

STRICTLY CONFIDENTIAL

Our Ref: 2018/28108: AK

14 February 2019

Mr Geoff Kirwood

By email: kirwoods@tpg.com.au



Dear Mr Kirwood,

Re: Outcome of Referral of *Prima Facie* Case of Breach of the UNSW Research Code of Conduct and Research Misconduct: NHMRC PG1048069

1. I am writing further to the correspondence of 30 January 2018 that you received from Ms Bronwyn Greene, Designated Officer under the [UNSW Procedure for Handling Allegations of Research Misconduct](#) ('the Research Misconduct Procedure').
2. You will recall that Ms Greene advised you that she had commenced a preliminary investigation into certain allegations of breach of the [UNSW Research Code of Conduct v.1.0](#) ('the Research Code v.1.0') and/or the [UNSW Research Code of Conduct v.1.1](#) ('the Research Code v.1.1') or research misconduct on the part of UNSW researcher Professor Anthony Shakeshaft, including with respect to a research project being conducted under NHMRC PG1048069.
3. Ms Greene made a preliminary determination that, on the balance of probabilities, a *prima facie* case of breach of the Research Code v.1.0 or the Research Code v.1.1 and a *prima facie* case of Research Misconduct (as defined by clause 1.3 of the Research Misconduct Procedure) existed on Professor Shakeshaft's behalf (as defined by clause 1.3 of the Research Misconduct Procedure).
4. The *prima facie* case was referred to me for consideration in my role as delegate of the Chief Executive Officer pursuant to the Research Misconduct Procedure. I have now considered all of the material and am notifying you of my determination. This notification is intended to fulfil UNSW's obligations under the ***Australian Code for the Responsible Conduct of Research (2007)*** and the Research Misconduct Procedure.
5. I have found that a *prima facie* case of breach of the Research Code v1.0 and/or the Research Code v1.1 exists on Professor Shakeshaft's behalf with respect to the failure to appropriately disclose the familial relationship between Professor Shakeshaft and Mr Bernie Shakeshaft, within a publication and in the process of reporting to the NHMRC. These *prima facie* breaches do not constitute individually and/or collectively a *prima facie* case of Research Misconduct (as defined by clause 1.3 of the Research Misconduct Procedure). Professor Shakeshaft's breaches of the Research Code v1.0 and/or the Research Code v1.1 were not intentional, deliberate, reckless nor did they involve gross and persistent negligence and that no serious consequences have resulted. Additionally, I am of the view that the breaches of the Research Code v1.0

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and/or the Research Code v1.1 do not meet the threshold of 'multiple and continuous' (as defined in clause 1.3 of the Research Misconduct Procedure),

6. I have determined that a Research Misconduct Inquiry is not needed in this matter therefore I now consider this matter closed.
7. I have notified the Australian Research Integrity Committee of the outcome of this matter.
8. I have also notified the NHMRC in detail of the outcome of this matter as required under the ***NHMRC Policy on Misconduct related to NHMRC Funding 2016***.
9. Other relevant parties have also been notified of the outcome.
10. The University considers this matter to be **strictly confidential** insofar as the law allows and you must maintain confidentiality. **Please do not disseminate or reproduce this correspondence in whole or in part in any communication or electronic platform, including social media.**
11. If you have any questions regarding this correspondence or my handling of this matter, you may contact my offices or the UNSW Research Integrity Unit (research.integrity@unsw.edu.au).

Yours sincerely,



Professor Merlin Crossley
Deputy Vice-Chancellor Academic

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