



**The Hon Mark Butler MP**  
**Minister for Health and Aged Care**

Ref No: MS22-001630

Senator Marielle Smith  
Chair  
Community Affairs Legislation Committee  
Parliament House  
CANBERRA ACT 2600

Dear Chair *Marielle*

Pursuant to the Order of the Senate, 13 May 2009, Public Interest Immunity claims, I am writing with respect to a question asked by Senator the Hon Matthew Canavan in the Budget Senate Estimates 2022-23 hearing of the Community Affairs Legislation Committee on 10 November 2022.

Senator Canavan asked the Chief Executive Officer of the National Health and Medical Research Council (NHMRC), Professor Anne Kelso AO, to take on notice the provision of the 17 research 'reports' that were identified as gain-of-function research of concern by NHMRC's Gain-of-Function Research Review Report (Report) released in April 2022 ([www.nhmrc.gov.au/about-us/publications/gain-function-research-review-report](http://www.nhmrc.gov.au/about-us/publications/gain-function-research-review-report)). Senator Canavan sought the names and institutions of the researchers whose research was identified in the review.

As the NHMRC's Report notes (p.6):

Of the 17 research projects identified, 10 were funded by NHMRC and eight were conducted by the Commonwealth Scientific and Industrial Research Organisation (CSIRO); one project was both funded by NHMRC and conducted by CSIRO. Information about the projects is presented in general terms and, where appropriate, aggregated form. This approach is necessary to protect researchers from potentially serious threats to their personal and professional lives, as has been experienced by scientists around the world in the context of COVID-19.

In response to Senator Canavan's questions, Professor Kelso reiterated that during the pandemic, a number of people, working generally in virology and related topics as researchers around the country, have received serious threats and had their lives threatened.

Professor Kelso has referred this matter to me and I have concluded that it would not be in the public interest to disclose the information to the committee.

During the COVID-19 pandemic, scientists and researchers in the fields of immunology, virology and epidemiology, including those commenting publicly on the origins of SARS-CoV-2 or the management of the pandemic response, have been subject to serious, ongoing threats and harassment.

On 14 October 2021, the Australian Science Media Centre reported that one in five Australian scientists surveyed said they experienced death threats and/or threats of physical or sexual violence after speaking to the media about COVID-19. A similar poll by the scientific journal *Nature* found an even higher proportion of negative experiences among a larger group of respondents, with 15% reporting death threats and 22% saying they received threats of physical or sexual violence.

In a recent relevant case in New South Wales, a university demonstrated that there had been serious harassment and intimidation of individuals. The nature and tenor of the abuse and threats go well beyond the ordinary scrutiny, discussion and debate of scientific research.

It is in the public interest, in order to protect the physical safety of the researchers involved, that the details requested by Senator Canavan should not be disclosed.

I am therefore making a claim of Public Interest Immunity on the ground that disclosing the names of researchers who have been involved in gain-of-function research would, or might reasonably be expected to, endanger the life or physical safety of those researchers.

Yours sincerely

Mark Butler

29 / 11 / 2022

cc: The Hon Ed Husic MP, Minister for Industry and Science