

Agenda
Committee of Management Meeting

Notice is hereby given of a meeting of the Committee of Management of the Australian and New Zealand Society of Criminology Inc.

Venue: Board Room, Rutherford House, Wellington, New Zealand (located in the city opposite the Parliament Buildings) (and by teleconference).

Time: 8 February 2005, 4.00pm (Wellington time)

Business for Consideration:

1. Apologies:

Proposed Resolution: That these apologies be noted.

2. Confirmation of the Minutes of the Committee of Management's Meeting of 30 November 2004 (attached).

Proposed Resolution: That the Minutes be accepted as a true record of the last meeting.

3. ANZSOC's Research Ethics Policy - See Mark Israel's report entitled 'Ethics and the Governance of Criminological Research in Australia: at http://www.lawlink.nsw.gov.au/lawlink/bocsar/ll_bocsar.nsf/pages/bocsar_pub_by_year). Chapter 4 of the Report is annexed.

Proposed Resolution: For discussion

4. Advertising - The Society occasionally receives requests: 1. to make use of its paper and email mailing lists, 2. to place advertisements on its Website; 3. to include advertising material in its mailouts to members, and / or 4. to place advertisements in the journal. At present while we do not rent out the ANZSOC Inc mailing list, advertisers can place inserts in the journal. There are three issues of the journal: April, August and December. The cost is as follows: \$AUS500 per A4 page for journal inserts. The inserts need to be pre-approved by the President, and they would probably need to be ready a few months prior to the publication of the journal. The question arises as to whether this approach should continue or be revised and what fees should apply.

Proposed Resolution: For discussion.

5. New Members - The following applications for membership have been received from: Mr Brian Willan, Publisher (England); Professor Ronald Hinch, Dean of Social Sciences, University of Ontario (Canada); Mr Shaun Chapman, MA, Criminal Intelligence Consultant (NSW); Mr Tom Sullivan, Criminal Justice and Psychology student, Flinders University (SA); Mr Kim Stowe, CEO WAYSS Ltd (Drug Court Service provider) (Vic); Mr John Thexton, Inspector of Police (Vic); Ms Anastasia Papageorgiou, Criminology Student, Griffith University (Qld); Dr Katherine Sainsbury, Barrister (NSW); Ms Sherree Philips, Criminology Student, Griffith University (Qld).

Proposed Resolution: That the above applications for membership be approved.

6. Timing of the next AGM

Proposed resolution: For discussion

7. Items for Information

(a) Contract with AAP – The proposed contract with AAP has been signed.

(b) Archives – The Society's Archives have been transferred to the University of Melbourne on indefinite loan (which means that the Society is able to insist that they be returned at any time), and to pay a start up cost of \$250 per metre and an annual charge of \$15 per metre.

(c) Disbursement of Funds – The AGM accepted the subcommittee's proposal to disbursing interest on the Society's investments by holding regular seminars. The agreed arrangement is: 1. that ANZSOC sponsor a scheme of up to six annual research seminars in Australia and New Zealand; 2. that the research seminar subsidy scheme be advertised twice yearly, with sponsorship being made available for three research seminars in each six month period; and 3. that applications for a subsidy be granted on a first-come, first-served basis, subject to the condition that two subsidies cannot be granted to the same institution in the same year and that every application needs to be properly costed.

8. Other Business

9. Next Meeting – To be confirmed. Friday 11 February 2005, at 5.00pm at Victoria University of Wellington, Wellington, New Zealand, in the Student Union Complex on the Kelburn Campus (and by teleconference).

ATTACHMENTS - AGENDA ITEM 2**Minutes: Committee of Management Meeting**

Venue: Hilton on the Park Hotel, 192 Wellington Parade, East Melbourne, (and by teleconference).

Time: Tuesday 30 November 2004, 8.15am to 9.15am (Melbourne time)

Present in Melbourne: Dr Don Weatherburn (President & Chair), Dr Jenny Mouzos (Treasurer) and Dr Russell Smith (Secretary).

Present via Telephone: Professor Philip Stenning (Vice President), Dr Anita Gibbs (NZ) and Dr David Tait (ACT).

1. Apologies:

It was resolved that the following apologies be noted: Professor Kathy Daly (Vice President), Professor John Pratt (Editor), Professor Janet Chan (NSW), Professor Mark Israel (SA), Dr Dean Wilson (Vic), Dr David Indermauer (WA) Dr Lorraine Mazerolle (Qld), Mr Allan Van Zyl (NT), Professor Kate Warner (Tas).

2. Confirmation of the Minutes

It was resolved that the Minutes of the Committee of Management's Meeting of 16 August 2004 be accepted as a true record of the last meeting.

3. Matters Arising from Previous Meetings:

(a) Contract with AAP – At the last Committee meeting it was resolved that further inquiries be made into the online journal hosting fee of \$880 per issue, and in particular: whether this fee is negotiable with AAP; how many downloads of ANZJC occur and by whom; what royalties the Society receives from online hosting; whether the Society is able to afford to pay these fees and if subscriptions would need to be increased to cover the additional costs. The Secretary indicated that he had since heard from Stephen May of Australian Academic Press that he is willing to delete entirely the online charge as AAPs subscriptions remain good and he is planning further promotion and possibly a shift of online provider which can further drive subscriptions. As the other aspects of the proposed Agreement are in order, it was resolved that the Secretary accept on behalf of the Society the terms of the most recent proposed Agreement with Australian Academic Press.

