

Justice Human Research Ethics Committee – Terms of Reference

Assurance

Table of contents

Contents

| | |
|--|-----------|
| 1. Background | 3 |
| 2. JHREC Functions..... | 3 |
| 3. Criteria for referral to the Committee | 3 |
| 4. Membership..... | 4 |
| 4.1 Membership requirements | 5 |
| 4.2 Appointments | 5 |
| 4.3 Termination of appointment | 5 |
| 4.4 Co-opting proxies, experts or additional attendees | 6 |
| 4.5 Quorum | 6 |
| 5. Remuneration..... | 6 |
| 6. Secretariat | 6 |
| 7. Meetings | 7 |
| 7.1 Procedures..... | 7 |
| 7.2 Applications and approvals | 7 |
| 7.3 Agenda and minutes | 8 |
| 7.4 Conflict of interest | 8 |
| 7.5 Confidentiality..... | 8 |
| 7.6 Minimising the duplication of review | 8 |
| 8. Complaints | 9 |
| 10. Document information..... | 10 |

1. Background

The Justice Human Research Ethics Committee (JHREC) is a committee convened by the Secretary of the Department of Justice and Community Safety (departmental Secretary). The committee operates in accordance with the National Health and Medical Research Council's (NHMRC) *National Statement on Ethical Conduct in Human Research (updated 2018)* (the National Statement).

The primary role of the JHREC is to facilitate ethical research and evaluations. This includes protecting the welfare and rights of participants in research and protecting ethical standards and reputations. In doing this the JHREC ensures that research proposals conform to the principles laid down in the National Statement.

2. JHREC Functions

The functions of the JHREC are to:

- 1) contribute to JHREC's review of applications in accordance with the National Statement
- 2) consider the ethical implications of all proposed research projects involving humans and determine whether they are acceptable in accordance with the National Statement
- 3) provide timely and accurate feedback to researchers to ensure the facilitation of ethical research
- 4) monitor all approved research projects until completion
- 5) comply with all guidelines and relevant legislation
- 6) provide input on matters of an ethical nature, as required by the departmental Secretary.

3. Criteria for referral to the Committee

An application for approval must be made to the JHREC for all research or evaluation, conducted by or for the Department of Justice and Community Safety, or done under its auspices, if it involves more than a low level risk¹ for:

- 1) people for whom the department is responsible or people associated with or directly affected by the activities of the department, or
- 2) involves the use of, or access to information relating to any of the above groups.

¹Low risk research is defined by the National Statement as research 'where the only foreseeable risk is one of discomfort. Where the risk, even if unlikely, is more serious than discomfort, the research is not low risk.'

In addition, research involving the following groups will always require JHREC consideration, irrespective of the level of risk, because of concerns regarding its sensitivity and/or vulnerability:

- 1) Aboriginal and Torres Strait Islander Peoples
- 2) people who may be involved in illegal activities
- 3) people with a cognitive impairment, an intellectual disability, or a mental illness

Negligible risk research applications from researchers independent of the department must receive governance support of the relevant business unit and do not require ethical review by the JHREC.

4. Membership

Membership of a Human Research Ethics Committee (HREC) is prescribed by the National Statement and must comprise a minimum of eight people. The JHREC aims for the Committee to be composed of members that reflect the diversity of the communities represented in the research proposals reviewed.

The Secretariat recommends suitably qualified candidates for appointment to JHREC to the departmental Secretary.

Membership comprises equal numbers of men and women, so far as possible, and includes:

- 1) a chairperson (the Chair), with suitable experience, whose other responsibilities will not impair the JHREC's capacity to carry out its obligations under the National Statement. The Chair governs all aspects of the ethical review conducted by the committee and chairs committee meetings
- 2) at least two lay people, one man and one woman, who have no affiliation with the institution and do not currently engage in medical, legal or academic work
- 3) at least one person with knowledge of, and current experience in, the professional care, counselling or treatment of people; for example, a nurse or allied health professional
- 4) at least one person who performs a pastoral care role in a community, for example, an Aboriginal elder, a minister of religion
- 5) at least one lawyer, where possible one who is not engaged to advise the institution
- 6) at least two people with current research experience that is relevant to research proposals to be considered at the meetings they attend

at least one Aboriginal or Torres Strait Islander representative, who has experience in Aboriginal and Torres Strait Islander societies and knowledge systems. An Acting Chair is appointed on an ad hoc basis as required from the JHREC membership.

4.1 Membership requirements

Membership of JHREC requires members to:

- 1) review applications to the JHREC in accordance with the National Statement
- 2) attend a minimum of six meetings a year
- 3) attend continuing education or training programs in research ethics
- 4) participate in out-of-session activities on a needs basis as identified by the Secretariat
- 5) attend an annual planning session to review and update committee operations and activities.

In the event that a member is unable to fulfil the requirements of minimum meeting attendance, the committee member may apply to the JHREC Chair for a leave of absence.

4.2 Appointments

The appointment of JHREC members are subject to the following terms:

- 1) The departmental Secretary appoints all members to the committee
- 2) Appointments to the committee are for term not exceeding three years, and are eligible for reappointment
- 3) Members of the committee may serve for a maximum period of nine years, whether or not that service is continuous
- 4) The Secretariat may maintain a pool of suitably qualified people to attend committee meetings as required and may recommend to the departmental Secretary the appointment of pool members as full members.

4.3 Termination of appointment

Termination of a JHREC appointment shall occur when:

- 1) A member submits a resignation in writing to the departmental Secretary

- 2) A member fails to attend three consecutive meetings without the permission of the Chair.

