



## TERMS OF REFERENCE

### ABORIGINAL HEALTH RESEARCH ETHICS COMMITTEE (AHREC)

#### 1 OBJECTIVES

1.1 The objectives of AHREC are to:

- a) Protect the welfare, rights, dignity and safety of participants and their communities regarding research conduct and the subsequent outcomes of research into Aboriginal health in South Australia.
- b) Promote ethical principles in Aboriginal health-related research.
- c) Review Aboriginal health-related research in South Australia in accordance with the:
  - [\*NHMRC National Statement on Ethical Conduct in Human Research\*](#) (*National Statement*),
  - [\*Guidelines for ethical conduct in research with Aboriginal and Torres Strait Islander Peoples and communities\*](#),
  - [\*Australian Code for the Responsible Conduct of Research\*](#), and
  - the [\*South Australian Aboriginal Health Research Accord\*](#) (*the Accord*).
- d) Facilitate ethical research through efficient and effective processes to review the conduct and outcomes of research.

#### 2 FUNCTIONS

2.1 The functions of the AHREC are to:

- a) Provide independent Aboriginal oversight of health-related research proposals relevant to Aboriginal people, as per the following definition of Aboriginal health and wellbeing from the National Aboriginal Community Controlled Health Organisation (NACCHO),

*Aboriginal health means not just the physical wellbeing of an individual but refers to the social, emotional and cultural wellbeing of the whole Community in which each individual is able to achieve their full potential as a human being thereby bringing about the total wellbeing of their Community. It is a whole of life view and includes the cyclical concept of life-death-life.*

- b) Provide thorough, timely review and monitoring of Aboriginal health-related research proposals, in respect to their ethical and scientific acceptability for as long as the research projects are active,
- c) Determine the compliance of submitted Aboriginal health-related research proposals with the *National Statement* and the *Guidelines for ethical conduct in research with Aboriginal and Torres Strait Islander Peoples and communities*, and grant, withhold or withdraw ethical approval,
- d) Provide advice to AHCSA on strategies to promote awareness of the ethical conduct of Aboriginal health-related research,
- e) Represent the views and interests of Aboriginal people across South Australia in relation to research into Aboriginal health.

2.2 AHREC works cooperatively with other Human Research Ethics Committees (HRECs) to ensure the objectives and functions noted above in 1.1 and 2.1 are met.



### **3 ACCOUNTABILITY**

**3.1** AHREC is a subcommittee of the Aboriginal Health Council of South Australia Ltd. (AHCSA) Board under the AHCSA constitution, and reports to the AHCSA CEO and the National Health and Medical Research Council (NHMRC) as a registered HREC.

**3.2** AHREC provides a report for consideration by the AHCSA Board each quarter. An AHREC report is also provided at the end of each financial year for inclusion in the AHCSA annual report.

**3.3** AHREC, on behalf of AHCSA, provides the Australian Health Ethics Committee (AHEC) report in accordance with the National Health and Medical Research Council (NHMRC).

**3.4** The AHREC Secretariat is employed by AHCSA and is accountable through the AHCSA organisational structure for the provision of high-level secretariat services to the AHREC.

### **4 SCOPE OF RESPONSIBILITY**

#### **4.1 Ethical review of research**

4.1.1 AHREC reviews research proposals that are directly related to the health and wellbeing of Aboriginal people in South Australia and concern any of the following:

- The experience of Aboriginal people is an explicit focus of all or part of the research
- Data collection is explicitly directed at Aboriginal people
- Aboriginal peoples, as a group, are to be examined in the results
- Impact on one or more Aboriginal communities
- Aboriginal health funds are a source of funding
- Review of government services that have impact on Aboriginal communities or organisations, and there is an intention to disseminate key findings or recommendations in a public report

4.1.2 It is a requirement of AHREC that research proposals meeting the above criteria will be submitted to AHREC for review, irrespective of whether they have been submitted to and approved by another HREC.

4.1.3 AHREC review and approval may not be required, however Aboriginal involvement in the interpretation of findings is strongly recommended, if the proposal:

- is not directly related to health,
- does not explicitly focus on Aboriginal people and references to Aboriginal people are only in terms of demographics at the total sample level with no sub-group analysis, or
- does not hold research characteristics (e.g., no hypotheses) and is an evaluation or audit of projects for the purpose of reporting or continuous quality improvement, with no intention of peer-reviewed publication,
- is a scoping review of publicly available information or services, or a systematic literature review.

#### **4.2 Other activities**



4.2.1 AHREC may be involved in a range of other activities designed to promote the objectives of AHREC, including training and workshops for researchers, and participation in relevant state and national initiatives related to Aboriginal health research ethics.

