**Case Study Example for Ethical Guidelines – Juan and Chris (Qualitative)**

A team of researchers from a Sydney-based University were successful in obtaining an ARC grant proposal for a three-year project to examine the criminal law needs of Aboriginal and Torres Strait Islander Peoples in the Gamilaraay nation (situated in northern New South Wales). The team included an Aboriginal legal scholar, a Torres Strait Islander sociologist and three non-Indigenous criminologists. The key research questions that form the basis of the proposed study are:

1. What are the experiences of Aboriginal and Torres Strait Islander Peoples of criminal law services in the Gamilaraay nation?
2. What type of legal issues/problems did Aboriginal and Torres Strait Islander Peoples seek assistance for, from criminal law services?
3. What were the outcomes of the assistance they received?
4. What changes to criminal law services do Aboriginal and Torres Strait Islander Peoples want made to make it more effective for them, and to meet their legal needs?

In order to reflect the principles’ set out in the **CCJ Ethical Guidelines**, the research team included the following elements and practices in their research design:

**Principle 1: Indigenous self-determination**

Recognition and respect

Recognition of Aboriginal and Torres Strait knowledge and expertise was ensured through the formation at the first phase of the project, of an Aboriginal and Torres Strait Islander Expert Advisory Panel. The panel consisted of three elders nominated from the major Aboriginal Land Councils in the region and recognised as experts in the principles of Aboriginal knowledge gathering and dissemination. In addition, the Expert Advisory Panel included members of the relevant Aboriginal community-controlled organisation in the area, that is the Aboriginal legal service (ALS). One representative from each of the three ALS offices operating across Gamilaraay Country was nominated to join the Expert Advisory Panel.

Recognition and respect for Aboriginal and Torres Strait Islander peoples and their knowledge was demonstrated by *co-designing the research framework* with the Expert Advisory Panel from early in phase 1 which involved identifying the research questions, methodology (including the process of engagement and the methods for data gathering), the data analysis framework, the research ethics protocols, protocols for dissemination of findings, and processes for supporting self-determination of the research participants. Inclusion of the ALS on the Expert Advisory Panel further demonstrated respect for Aboriginal and Torres Strait Islander participants in the research through actively engaging them in the research process both as participants, but also as advisors in the selection of research sites, conduct of research, assistance with legal problems that arose from engagement with community members who were research participants, and analysis, writing up and dissemination of research results.

Informed consent

Through advice from the Expert Advisory Panel, respect and support for Aboriginal and Torres Strait Islander peoples’ approach to informed consent was demonstrated through the development of a two-part information consent process, namely:

1. The application of a written informed consent form, to be signed by individual participants; or
2. Verbal informed consent provided by one or more participants designed to provide it on behalf of a group if preference is shown for non-written, group-based informed consent.

Cultural capability and learning

The project team sought to demonstrate respect for participants’ cultural content through the development of the Expert Advisory Panel. The Panel were asked and agreed to hold sessions with the research team (including Research Assistants (RA) and a PhD student recruited later for the project) on ethical and effective behaviour when researching with Gamilaraay people.

The principle of self-determination, and especially the need to ensure the cultural capability of the research team, is demonstrated by the decision to contract local Gamilaraay people to assist with pre-research engagement and the research process itself, as needed.

**Principle 2: Indigenous leadership**

Indigenous-led research

The principle of Indigenous Leadership was enacted through participation of Aboriginal and Torres Strait academics and individuals from the Gamilaraay community (selected by the community) as members of the research team, the formation of an Aboriginal and Torres Strait Islander Expert Advisory Panel, and (later in the project) the hiring of an Aboriginal RA ,and financial support for an Aboriginal PhD student whose research focused on one key aspect of the overall project.

Indigenous perspectives and participation

The principle of Indigenous Leadership was enacted through the central role of the Expert Advisory Panel in educating the research team members, the RA and post-graduate student, on carrying out ethical and effective research with Gamilaraay people. It was also supported by early involvement in Aboriginal Legal Services in the design of the research methodology and selection of sites and other participants.

The principle of Indigenous Leadership was further enacted with the decision to utilise yarning circles to gather information from research participants, as stipulated by the Expert Advisory Panel (supported by the extant literature), and in the use of community-based people to assist with organising yarning circles.

**Principle 3: Impact and value**

Benefit and reciprocity

The research team sought to ensure benefits were accrued for the participants in the research through:

1. Payment of participants and local organisers in the form of cash or gift card equivalents.
2. The team’s decision to undertake **activist research** whereby information on legal issues is not only collected by the researchers, but also when individuals choose, those issues directly referred to Aboriginal legal service lawyers at the time for direct assistance for participants.

**Principle 4: Sustainability and accountability**

Indigenous lands and waters

Respect for the ongoing Indigenous connection to the land and culture where the research was undertaken was shown through the involvement of the local Aboriginal Land Councils and Elders.

Ongoing Indigenous governance

Respect for the participants’ right to self-governance was enacted in two ways:

1. Individuals selected by the Gamilaraay community included in the Expert Advisory Panel
2. The development of a MoU involving the research team, the Expert Advisory Panel and members of the Gamilaraay community that agreed upon key issues such as the engagement protocols, data gathering, and the analysis and reporting processes (including storage of and future use of data).

Reporting and compliance

To ensure that the research provided useful information the research team, working with the Expert Advisory Panel, engaged with the Gamilaraay community to develop a research reporting protocol (a sub-set of the MoU) that involved the following components:

1. Members of the research team and Expert Advisory Panel to hold a series of yarning circles with the community to present the findings
2. The development of short plain English community infographic Guides and Fact Sheets to the research findings
3. The development of an Action Plan to progress the implementation of the research findings for the practical benefit of the community.