



## Kimberley Land Council

P.O. Box 2145 BROOME WA 6725  
Phone: (08) 9193 6199 Facsimile: (08) 9193 6279

### KIMBERLEY LAND COUNCIL RESEARCH PROTOCOL

#### PURPOSE

This research protocol provides guidance to researchers wishing to conduct research on traditional Aboriginal lands or waters in the Kimberley, with Kimberley Aboriginal communities, and the Kimberley Land Council (“KLC”).

The protocol is designed to set standards for how research is conducted which:

- respect Kimberley Aboriginal peoples’ values and customary obligations;
- respect Kimberley Aboriginal people’s right to self-determination;
- acknowledge Kimberley Aboriginal people’s rights to natural and cultural resources;
- recognise the rights of Kimberley Aboriginal people to their Aboriginal cultural and intellectual property; and
- ensure that Kimberley Aboriginal people benefit from research conducted on their land and in their communities.

This protocol is consistent with the standards set out in the *Australian Institute of Aboriginal and Torres Strait Islander Studies Guidelines for Ethical Research in Indigenous Studies*. This protocol is also informed by the *Central Land Council’s General Research Protocol*.

The protocol should also be read with the KLC Intellectual Property and Traditional Knowledge Policy.

#### FREE, PRIOR INFORMED CONSENT

Researchers should obtain, through the KLC, the free, prior informed consent of the relevant Kimberley Aboriginal people and communities before conducting research.

The procedure for obtaining free, prior informed consent is:

1. The Researcher submits to the KLC a plain English summary of the research proposal including:
  - names and contact details of researchers, institutions and funding partners;
  - ethics approval from an authorised ethics committee;

- project description (objectives, methods, significance);
- sites to be visited on a topographical map that shows recognisable geographic features and detailed locations;
- project timeline and dates and times of planned trips on 'country';
- expected publications and outputs;
- intellectual property arrangements;
- benefits and risks regarding for Kimberley Aboriginal people.
- Acknowledging confidentiality of Traditional knowledge

The Researcher should submit their research proposal to the KLC allowing sufficient time for it to be considered.

2. The KLC identifies the appropriate individuals and communities who should be consulted about the research project. It is important to recognise that certain Indigenous knowledge is collectively owned, and in order to obtain informed consent it may be necessary to consult and obtain permission from a number of levels of authority. The consultation process can be expedited if the Researcher provides funding support.
3. The Researcher and the KLC meet with a reference group or representatives of the relevant community to develop a research agreement. The researcher should clearly define and explain the purpose and nature of the study and the research aims, methods and outcomes. The researcher should also explain the methods of collecting information including how and where the information is to be kept. It is important that the Aboriginal community have input into the design and methodology of the research project and control the research process. If necessary, the researcher may be required to modify the research proposal following discussions with the community.
4. The researcher, the KLC, and the Aboriginal community reach agreement on how the research should proceed including methods and processes and timing for informing the community of progress of the research and reporting any interim results.
5. If permission is given, it may be subject to conditions and on-going reassessment. The Researcher will need to meet with the Aboriginal community at various stages of the project to discuss its progress. The Researcher should provide draft reports and publications to the KLC and community for comment prior to final submission. KLC and the Kimberley Aboriginal people have the right to require removal of any part of the reports and publications on the basis that it breaches confidentiality or their intellectual property rights.
6. On completion of the research, copies of all results and publications should be submitted to the KLC library and a plain English summary of findings provided to the Aboriginal community.

### **PARTICIPATION BY KIMBERLEY ABORIGINAL PEOPLE**

Research proposals should acknowledge Aboriginal peoples' customary laws, practices and local expertise. Aboriginal people should be given the opportunity to participate at all stages of the project, where appropriate.

Aboriginal participation may be facilitated by utilizing existing community, regional or other Indigenous umbrella organisations. For major projects, the establishment of an Aboriginal steering committee should also be considered.

Researchers should consider providing employment, training and capacity-building opportunities to Aboriginal people, including as guides, interpreters, informants, and in the collection and analysis of research data.

### **BENEFITS AND RISKS FOR ABORIGINAL PEOPLE**

Aboriginal people have the right to expect that research conducted on their land, and in their communities, will be of benefit to them. One way of ensuring this is by designing projects in conjunction with Aboriginal people.

Aboriginal people participating in research activities should be paid at reasonable rates.

In ensuring that the project benefits Aboriginal people, researchers should consider the range of ways in which such benefits may be provided. These may include both monetary and non-monetary benefits such as skills and training, and capacity building for communities. Project budgets should include provisions for any financial and other benefits.

Aboriginal people value opportunities to visit country. In order to generate goodwill, researchers should consider including extended family on any trips onto country.

Researchers should incorporate into the project any local research needs where possible.

Researchers should explain, but not overstate, benefits of the research to the community or individual participants and should provide full and frank disclosure of the risks or potential adverse impacts of the research.

### **ABORIGINAL CULTURAL AND INTELLECTUAL PROPERTY RIGHTS**

Aboriginal cultural and intellectual property rights refer to Indigenous people's rights to their Heritage. Heritage comprises all objects, sites and knowledge, the nature or use of which has been transmitted or continues to be transmitted from generation to generation, and which are regarded as pertaining to a particular Indigenous group or its territory. It includes objects, sites, knowledge and literary or artistic creation of that people which may be created today or in the future based upon that heritage.

Researchers should respect and uphold the rights of Kimberley Aboriginal people, under their Traditional Law, to full ownership and control over any Indigenous cultural and intellectual property that is in existence prior to the conduct of the project. This includes rights in Indigenous cultural knowledge.

Researchers should also respect the fact that a lot of Aboriginal Traditional Knowledge is by its very nature confidential and may be gender specific. Researchers should treat all knowledge and information gained as, prime facie, confidential and not use or disclose any of that information unless and until they receive full and prior consent from the relevant Kimberley Aboriginal people.

Researchers must demonstrate a commitment to negotiating fully and equitably with Aboriginal people who are involved in the research, and in protecting the rights and interests of Aboriginal people in any intellectual property that results from the research.

### **ETHICS APPROVAL**

Researchers should obtain approval from an appropriate ethics committee before commencing the project.

### **METHODOLOGY**

Researchers should provide full details of the methodology to be used in the proposed research. This should include information about how the Researcher will manage outcomes and data from the project in accordance with Kimberley Aboriginal peoples' rights and interests. For example, the proposal should detail how the project will provide for Kimberley Aboriginal community retention of research data.

### **ACCESS AND STORAGE**

Researchers should ensure that appropriate procedures are in place for storage and access to the research.

### **ATTRIBUTION**

Researchers should reach agreement with Kimberley Aboriginal people about the identification of individuals involved in the research, and whether those who took part should be acknowledged in any publication. Information obtained from Kimberley Aboriginal peoples should be acknowledged in any publication or report.

Where the contribution has been significant, the researcher should consider joint authorship with community members.

### **PROFESSIONAL STANDARDS**

The Researcher should be a registered member of the relevant professional or industry body and should abide by professional and ethical standards pertaining to their discipline.