



PRESERVE, STRENGTHEN AND RENEW IN COMMUNITY

WORKSHOP REPORT

July 2018



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Front cover images

Top: Karajarri project partners at Frazier Downs near Bidyadanga, Western Australia.

Credit: Tran Tran

Centre: Wangka Maya Pilbara Aboriginal Language Centre staff and representatives with AIASIS staff in Canberra for the 'Singing the Train' launch.

Credit: Andrew Turner

Bottom: Project partners from Kiwirrkurra with AIATSIS staff at Ngami, near the Kiwirrkurra community, Western Australia.

Credit: Kate Crossing

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EXECUTIVE SUMMARY

AIATSIS has been running an 18 month pilot with the aim of exploring ways in which Indigenous communities can gain greater control and authority over their information and archives as a part of the 'Preserve, Strengthen and Renew in Community' project. The project involved three project partners, the Karajarri and Kiwirrkurra people with their representative organisations and partners (the Karajarri Traditional Lands Association (KTLA), the Kimberley Land Council (KLC), Tjambu Tjambu Aboriginal Corporation, Desert Support Services (DSS)), and Wangka Maya Pilbara Aboriginal Language Centre (WMPALC/ Wangka Maya) with contributions from IBN Corporation (IBN) which supports the Yinhawangka, Banyjima and Nyiyaparli groups. Project activities involved the return of AIATSIS held archival material to the communities, recording new material as decided by project partners and the development of protocols for the ongoing management of both existing AIATSIS material and newly recorded materials.

As a part of the project, AIATSIS committed to bringing project partners together along with other practitioners also interested in the management of cultural material to share their experiences and explore future directions for both the project and partners. A workshop was held in Canberra from 14-15 March 2018 that aimed to:

- explore the issues identified in the case studies
- identify what's working and what's not working from community and institutional perspectives
- build relationships among relevant stakeholders and explore potential contributions, and
- explore the tensions created by moving to a community access model.

On the first day, project partners gave presentations which outlined their existing issues as well as achievements made through the project. On the second day workshop participants reflected on the issues raised in a number of scenarios through 'talking paper' and breakout sessions. Different groups explored questions of access to recorded cultural information, the role of cultural norms, ethics and the roles of different organisations and groups in dealing with each challenge (see Appendix 1).

Some of the main issues that arose throughout the two day workshop included:

- the gap between community priorities and state and national collecting institutions at a practical level
- the significance of Indigenous community archives and knowledge structures and how they can be taken into account in collection management at regional or national collecting bodies (including access to and repatriation of materials)
- the entrenched nature of institutionalised practices
- the challenges created by conceptions of control, copyright and ownership
- the protection of existing, but as yet, unrecognised rights and ensure that processes and protocols for asking permission are maintained and
- the confusion created by different disciplines, languages and understanding of key concepts (including the challenges of translating archiving concepts in practical and relevant ways for communities).

PROJECT BACKGROUND

The Preserve, Strengthen and Renew project arose from the AIATSIS Council initiative to better engage AIATSIS collection material with communities via a research process. It was decided by the research team that given the complexities of returning materials and the challenges created by copyright and permissions associated with legacy items, a pilot would be a sensible approach to limit issues to case study areas.

As a pilot, project partners were chosen based on their willingness and capacity to engage as co-investigators via in-kind contributions, project co-design, fieldwork and research; existing relevant AIATSIS materials and support from their communities to carry out the project (via their respective boards of governance). Project aims were negotiated with research partners in order to ensure that research activities would be relevant and useful to each partner¹

The Karajarri group focused on utilising existing older material held at AIATSIS to build their own cultural archive and revive cultural practices. They accessed closed men's ceremonial material held at AIATSIS that was recorded by Father McKelson and lawyer and researcher, John Howard in Bidyadanga (then La Grange Mission) throughout the 1960s and 1970s. The Karajarri men also contributed to revising protocols for the management of this information that had been previously restricted.

The Kiwirrkurra community are in the process of creating a local community archive and are exploring options for how this could work within their community. They accessed photographic and moving image collections in which they found material of themselves as younger women and men recorded by Fred Myers, Richard Kimber and others, as well as in photos from the AIATSIS 'After 200 years' project.

WMPALC, on the other hand had a long history of recording and archiving language and historical materials themselves as well as with AIATSIS and are in the process of considering how this can be managed into the future –including negotiating potential conflicts created by conceptions of ownership and the lack of recognition of Indigenous forms of knowledge generation and management.