(b) Archives – The Committee considered the correspondence from the University of Melbourne Archives setting out the proposed terms of the archiving agreement. It was resolved that the Secretary be authorised to transfer the Society's Archives to the University of Melbourne Archives on indefinite loan (which means that the Society is able to insist that they be returned at any time), and to pay a start up cost of \$250 per metre (at present 1.2 metres of material has been lodged) and an annual charge of \$15 per metre.

(c) 2005 Conference

Professor Stenning submitted his report on the progress of the planning for the 2005 conference and the contemporaneous Post-Graduate Workshop. He also indicated that the Awards ceremony would be held during the opening meeting and that it was proposed to hold the first Committee meeting on Tuesday 8 February at 4.00pm followed by dinner; the Special Meeting of the Society at 1.00pm on Thursday 10 February; and a further Committee meeting at 5.00pm on Friday 11 February. It was resolved that these times for meetings be confirmed and that Professor Stenning's Report be received and that he be thanked for his efforts in organising the next conference.

(d) Affiliation with the International Consortium of Criminology Associations

The Secretary reported that there are no costs associated with ANZSOC being affiliated with the International Consortium of Criminology Associations (ICCA) and accordingly agreed to the affiliation agreement on behalf of the Society. On 18 August 2004, information about the Society was sent to ICCA for inclusion on its Website. It was resolved that the Affiliation with the International Consortium of Criminology Associations (ICCA) be noted and that the President be authorised to prepare a suitable entry on the Society's Website.

(e) Disbursement of Funds

The President reported on discussions held by the Sub-Committee comprising himself, Professor Daly and Drs Wilson and Tait (see Memo attached). It was resolved that the Sub-Committee's proposal for disbursing interest on the Society's investments by holding regular Seminars be approved, namely:

1. That ANZSOC sponsor a scheme of up to six annual research seminars in Australia and New Zealand.
2. That the research seminar subsidy scheme be advertised twice yearly, with sponsorship being made available for three research seminars in each six month period.
3. That applications for a subsidy be granted on a first-come, first-served basis, subject to the condition that two subsidies cannot be granted to the same institution in the same year and that every application needs to be properly costed.

(f) Awards Criteria

The Secretary raised the proposed terms of the criteria for the Society's Awards for approval by the Committee (attached). It was agreed that the Society should pay for the cost of conference registration fees for Award recipients who attend the conference. It was also agreed that a limit be placed on the Student Paper Prize of 8,000 words and that Judges be excluded from nominating themselves for the Allen Austin Bartholomew Award. It was agreed that the revised Awards criteria be advertised on the Society's Website and it was resolved that the attached criteria for the Society's Awards be approved and that the President be authorised to have these included on the Society's Website.

4. New Members - In addition to the following 24 new members approved by the Committee by E-mail in August and September 2004 (namely, Elisabeth Poppelwell, Stuart Reid, Alan Carlisle, Peter Stefaniew, Adrian Cherney, Jacqueline Snell, Moira Carmody, Gillian McIlwain, Sean Hodgson, Jessica Taylor, Colin Wilson-Evered, Katherine Anderson, Roanne Voigt, Tamara Gurvits, Jane Brick, David Romeo, Natalie Clements, Sally Doran, Tony Krone, Norah Fahy, Alan Ogilvie, Ruth Delaforce, and Brendan Thomas), **nineteen new applications for membership have been received from:** Peter Hosking, Policy Officer, Queensland Police Service; John Fernandez, Senior Research Officer, Crime Research Centre, UWA; Dr Jude McCulloch, Senior Lecturer in Criminal Justice and Criminology, Monash University; Chris Canty, Knowledge Manager, Crime Prevention Victoria; Tracey Lloyd, BA, Criminology and Criminal Justice; Noel Gurd, Director Tank Security, and Design Engineer in the field of Safe Manufacturing and involved in loss prevention and internal security; Sonya Cameron, Reference Librarian, Victoria Police; and Lillian Jeter, Executive Director, Elder Abuse Prevention Association; Dr Denise Lievore, Research Analyst, Australian Institute of Criminology; Geoffrey Cartner, Senior Lecturer, School of Policing Studies, Charles Sturt University; Rodney Meeve, Associate Institute of Criminology, Faculty of Laws; Shasta Holland, doctoral candidate, University of Melbourne; Laurie Gabites, Manager Community Services, New Zealand; Carole Moschetti, doctoral candidate, University of Melbourne; Denise Foley, Coordinator Catholic Prison Ministry, Queensland; Dr Rick Cummings, Senior Lecturer Murdoch University, Western Australia; Gary Fleetwood, Analyst, Australian Crime Commission, Canberra; John Stack, Australian Securities and Investments Commission and M.Crim. candidate University of Melbourne; and Robert Webb, Senior Lecturer, Auckland University of Technology. It was unanimously resolved that the above applications for membership be approved.

