending the election of an employee onto the Executive.<sup>41</sup>

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***Postscript by Brian Martin***

On 29 September 1980 I gave a talk to the National Science Forum in which I mentioned a number of suppression cases, including the CSIRO–Springell case. On 3 October, K. J. Thrift, Secretary (Personnel) of CSIRO, wrote to me asking to see details of the evidence behind my claims about what had happened to Dr Springell. In my reply of 13 October I cited Peter Springell's article from *Arena* which has been reprinted here, and noted that to my knowledge there had been no public response to his highly documented article. I also wrote: "If you have any information relevant to the case, I would be pleased to know about it." I received no reply to my letter.