This two day workshop was intended to create a space for the generation of ideas and discussion with other interested individuals and organisations who were dealing with similar issues in their regions or bodies. One of the ongoing aims of the AIATSIS project was to establish good processes to ensure that the repatriation and recording of new materials are driven by community protocols and priorities. Accordingly, the workshop aims and agenda were largely influenced by the needs and priorities of project partners.

1 The project has received ethical approval from the independent AIATSIS Research and Ethics Committee (E039/21092016). A research agreement was signed with each partner organisation or representative to share copyright over research outcomes and individual agreements were signed with knowledge holders where copyright is retained by story tellers.

Back in our home, a lot of our old people are very old and a lot of our younger generations are losing that knowledge. We knew there was a lot of, a lot of recordings from anthropologists and archaeologists, and people who work on the mission.

At the time we thought they didn't respect our elders, and were asking them stupid questions. But, and then by collecting this information today is very valuable, and putting it in AIATSIS is very valuable.

Mervyn Mulardy





Mervyn Mulardy, Petha Farrer-Shoveller, Wynston Shoveller, Sam Bayley and Anna Dwyer at AIATSIS before the forum

KARAJARRI, 'KARAJARRI WANKAYI MUWARR'

Karajarri country is located along the south-west Kimberley coast and extends inland to the Great Sandy Desert. In 2002 and 2004 the Karajarri people were recognised as native title holders of their traditional lands in two separate determinations. In 2008, they were granted funding to establish an Indigenous Protected Area (IPA) to implement their ranger program. Based in Bidyadanga, approximately 180km south of Broome, the rangers have developed the Karajarri Healthy Country Plan that directs the work of rangers on the IPA in line with the cultural protocols of the traditional owners. The Plan is now tied to a cultural database which sets out Karajarri knowledge management and practice aspirations. The database stores songs and stories, tracks ranger projects and ensures they continue to follow the decisions and advice of the cultural advisory committee. In the PSR project, AIATSIS worked with project partners to add to this database, to transfer recording and archiving skills and most importantly, to identify and renew songs and other cultural material via repatriation.

For project partners Mervyn Mulardy and Anna Dwyer, senior cultural advisors, and Wynston Shoveller and Petha Farrer-Shoveller, who work as rangers, storing and protecting cultural knowledge is useful, but keeping it alive by practicing it and teaching it to the next generation is critical. Their aim is

to record new stories and songs for future generations and to teach the old songs and stories to young people today. Mervyn, Anna and their extended family have used their own knowledge and the recordings from AIATSIS to teach lore² to Karajarri men and women respectively. They worked for over a year with young people in their 20s to close a 40 year gap in the practice of lore with flow on benefits for neighbouring groups.

For example, Anna and Petha said that since starting on their cultural revitalisation project, Karajarri have worked with the Yawuru people to support their cultural revitalisation. Karajarri people have some knowledge of Yawuru kinship system, food, dance, culture, boundaries and gendered business through a long history of social and commercial engagement. They were able to establish close relationships with Yawuru people to support their cultural revitalisation through supporting the practice of lore that had not occurred for over 60 years despite challenges created by colonisation.

² The authors note the use of both lore and law in this paper. Lore has been specifically used in the Karajarri context to reflect their use of the word. Elsewhere reference is made to Indigenous or Aboriginal and Torres Strait Islander law. The authors recognise that 'the conceptualization of Indigenous law has a direct impact on how people receive and apply it... No matter the legal tradition, law is a product of human agency; it is not an objective or neutral field.': John Borrows, *Heroes, Tricksters, Monsters, and Caretakers: Indigenous Law and Legal Education*, *McGill Law Journal*, 2016, vol 61, no 4, 799.

KIWIRRKURRA, 'KEEPING THE DESERT STORIES ALIVE'

Kiwirrkurra is located in the Western Desert, within 42 228 square kilometres of land over which the Kiwirrkurra people have native title rights and interests. In 2015, all of this land was declared an Indigenous Protected Area (IPA) and the Kiwirrkurra Plan for Country was established. As part of caring for their country, the people of Kiwirrkurra began recording stories, songs and other cultural and ecological knowledge. Mantua James explained that having this knowledge is an important part of belonging to the land and having the capacity to care for it. She spoke about the recordings she had made of her hunting and tracking stories. Passing along her knowledge of these practices has meant that many generations can share her expertise and remain connected to country.

