

LOOKING AFTER COMMUNITY RIGHTS IN LEGACY COLLECTIONS

Community Report

Wangka Maya Pilbara Aboriginal Language Centre,
14–16 June 2017



AIATSIS

AUSTRALIAN INSTITUTE OF ABORIGINAL
AND TORRES STRAIT ISLANDER STUDIES



ABOUT THIS COMMUNITY REPORT

This community report is about the 'Looking after Community Rights in Legacy Collections' workshop carried out in partnership between the Australian Institute for Aboriginal and Torres Strait Islander Studies (AIATSIS) and Wangka Maya Pilbara Aboriginal Language Centre. This workshop is a part of the research project, 'Preserve, Strengthen, Renew in Communities'.

The project aims to involve communities in the development of culturally informed processes and practices for returning materials, creating and archiving new materials, and managing existing collections.

Wangka Maya has deposited 51 collections of sound recordings of language, stories, songs, and oral histories at AIATSIS. Over 200 people have been recorded in these materials. The recordings are in many different Pilbara languages and are from all over the Pilbara region. The recordings were made from 1973 until 2009 mostly by different language specialists who worked in the Pilbara. Access to these materials at AIATSIS depends on permission from Wangka Maya. these materials at AIATSIS depends on permission from Wangka Maya.





Above: AIATSIS building in Canberra

Below: Original Von Brandenstein tape archived at AIATSIS



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WHO IS AIATSIS?

AIATSIS is an archive of Aboriginal and Torres Strait Islander material. This material is preserved and stored safely for use in the future.

Part of the job of AIATSIS is to gather materials to keep safe in archives and to make those things available for other people to see and learn from in the future.

AIATSIS also has to follow rules about who they share material with so that important cultural material is only shared with the right people.

AIATSIS looks after stories by:

- Keeping them safe (storing photos and films)
- Making sure only the right people can see or hear the stories
- Helping communities to make new stories and look after them
- Helping communities to tell their stories through research.

WHO PARTICIPATED IN THE WORKSHOP?

WANGKA MAYA

Julie Walker

Jason Lee

Alice Mitchell

Vernice Councillor

Lorice Douglas

Jane Taylor

Janet Stewart

Kayleen Arnold

Anne Sibasado nee Lockyer

Clint Taylor

Peter Hill

JULUWARLU

Noelene Harrison

Betty Coppin

Judith Coppin

IBN

Lorraine Injie

Annie Edwards-Cameron

AIATSIS

Mary Anne Jebb

Thomas Allen

Kazuko Obata

Clare Barcham

Day 1

Lorraine Injie opened the workshop by telling the story of when she was first working at Wangka Maya and how Wangka Maya started; 31 folders were created to store information for each of the Pilbara languages. However, these were almost all empty and in 1977 Lorraine came to AIATSIS to collect archived language materials and took copies back to Wangka Maya. Wangka Maya has since used these materials to create wordlists and dictionaries to preserve Pilbara languages. Lorraine said the use of these language material held at AIATSIS has since helped to strengthen people's identity, culture, and heritage.