The departmental Secretary may remove a member from the committee at any time.

4.4 Co-opting proxies, experts or additional attendees

In the event that a committee member is unable to attend a meeting, they may be asked to provide opinions on the ethical acceptability of research proposals before the meeting.

Where a committee member is unable to provide opinions on the ethical acceptability of research proposals prior to the meeting, the Secretariat may co-opt pool members or additional experts to assist with deliberations on specific matters.

The Secretariat may invite additional attendees to committee meetings for the purposes of sharing information or increasing knowledge of a relevant subject area or project.

4.5 Quorum

As far as possible, each JHREC meeting should be arranged to enable at least one member in each category to attend. Where there is less than full attendance of the minimum membership at a meeting, the Chair should be satisfied, before a decision is reached, that the views of those absent who belong to the minimum membership have been received and considered.

5. Remuneration

JHREC is not subject to the *Appointment and Remuneration Guidelines for Victorian Government Boards Statutory Bodies and Advisory Committees*.

Remuneration of the members of JHREC is determined by the departmental Secretary.

Consistent with Victorian Government policy for appointees to statutory bodies and executive officers, the department will review remuneration for members of the committee annually.

Any increase in remuneration must be approved by the departmental Secretary.

6. Secretariat

The JHREC Secretariat acts on behalf of the departmental Secretary in administering the committee and is responsible for:

- 1) initial quality review of applications
- 2) advice to researchers regarding the preparation of applications

- 3) the preparation and circulation of the meeting agenda (and supporting papers)
- 4) minuting meetings and coordinating follow-up action
- 5) all other aspects of committee administration including complaints handling
- 6) convenes a planning session on an annual basis to raise issues

prepares the annual report to the NHMRC, and other government and regulatory bodies as required.

The JHREC Secretary has authority to defer applications on the basis of quality concerns without reference to the Chair.

The JHREC Secretary may invite observers to attend a JHREC meeting, with the permission of the Chair.

7. Meetings

7.1 Procedures

JHREC meetings take place eight times a year and may meet by videoconference or in person.

The JHREC:

- 1) meets to grant approvals. In exceptional circumstances the Chair may grant approval, provisional or otherwise, under a standing delegation from the committee or on the recommendation of the majority of members
- 2) strives to reach decisions by general agreement. Failure to agree may require an extension of time to reconsider the research proposal and its possible amendment, especially when any member is not satisfied that the welfare and rights of participants are protected. If consensus cannot be reached, a voting process occurs. In the event of an even split in the vote, the Chair has the casting vote
- 3) invites researchers to attend meetings as required, to clarify questions regarding their submissions.

7.2 Applications and approvals

The procedures, guidelines and ethical principles adopted by JHREC to govern human research relevant to the department will be made widely known to the research community. A pro forma for applications to the committee will be published, together with information to assist applicants in applying for ethical approval.

Completed applications for approval of research which are received on or before the closing date for submission will be considered at the subsequent meeting.

Approval may apply both to individual projects and broad areas of investigation within guidelines acceptable to the committee.

Applicants and business units/agencies within the department who have endorsed the research will be notified of the decisions made by JHREC.

7.3 Agenda and minutes

Agendas for meetings with supporting documents are distributed to members at least five days in advance of the meeting date.

Minutes are recorded at all meetings and confirmed at the subsequent meetings.

7.4 Conflict of interest

There are occasions when a member of the JHREC or an expert whose advice the committee seeks, may have an interest in a particular application. In such cases the member must declare that interest, and the committee must adopt measures to manage such conflicts which may include exclusion from relevant meetings or deliberations.

7.5 Confidentiality

The contents of research proposals and JHREC meeting proceedings are confidential to committee members, however the committee may choose to release its minutes to nominated people.

Records of all decisions will be maintained in accordance with the requirements of the National Statement.

7.6 Minimising the duplication of review

The National Statement requires that organisations minimise the duplication of ethical review of research projects (s5.3 National Statement).

Where research receives ethics approval by a HREC constituted in accordance with the National Statement, JHREC may enter into a cooperative agreement with a committee for the purpose of eliminating unnecessary duplication of ethical review.

8. Complaints

All researchers and participants are given the contact details of the JHREC Secretariat to enable them to lodge a complaint.

Within the department, concerns and complaints regarding the ethical review process are dealt with by the JHREC Chair and/or the Executive Director, Assurance, depending on the nature of the concern.

The Chair of JHREC is notified of all concerns and complaints regarding the ethical review process as soon as possible and may authorise immediate action to resolve the complaint.

Concerns regarding the operation of a research project are dealt with by the supporting Business Unit. Some Business Units produce Guidelines for Researchers which include local policies or procedures to manage concerns.

JHREC members must be notified of the complaint at the following meeting and may authorise further action.

Where a complaint cannot be resolved satisfactorily, JHREC must refer the matter to the Assistant Director, Governance and Support.

10. Document information

Document details

| | |
|------------------------|--|
| TRIM ID: | CD/19/23071 |
| Document title: | Justice Human Research Ethics Committee (JHREC) Terms of Reference |
| Document owner: | Secretary, JHREC |

Version control

| Version | Date | Description | Author |
|---------|-----------------|--------------------------|--------|
| 1 | 11 January 2019 | JHREC Terms of Reference | JHREC |
| 2 | December 2020 | JHREC Terms of Reference | JHREC |
| 3 | July 2022 | JHREC Terms of Reference | JHREC |