In the PSR project, some AIATSIS staff travelled to key sites on country with people from Kiwirrkurra to record songs and stories in Pintupi and Luritja. In their presentation, senior Kiwirrkurra woman Mantua James, along with Joanne West, Vivianne West and Kate Crossing from DSS, discussed how they signed communal research agreements and were assigned copyright over all the recordings. After learning about AIATSIS and designing rules of access, these partners agreed to store copies of their material in the AIATSIS archive for safekeeping.

The Kiwirrkurra women also contributed to the archives by adding metadata to old AIATSIS records. During the project, Joanne and Vivianne found pictures of themselves

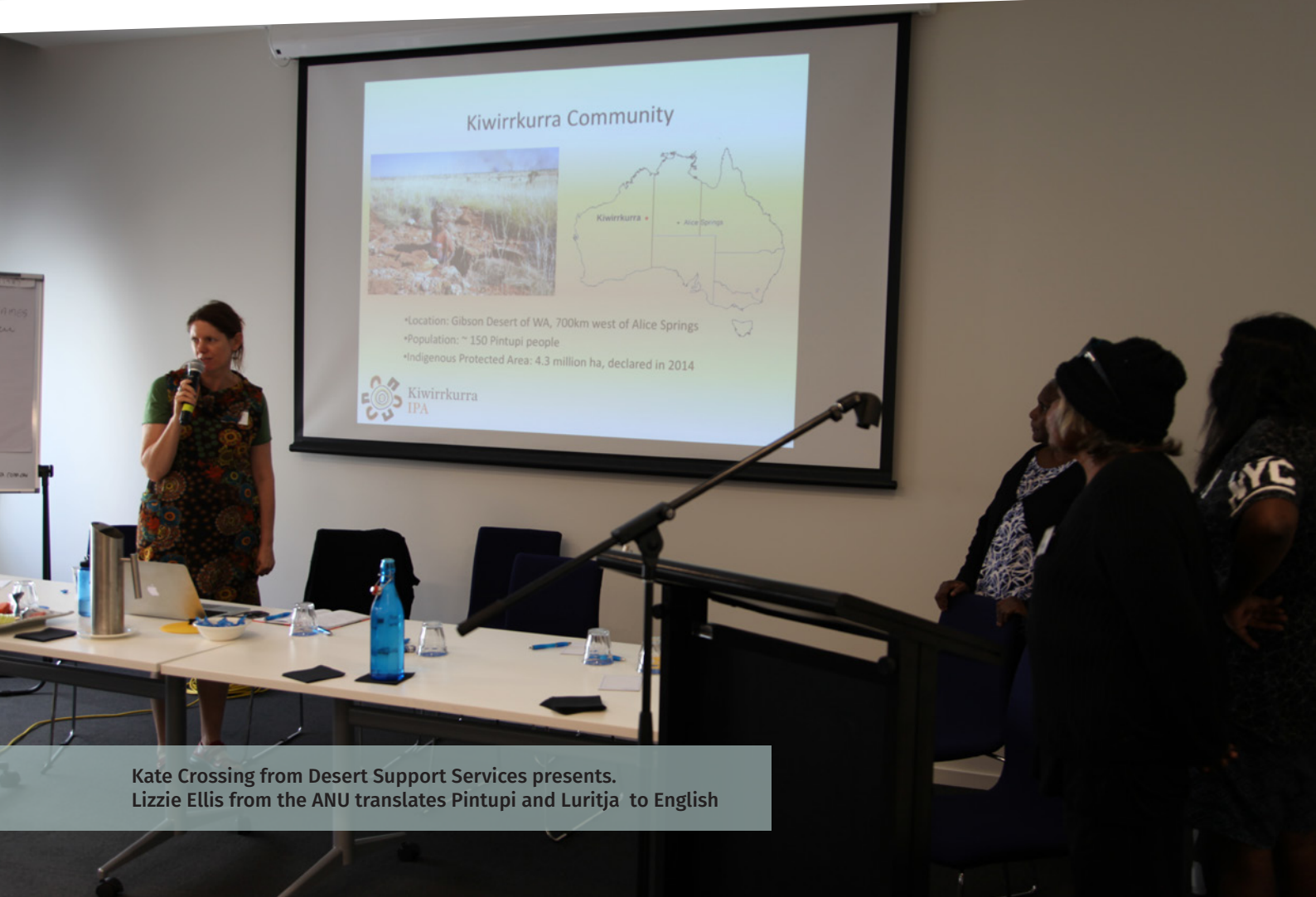


Vivianne West, Joanne West and Mantua James from Kiwirrkurra at AIATSIS before the forum

as children in the AIATSIS pictorial database. The records were incomplete because the photographer hadn't identified many people by name; Joanne and Vivianne were able to identify many people in the photographs and add this information to the collection.

