

FAQs – new requirements for Aboriginal and Torres Strait Islander research

What constitutes Aboriginal and Torres Strait Islander research?

Aboriginal and Torres Strait Islander Research means research with Aboriginal and Torres Strait Islander Peoples or related to their lives, culture and relevant issues. Incidental recruitment of Aboriginal or Torres Strait Islander people in a study, does not necessarily constitute Aboriginal and Torres Strait Islander research.

What are the new national guidelines?

In 2018, the NHMCR released two sets of guidelines regarding Indigenous research as well as a strategic framework for improving Aboriginal and Torres Strait Islander health through research, in addition to changes to the Australian Code and National Statement.

The guidelines, [*Ethical conduct in research with Aboriginal and Torres Strait Islander Peoples and communities: Guidelines for researchers and stakeholders 2018*](#) and [*Keeping research on track II 2018*](#), provide a much stronger emphasis on the requirement that human research undertaken with Indigenous people or about issues that impact Indigenous peoples and communities are done so with Indigenous agreement, leadership and oversight.

Why were these new guidelines introduced?

The new NHMRC guidelines for research with Aboriginal and Torres Strait Islander Peoples and communities aim to:

- improve the way all researchers work with Aboriginal and Torres Strait Islander people and their communities;
- ensure cultural safety for the researchers and Aboriginal and Torres Strait Islander people and their communities;
- develop and/or strengthen research capabilities of Aboriginal and Torres Strait Islander people and their communities;
- enhance the rights of Aboriginal and Torres Strait Islander Peoples as researchers, research partners, collaborators and participants in research.

How does this affect submissions of ethical protocols for Aboriginal and Torres Strait Islander research after 1 July 2019?

You will need to demonstrate that your project is Indigenous-led, supported by relevant Peoples and communities, and is of benefit to Aboriginal and Torres Strait Islander Peoples.

Following 1 July 2019, the CDU-HREC will no longer be accepting applications for Aboriginal and Torres Strait Islander research projects that do not demonstrate the new requirements.

What should I include in my CDU-HREC ethics application after 1 July 2019 to demonstrate that my project is Indigenous-led, supported by relevant Peoples and communities, and is of benefit to Aboriginal and Torres Strait Islander Peoples?

If you are wanting to conduct research with Aboriginal and Torres Strait Islander people and communities, your application should include (as a minimum):

- A completed CDU-HREC application – make sure you have downloaded the latest version of the HREC application from the CDU Human Research Ethics webpage.
- A signed Aboriginal and Torres Strait Islander Research Agreement (ATSIRA). There is a template and guidelines available from the CDU Human Research Ethics webpage. Where an ATSIRA is not appropriate, researchers will need to establish how the project incorporate Indigenous leadership throughout the course of the project and provide an appropriate Research Project Management Plan.
- Letters or other culturally appropriate and demonstrable means of endorsement from the appropriate people and/or communities.
- Plain language statement(s).
- Consent form(s).

What is an 'ATSIRA'?

An ATSIRA is an Aboriginal and Torres Strait Islander Research Agreement (ATSIRA).

The purpose of a research agreement is to have a negotiated and detailed agreement with Aboriginal and Torres Strait Islander organisations and/or communities so that each party fully understands what is expected from them and each other.

Research agreements are important because they provide protection for organisations and communities involved in the research and for researchers and research institutions. They also demonstrate that research has Indigenous leadership and underpins voluntary, prior and informed consent.

ATSIRAs should be developed collaboratively between all parties. The ATSIRA should be comprehensive and cover all aspects of the research, incorporating ethical standards appropriate when working with Aboriginal and Torres Strait Islander Peoples.

To assist CDU researchers and Aboriginal and Torres Islander Peoples and communities to formulate and draft an agreement, the CDU-HREC has provided a template agreement that is expected to be adapted to the researcher and communit/ies needs.

Please note that the template developed by the CDU-HREC is provided as a guidance on the type of issues that may relevant to a particular project. Researchers are invited to vary the content and develop a unique ATSIRA that serves all parties involved with the research.

What does 'Aboriginal and Torres Strait Islander' led research mean?

It is an important requirement that research with Aboriginal and Torres Strait Islander people and communities is led by Aboriginal and Torres Strait Islander people and communities. This can mean the following:

- The Principal Investigator and/or members of the research team are Aboriginal or Torres Strait Islander people.
- The research and its priorities are driven and guided by the Aboriginal and Torres Strait Islander communities with whom the research will take place.
- Aboriginal and Torres Strait Islander standpoints and research methodologies are considered and used in research where appropriate.

Why is communication and building relationships important when undertaking this type of research?

Effective communication with Aboriginal and Torres Strait Islander Peoples and communities is a key element of the new requirements. When seeking to build relationships, speak to your contacts within the University and others that may have had contact with the community. Introductions are important so that people understand who you are and what you are doing there.

Consider other important aspects of communication and relationship building. For example, do you require a translator? English may be a second, third or even fourth or fifth language for many Aboriginal or Torres Strait Islander people.

Equally, it is important that you evaluate your own skills, knowledge and relationships when working in community-based research settings. You may need to attend cultural awareness courses, or other development activities, to ensure that you are ready to consult with Aboriginal and Torres Strait Islander people about your research project.

Additional considerations when developing and signing/agreeing to an ATSIRA

1. Consider the form of the ATSIRA that may be most appropriate to the community. For example, it might be most appropriate and valid recording the community discussion of the terms of the ATSIRA and the relevant peoples' agreement.
2. Researchers should receive a letter of support for the research project from relevant communities/Peoples.
3. Identify who should enter into the agreement, and on whose behalf the agreement is made
 - a. Individual community members signing agreements on behalf of a community should have the appropriate cultural authority to provide consent. For example, community elders may provide consent for the use of collectively owned Indigenous Cultural and Intellectual Property, as they are versed in the applicable customary law.
4. Base the agreement on good faith negotiations and voluntary, prior and informed consent.
5. Consider whether independent legal advice is required.