5. Expenditure

The attached Expenditure Statements since the Society was Incorporated prepared by the Treasurer for the information of Committee members were received.

6. Other Business

None.

7. Next Meeting – Tuesday 8 February at 4.00pm at the ANZSOC Conference, Wellington, New Zealand.

AGENDA ITEM 3 – CHAPTER 4 OF ISRAEL REPORT (2004)

4. STRATEGIES FOR DEVELOPING EXPERTISE IN ETHICAL MATTERS IN CRIMINOLOGICAL RESEARCH IN AUSTRALIA

In their critical review of the operations of Institutional Review Boards in the United States, Bosk and De Vries (2004) noted the scepticism maintained by their fellow social scientists towards the ethics review process. In response, they urged colleagues to expand their knowledge of and participation in the review process, undertake empirical investigations of the Boards, and educate Board members. Bosk and De Vries also called on the regulatory mechanisms to develop a faster appeals process and explore alternative review mechanisms. In his response, Canadian criminologist, Kevin Haggerty (2004a, forthcoming), argued that those who employed more strident criticism would

...serve the important function of shifting debate away from the consensus assumptions of the existing research ethics bureaucracy. They force officials to try and justify the system's existence, while demanding answers to difficult and important questions about whether the current system accomplishes any of its professed goals, what legal and bureaucratic factors are truly driving this system, whether its social and economic costs can be justified, and, most importantly, if it is possible to promote ethical research through a radically different structure of governance.

In Australia, a twin-track approach may be warranted which would involve working to reform existing guidelines and structures while, at the same time, arguing against the appropriateness of basing the need for and the development of ethical governance of social science on medical research malpractices.

IMPROVING OUR ABILITY TO NEGOTIATE

Many of our interviewees urged their colleagues to help HRECs and the AHEC appreciate the ethical difficulties associated with criminology. For example, Heather Strang (Australian National University) spoke of the need to promote 'a spirit of co-operation – not a cat-and-mouse game'. However, at present, in several institutions a new generation of criminologists is being trained to treat ethics as little more than a bureaucratic process to be negotiated with an antagonistic bureaucracy or evaded. The responsibility for this state of affairs is shared, though not necessarily evenly. Many researchers do not trust their committees. Adam Sutton, chair of the Criminology Department's Human Ethics Advisory Group at Melbourne University was concerned that once committee approval had been gained, researchers have been tempted to believe that they had finished with ethics. Some of the fault lies in the way that some HRECs have treated researchers.

Yet, criminologists can only benefit from contributing to the creation of an environment where researchers operate ethically, where review mechanisms are conducted by respected, knowledgeable and experienced people who can help researchers develop better practice. In this section, I explore the role that criminologists and our professional association might play in engineering such an environment.

There are several examples of textbooks and papers that give fairly straightforward advice to researchers submitting applications to HRECs (see, for example, Israel with Hersh, 2005, forthcoming). They recommend that applicants think strategically in

completing the application form by anticipating the likely concerns and objections of the HREC, explaining why the research is necessary, offering justification for the choice of methodology by reference to other studies, identifying the operational constraints and preferences of the organisation where the research will be conducted, assessing the potential risks for, and the likelihood that harm will occur to participants, considering the legal implications of the research design, the benefits of the research, and the risk to the outcomes if the design is not followed. Oakes' 15 tips (2002) provides one, more sophisticated, example of this approach. His tips were originally designed for an American audience. Adapted for Australia, they would read:

Fifteen Tips for Improving Interactions with an HREC
(*adapted from Oakes (2002)*)

1. Carefully plan the ethical aspects of your study from the very beginning...
2. Attach to your [HREC] application a cover letter summarizing your study, with special attention to human subject interactions.
3. Examine university and [NHMRC] sites for examples and specific directions.
4. If you have questions, telephone and talk with your [HREC] administrator.
5. Ask yourself if you would honestly want someone you love to participate in your study.
6. Work hard to ensure that recruitment materials yield equitable and noncoercive results.
7. Write consent forms so that [someone who has completed only a year or two of high school] can understand them.
8. Overestimate risks and underestimate benefits.
9. Educate and debrief subjects on the nature, purpose, and findings of your study.
10. Establish procedures to delink identifying information from main data sets and sources.
11. Establish procedures to encrypt any and all identifying information and destroy it as soon as possible.
12. If you disagree with an [HREC] decision, read the regulations and then ask for an in-person meeting to discuss things.
13. Remember that research is not a right but a privilege and [HRECs] are peer review groups.
14. Educate your local [HREC] and then volunteer for it.
15. Never forget that [HRECs] did not spontaneously appear to frustrate scientists; they are a direct consequence of many documented violations of very basic ethical principles.

