



Royal Commission into Aboriginal Deaths in Custody Recommendation

269. Research funding conditional on ethical standards compliance

That compliance with the National Health and Medical Research Council's Advisory Notes on Aboriginal health research ethics be a condition of Aboriginal health research funding from all sources.¹

Background²	The Royal Commission into Aboriginal Deaths in Custody (RCIADIC) highlighted the importance of ethical considerations and Aboriginal participation in health research processes.
Intent	Mandate ethical standards compliance as a condition of Aboriginal health research funding.
Responsibility	The Commonwealth and all state and territory governments.
Key contacts	Department of Health (DH).
Key action taken	
2005 Review³	<p>The Department of Human Services assessed Recommendation 269 as fully implemented.</p> <p>Department of Human Services</p> <p>Public Health advised that the Victorian Health Research Ethics Committee directed researchers to the National Health and Medical Research Council (NHMRC) Guidelines on Ethical Matters in Aboriginal and Torres Strait Islander Health Research for projects involving Aboriginal participants. The HREC adopted the NHMRC 'Values and Ethics: Guidelines for Ethical Conduct in Aboriginal and Torres Strait Islander Health Research' in its review of health research involving Aboriginal people. It also informed researchers about the guidelines when their applications included Aboriginal people as potential participants.</p>
2018 Review⁴	<p>Deloitte concluded that the Commonwealth Government and Victorian Government had fully implemented Recommendation 269.</p> <p>Commonwealth Government</p> <p>Deloitte concluded that through consistent efforts by the NHMRC to ensure compliance with ethical guidelines, given their responsibility for developing ethical guidelines Aboriginal health research. Research funded by the NHMRC and the Australian Research Council must adhere to NHMRC's guidelines for ethical research.</p> <p>Victorian Government</p>

¹ Royal Commission into Aboriginal Deaths in Custody (Final Report, 1991) vol 4, 263 ('RCIADIC').

² Ibid vol 4, 253-257.

³ Aboriginal Justice Forum (Vic), Department of Justice (Vic), *Victorian Implementation Review of the Recommendations from the Royal Commission into Aboriginal Deaths in Custody* (Review Report, October 2005) vol 1, 233 ('2005 Review').

⁴ Deloitte Access Economics, Department of Prime Minister and Cabinet, *Review of the Implementation of the Recommendations of the Royal Commission into Aboriginal Deaths in Custody* (Report, August 2018) 551 ('2018 Review').

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	Deloitte concluded that Victoria had addressed this through endorsement and adoption the NHMRC guidelines.
Since then	Department of Health⁵ This recommendation was deemed to be fully implemented in Victoria, but the Department did not provide any further information on the actions taken.
Evidence of impact	
Authorising documents	National Health and Medical Research Council guideline: Ethical conduct in research with Aboriginal and Torres Strait Islander Peoples and communities⁶ In general, ethics guidelines provide a set of principles to ensure research is safe, respectful, responsible, high quality, of benefit to Aboriginal people and communities and of benefit to research. The Guidelines defines six core values — spirit and integrity, cultural continuity, equity, reciprocity, respect, and responsibility. Applying these values and other ethical principles will ensure that research conducted with or for Aboriginal people and communities, or their data or biological samples, is ethically conducted. The Guidelines are intended for use by researchers and ethics review bodies, such as Human Research Ethics Committees. Aboriginal peoples, individual research participants, participant groups, the wider community and other stakeholders may also find the Guidelines useful. <i>marra ngarrgoo, marra goorri: The Victorian Aboriginal Health, Medical and Wellbeing Research Accord⁷</i> The vision of <i>marra ngarrgoo, marra goorri</i> is to improve the ethical standards of Aboriginal health, medical and wellbeing research in Victoria so that they align with Aboriginal principles of self-determination.
Outputs	As above.
Outcomes	The Department of Justice and Community Safety and the Department of Health both have Human Research Ethics Committees. Compliance with the National Health and Medical Research Council's guidelines on ethical conduct with Aboriginal and Torres Strait Islander peoples and communities has been a long-standing requirement, including for health-related research funded by these departments.

⁵ Department of Health (Vic), 'Review of Recommendations from the Royal Commission into Aboriginal Deaths in Custody (RCIADIC)' (Response to AJC Request).

⁶ National Health and Medical Research Council, Australian Government, *Ethical conduct in research with Aboriginal and Torres Strait Islander Peoples and communities: Guidelines for researchers and stakeholders* (NHMRC Guidelines IND2, August 2018) ('Ethical conduct in research with Aboriginal and Torres Strait Islander Peoples and communities: Guidelines for researchers and stakeholders').

⁷ Victorian Aboriginal Community Controlled Health Organisation (VACCHO), Department of Health (Vic), *marra ngarloo, marra goorri* (The Victorian Aboriginal Health, Medical and Wellbeing Research Accord, October 2023) ('*marra ngarloo, marra goorri*'); Victorian Aboriginal Community Controlled Health Organisation (VACCHO), 'Victorian Aboriginal Research Accord Project (VARAP)', VACCHO (Web page) <<https://www.vaccho.org.au/accord/>> ('Victorian Aboriginal Research Accord Project (VARAP)').

