

EDUCATION, SCIENCE AND TRAINING

SENATE LEGISLATION COMMITTEE - QUESTIONS ON NOTICE 2007-2008 BUDGET ESTIMATES HEARING

Outcome CSIRO

DEST Question No. E047_08

Senator Carr asked on 30 May 2007, EWRE Hansard page 63-64.

Question:

Senator CARR—That is what troubles me. This has been a major issue for CSIRO. There has been considerable dispute as to the implications of the redundancy of Dr Prata, given his international reputation. I would like to know this: how did you assess, in terms of the risk analysis, letting Dr Prata go? That is the risk assessment on technical grounds, the dependence of key staff, political criteria, competition, and reputation and financial criteria. These are the normal provisions. This is on page 3 of the checklist. How were those criteria satisfied in Dr Prata's case?

Dr Steele—We are talking about the licensed transaction that was entered into in the middle of 2003? That is what you are directing your question to?

Senator CARR—Yes. Dr Prata's IP work.

Dr Steele—Dr Prata's infrared detection intellectual property was the subject of a licence with Tenix entered into in mid-2003.

Senator CARR—This is the G-bIRD?

Dr Steele—Correct. That licence transaction did not come through the ComEx committee. It was handled in the division. I will have to take your question on notice and get it answered that way.

Answer:

CSIRO has provided the following response.

G-bIRD

The licence was entered into in 2003. Dr Prata was an employee of CSIRO at that time, and the relevant issues such as 'technical grounds' or 'the dependence of key staff' were assessed and considered "low" risk at the time of the licence, as Dr Prata was to remain as an employee of CSIRO.

Dr Prata left CSIRO's employment on 27 January 2006. By the time of his departure, technology transfer to CSIRO's licensee had been conducted to the licensee's satisfaction and the licensee was no longer seeking technology transfer support. Dr Prata's redundancy from CSIRO was not contested by him. In that context, Dr Prata's departure from CSIRO was not assessed as being a significant risk in relation to CSIRO's obligations to its licensee under the licence agreement.

At his departure, Dr Prata signed the standard forms in relation to intellectual property arrangements and on the basis of anticipated compliance by Dr Prata with those conditions and the enduring intellectual property provisions included in CSIRO's standard Terms and Conditions of employment, "competition" was not assessed as being a significant risk to

CSIRO for CSIRO's obligations to its licensee under the licence agreement (as Dr Prata does not have any entitlement to use CSIRO's confidential information for any other future purpose).

At the time of Dr Prata's redundancy, it was not known that Dr Prata would seek to enter into public debate concerning the prosecution of the patent applications that he had been involved in preparing. As such no formal assessment was made as to whether his separation from CSIRO would be a significant risk to CSIRO under the license agreement, or other grounds, as to "political criteria, and reputation" issues. As compared to CSIRO's previous experience with its inventors, the subsequent developments have been quite atypical.