



What is Free Prior Informed consent?

Briefing Paper No. 7

Plain language material

Free Prior Informed Consent is an important part of ethical research with people. If you give consent then you are saying 'yes' to the research; that is, you are giving permission for it to be done, or for your participation. If you deny consent, then you are saying 'no'.

There may also be some stages in between 'yes' and 'no', which mean that you want the researchers to give you more information, or more time, before you can make a decision. Your consent can be withdrawn at any time during the research.

Free Prior Informed Consent is also part of Aboriginal and Torres Strait Islander people's right to self-determination, in that it is a process that recognises their right to make informed decisions about matters that affect them, their communities and their lands.

Free Prior Informed Consent is developing as a standard in international law (for example, in the United Nations Convention on Biological Diversity).

Before a research project or development activity can begin, the researcher/s must explain in as much detail as necessary all aspects of the research project. They must provide clear and accessible information to the community, and they must be certain that the people they are working with understand all about it. Once the people in the community have understood what the purpose and value of the research is to them and their community (this could take several visits by the researcher/s) they can then decide if they want to say yes or no to being involved in it. This must be done **freely**, that is, without being pushed by the researcher.

It is important that consent is given **prior to** the research starting; that is, **before** the research begins. This happens on two levels. First, if a researcher wants to work with people from a community, before approaching an individual they should already have the consent of the community council or community organisation that looks after such things. They may have already negotiated a Research Protocol (see ['Aboriginal and Torres Strait Islander Research Engagement Protocol'](#) and [Briefing Paper No. 6](#)). Only after this has been done will the researcher/s then approach a person to ask them questions and ask them to be involved in the research. At this stage the researcher will, in most cases, have a form that they might ask the research participant to fill out

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and sign. If a form isn't offered, then research participants can ask for one. This form is called a **Free Prior Informed Consent form**. It should explain something about the research, talk about confidentiality (see [Briefing Paper No. 8](#)) and describe how the participant or research collaborator will benefit from the research. This benefit might be both for the individual, through payment for research assistance, and more broadly for the community, as the research may assist in developing good policy, for instance.

The researcher has an obligation to ensure that the research participants are **informed** about why the research is happening in their community, why their participation is sought and what the benefits are to them and to the community.

Consent is when the research participant says 'yes' to participating in the research. However, this doesn't mean that research participants can't later say 'no', and ask the researcher/s to leave if they are unhappy with how the researcher is working with them or the community. They may wish to renegotiate the terms and conditions of the project, or seek more details about aspects of the research (such as how, and in what forms the research results will be made available and for what purposes). Consent can be withdrawn or changed at any time during the research. In this way, consent is ongoing for the life of the project, as a *process*, and is not a one-off event that occurs when research participants sign a form.

How prior informed consent works for the rights of Aboriginal and Torres Strait Islander people

In setting out to develop any research or development project, there is often a protocol or agreement that is signed by the major parties to the research (these parties might consist of the local council or Aboriginal or Torres Strait Islander representative body, Aboriginal or Torres Strait Islander researchers and university researchers). Aboriginal and Torres Strait Islander people need to make sure they are equal partners at all stages in the negotiation processes.

Aboriginal and Torres Strait Islander people also need to make sure that they have their rights to free, prior informed consent recognised and upheld in the contracts and agreements. A good contract or agreement will contain provisions setting out, in detail, the rights, responsibilities and obligations to ensure Aboriginal and Torres Strait Islander people maintain their full and effective rights to participation, negotiation, and decision making at all stages and levels in the project.

Selected references

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