Of course, the cases discussed in this report raise far more complex issues than such hints and tips would allow and it would be easy for senior criminologists to feel patronised by such advice. Nevertheless, criminologists would probably accept the views of some members of HRECs that some applications by social scientists are underprepared (Fitzgerald and Yule, 2004). For example, the lay member of the Southern Tasmania Social Sciences HREC told the NHMRC Ethics Conference in Canberra in 2003:

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...our rate of approval of initial applications is so low. Less than 10 per cent of applications have been given unqualified approval as first submitted, with perhaps another 10 per cent being approved subject to relatively minor amendments to the documentation and so on. To a large extent this is due to ill-prepared applications. (Lockett, 2003 p. 11)

In particular, qualitative researchers need to improve their ability to justify their methodologies and articulate the benefits of their research in terms that fit forms that may not be designed for the purpose and HRECs that have little experience in such methodologies.

DEVELOPING EXPERTISE

Collectively, Australian criminologists have considerable experience in negotiating both ethical dilemmas and HREC requirements. Several criminologists have served on committees. Indeed, several have extensive experience of chairing committees at departmental, institutional and regional level. In addition, several other researchers and administrators, who are sympathetic to the kinds of concerns raised by criminologists in this report, have chaired specialist ethics committees that regulate research on criminological phenomena. On the other hand, many criminologists do not have much experience or have little confidence in grappling with HRECs. It is not part of most criminologists' training. Unless we integrate material on ethics and ethical governance into undergraduate and postgraduate courses, these skills have to be learned on the job. Even those criminologists with vast experience can find it difficult to deal with a committee that is either new to them or newly constituted. Gillam (2004) argued that those who claimed expertise in ethics needed to combine:

...knowledge of research practice, across a range of... methodologies; knowledge of issues and debates in research ethics; and knowledge of the legal framework within which research involving humans occurs... [and] sound knowledge of the relevant guidelines and regulations. (p. 61)

Obviously, not every criminologist needs to have such expertise – after all, Gillam was only arguing that these attributes were relevant for ethics consultants. However, collectively criminologists do need to have expertise in these areas or know how to gain access to it.

One strategy for providing training on ethics is to attempt to offer some clear, unequivocal directions by identifying the relevant provisions of the National Statement and considering how these provisions are likely to be interpreted by HRECs. In Canada, the Interagency Advisory Panel on Research Ethics' (PRE) has an on-line Introductory Tutorial for the *Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans* (<http://www.pre.ethics.gc.ca/english/tutorial/welcome.cfm>). A good example of this approach in Australia is the training seminar run by the Griffith University HREC. On its website, it provides a series of case studies – including one on research into child sexual abuse (2004b) and another on prisons and drugs (2004a). Each case study provides a brief overview of a proposed protocol and asks groups to imagine they are members of an ethics committee that has been asked to review the proposal.

Participants are invited to consider the following:

1. Would you grant this project ethical clearance in its current form?
2. What clarifications would you seek from the applicant(s)?
3. What are some of the ethical issues/challenges raised by this proposed research?
4. What modifications to the project might address these ethical issues?

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These case studies have been used at Griffith to provide training for discipline-specific research ethics advisors, and new supervisors, students and other researchers. One attraction of the case study approach is that it could allow participants to extend their discussion well beyond an examination of the requirements of the National Statement.

However, restricting guidance in ethics to bureaucratic compliance has serious limitations as prescriptive approaches to ethics and ethics education stand in fundamental opposition to moral *thinking* (Bauman, 1993). In addition, such approaches are fraught with practical problems (Hay and Israel, 2005, forthcoming): First, the normative ethical positions from which incontrovertible moral and ethical guidance might be drawn often suggest irreconcilably different behaviors. Taking one basic example, in teleological, or consequentialist, approaches to ethics the morality of acts is evaluated by considering the balance of good over evil produced as a result of those acts. In contrast, deontological approaches view certain acts as good in themselves even if they do not promote the greatest good in a particular situation. A second reason for shunning prescriptive approaches in ethics education has to do with the non-universality of any 'rules' for moral and responsible behavior. Third, prescriptive approaches to ethics offer the potential for a contest between 'legalistic' interpretations of ethical behavior and the 'morality' of individual actions. When researchers look for ways to satisfy the letter of ethical rules rather than considering the morality of their behavior, can their conduct really be understood to be responsible? Finally, it is unlikely that ethical prescriptions can anticipate all possible moral dilemmas.

Rather than relying on the deceptive assurances of ethical codes, professional associations should encourage theoretically informed, self-critical and perceptive approaches to moral matters. According to the Hastings Center (1979) in the United States, an education in ethics should fulfil a number of important goals:

- *stimulating the moral imagination*: students' awareness of ethical issues in professional and day-to-day activity needs to be nurtured together with an appreciation that all human beings live in an interconnected web of moral relationships.
- *recognising ethical issues*: stimulation of the imagination needs to be accompanied by the ability to identify ethical issues in context. This requires the development of skills required to detect hidden value biases, moral logic and conflicting moral obligations.
- *developing analytical skills*: students need to develop means to make rational ethical decisions. How are they to determine what is 'right' or 'good'?
- *eliciting a sense of moral obligation and personal responsibility*: students need to develop considered positions on questions like: 'why should I be moral?' or 'why should I think about ethics?'. It is important too that they choose to do the right thing, not because someone is making them do it.
- *tolerating – and resisting – disagreement and ambiguity*: students should be encouraged to acknowledge but not accept blindly the uncertainties and ambiguities associated with ethical problems.