AIATSIS returned several collections relevant to Kiwirrkurra and these were shared with the appropriate community members, including holding a men's film night to show films from the AIATSIS archive that feature restricted men's material. The representatives from Kiwirrkurra also spoke about material being returned; they had not previously known the extent of material that was held at AIATSIS in Canberra.

In returning material, it became evident that there is a need for a local keeping place. In Kiwirrkurra, material is often held on USBs and there is concern regarding the safety of sensitive material held in this way. Mantua, Joanne, Vivianne and Kate also participated in a women's ranger program where they learnt more about databases which could ensure the longevity of their recording projects. Their presentation demonstrated the value of two way partnerships and the potential for communities to contribute significantly to greater understanding of collection material.



Kate Crossing from Desert Support Services presents. Lizzie Ellis from the ANU translates Pintupi and Luritja to English



We were managing all our archives... people kept that material in their heads, walked around with it; they were living human archives... But that was all taken off us during this colonisation process. So there needs to be a proper partnership. Where we get our policies from, some of it comes from traditional ways of doing things that we've been practising for 40,000 years.

Julie Walker

WANGKA MAYA PILBARA ABORIGINAL LANGUAGE CENTRE, 'LOOKING AFTER COMMUNITY RIGHTS IN LEGACY COLLECTIONS'

Wangka Maya Pilbara Aboriginal Language Centre is a keeping place for language and other cultural materials collected from across the Pilbara region. For 30 years, staff and many volunteers have worked to record and repatriate material and promote the use of language by establishing language projects, dictionaries and language resources for 31 languages. WMPALC currently manages their cultural and language material at their local archive and have a significant portion of their holdings at AIATSIS. Locally, they store physical and digitised materials, as well as their born digital material which they manage on two databases, with the main working database being 'Nyirti' meaning young one or little one.

WMPALC chose to store copies of some of their material at AIATSIS to safeguard them from weather damage. A fire in a section of their new buildings and the subsequent loss of some archived materials reinforced the need to have archives backed up off site. In this context, storing collections at AIATSIS has provided Pilbara groups with a sense of security. The pilot research has also facilitated talks about how to manage access rights and roles and responsibilities concerning governance and relationships between community and national archives.

WMPALC are currently working with AIATSIS to develop protocols for their collections.

Aboriginal Law dictates which individuals and groups have rights to view and own cultural material. Wangka Maya respects this by conducting clearance processes with all relevant parties before their material is listened to, copied or provided for publication. WMPALC is currently working to establish a formal partnership with IBN. Initially IBN started their language revitalisation work with a linguist employed by and based at WMPALC. The main aim was to record languages and to publish the Banyjima dictionary. The IBN linguist and cultural development staff now also work to develop ownership and cultural protocols to address access and copyright when they record new language material. They are working on a database and an archiving policy and publication policy that follows family and community rules.

Lorraine Injie who worked as a language researcher when Wangka Maya was founded and is currently Chair of IBN as well as being on the Wangka Maya Board, spoke

of how Wangka Maya was slowly built over time through a process of recording stories and languages, and by retrieving language recordings from the Pilbara that were recorded years ago and held at AIATSIS. Around 10 of the Pilbara languages are no longer spoken, while there are many others that have fewer than 100 speakers. There are many discussions currently within families and organisations about how to manage written, audio, and visual material and objects in the future.

Tootsie Daniels showed a video of the sugar song which she wrote, sang and recorded to send a strong message about the negative effects of too much sugar. Tootsie was showing others at the workshop that this was an example of owning copyright in the video. In doing so, Tootsie demonstrated that Indigenous people are the producers of their own knowledge and are agents in the production of knowledge yet this is not reflected in copyright regimes.



Margaret Florey, Nick Thieberger, Lorraine Injie and Rose Murray outside Wangka Maya, November 1990

Lorraine Injie presents on the history of Wangka Maya Pilbara Aboriginal Language Centre

We just thought about recording information, and collecting this information, but for Karajarri we also grabbing that information and taking it out on country and physically practicing with all this information. We're putting it in the computer but also taking it out of the computer and getting the younger ones to learn the songs and learn the language, and learn the dance.

