

PROTOCOL FOR THE CONDUCT OF AUSTRALASIAN INSTITUTE OF JUDICIAL ADMINISTRATION RESEARCH PROJECTS

Research proposals

Proposals for research to be undertaken under the auspices of the AIJA may be received from:

- (i) external individuals or bodies;
- (ii) members or officers of the AIJA.

Proposals may include

- Requests for seed funding as a basis for developing a larger project;
- Requests to provide in kind support such as facilitating access to courts or the judiciary for research purposes;
- Requests for AIJA involvement in collaborative research such as an ARC Linkage project application;
- Requests for funding for a major research project leading to a report to be published by the AIJA.

In the first instance, inquiries should be made to the Executive Director, providing the information requested in the Proposal Form set out below.

Form of proposal

Describe the nature and scope of the proposed research including the relationship of the research proposal with the AIJA's principal objective of research into judicial administration. Other aspects to be addressed, as appropriate, are listed below, with suggested maximum page lengths.

(i) Aims of research (1 page)

- Potential benefits
- Significance
- Need for the research
- Related research/brief bibliography
- Role of any other organisations/stakeholders

(ii) Method and budget (1 page)

- Summary of methodology proposed for the research
- Timeline, including likely duration and stages
- Specific costing for the research proposal, indicating how much money is sought, how that sum is calculated and what the money is to be used for
- Is ethics approval needed?

(iii) Researcher[s] (1/2 page for each researcher)

- One paragraph biography for the lead researcher and for any other person proposed to be engaged on the research

(iv) (Outcome [s] (1/2 page)

- Is the proposal for fully funded research?
- Is the proposal a preliminary proposal to lead to more expanded research?
- Will an application be made for further funding, such as an ARC Discovery or Linkage Project or AIC application?

(v) How research findings are to be disseminated (1/2 page)

- Presentations?
- Publication in legal professional or academic journals, including the Journal of Judicial Administration?
- A full research report published by the AIJA?
- A book or research monograph published elsewhere?

Consideration of proposals

The Executive Director will refer research proposals to the Research Committee. The Executive Director may provide to the Research Committee advice of the extent to which the proposal is, is likely to be, or has been, covered by work done:

- by the AIJA itself
- (by a Law Reform Commission, special inquiry or other body within Australia;
- by any other substantial research.

After preliminary consideration of a research proposal, the Research Committee may request the Executive Director or the proponent to provide further detail or suggest that a variation to the proposal would be further considered.

The Research Committee will make a recommendation to the AIJA Council. The recommendation to Council will also contain a statement of the priority to be assigned to the project and, when appropriate, a proposed advisory committee in accordance with the succeeding provisions of this protocol.

Terms of reference for AIJA research projects are approved by, or in accordance with the views of, the AIJA Council. Terms of reference may include a commitment to present at an AIJA supported conference or workshop, or to provide an article suitable for publication in the *Journal of Judicial Administration* along with arrangements for the provision and acquittal of funds.

When a research project has been proposed by an external individual or body, prompt notification of the outcome of its consideration by Council should be given.

Advisory Committees

For each project, the Research Committee may appoint an Advisory Committee.

Membership

A convenor is appointed by the Council for each Advisory Committee. It is desirable that the convenor be a member of Council who will be readily available to the principal researcher for the project in order to facilitate meetings. The Executive Director is an ex officio member of each Advisory Committee. At least two other members will usually be appointed to an Advisory Committee.

Members of the Research Committee who express a particular interest in the subject of the research project may be appointed to each Advisory Committee. However, the Research Committee is empowered to appoint other members of the Council, members of the Institute or other relevant persons to join an Advisory Committee from time to time as members or co-opt them as consultants.

If not otherwise the convenor or a member of an Advisory Committee, the President of the AIJA Council is nevertheless entitled to attend meetings and participate in the work of each Advisory Committee.

Role

The role of the Advisory Committee is:

- as appropriate, to settle the terms of reference for the project in accordance with the views of Council and in consultation with the researcher;
- to ensure that the researcher has a clear understanding of the extent and limits of those terms of reference;
- periodically to review the progress of the project against the timetable for its completion, and to report progress to each meeting of the Research Committee;
- to be available to the researcher to provide advice, assistance and direction and, if appropriate, to facilitate access to members of the judiciary, court administrators, the bureaucracy or other relevant groups to advance the research;
- to consider and recommend to Council what strategies should be adopted to promote official consideration of the relevant issues/recommendations arising from the research (see Follow-up, below);

and for AIJA commissioned reports to be published by the AIJA:

- to examine draft research reports to provide comment to researchers on content;
- to assess the quality of proposed reports to ensure they meet the standards expected by and of the AIJA; and
- to make recommendations to Council on the publication of reports.

Convening meetings

It is the responsibility of the convenor of an Advisory Committee to request the Executive Director to convene meetings of an Advisory Committee (whether in person or by conference telephone) as often as is necessary to fulfil the above role.

Any member of an Advisory Committee may request the convenor to convene a meeting of that Advisory Committee.

When appropriate, meetings of Advisory Committees can be held by telephone conference.

Role of Executive Director

The role of the Executive Director as ex officio member and convenor of each Advisory Committee is as follows:

- to settle with the researcher, subject to the direction of Council, the terms and conditions upon which the researcher is engaged or commissioned;
- to maintain regular contact with researcher to assess compliance with timetables, and to assess the quality of work being undertaken and its relevance to approved terms of reference;
- to alert the convenor of the Advisory Committee to any concerns he or she might hold on such matters;

and for AIJA commissioned reports to be published by the AIJA:

- to arrange for the preparation of draft research reports to be assessed by the members of Advisory Committees, so that members may assess their quality against the standards expected of and by the AIJA (and so that each draft contains marked up changes sufficient to inform the Advisory Committee of changes that have been made to earlier drafts); and
- upon approval of final reports, to arrange printing, publication and distribution as agreed by the Council.