6. Consider any permits or permissions that may be required from Indigenous organisations and from state, territory or local authorities.
7. Consider the need to have the agreement translated.

What if my project is approved and oversighted by another HREC?

The CDU-HREC recognises approvals by other properly registered human research ethics committees by means of reciprocal approvals.

The CDU-HREC understands that other HRECs may have different processes in place to evaluate the ethical acceptability of Aboriginal and Torres Strait Islander research and may not require an ATSIRA.

This means that CDU staff or students who are investigators on projects which already have ethical clearance approval from another HREC should follow the reciprocal application guidelines available on the CDU Human Ethics website: <https://www.cdu.edu.au/research/ori/human-ethics>

What's the difference between consultation and research?

There is a big difference between consultations and research and it is important that researchers understand this difference before beginning their research journey.

In the context of Aboriginal and Torres Strait Islander research, consultations mean talking to appropriate people within communities to seek advice and make decisions together during the planning stage of the research project.

Consultations may include (but are not limited to) in certain scenarios, such as:

- obtaining (do not assume) invitations to visit the community for the time necessary to conduct the research and to report upon results.
- preliminary meetings to discuss the proposed research and reach agreements.
- discussions on relevant cultural and political circumstances.
- an honest assessment of the risks or potential adverse impacts of the research.
- discussing proposed research methods and processes to individuals, and at community meetings where appropriate, and reach agreement on their cultural appropriateness.
- collaborating and reaching an agreement on how the research should proceed, including processes and timing for informing representatives of the community of the progress of the research and reporting any interim results.
- negotiation and renegotiation of objectives in light of new factors and considerations and to modify the scope, aims and methods of the proposed research.
- continual review, feedback and discussion.

Research is the creation of new knowledge and/or the use of existing knowledge in a new and creative way. Activities that are considered 'research' may include (but are not limited to):

- Participant advertising and recruitment.

- Seeking informed consent from participants, including providing culturally sensitive information.
- Data collection activities.
- Data analysis and interpretation.
- Data confirmation and feedback.
- Writing-up and reviewing research.
- Reporting and disseminating findings.

Timeframes

Community representatives, individual participants including Traditional Owners, and the wider Indigenous community may need time to consider a proposed research project and to discuss its implications, both before it begins and at various stages of the project. Research projects should be staged to allow regular opportunities for consideration of the research by the community.

Additionally, it is vital that researchers are aware and respectful of community business and individual obligations. The Northern Territory Government's resource [Bushtel](#) is useful for keeping updated on community news and events in Aboriginal communities across the Territory.

Taking the time to build relationships with the appropriate people in community is integral to respectful and ethical research and will lead to better research outcomes.

Therefore, it is very important to consider these time factors when planning research and to understand that consultations with communities can take up to a year.

As a researcher who is currently conducting Aboriginal and Torres Strait Islander research projects that have been approved by the CDU-HREC prior to 1 July 2019, how does this affect me?

Research projects approved prior to 1 July 2019 do not require an ATSIRA. However, you will be required to reflect on how the research team has maintained communication and active involvement with Peoples/communities when reporting annually on the project using the annual/final reporting form.

Relevant definitions in the context of Aboriginal and Torres Strait Islander research (from the [NHMRC](#)):

Community: cultural groups, geographic groups or groups and organisations sharing common interests. Communities are not always geographically based and can include non-discrete or disperse groups. 'Community' is also a term that can be used to describe a shared view amongst Aboriginal and Torres Strait Islander Peoples.

Diversity: a wide range of differences; these can include (but are not limited to) history, knowledge systems, world views, values, beliefs and experiences, diversity within communities when more than one nation group resides in the community. Diversity also includes specific family birthright

responsibilities and generational differences along with specific religious and spiritual beliefs or socio-economic status.

Indigenous people(s): There is no universally accepted definition for Indigenous peoples. Indigenous communities, peoples and nations are those who have a historical continuity with pre-invasion and pre-colonial societies that developed on their territories. They consider themselves distinct from other sectors of the societies now prevailing on those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal system. In Australia, the term 'Indigenous' is used to describe both Aboriginal and Torres Strait Islander Peoples. Many Aboriginal and Torres Strait Islander people prefer to identify with their language group/s and traditional land/s from where they trace their ancestry.

Peoples: the word 'Peoples' is used when specifically referring to Aboriginal and Torres Strait Islander groups, and the word 'people' is used when referring to Aboriginal and Torres Strait Islander individuals.

Protocols: A written list of guidelines developed by organisations or communities to set out how they expect outside stakeholders to engage with them.

Helpful Resources

<https://bushtel.nt.gov.au/#!/home>

Pauline Foster and Terri Janke, Keeping cultural knowledge with indigenous research protocols: a case study on the Kimberley land council's intellectual property and traditional knowledge policy, <http://www.austlii.edu.au/au/journals/ILB/2015/26.pdf>

<https://nt.gov.au/community/interpreting-and-translating-services/aboriginal-interpreter-service>

<https://aiatsis.gov.au/research/ethical-research/guidelines-ethical-research-australian-indigenous-studies>

<https://nhmrc.gov.au/about-us/publications/keeping-research-track-ii>

<https://nhmrc.gov.au/about-us/publications/national-statement-ethical-conduct-human-research-2007-updated-2018>

<https://nhmrc.gov.au/research-policy/ethics/ethical-guidelines-research-aboriginal-and-torres-strait-islander-peoples>

<http://www.bushready.nt.gov.au/useful-information>