Mervyn Mulardy

KEY ISSUES

A number of key issues emerged from the workshop presentations that were explored by the workshop participants. Discussions were focused on:

- Cultural practice and priorities
- Valuing Indigenous archives and knowledge
- Institutional practice
- Control, copyright and ownership
- Unrecognised and unforeseen rights and
- Challenges created by different tribes and cultures within institutions.

CULTURAL PRACTICE AND PRIORITIES

Among all the discussions about archiving, permission, and funding, emphasis remained with the need to support culture and existing knowledge structures, and to ensure the maintenance of cultural practices as the primary objective. The need to support knowledge exchange, support culture and law, and support Elders was considered to be paramount, in order to maintain the strength of existing practices – especially oral traditions.

Intergenerational transfer of knowledge continues to occur as people are supported to practice culture. For Karajarri, databases and archives are just one way to ensure that knowledge is preserved. WMPALC spoke about supporting their archives as a way to strengthen oral traditions through which knowledge is passed down. Julie Walker compared formal institutions to community based knowledge structures stating that there is a clear need to respect existing Indigenous archives as a starting point for

collection management. She spoke about existing knowledge systems and processes for maintaining, protecting and storing information. For her, institutional archives are secondary to Indigenous ways of governing knowledge.

Anna Dwyer described their cultural revival work as a 'cultural wake-up' where 'they were one of the first people to revitalise another mob's culture', and potentially the first occasion throughout Australia where cultural revitalisation has been supported by a neighbouring Indigenous group. Karajarri's project activities demonstrated the powerful impact of utilising existing archives to support cultural practice with not only community benefit but also significant regional gain.

Much of Karajarri's cultural revival work has occurred without any funding support and for Karajarri to continue their cultural revitalisation projects they will need to

overcome a major funding hurdle. Cultural revitalisation cannot occur without practical support. For example, for their work to be effective, Karajarri need to pay to transport people to country, to run ceremonies, to attend conferences and to maintain their databases. These current challenges demonstrate how access to archives can only be meaningful where it can be used to practice law and culture.

Similarly, Pat Williamson, from the National Museum of Australia, emphasised that people working in collecting institutions need to be aware that they have unconscious biases 'towards the area or the discipline that they're working in, in terms of what they're interested in and what they're really listening to'. Pat also noted that people were not 'really listening to what it is that mob are saying from the community in terms of what they need. I don't think we're really getting to what people are really talking about.'

Researchers and archivists working with Indigenous communities and large collections have different priorities and different ideas about how to represent and store material. One issue raised was the multiple way in which records are stored and categorised across varying institutions, which can make it difficult for community archives to collate the information they need. Many institutions arrange material by researcher or depositor,

and then further by media. While this may make sense from a collection management position, these layers of categorisation add complexity (while disaggregating contextual information) and may not be relevant for community archives. For Aboriginal and Torres Strait Islander individuals and communities, language or place may be more relevant categories, for instance. In the interest of engaging with an accessible and possibly national collection, it was suggested that large institutions rethink metadata in a holistic manner.

VALUING INDIGENOUS ARCHIVES AND KNOWLEDGE

There is a growing need for and trend toward establishing archives and databases at language, community, and regional levels. There are challenges created by the small scale of community archives including a lack of physical storage space, the insecurity of physical storage, and a lack of knowledge to organise information. Where groups don't feel comfortable storing their material in physically secure places like large institutions, there is a risk of losing that information. For example, Wangka Maya provided an example of how they had lost a lot of important men's material in a building fire. Other participants also raised the example of the Katherine Language Centre where material was destroyed by floods.



Ash Pollock-Harris from AIATSIS, Petha Farrer-Shoveller and Annie Edwards Cameron participate in group discussions about issues that arise when working with collecting institutions

The Kiwirrkurra participants discussed their need to establish a safe keeping place for their recorded material. Currently, they hold their material at their IPA office because there is no PBC space and there is not a lot of community infrastructure to support long term data storage. The IPA office is quite small and it doesn't house an appropriate database to store digital material. Their recordings and photos are being stored on USBs which are being physically shared within the community. While meeting short term needs this isn't a reliable way to protect information especially where they can be misplaced, viewed by the wrong people or erased.