Outcomes

Any presentation or publication resulting from research which has been supported by the AIJA, financially or in-kind must contain the following acknowledgement and disclaimer:

“This research was supported by seed funding/project funding/in-kind support from the Australasian Institute of Judicial Administration. The views expressed in this presentation/article/report are those of the author[s] and do not necessarily represent the views of the AIJA.”

A researcher who has received AIJA support, whether financial or in kind, will inform the AIJA, through the Executive Director, of any presentation, publication or other

dissemination of the research or any other outcomes of the research, such as other funding or consultancy. This information may be included in newsletters or annual reports of the Institute. Advice about presentations or publication should be provided in advance along with a copy of the manuscript, to allow an opportunity for the AIJA to make suggestions.

If appropriate, implementation/follow up may be undertaken by the AIJA, as detailed below, in relation to AIJA published research reports.

The researcher will also provide the AIJA with an appropriate acquittal/accounting of the expenditure of any funds provided.

Publication of research reports by the AIJA

Before publication of any research report by the AIJA, the Research Committee, in consultation with the relevant project Advisory Committee, will consider whether it is necessary to distribute a draft copy of the report confidentially to any person for comment. Consideration will be given to ensuring confidentiality in relation to the report, the practicality of seeking verification of factual findings and any impact which circulation may have upon the validity or credibility of the report

When satisfied that any necessary advance circulation has taken place, the Research Committee, in consultation with the relevant Advisory Committee, will recommend to Council that it authorise publication of the report. The acceptance by Council of such recommendation shall not constitute an endorsement by Council of the contents of the report and the views contained in the report will be those of the authors and not necessarily represent the views of the AIJA.

Follow-up of AIJA published research reports

The researcher, or principal researcher, involved in the preparation of a research project will be asked to recommend to the Advisory Committee methods that may be considered by the Committee with regard to the implementation/follow-up of the report's recommendations.

Upon completion of a research project and before publication of the report, the Advisory Committee will consider and recommend to Council strategies that should be adopted to promote official consideration of the relevant issues/recommendations arising from the report

The following is a list of matters that the Advisory Committee may wish to consider in the course of formulating its recommendation to Council. There may also be other matters that the Committee considers may usefully form part of its recommendation.

1. Publication of report - consideration of most appropriate format.
2. Official launch.
3. Press release.
4. Distribution of report to those who are likely to be
 - interested in
 - affected by
 - in a position to make decisions
 in relation to its results and recommendations.
5. Journal articles/newspaper articles.

6. Formal recommendation of report's recommendations to appropriate institutions/organisations and possibly drafting legislative changes to give effect to recommendations.
7. Educational activities, seminars, workshops etc.
8. Whether suggestions for follow-up activities should be sought from the Institute's members more generally. For example, in the case of recommendations of a report that have significant implications for one category of the Institute's members, it may be useful to canvass a more extensive follow-up with those members.
9. Whether, after a research report has been circulated, what has been done in each jurisdiction to implement its recommendations should be examined.
10. Whether, if a Report's recommendations are subsequently implemented, it is worthwhile following up the effect of those changes. This may take the form of a follow up study designed to ascertain whether implementation of the Report's recommendations has had the effect envisaged.

In making its recommendations, the Advisory Committee should also recommend to Council the methods by which these activities might be pursued, such as

- action by Council
- action by Secretariat
- referral to Education Committee/Research Committee
- formation of an implementation/follow-up Committee
- action by individual members

or any other methods the Committee considers desirable or useful.

Implementation/Follow-up Committee

The formation of an Implementation/Follow-Up Committee will not be necessary in all cases, but will be considered when follow-up is likely to be undertaken for a reasonably significant time period or is envisaged as involving a large number of activities that need to be coordinated.

When the establishment of such a Committee is thought desirable, the Advisory Committee will make recommendations as to membership of that Committee. The Executive Director will be a member of the Implementation Committee.

When it is not considered necessary to form an Implementation Committee, a recommendation should be made by the Advisory Committee as to who is the appropriate person/body to oversee the implementation and follow-up activities recommended to Council and to report back to Council meetings. In most cases, this will be the task of the Secretariat.

Approval

The Advisory Committee's recommendations will be considered by Council and the strategy will be finalised in accordance with Council's views.

The strategy will then be referred to the Secretariat/Implementation Committee for action.

Reports

Reports will be given to Council by the Secretariat and/or the Implementation Committee on a regular basis as to progress being made in relation to that strategy.

Regular consideration of the position by Council will ensure that the strategy is reviewed from time to time as appropriate and that the Implementation Committee/Secretariat has the benefit of regular input from all Council members as to the methods which might be adopted to assist in the follow up process.

Amendment

It is recognised that any follow-up strategy may need to be amended or refocused from time to time in response to other developments. For example, there may be a particular legislative change introduced by a parliament that bears on the particular report's recommendations that may need to be examined, or a request for information/submission from government or other bodies.

These sorts of developments may occur between Council meetings, so that formal consideration of any proposed change in emphasis will not always be possible. For this reason, it is recognised that any strategy may need to be adapted to changing circumstances from time to time. (This does not affect the Secretariat's responsibility to consult with Council in relation to any significant developments, particularly those which may involve public comment or some element of controversy.)

Measurement of the results/benefits of AIJA research reports

The Secretariat will keep an ongoing dossier of developments in the area of judicial administration that relate to AIJA activities, and examine them from time to time with a view to assessing, so far as is possible, the extent to which those developments do result from the Institute's work.

The Secretariat will disseminate this information to Council members, as part of the Follow-Up Report given to each meeting of Council.