In addition, student-centred learning should provide students with the concepts and skills which will allow them to handle moral issues independently and competently (Israel, 1997).

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A variety of interactive strategies such as lectures, role-playing, small-group discussion, debate, simulation, and field experiences might, of course, be used for introducing and dealing with ethical matters in criminology. Despite considerable disillusionment with the use of the case method approach within law (LeBrun and Johnstone, 1994; Penslar, 1995; Pimple, 2003), Hay and Israel (2005, forthcoming) argue that the case method approach does offer some considerable strengths in teaching ethics (see also Grace and Cohen, 1995). Cases may allow trainee researchers to be exposed quickly to a wide range of the types of scenes and conditions with which they might be confronted later. Cases can help students and junior researchers learn a range of skills such as problem solving, diagnosis, evaluation, decision making and may also be an appropriate means of conveying theory. They require students to see matters from a range of points of view and to consider each one critically and sympathetically. For example:

CASE AND COMMENT

You are engaged in observation of police officers when you see officers physically abusing a suspect. You take notes of the incident.

1. Would you intervene?
2. Would you report the matter to the police authorities?
3. If the victim sued the police and the victim's legal team attempted to subpoena your notes, would you hand them over?
4. If you were called to testify in court, what would you do?
5. Would your decisions be different if you research had been about offenders rather than police officers?
6. What are the legal consequences of your actions?
7. What, if any, are the ethical regulations that govern your conduct in this situation?

This example is based loosely on an episode that was witnessed by Van Maanen (1983). Comments on these matters would be invited from: criminologists, ethnographers, sociologists of policing, criminal lawyers, prosecutors, defence lawyers and bioethicists.

Other resources to promote reflection on ethics could be generated through conference sessions, a special issue of the *Australian and New Zealand Journal of Criminology*, or – more modestly and perhaps most usefully – through an electronic forum. Such a forum could be modelled on the case-and-comment format used by the American Anthropology Association in their handbook (Cassell, 1987; Jacobs, 1987). Although this material is now a little dated, the Association proposes to report more material through *Ethical Currents* on the Association's website and within *Anthropology News*. The Australian forum could be located or reproduced within a regional or international electronic journal that provided appropriate peer-reviewed recognition for editors and contributors who sought to meet Commonwealth Department of Education, Science and Training (DEST) requirements governing Australian academic publishing. The development of an electronic ethics archive for criminologists is a further possibility that could be explored. Komesaroff (2002) described an Australian archive that had been set up to help bring consistency to decision making related to health research ethics (<http://www.ethics-archive.org/>).

INSTRUCTIONS TO CONTRIBUTORS TO HEALTH ETHICS ARCHIVE

Articles should conform to the following format:

Title: *(Should be descriptive, indicating research area and ethical concerns)*

Authors:

Name of ethics committee:

Type of ethics committee: *(E.g. hospital, university)*

Locality/legal jurisdiction: *(State and country)*

Date:

Researchers involved? YES/NO

Key words:

Subject headings: *(To be supplied by us)*

1. Background *(up to 300 words)*

Should contain a brief statement of the facts of the case, as far as possible in lay language.

2. Ethical concerns *(up to 500 words)*

A statement of the ethical issues raised by the case or, at least, considered in the article.

3. Arguments *(up to 500 words)*

A brief and balanced account of the arguments presented by the various contributors to the discussions.

4. Conclusions *(up to 200 words)*

An indication of how the matter was resolved. This may be inconclusive. Where clear conclusions are stated there should be some indication of why the committee adopted one point of view rather than another.

5. Additional points

This may include further information that could help readers apply the issues to their own contexts – e.g. distinctive features of the context of the particular ethics committee – or about subsequent developments, including outcomes of the decisions made or of the trial itself.

6. References

These should be the minimum necessary for the purposes of the report itself.

The archive has subsequently extended its remit beyond the health field but has struggled to attract contributions. It is possible that this platform could be used to host a criminology site. For criminologists, such an archive could contain examples of completed application forms plus correspondence with research ethics committees. It would need to be searchable by keyword. For such an archive to hold sufficient material to make it worth consulting, it would need to have the support of specialist ethics committees such as the ones used by the Australian Institute of Criminology and the Department of Criminology at Melbourne University as well as the criminologists who apply to those committees. Applications submitted to these committees could be automatically transferred to the archive after a suitable interval of, say, two years (in the case of the Australian Institute of Criminology, applications

are already held on an in-house formal electronic register that may be accessed by others at the Institute (Australian Institute of Criminology Research Ethics Committee 2003). Criminologists would, of course, retain the right to opt out of the Ethics Archive scheme or remove confidential sections. It is possible that contributions might be more forthcoming if access to the archive were password protected and limited to members of the Society.

LOBBYING FOR STRUCTURAL CHANGE

Some criminologists with experience working with HRECs might be able to play an important role in advocating changes in the policies, procedures and systems adopted by particular HRECs. This might happen at the national level – a criminologist, Ted Palys, was a member of the Social Sciences and Humanities Research Ethics Special Working Committee in Canada. It might also take place at a local level.