#### **4.3 Committee Chair/s**

4.3.1 The AHREC Chair/s are responsible for:

- the effectiveness and overall functioning of the AHREC,
- the conduct of AHREC business, and
- ensuring that the AHREC reaches decisions on all applications.

### **5 MEMBERSHIP**

#### **5.1 Composition**

5.1.1 The AHREC consists of a minimum of eight (8) members as per the *National Statement 5.1.30* including:

- a) Chair: a chairperson with suitable experience, including previous membership of an HREC, whose other responsibilities will not impair the HREC's capacity to carry out its obligations under the *National Statement*
- b) Community members: two people who bring a broad community or consumer perspective and who have no paid affiliation with the institution
- c) Health practitioner: a person with knowledge of, and current experience in, the professional care or treatment of people
- d) Elder/community leader: a person who performs a pastoral care role in a community, for example, an Aboriginal Elder or community leader, or a minister of religion
- e) Lawyer: a qualified lawyer, who, where possible, is not engaged to advise AHCSA on research-related or any other matters
- f) Researcher: two people with current research experience that is relevant to research proposals to be considered at the meetings they attend

5.1.2 Where possible, AHREC is comprised of members who are Aboriginal and as far as possible, the composition of membership is gender balanced. As per NHMRC requirements, at least one third of the members should be outside of the institution for which the committee is reviewing research.

#### **5.2 Appointment of members**

5.2.1 AHREC members are appointed using open and transparent processes in line with a skills matrix. Members may be recruited by direct approach, nomination or by advertisement.

5.2.2 Prospective members may be invited to observe a meeting of the AHREC, prior to appointment.

5.2.3 Members are appointed for their individual expertise, knowledge and experience, and not as representatives of any organisation, group or opinion.



- 5.2.4 New appointments and renewals of appointments are considered by the AHREC Secretariat and AHCSA General Manager, Innovation, Evidence and Reform, in consultation with the AHREC Chair/s and recommended to the AHCSA CEO for approval.
- 5.2.5 Each member will receive a formal letter of appointment that specifies:
- their responsibilities related to membership, including participation, training, confidentiality and disclosure of interests,
  - the category or categories of membership they may represent at meetings,
  - their term of appointment,
  - assurance of legal protection by AHCSA for liabilities that arise while members are exercising their duties in good faith.
- 5.2.6 Appointment of the AHREC Chair/s is determined by the AHCSA CEO or through election by the AHREC membership. Unless otherwise approved, the AHREC Chair/s must both be an Aboriginal person.
- 5.2.7 AHREC members, including the AHREC Chair/s are appointed for a period of up to 5 years, with the possibility of extension for an additional 5 years upon expression of interest. Members may be appointed for further terms upon recommendation to the AHCSA CEO.

### **5.3 Responsibilities of members**

- 5.3.1 Members are responsible for:
- maintaining the confidentiality of all matters of which they become aware of during their work on the AHREC.
  - declaring any conflicts of interest that exist or arise during their tenure on the AHREC, and
  - declaring they have not been and continues not to be subject to legal or disciplinary action that may prejudice their standing as a member of the AHREC.
  - always acting with integrity and providing review of ethics applications in a timely and professional manner.

#### *Participation*

- 5.3.2 Members will regularly attend meetings and contribute to the ongoing function of the committee through undertaking timely ethics review of research proposals in line with the *National Statement* and the *Guidelines for ethical conduct in research with Aboriginal and Torres Strait Islander Peoples and communities*. Membership to AHREC will cease if members are unable to carry out their responsibility of reviewing applications.
- 5.3.3 The AHCSA CEO will notify the member of a cessation of membership in writing. Steps will then be taken to fill the vacancy.



5.3.4 Members seeking to resign or take an extended leave of absence from the AHREC are asked to give written notice to the AHREC Chair/s and AHREC Secretariat. Steps will then be taken to fill the vacancy either permanently or temporarily.

#### *Confidentiality*

5.3.5 AHREC meetings are to be held in private, and all members are encouraged to raise matters of concern. The meeting agenda and minutes, research proposals, supporting documentation and correspondence are all treated confidentially.

5.3.6 Members are required to sign the *Confidentiality Agreement* upon appointment to the AHREC.

#### *Declaration of conflict of interest*

5.3.7 Conflict of interest may compromise the review process for an application or may take into consideration other matters that may lead to decisions being based on factors outside the requirements of an ethical review.

5.3.8 Conflict of interest exists where:

- an individual's interests or responsibilities have the potential to influence the carrying out of their role or professional obligations, or
- an institution's interests or responsibilities have the potential to influence the carrying out of its obligations.

5.3.9 Conflict of interest includes financial interests, personal, professional or institutional benefits or advantages that depend significantly on the research outcomes.