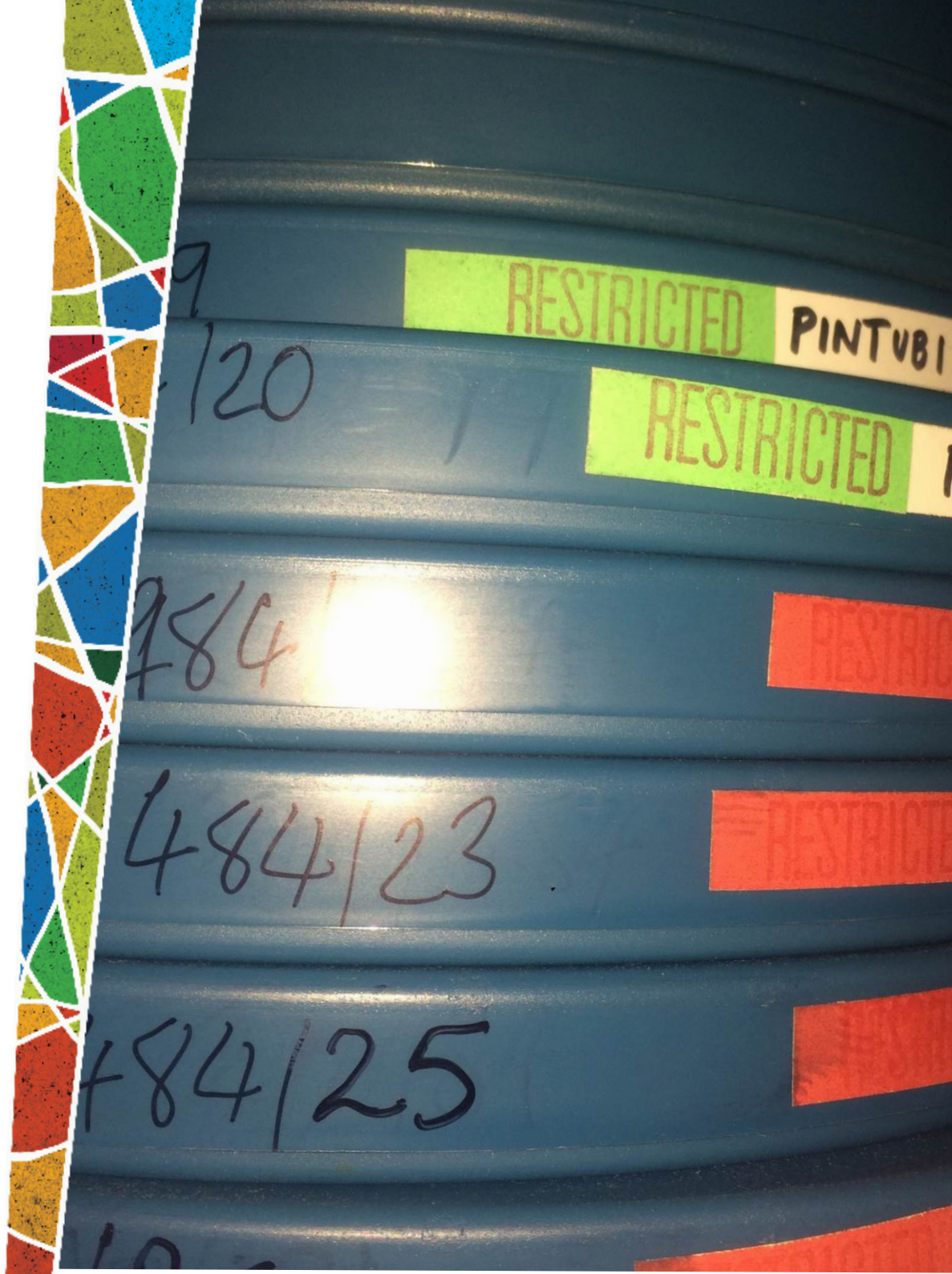


Preserve, Strengthen and Renew Research Project

Mary Anne introduced the research project which aims to develop, with communities, culturally informed and safe processes for managing collections and archiving new materials, and returning copies of material. A particular aim is to work with Wangka Maya to make sure that AIATSIS is following culturally safe protocols for listening to and getting copies of materials.

AIATSIS would also like to use this research to write up a report about the process to share what worked and what didn't work with other communities.

Julie commented that the benefits of this for Wangka Maya are to ensure Wangka Maya materials are kept safe and accessible at AIATSIS in culturally safe ways. In creating these processes, Wangka Maya can then use them to assist in creating regional standards for research and recording and work toward their goal of being a regional research hub.





Above: Wangka Maya Pilbara Aboriginal Language Centre Meeting Room

Below: Wangka Maya Pilbara Aboriginal Language Centre



Issues for Wangka Maya

Kayleen said that an important issue for the group was having a regional standard to ensure community rules are followed. She also mentioned that working out ways to sort out copyright issues needed to be a priority.

Julie commented that 'the role of holding a collection is more than policies and procedures; it's also about having good relationships.'

Lorraine said understanding deposit procedures can make access easier.

A few people raised the issue that copyright remains poorly understood. In particular, people don't understand that even though people in the community own things collectively, copyright doesn't protect this.