For example, criminologists based in institutions where delays in processing applications are commonplace could put pressure on their institutions to adopt expedited review and risk-stratification procedures, at least so they match improved practices elsewhere.

Some of the problems that criminologists reported in this study no longer exist, at least not at the institutions where they were identified. Processes *have* improved in some institutions. Following a review of its ethics committees (Griffith University, 2003), Griffith University introduced three levels of ethical review of human research in 2004, with the application form and processing time matched to the ethical sensitivity and risk associated with a project. An on-line ethical review checklist was devised to guide researchers to the appropriate level of review (<http://www.griffith.edu.au/or/scoper/>). This allowed researchers to avoid answering unnecessary questions and provided them with hyperlinks to policies. Researchers engaged in work that raises no significant ethical issues or risks tick 24 boxes and provide short answers to six other questions. Such an application is dealt with by the Chair or Deputy Chair of the HREC and should be processed in five to ten days. Research where ethical risks are easily managed, where an application has already been approved by another HREC, or where the methodology has already been listed as acceptable by the Griffith HREC is handled by a panel of three, including a representative of the relevant discipline and should be processed in two to three weeks. Other research – in general, projects with significant ethical sensitivity, risk or legislative dimensions – is reviewed by a full meeting of the HREC which meets each month. Convenors of those parts of courses which require students to undertake research can obtain ‘umbrella clearance’ which would reduce the amount of information each student would have to provide when seeking ethical review for an individual project. According to the manager of research ethics, applications are processed faster and more efficiently. These changes have seen a reduction of 66 per cent in the numbers of applications being handled by a full committee (Allen, 2004) and, as a result, the committee can concentrate on the more serious matters. These kinds of changes may be resisted in organisations where institutional inertia and fear of liability dominate (Federman et al., 2002), however it is easier to argue for changes when there is evidence of successful reform elsewhere. Again, researchers may be able to argue for systems to be introduced that improve relationships between researchers and the HREC. Following its review, Griffith University also developed proposals aimed at reducing the distance between researchers and committee members: each School and Centre has been asked to appoint a Research Ethics Advisor to provide advice to researchers in their areas and, it is hoped, this will

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improve communication between researchers and the HREC. Some of the members of the HREC are drawn from this pool of advisors. Most promisingly, according to the HREC website, the new arrangements envisage that ‘where a problem emerges for an area of the University’, solutions ‘will be workshopped, rather than mandated.’

Anna Stewart was the Research Ethics Advisor for the School of Criminology and Criminal Justice in 2004. When contacted for this study in 2003, she was highly critical of the process of ethics review at her university. In 2004, she reported that the new process was working well and that it was now ‘transparent, accountable, logical, sensible’ (telephone interview with Mark Israel, 6 October 2004). The university’s investment in structural reorganisation, administrative expertise and policy development meant that researchers could expect the committee to behave in a consistent and predictable manner, with committee members acting in accordance with public policy documents. Criminologists were able to develop better applications

in the knowledge that, after negotiation, they would be likely to be approved. In their ARC-funded investigation of the ethical review process, early findings from which were published in 2004, Fitzgerald and Yule noted that more HRECs were moving towards open processes. Fitzgerald and Yule supported such a trend on the basis that An open, transparent, enabling situation is more likely to encourage researchers to engage in research, including research associated with delicate and sensitive issues and populations, rather than discouraging researchers or pushing them towards 'safe' research. (2004 p. 48)

THE ROLE OF ANZSOC

As we have already seen, Philip Pettit (1992) counselled academic disciplines to nurture a research ethics culture through education, discussion at conferences and the development of internal mechanisms for addressing complaints. Several disciplines have done just that. In 1999, the American Association for the Advancement of Science surveyed various scientific societies to discover what they were doing to promote ethics and, in particular, research integrity and assess their perceptions of how effective they thought their efforts had been (DuMez, 2000). They received 46 useable responses, including one from the American Sociological Association. The survey revealed that organisations engaged in a range of relevant activities that included: establishing ethics committees; arranging programs at annual or regional meetings; running workshops; mentorship programmes and discussion groups; publishing articles in professional journals and newsletters; producing resource materials; and inducting students. While societies suggested that ethics committees, resource materials and websites had been 'least effective', DuMez described these as 'seat-of-the-pants judgments' (p. 11) and noted that there had been no attempt either to define effectiveness or to evaluate success with any rigour. Given that it is not entirely clear from DuMez's account what different societies might have meant by each of these activities, it may be better to regard these as a series of possible options, rather than strategies that have proven to have been effective.