Anthropologist Jodi Neale commented that 'there's a lot of communities and language groups that are in or will be in this situation and they're all going to need their own archives at some point but recreating the wheel however many hundreds of times around the country is an awful lot of minimal resources going down the same kind of chute'. Jodi also mentioned that 'although there are particularities with every community and with every bit of information, there are so many similarities.' She called for AIATSIS and other state and national institutions to develop

resources and processes for those groups who are getting started. Useful tools could be for example, advice on a minimum standard for metadata as well as physical and digital storage options.

To assist with these emerging needs there was a strong desire for increased sharing of information, processes, guides, and forms that organisations currently have, and guidance on how to form partnerships with other organisations. It was also suggested that AIATSIS could become the hub of a distributed collection.

The role of Indigenous researchers in collection management should also be recognised. Many of the photos from Kiwirrkurra held in the AIATSIS photographic database, were taken while Joanne, Vivianne and Mantua were children. As is particularly common with older material relating to Aboriginal and Torres Strait Islander people in archives, libraries, galleries and museums, the records are often incomplete and Joanne and Vivianne were not identified by name. There are many efficiencies and benefits that can be gained from enabling community knowledge holders to add critical descriptive data to existing collections.



Nell Reidy and Ash Pollock-Harris from AIATSIS work with Mantua, Vivianne, Joanne and Kate to search the AIATSIS catalogue

INSTITUTIONAL PRACTICE

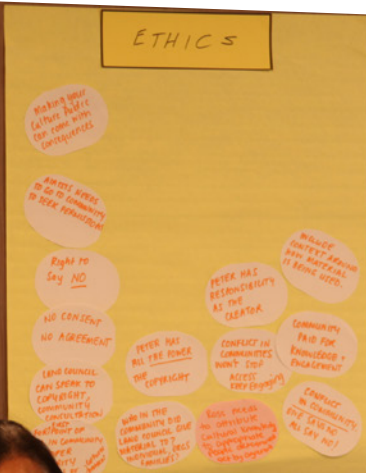
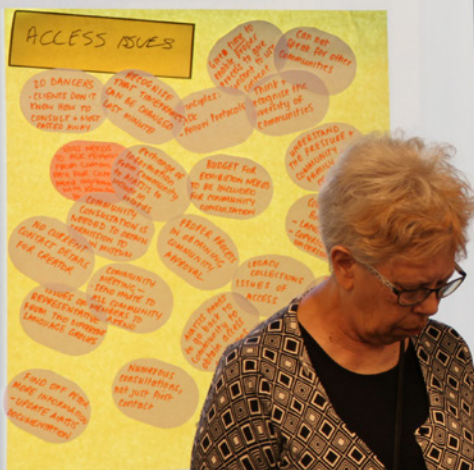
The process of archiving and adding metadata to collections in state and national institutions is undertaken largely by non-indigenous staff. Damien Webb, from the State Library of Western Australia suggested that these jobs could be performed by Indigenous people who might have more knowledge of the material and cultural safety standards. This approach can become a learning process where Indigenous researchers gain more skills in copyright, metadata and archiving. Additionally, the institution can benefit from cross-cultural training and the knowledge and experience of Indigenous staff.

Such knowledge exchanges can also upskill people in communities and provide increased employment in language centres. Training for community members in areas such as archiving, and language work is desirable as it creates employment pathways and saves the community from spending valuable resources continually hiring external contractors.

There was significant discussion about how processes and systems within existing institutions need to evolve so that community groups can better engage with them and so staff within these institutions can work in a culturally safe way. Julie Walker spoke about the ways in which collecting institutions can be traumatic places for Aboriginal people to interact with:

People's lives are locked in institutions. There's a lot of things written about Aboriginal people, probably more than anybody else and I think in some ways that's a sad environment because it's written about us, not with us or for our benefits. Some of the texts and the information is deposited without the community knowing and without proper consultation. And some of the texts in there are quite offensive... Sometimes collecting archives can be traumatic and might be traumatic for people like myself and its affecting my children. There's this issue about historical trauma... These institutions need to evaluate themselves: their own values and their own ethics.

Julie Walker from Wangka Maya Pilbara Aboriginal Language Centre and Maxine Briggs from the State Library of Victoria present their group's discussion



CONTROL, COPYRIGHT AND OWNERSHIP

The need for institutions to be self-reflective emerged throughout the workshop. Kirsten Thorpe, from the University of Technology, Sydney raised the idea of contesting archives and challenging the assumption that collecting institutions hold the truth. Often, collections hold historical, inaccurate records which do not tell the story of peoples' lived experience or even recognise them as people. Institutions need to be self-reflective and recognise that they are not neutral. Internal biases can potentially distort collecting practices especially where Indigenous communities are not able to correct information contained in collections and to claim that information as their own.