Other copyright problems Wangka Maya faced were assigning copyright; employees and volunteers; and moral rights. It was decided AIATSIS would provide more information about this on Thursday.


Accessing materials

The group then discussed how materials are currently accessed at Wangka Maya and AIATSIS. When someone comes to AIATSIS to either listen to a recording or to have a copy, AIATSIS asks Wangka Maya for permission. This can be difficult if the person who was recorded is deceased and there are no directions from them about who will give permission for their recordings to be listened to or used. Sometimes the next of kin is not listed either so the Wangka Maya Board usually takes on the role of finding out who can give permission.

Jason said the current permission form to obtain a copy of materials requires the requester to seek permission from their Elders, to state their relationship to the depositor, and for Wangka Maya to seek permission from the relevant people.

Kayleen suggested that for recordings made by or deposited at Wangka Maya in the future, the copyright agreement could also include an option asking 'do you give permission for this recording to be listened to at AIATSIS?'

Tom explained for other material at AIATSIS (not belonging to Wangka Maya) when family requests to listen to something or have a copy, AIATSIS does not require proof of connection. The person will sign a form to say they are only using it for personal use and AIATSIS records who is receiving a copy.



AGREEMENT FOR COPYING MATERIAL FROM WANGKA MAYA

Contact details:
 Name: _____ Mobile Phone: _____
 Address: _____
 Home Phone: _____ Work Phone: _____

If you are an Aboriginal person, write down your language group/s:

Description of materials
 Video Audio Notes Photos
 Language: _____
 Depositor (Original Recorder): _____
 Title and description of the materials:

What relationship do you have to the person/people who left the material here?

I want to use the material to:

Version: 2017-02-09_3 Page 1 of 2 please see over

I understand that:

- I have consulted my traditional Elders before making this request.
- Wangka Maya will seek permission for the copy to be made. If there is no permission given, this will be explained to me.
- All material is copyright to the original owners and Wangka Maya Pilbara Aboriginal Language Centre.
- No copying of this material is permitted or any unauthorized use allowed.
- I may have to pay a small fee.

Signed: _____ Date: _____
 Staff Witness: _____ Date: _____

Permission
 (We agree to allow the requested materials to be copied and released:

Signed: _____ Date: _____
 Name: _____ Relationship to Depositor: _____
 Signed: _____ Date: _____
 Name: _____ Relationship to Depositor: _____
 Signed: _____ Date: _____
 Name: _____ Relationship to Depositor: _____


Office Use
 Copy made: yes no Date: _____
 Copy made by: _____ Signed: _____

Material Access File Number: _____

Version: 2017-02-09_3 Page 2 of 2 please see over

Above: Agreement for copying material from Wangka Maya

Below: Wangka Maya PALC Copyright Agreement (Licence)



**Wangka Maya PALC
 Copyright Agreement (Licence)**

This Agreement is between:
 [Language Specialist details]
 'Language Specialist'
 AND
 Wangka Maya Pilbara Aboriginal Language Centre
 ('WMPALC').

Background
 _____ (Language Specialist) agrees to provide Language Materials to Wangka Maya Pilbara Aboriginal Language Centre (WMPALC) under the terms of this Agreement. The Language Specialist permits Wangka Maya Pilbara Aboriginal Language Centre to use the Language Materials under the terms of this Agreement.

1. Licence
 1.1 In consideration of the fees paid under clause 4, the Language Specialist grants WMPALC a non-exclusive, royalty free licence to record, copy, use, adapt, reproduce and use Language Materials for inclusion in WMPALC language publications, on the WMPALC website, on radio and in other media.
 1.2 All Language Materials provided by the Language Consultant to WMPALC under this Agreement will be stored on the WMPALC Toolbox database for safekeeping and for use in future publications.
 1.3 All of the publications produced under the terms of this agreement may be made available to the public either for free or for commercial sale.
 1.4 If WMPALC wishes to use the Language Material for any purpose other than those listed in this Agreement it must seek obtain written prior informed consent from the Language Consultant.