There are several organisations that are in a position to support better ethical practice within and more constructive regulatory regimes for criminological research in Australia. This report was commissioned by the President of the Australian and New Zealand Society of Criminology in his capacity as Director of the New South Wales Bureau of Crime Statistics and Research. The Society adopted a Code of Ethics that had been drafted by Russell Smith, at its Annual General Meeting in 2001. The stated purpose of the Code is to:

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- (a) provide guidance to members of the Australian and New Zealand Society of Criminology Inc. ('the Society') on how to comply with the aims of the Society and how to maintain the highest ethical standards in criminological work;
- (b) provide a framework of principles to assist members of the Society in making appropriate decisions in the practice of criminological research, writing, administration, and teaching; and
- (c) raise awareness of ethical issues which confront criminologists in Australia and New Zealand.

At present, it falls to the National Executive to sanction a review of the Code, a task it has not yet performed. However, the Society has no other formal structure to consider ethics. Given that some commentators have already warned us of the consequences of establishing a professional ethics industry in Australia, perhaps such a position does have some advantages. Nevertheless, it does make it difficult for criminologists to respond collectively to threats by regulators to their work.

Several organisations have established ethics committees to police their code of ethics and act as a grievance body. This is probably what the respondents to the American Association for the Advancement of Science survey had in mind when they commented on the effectiveness of such a committee. For example, the Academy of Criminal Justice Sciences in the United States also has an Ethics Committee. Although the Academy has a Code, the Committee has yet to invoke its disciplinary process. However, a sub-committee of the Australian and New Zealand Society of Criminology that had responsibility for professional ethics could play a different role, developing and co-ordinating the various activities that the Society takes up to support ethical practice. In the United States, the Academy of Criminal Justice Sciences' Ethics Committee also has responsibility for providing guidance on ethics issues and promoting ethical conduct among members of the Academy but there is little evidence that it has pursued this work beyond the development of the Code. The American Society of Criminology's Ethical Issues Committee has responsibility for 'developing educational programs, and dialogues among members of the Society regarding ethical issues of concern to criminologists', though this task does not appear to have been discharged. Instead the Society has spent the best part of two decades debating whether it will adopt a Code of Ethics. Having expended its energy creating drafts that have been rejected by the Board, the Ethical Issues Committee has drifted into dormancy and it seems that it may not survive for much longer.

The American Sociological Association (ASA) has established a Committee On Professional Ethics (COPE) which, among other things (which include enforcing its code of ethics), has a mandate to:

(b) Educate the members of ASA and other interested persons concerning the ethical obligations of sociologists under the Code of Ethics through articles, seminars, lectures, casebooks, or other materials.

(d) Provide to individual members of the ASA on an informal and confidential basis advice regarding their ethical obligations under the Code of Ethics.

(Committee On Professional Ethics, 1997)

Although COPE co-sponsors workshops at the Society's annual meetings, the chair of COPE recognised that the committee did relatively little to educate the general membership. On the other hand, the Society's Executive Officer and the Chair of COPE did provide swift, informal advice to members on ethical matters (e-mail from Tom Van Valey to Mark Israel, 28 September 2004).

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ANZSOC might be able to learn something from the United Kingdom where the British Society of Criminology has established a Professional Affairs and Ethics Sub-Committee chaired initially by Lorraine Gelsthorpe (Cambridge University) and now by Brian Williams (De Montfort University). Members of the British sub-committee offer an advisory service to all members of the Society regarding ethical issues and reviews and comments on research proposals. This service would probably be less valuable in Australia than in the United Kingdom where many universities have only recently established research ethics committees to cover criminology and some major institutions are yet to do so (Israel with Hersh, 2005, forthcoming). Perhaps more importantly, in the long-term, the British Society of Criminology's sub-committee has the potential to act as a forum where ethical matters may be aired, best practice disseminated (among academics, postgraduates, government and non-government organisations) and grievances with regulatory systems may be collected. It may also find itself in a position to act as an advocate for some of the methodologies adopted within criminological research that might be threatened by bioethics-derived regulation. At present, the existence of the Sub-Committee probably places the British Society in a better position than its Australasian counterpart to make representations to those bodies that are responsible for changes in national ethical regulation.

Over the next year, ANZSOC will have the opportunity to make submissions to the joint working party that is reviewing the NHMRC National Statement. A call for responses to a draft National Statement is likely to appear in December 2004 with submissions required within three months. Submissions will be called for once again when a second draft appears in 2005. By then, ANZSOC must improve its ability to contemplate ethical matters. Among the activities that the Society should consider include how to respond to the need to:

- **Monitor problems** that its members are having with the Statement and HRECs.
- **Develop links with other Australian social science professional associations** with related interests – sociology, public health and anthropology are obvious candidates.
- Discharge its responsibilities to **support criminologists in New Zealand** and, perhaps also, in the South Pacific.
- **Lobby agencies** to support the more appropriate ethical regulation of criminological research. Many government agencies use the research services of criminologists and must be equally dismayed to see research founder on inappropriate ethical regulations. Other bodies such as the Australian Vice-Chancellors' Committee – and, in the past, the Academy of Social Sciences – are expected to endorse NHMRC Guidelines. They need not do so if there is sufficient opposition from professional associations.
- **Engage with the processes of law reform** so that law makers consider the impact of new legislation on social research or develop statutory protection for the assurances of confidentiality required for social research.
- **Broker the development of resource materials** to support the training of criminologists. I have already discussed the potential value of an electronic forum. The Society might also be in a position to provide a small amount of direct financial support to create FAQs and other training material. Some materials could be adapted from this report. ANZSOC may also be able to

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help negotiate financial support from other agencies such as the Criminology Research Council. The Criminology Research Council occasionally calls for tenders on particular projects. Perhaps it might be persuaded to sponsor strategic research in this area. Failing that, individual researchers can still apply for funding for particular projects – in 2004, I was fortunate to obtain a small grant from the Council to look at how the legal regulation of confidentiality might affect criminologists. Some of these materials could also be used to help educate HRECs about discipline-specific research ethics (Fitzgerald, 1994).