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The development of *marra ngarrgoo*, *marra goorri* has encouraged more research bodies to consider ethical standards of Aboriginal health, medical and wellbeing research in Victoria so that they more strongly align with Aboriginal principles of self-determination.

Community views

Victorian Aboriginal Community Controlled Health Organisation⁸

Since colonisation, our people have been subjected to culturally inappropriate and unsafe health and medical research, some of which fails to translate into meaningful benefits for us. Our Community in Victoria has long been attempting to change the way health research is conducted to make it ethical and respect our cultures, knowledges, needs and aspirations.

Related recommendations

2005 Review⁹

Recommendation 20

That the Department of Human Services, in partnership with the Victorian Aboriginal Community Controlled Health Organisation:

- l) ensure that compliance with *National Health and Medical Research Council Guidelines on Ethical Matters in Aboriginal and Torres Strait Islander Health Research* is a condition of Victorian Government research funding.
- m) provide a report on (a)-(l) to the Victorian Aboriginal Council on Koori Health.

Assessment summary¹⁰

The intent of Recommendation 269 was to mandate ethical standards compliance as a condition of Aboriginal health research funding.

This recommendation remains relevant and reiterates the Victorian Aboriginal Community Controlled Health Organisation (VACCHO) in its statement that,

*Since colonisation, our people have been subjected to culturally inappropriate and unsafe health and medical research, some of which fails to translate into meaningful benefits for us. Our Community in Victoria has long been attempting to change the way health research is conducted to make it ethical and respect our cultures, knowledges, needs and aspirations.*¹¹

The Commonwealth Government established the National Health and Medical Research Council (NHMRC), which develops and enforces ethical guidelines for Aboriginal health research. All research funded by NHMRC or the Australian Research Council must comply with these guidelines to ensure ethical conduct with Aboriginal participants.

The NHMRC guideline: Ethical conduct in research with Aboriginal and Torres Strait Islander Peoples and communities defines six core values — spirit and integrity, cultural continuity, equity, reciprocity, respect, and

⁸ Victorian Aboriginal Community Controlled Health Organisation (VACCHO), 'Victorian Aboriginal Research Accord Project (VARAP)'.

⁹ 2005 Review, 243.

¹⁰ Meeting with Aboriginal Justice Caucus Working Group (Project Team, Online, 1 September 2025) ('Working Group Meeting (1 September 2025)'). Meeting with Aboriginal Justice Caucus (Project Team, In Person, 23 September 2025) ('AJC Meeting (23 September 2025)').

¹¹ Victorian Aboriginal Community Controlled Health Organisation (VACCHO), 'Victorian Aboriginal Research Accord Project (VARAP)'.

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responsibility. Applying these values and other ethical principles will ensure that research conducted with or for Aboriginal people and communities, or their data or biological samples, is ethically conducted. The Guidelines are intended for use by researchers and ethics review bodies, such as Human Research Ethics Committees. Compliance with these guidelines is a requirement for health-related research carried out or funded by the Department of Health and the Department of Justice and Community Safety.

The Victorian Department of Health was consulted on implementation of this recommendation and deemed it fully implemented but did not provide any further information on the actions taken.

We recognised the efforts of VACCHO to develop *marra ngarrgoo, marra goorri*, the Victorian Aboriginal Health, Medical and Wellbeing Research Accord. It aims to improve the ethical standards of Aboriginal health, medical and wellbeing research in Victoria so that they align with Aboriginal principles of self-determination.

Assessment of Recommendation 269

Is the intent of the recommendation accurately described?

Yes No

Does the action taken align with the intent of the recommendation?

0 – No action taken

1 – Action taken is of little relevance to the intent of the recommendation

2 – Action taken partially aligns with the intent of the recommendation

3 – Action taken fully aligns with the intent of the recommendation

3

(Score out of 3)

Is there evidence of the desired impact or outcome/s?

0 – No evidence

1 – Evidence of output rather than outcome

2 – Some evidence action contributed to outcome/s

3 – Clear link between action and impact or outcome/s

3

(Score out of 3)

How relevant is the recommendation in the current context?

0 – No relevance – refers to practices, agencies or laws that no longer exist

1 – Low – some relevance, but most aspects of the recommendation no longer apply

2 – Moderate – remains relevant, but some aspects of recommendation no longer apply

3 – High – entirely relevant to current context

3

(Score out of 3)

Does full implementation have the potential to reduce incarceration, increase safety in custody and/or progress Aboriginal self-determination?

0 – No potential to improve Aboriginal justice outcomes

1 – Low – potential to improve Aboriginal justice outcomes, but none of the three identified

2 – Moderate – potential to progress one or two of the outcomes identified

3 – High – potential to reduce incarceration AND increase safety in custody AND self-determination

1.25

(Score out of 3)

Potential actions for further work

No actions identified.

Low priority for further work

Relevance and potential impact

		Low (0-2)	Moderate (3-4)	High (5-6)
Extent of action taken and evidence of outcomes	High (5-6)		Rec 269	
	Moderate (3-4)			
	Low (0-2)			

Bibliography

Meeting with Aboriginal Justice Caucus (Project Team, In Person, 23 September 2025)

Meeting with Aboriginal Justice Caucus Working Group (Project Team, Online, 1 September 2025)

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