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2. Language Materials:
 Language Material includes any words, sentences, stories, artworks, etc. provided by the Language Consultant to WMPALC or one of its representatives and written down, or recorded by sound recording or film, specifically:
 (a) [insert description of Language Materials]

3. Copyright
 3.1 The Language Specialist owns copyright in all written materials documenting the Language Material, including:
 (a) Language Material as recorded in writing by the Language Specialist; and
 (b) Language Material as recorded in writing by WMPALC.
 3.2 The reference to WMPALC in 3.1 includes all representatives and agents of WMPALC including its employees, consultants, volunteers, researchers etc.
 3.3 Copyright in sound recordings and films on which the Language Specialist is recorded providing Language Material will be owned jointly by the Language Specialist and WMPALC (or the person who made the recording) in equal shares.
 4. Fees
 4.1 WMPALC will pay the Language Consultant at a rate of \$35 per hour for time spent recording Language Materials.
 5. Moral Rights
 5.1 WMPALC will acknowledge the Language Specialist as the source of Language Materials wherever they are reproduced by showing the name of the Language Specialist. The Language Specialist will be acknowledged as an author or language contributor for the publication, in accordance with WMPALC Policy.
 5.2 The Language Specialist acknowledges that in specific circumstances (as outlined in the WMPALC IP Policy), it will not be possible for WMPALC to acknowledge the Language Specialist, and the Language Specialist consents to not being attributed in those circumstances.

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Problems with accessing materials

There was agreement that the main reason to store recordings is for family and community to have access to them.

Julie said it is important for them to set out exactly what people can and cannot do with material and ensure people know the consequences.

Wangka Maya want to uphold agreements made with families in the copyright agreements so that people know that their material is handled safely.

Julie said there is a need to maintain a link between families and their material so places like AIATSIS and Wangka Maya know who to talk to and the families know about their recordings.

There was concern about what to do with materials that contained personal information such as link-up data, family history records, or a recording when someone might have said something that is going to embarrass them or their families later on.

Julie suggested a review is done of things that were already recorded to create a proactive process of gathering information about speakers and family, and make agreements to decide ongoing management and relationships.

Listening to recordings

The group then listened to some of the recordings held in the AIATSIS archive. The first recording was WANGKAMAYA_18, which was a recording of Jack McPhee singing and explaining the meaning of particular words and a song. The group discussed the song recognising language, places, words, and were able to translate portions of the song.

Janet said it was important to be **'listening to his songs, telling the stories, talking about country. The songs can tell you stories.'**

Kayleen commented that hearing the recording **'makes it all the more real why we have to protect that, how valuable that it is, and how important it is to have stringent rules.'**

Who can listen to the recordings?

Mary Anne asked if it was possible to identify any existing recordings that were at AIATSIS that could be listened to without having to come to Wangka Maya for permission. The Board agreed this was difficult to determine without listening to the recordings and discussing each one with people in the families and older people in the community.

To listen at AIATSIS, you need permission from Wangka Maya. Jason informed the group that at Wangka Maya the process for people listening to things follows community knowledge and is quite informal. If the Wangka Maya staff know the person is family or an elder they can listen but otherwise permissions might need to be sought.

Concern was expressed that Wangka Maya don't have time or staff to provide people with access to materials.

Jason also said Wangka Maya does not get many requests and those they do are for large amounts of material, i.e. all material relating to a particular language.

Kayleen commented it would be a huge benefit if people were able to access material in both Port Hedland and Canberra. Greg said how important it was that Wangka Maya and AIATSIS processes to have the same rules for the recordings that they look after.



How can the processes for listening be improved?

Kayleen suggested starting to break down unknowns about what material Wangka Maya has so that families know what is held and can become more involved.

Kayleen also suggested the content of recordings might not be as important as making sure families have cultural authority and can decide what happens to material. The group did not decide which was more important.

For example, the Nyamal Train song – even though it is a public song, there are still processes about who can carry the song, who can take it to other places etc. So even though the content is public, the family's cultural authority is still important.

Greg said the processes are harder when something is Corroboree compared to something that is public.

Julie suggested a work plan be made to manage reviewing the materials.



Above: Alice Mitchell viewing images of Country at AIATSIS, November 2016 with Ash, an access staff member



Below: Teena Taylor looking at photographs with an access staff member

Day 2

On Thursday, a larger workshop was held with Wangka Maya, Juluwarlu, and IBN. Mary Anne introduced the research project and attendees signed consent forms to record the workshop.