- **Exchange information and resources with other criminological associations** outside Australasia either bilaterally (developing existing links with British and American Associations) or multilaterally through the emerging International Consortium of Criminology Associations. The hypothetical case-and-comment format could be adopted at an international level. International exchanges would be particularly useful for researchers who operate in multiple jurisdictions (Freed-Taylor, 1994).
- **Provide advice on research ethics** to members of the Society. Such a service is provided by the British Society of Criminology.

Of course, ANZSOC is not a wealthy organisation. In addition, unlike its British and American counterparts, it has responsibility for more than one national jurisdiction and it will need to look to support from other criminological and non-criminological organisations. One criminological organisation that has considerable experience dealing with ethics, often developing new strategies in the Australian context, is the Australian Institute of Criminology. While a search of the Institute's website does reveal some of the methodologies developed by Institute members in response to ethical issues –

the development of verbal forms of consent in the Drug Use Careers of Offenders (DUCO) by Toni Makkai and her colleagues and Russell Smith's struggle to negotiate the privacy legislation, for example, so much more mundane material is not published. The Institute has its own specialist ethics committee and it is possible that many other criminologists could learn lessons from its deliberations. If researchers, the Institute and the committee agreed, it would be worth documenting their encounters. In some cases, it might be appropriate for entire application forms to be made available to other researchers, perhaps after a suitable period of time has elapsed. In other cases, it might be preferable for particular problems and responses to be identified. These cases and decisions might then be used to persuade other HRECs to follow suit. Generalist HRECs might feel less exposed approving the use of verbal consent, for example, if they knew that the HREC at the Institute has already done so.

The Institute also has other fora that might be used to develop ethical reflexivity and resource materials. It runs Roundtable discussions – one could be run on research ethics. The *Trends and Issues* Series might also be a venue for discussion of some methodological responses to ethical matters.

CONCLUSION

Ethical behaviour assures trust and helps protect the rights of individuals and communities involved in our research. It fosters research integrity in its widest sense and, in the face of growing evidence of academic, scientific and professional corruption, misconduct and impropriety, there are now emerging public and institutional demands for individual and collective professional accountability. However, the practice of ethical research can be compromised by the bureaucratic demands of systems of research ethics:

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Reflection on, and commitment to, ethical research go together. This process is jeopardised, when researchers see ethics and a combination of research hurdle, standard exercise, bureaucratic game and meaningless artefact. (Holbrook, 1997 p. 59)

Bosk and De Vries (2004) suggested that medical researchers in North America have responded to ethics oversight by adopting 'a policy of weary, self-resigned compliance coupled with minor or major evasion'. Haggerty (2004a, forthcoming) argued that social scientists in Canada and the United States had followed a similar pattern. We run the risk that Australian criminologists will also become part of this trend. If some of the current regulatory practices continue, more researchers may either ignore HRECs or retreat into safe territories. Other forms of evasion may develop. There is already some evidence of forum shopping with some researchers choosing to submit applications to HRECs known to be more sympathetic to their kind of research. Research may be reconceived as consultancy or audit, escaping the attention of HRECs. In other cases, researchers may disguise their real intentions in their applications, or not alert HRECs to changes in their methodology that they make after they have received approval.

The last thing that will happen will be for a researcher to approach an HREC for advice on how to conduct ethical research. As David Dixon (University of New South Wales) noted, researchers may find it difficult to tell HRECs that their requirements are impossible to meet, for fear of meeting an even less sympathetic reaction. These risks are particularly acute for students who have little time within which to complete their research and may not have anywhere between two and 20 months to spend on ethics approval. The more students are steered away from sensitive research, the more the future research capacity of the discipline may be threatened. The process is even more difficult for international students who are being taught offshore in countries where there is no equivalent review process.

Some researchers indicated that they had stopped applying for grants to undertake research that would require the researcher to apply for HREC approval, preferring to accept a more modest research profile in exchange for greater independence. If these individual decisions represent a collective response to ethical review processes, we risk a retreat from ground-breaking and innovative research.

In this report, I have advocated a twin strategy for criminologists and the ANZSOC.

We should improve both our collective and individual expertise in ethical matters and our ability to negotiate with the research ethics bureaucracies. At the same time, we should lobby for structural change at the local and national level. We have already had some successes – the current review of the National Statement by the joint working party offers an opportunity to tell the NHMRC that current systems of research ethics governance are flawed and are undercutting the criminology research base of Australia. It would be a mistake to miss this opportunity.