Despite the strong recognition of the need to change institutional practices, several people expressed a sense that they were alone in pushing for change even from within in their respective institutions. Others like Pat Williamson noted that they need assistance from outside their institution to establish protocols for working in culturally safe ways. Arguably, one of the powerful outcomes of the workshop was the group gaining a sense that they are not working in isolated conditions. This led to an impetus to discuss how to effect change within these systems, and to start thinking in terms of networks and sharing resources nationally.

The topic of copyright – as a general concept and legal framework – came up numerous times during the workshop and was understood on three different levels:

- The first was that copyright is incongruous with Aboriginal and Torres Strait Islander ways of doing things
- Secondly, there is a lack of understanding or misconceptions about the scope of copyright and
- Lastly that there are necessary interactions with copyright law which are difficult to negotiate.

None of these questions are easy to address. Mervyn Mulardy articulated the incongruity of copyright with conceptions of authority over the songs he sings. Mervyn noted that 'when you do traditional songs there's no copyright. We don't know how to go about protecting the songs. I do performances and singing and every-time I wonder whether my traditional songs are being protected.' Yinjibarndi woman Tootsie Daniel affirmed that there was a tangible form of authority asserted by traditional owners: 'Say we all go out on bush, on country. Whose copyright? It's our copyright. Aboriginal copyright, okay? Cause we are the



Wynston Shoveller and Mervyn Mulardy from Karajarri Traditional Lands Association during group discussions

custodians of the land, we got to show you guys where to go. You wouldn't know where to go, where to find waterhole. You wouldn't know what to do. So it's our copyright. That makes it a clear picture.' Workshop participants noted the clear incongruencies between their cultural authority and the privileging of legal rights of people who unethically recorded material. Project partners questioned why legal (but unethically obtained) copyright should be valued over Aboriginal and Torres Strait Islander cultural rights.

Project partners also discussed instances where copyright had resulted in communities being unable to access their materials. For example, Anna Dwyer asked 'So how do we get over that hurdle to get out our mother's stories, our fathers stories... We're struggling to start small, to get on our feet step by step, to break away from PBCs, to have our archives and talk about copyright slowly because, I'm an educated woman but I'm still trying to soak in the copyright.' Anna conveyed that copyright is new to many community people who are forced to engage with it especially where there's family material trapped in organisations such as the Kimberley Land Council. Kiwirrkurra also had issues with copyright; they knew AIATSIS had some of their material but it couldn't be shown to them because the depositor, who owned copyright, had placed restrictions on the items. Kate Crossing explained how confusing this was for community people especially where people did not understand why they couldn't access the knowledge from their families.

During group discussions, one of the popular points relating to copyright and communities was that institutions that consult with communities have a responsibility to explain copyright and give people time to understand it. Anna and Mervyn also spoke about the value of setting up a research arm in the community to teach legal, policy and practical considerations when building an archive. Emphasis was also

placed on making sure that people actually have the capacity for meaningful engagement in copyright matters rather than just filling in a form to ensure they hold copyright.

In negotiating the tension between copyright and community ownership, the question was repeatedly asked, 'how can we make copyright work for community?' or 'how can community rights take precedence over copyright?' To try and deal with these issues, Wangka Maya spoke about how they commissioned Terri Janke to develop a copyright agreement where the person recording material gives the knowledge holder the copyright and the person recording is granted a licence to use the product to achieve certain objectives (such as research or to produce promotional material). Kate Crossing also provided another example of how they had negotiated copyright. It was written into a contract that copyright sat with a film making company. This approach allowed them to make a film while the intellectual property (of tracking skills for example) still belonged to the Kiwirrkurra people. Examples were also given in which copyright was retrospectively assigned to the community that owned a certain story.

WMPALC and IBN Corp have also partnered to establish a language revitalisation project to publish the Banyijima dictionary and to develop ownership and cultural protocols to address access and copyright when they record new language material. Julie Walker and Lorraine Injie spoke about the way these projects were shaping peoples understanding of copyright in their cultural knowledge. They explained how they might talk about art, body painting, law and culture in terms of copyright. To say, "I'm going to sing my father's song," is to recognise the unwritten copyright the original singer has to the piece.