5.3.10 AHREC members must declare any overall conflicts of interest upon appointment using the *Conflict of Interest Declaration Form*. A conflict of interest may exist in relation to an individual application for ethical and scientific review or any other matter for consideration by the committee.

5.3.11 Declarations are to be made in writing to the AHREC Chair/s or the AHREC Secretariat prior to the matter being considered. The AHREC will then determine whether the level of interest results in:

- a) substantial conflict of interest; a member is excluded from the meeting where there is substantial conflict of interest until the AHREC has concluded consideration of the matter. Being a researcher on a submitted research proposal is considered to represent a substantial conflict of interest, or
- b) non-substantial conflict of interest: the AHREC has the discretion to ask a member to leave during discussion of the matter.

## **5.4 Induction and training**

5.4.1 New AHREC members are provided with induction and training, as recommended by the AHREC Secretariat and in consideration of a skills matrix used to assess nomination suitability.



5.4.2 Induction will include provision of an induction package and an meeting with the AHREC Secretariat to explain member responsibilities and AHREC processes and procedures.

5.4.3 Each member is:

- a) Expected to become familiar with the *National Statement*, the *Guidelines for ethical conduct in research with Aboriginal and Torres Strait Islander Peoples and communities*, and other guidelines relevant to the review of specific research applications, and
- b) Encouraged to engage in research ethics-related continuing education or professional development activities during each period of appointment.

## **5.5 Liability coverage**

5.5.1 AHCSA provides indemnity for AHREC members for liabilities that arise while members are exercising their duties in good faith.

## **6 Conduct of business**

### **6.1 Meeting procedures**

6.1.1 AHREC conducts its business in accordance with the AHREC Terms of Reference and Standard Operating Procedures.

### **6.2 Meetings**

6.2.1 AHREC holds a minimum of eight meetings scheduled per calendar year, excluding January, for the purposes of:

- reviewing new applications,
- considering researcher requests for modifications, extensions and progress reports, and researcher responses to comments from the committee,
- determining policy, and
- discussing any other matters related to the AHREC.

6.2.2 Meeting dates and due dates for application submission are arranged at the beginning of each calendar year and made publicly available on the AHCSA website.

6.2.3 Exact meeting dates and times may change throughout the year. Meetings are held virtually via videoconference (Microsoft Teams), unless booked otherwise.

### **6.3 Quorum**

6.3.1 As per the *National Statement* 5.2.3, as far as is practicable, each meeting should be arranged to enable attendance of all members of the minimum membership categories. Where there is less than full attendance at a meeting, the Chair must be satisfied, before a decision is reached, that the view of those absent who belong to the minimum membership have been received and considered (*National Statement* 5.2.5). If the quorum is lost during the meeting, decisions will be finalised out of session.

### **6.4 Decision making**



- 6.4.1 Members are to be allowed reasonable opportunity to express relevant views on agenda items, and to have their views recorded in the meeting minutes.
- 6.4.2 AHREC endeavours to reach a decision concerning the ethical acceptability of a research proposal by unanimous agreement.
- 6.4.3 Where a unanimous decision cannot be reached, the matter is determined by a majority of members present at the meeting. Any significant minority view (i.e., two or more members) will be noted in the meeting minutes.
- 6.4.4 Where AHREC wishes to request further information from an applicant, the appropriate section of the *National Statement* under which the information is being requested should be referenced by the AHREC Secretariat.

## **6.5 Approvals**

- 6.5.1 For approval to be granted, applications for research must meet the requirements of the *National Statement* and satisfactorily address the *Guidelines for ethical conduct in research with Aboriginal and Torres Strait Islander Peoples* and the *Accord*.
- 6.5.2 Approval is contingent upon the applicant's agreement to standard conditions of approval and any special conditions of approval specified by the AHREC. The applicant may negotiate a condition should there be grounds to meet research proposal objectives.
- 6.5.3 The applicant is notified of the committee's decision in a written letter signed by the AHREC Chair/s.

## **7 DISPUTES**

- 7.1 Any dispute arising from membership, breach of AHCSA policies, or function of AHREC will be dealt with:
  - By mediation amongst the individuals involved, the AHREC Secretariat and/or AHCSA General Manager, Innovation, Evidence and Reform, in the first instance.
  - If the matter is unable to be resolved by mediation, it will be referred to the AHCSA CEO.
  - If the matter remains unresolved following referral to the AHCSA CEO, it will be referred to the Grievance Committee of the AHCSA Board.
- 7.2 If it is determined by a majority of the AHREC membership or AHCSA CEO that a member has breached the Terms of Reference, Code of Conduct and/or confidentiality of the AHREC, the AHCSA CEO may remove or request the member to resign from the AHREC.
- 7.3 If a member is absent for three consecutive meetings without notice or contribution, their membership will automatically lapse. The AHCSA CEO will notify the member of the cessation of their membership in writing.