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| Research requests policy |

# Purpose

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| Authorised by | County Court Research Committee |

To establish a consistent approach to the consideration and management of external research requests received by the County Court of Victoria.

# Background

Each year the County Court (‘the Court’) receives an average of eight research requests to access court information.

The Research Requests Policy consists of a two-stage process that research request applicants (‘applicants’) are required to follow in order to seek approval to obtain court information for research purposes.

The two-stage process involves:

* 1. Submitting an application to the County Court Research Committee (‘Research Committee’) to obtain in-principle support for the project. Once in-principle support has been obtained, the Publications and Projects Officer is required to provide written notification to the applicant.
	2. Submitting an application to the Department of Justice Human Research Ethics Committee (‘JHREC’). This application must attach the written notification of in-principle support from the County Court Research Committee.

The Court is assisted by JHREC who ensures that research requests involving this jurisdiction satisfy ethical standards as provided by the National Statement on Ethical Conduct in Human Research (see paragraph 6). The Court does not maintain its own ethics committee as the skills, expertise and resources required to compose and maintain such a committee are not available within the Court’s operating structure.

# Definitions

**Body of Justice Human Research Ethics Committee (JHREC)**: JHREC is registered as a Human Rights Ethics Committee (HREC) with the National Health and Medical Research Council. Established in 1996, the JHREC is assembled according to the National Statement on Ethical Conduct in Human Research. Click here for more information about the JHREC ethics approval application process.

**County Court Research Committee (Research Committee)**: the Committee is comprised of the Publications and Projects Officer, three County Court Judges and the Director of Governance, Policy and Communications who consider requests from academic and other researchers for access to court generated information (e.g. data and decisions).

**Publications and Projects Officer (PPO)**: the PPO facilitates incoming research requests and acts as liaison between the applicants, the Research Committee, JHREC and, where a request has been approved, the relevant internal stakeholders who are able to provide the requested information.

**Research Request Applicant (applicant)**: the applicant may include academic and other researchers who require information from the County Court to inform their research.

**Court generated information**: for the purpose of this policy, court generated information includes but is not limited to:

* 1. Decisions (e.g. rulings, sentencing remarks, judgments);
	2. Judicial insights (e.g. interviews with judges); and
	3. Numerical data (e.g. number of orders, offence types, etc.) not otherwise available in the Annual Report or County Court website.

**Non-court generated information**: for the purpose of this policy, non-court generated information includes but is not limited to:

* 1. Psychological reports
	2. Medical reports
	3. Victim impact statements
	4. Crown prosecution summaries
	5. Defence summaries

The Court will not provide access to non-court generated information. If applicants seek access to these documents, they will be re-directed to the authors or agencies responsible for generating these documents (e.g. Justice Health, Adult Parole Board, Office of Public Prosecutions, etc.).

# Application and Approval Framework

**Step One – Lodgement of Application with the County Court**: applicants must lodge an application for ethics approval with the Court.

* 1. The application to the Court must include the following items:
		1. Cover letter addressed to the PPO;
		2. Detailed research proposal;
		3. Detailed research methodology; and
	2. Where applicable, the applicant may also include as part of their application:
		1. Plain language statement (PLS);
		2. Consent form;
		3. Questionnaire;
		4. Contact details of supervisors; and/or
		5. Other letters of support.

**Step Two – Submission of Applications to the Research Committee**: Upon receipt of all relevant items, the PPO will:

* 1. Notify the applicant in writing that their items have been received and they will be advised of the outcome of the Research Committee’s decision in due course;
	2. Notify the Chief Judge of the County Court of the research request; and
	3. Submit the items to the Research Committee for review.

**Step Three – Outcome of Applications**: the Research Committee may arrive at four possible outcomes following their review of the items:

* 1. In-principle support is unanimous – the PPO notifies the applicant that in-principle support has been provided by the Research Committee, and that final approval is subject to JHREC ethics approval.

Once ethics approval has been granted by JHREC, the PPO can begin assisting the applicant with their information request. Where JHREC has not provided ethics approval, in-principle support will be withdrawn, the applicant will be advised in writing and no further action will be required.

* 1. Request is not met with approval – the PPO notifies the applicant and JHREC of the outcome. No further action is required.
	2. In-principle support is not unanimous – the PPO escalates the research request to the County Court’s Board of Management to determine whether in-principle support will be provided. If approved, see steps 15(a) and if rejected, see step 15(b).
	3. Further information is required – the PPO requests (in writing) further information from the applicant. Once received, the information is submitted to the Research Committee to complete their review.

**Step Four – Application to JHREC**:

* 1. Should in-principle support be given, the applicant will need to make an application to JHREC. The requirements of the JHREC application can be found [here](https://www.justice.vic.gov.au/data-and-research/justice-human-research-ethics-committee) on their website.
	2. JHREC requires applications to include the supporting letter from the County Court, which has been signed by a senior staff member (Director), or the Judge.

# Research Approval Guidelines

Each research request submitted to the County Court Research Committee will be evaluated against a set of guidelines. These guidelines may assist the Research Committee to test the merit of research requests against a range of Court priorities including:

* 1. The International Framework for Court Excellence;
		1. Will the research request assist the Court to take into account developments in society and the changing needs of court users?
		2. Will the research request assist the Court in improving client needs and satisfaction?
		3. Does the research request support the Court’s aim in providing access to justice?
		4. Will the research request promote public trust and confidence in the judiciary?
	2. The Court’s strategic priorities;
		1. Does the research request promote or advance innovation and an open and accountable court?
		2. Will the research request assist the Court to improve its quality and performance?
		3. Will the research request assist the Court to provide fair, efficient and effective services?
		4. Will the research request reinforce public trust and confidence in the Court and the administration of justice?
		5. Will the research request benefit court users?
		6. What will be the impact on the Court’s resources to facilitate the research request?
		7. Will the research request assist the Court in providing affordable access to information, processes and services?
	3. The Court’s statutory obligations;
		1. Will the Court be in breach of the Judicial Proceedings Reports Act 1958 if it provides the requested information?
	4. Privacy considerations;
		1. If the research relates to non-sexual offences, is the private information of the victim being protected (eg: names, addresses, number plates, places of work etc)?
		2. Is an offender’s private information being made unnecessarily available? Can information be made available without a breach of privacy?
		3. Is the information of non-party witnesses being protected (eg: names, relationships etc.)?
	5. The public interest;
		1. Will the public interest be served by providing access to the research information and/or the publication of the research project findings?