Below: Looking after Community Rights in Legacy Collections Workshop



Information about relevant laws

Tom gave some information about confidential information, Indigenous Cultural and Intellectual Property (ICIP), and copyright including moral rights, and employees and volunteers working with organisations. All organisations were happy to receive this information.

Wangka Maya emphasised the importance of their material not being used by other organisations and individuals for commercial benefit. Tom suggested protocols and contracts are the best way to protect law and culture where western law falls short.

Julie said Wangka Maya and other community organisations' policy development comes from strong social and cultural perspective but may lack legal force. The industry as a whole suffers from a lack of knowledge about the law and particularly about what their rights as organisations are.

Access protocols

Each organisation discussed their protocols for providing access to material. Wangka Maya generally provides access for personal use only. Juluwarlu said they find it hard to prioritise this issue as they are trying to deal with such a large amount of material. Noelene (Juluwarlu) noted that as a community organisation with only a few staff they often agreed to help out with some things like providing photos for eulogies without requiring permissions.

Loss of materials

A big issue for the group was materials being kept by mining companies. Anne said 'mining companies don't have background cultural knowledge, they don't understand. Cultural things are getting taken away. People don't see that, they just see dollar signs, trains carrying iron ore.' The materials mining companies collect are not properly looked after and need to be linked to communities. Lorraine said the community was 'losing important cultural and linguistic knowledge.'

A particular problem is what mining companies might do with that knowledge and the risk that they may be used against community interests. The group felt having regional guidelines may demonstrate to mining companies there were rules requiring compliance. Establishing a protocol with AIATSIS first may provide a basis for regional protocols. Regional organisations could collaborate to agree on principles of recording, researching, and archiving, to be applied to work done by organisations or others doing research in the Pilbara. Mining companies could make sure their consultants abided by the protocols.

Annie and Kayleen stressed the longer these issues remain unresolved and the longer archives are closed, the harder it will be to access material later and the more likely they are to get lost.





Looking at photo books

The group then looked at photo books containing images taken by Carl Von Brandenstein in the Pilbara and other surrounding places in 1964 to 1984..The photographs have been held in the AIATSIS archive. AIATSIS has digitised them to preserve them and make them easily accessible to families. The group added details to the captions of the photographs. Copies of some photographs were also ordered by Wangka Maya and individuals through the ROMTIC Return of Materials to Indigenous Communities Program.

People at the workshop also suggested leaving copies of the photo books with Juluwarlu, IBN and Wangka Maya so more family members could share them. . Lorice said her father might be able to give more information on some of the photos.

AIATSIS has now made more copies of the photo books and will send one to each organisation. AIATSIS will continue to collect more information on the photos to add to their database. This will make it easier for people to find photos of their family or their country.

Sharing information about materials

Jason and Kazuko met after the workshop to discuss how information about the collection items is kept. Wangka Maya's information about material is scattered across a database and spread sheets, and is arranged by projects.

After comparing information, they realised that the field tape numbers recorded in Wangka Maya's database are different from the field tape numbers provided to AIATSIS at the time of deposits. This makes mapping between Wangka Maya's database and AIATSIS's records difficult.

Kazuko provided Wangka Maya with a digital copy of all of their material deposited at AIATSIS, finding aids, audition sheets, and the lists of field tapes Wangka Maya provided to AIATSIS at the time of deposits. Kazuko said any additional sharing of information would be welcome.

Kazuko also gave Jason a list of tapes which were supposedly deposited at AIATSIS but that were not received, or are blank tapes.

Jason said that he thought Wangka Maya should resume depositing materials at AIATSIS—the last deposit was made in 2009—but that this may not be realistic under current resource constraints.



What are the next steps?

- Make a work plan for reviewing of materials, taking resourcing into account
- The Board gave in-principle agreement for the project so a research agreement needs to be signed
 - Need to define the boundaries of the research before signing
- AIATSIS will send copies of the photo books so more community members can see the photos
- Wangka Maya will include a permission on the copyright license for listening to / copying at AIATSIS
- Mary Anne will come back in October
- A national forum will be held in March.