Project partners expressed a desire to take back control of materials, both in terms of taking possession of those items as well as

controlling the rights related to the materials. Mervyn stated that 'in the early days with missions, Father McKelson recorded all these old people. He was very rude. He just went in there and thought he was the boss. He put all these old people under the tree and was asking them all this sacred business, songs and in sort of a demanding way... the way he questioned them was very disrespectful... That's why me and my sister want to build a library that has a research team, outside of PBCs – to find out about copyright, find out about all this so we can concentrate... on one thing.' The importance of asserting authority over cultural knowledge was well recognised by project partners and workshop participants.

UNRECOGNISED AND UNFORESEEN RIGHTS

Beyond the question of copyright is a broader question around the control of material. Copyright extends to informal conceptions of ownership and cultural protocols that need to be followed. Throughout workshop discussions, it was raised that in dealing with recorded material, particularly older materials, people may be harmed and might need to be taught lore and culture or seek advice from family members before they deal with the material. Julie Walker commented that 'everyone would feel stronger with law and culture to guide their practices.' Mantua James also stated that without feeling culturally confident, people would be afraid to assert their cultural authority over materials or knowledge contained within them. Many participants reiterated that culture is strengthened through practice, and that the benefits of using and making recordings lies in what could be learnt from them to build cultural confidence.

Institutions like AIATSIS have sought to remain respectful of cultural rights through practice. When institutions receive a request to provide access to or use of material and are seeking permissions from community, or if an institution is working out access conditions, community consultation is a critical step. In engaging in community consultation, many points were brought up including:

- Ensuring processes empower Aboriginal and Torres Strait Islander decision making
- Paying a local person to undertake consultation
- Using boards that are already set up to make decisions for their members
- Recognising that one community or family cannot speak for another
- Explaining requests for access properly to the appropriate community or family decision makers
- Understanding and respecting the pressure of community and family obligations.

As the project partners made clear, permissions around access, ownership and governing material can be very complex. These processes take time, and institutions need to understand why communities may need a longer time period to follow proper processes to get consent and that time frames may change at short notice if certain things happen. Sometimes entire language groups are listed as owners of recorded knowledge, other times a family group or an individual are listed but their descendants disagree about the proper way to manage it. It's important that institutions use the time and resources necessary to properly engage with all the relevant people and support the systems of knowledge management that already exist.

When a digital copy of material is returned to the community, this can often mean that the original is retained by the collecting institute. Questions then arise around who has responsibility over the original item. Who owns and controls the original copy and the returned copy? Who can then say that the item should have closed access conditions or that an item should be destroyed? None of these processes occur without risk. Recordings could be a part of larger collections which contain sensitive materials. Both storage and handling of material need to be done properly with cultural safety in mind.

Beyond these considerations, there is also a risk that somebody without authority could



Jason Lee from Wangka Maya Pilbara Aboriginal Language Centre asserts the importance of supporting language centres and their efforts to produce language resources

be providing or denying access. Conflict in communities is a reality; institutions should understand that complexities exist in all communities and need to identify methods for engagement. Shannon Faulkhead from the Monash Countrylines Archive noted that cultural practice should be the foremost concern at national institutions especially when talking about what real ownership and control looks like. If institutions are only passing along a copy of material, they aren't relinquishing control of the physical item and the knowledge associated with it. In communities however, managing Indigenous knowledge may require someone to be taught law and culture.

During group discussions this point was raised in relation to the recipients of repatriated material. There was a fear for people's cultural safety and wellbeing as well as questions about their obligations to the material and the knowledge contained within it. A further question was raised about whether there is enough understanding about where returned materials end up and what needs to be done with them to take care of them.

The challenges are often exacerbated where there is a lack of documentation about materials. In a few cases, collections aren't able to be returned or accessed due to poor documentation about the item or collection, or complex conditions of ownership. In some

cases, the people who deposited the material have restricted access to the recordings so that they couldn't be returned. Kate Crossing spoke to this issue, explaining that Kiwirrkurra people knew of recordings they were in that weren't returned. AIATSIS also spoke about how the PSR project sought to reverse this by supporting project partners to govern the work they were creating as part of the project. They worked with project partners to create access protocols in line with Kiwirrkurra's systems of knowledge protection and management.

WMPALC noted how traditionally, Aboriginal Law has dictated which individuals and groups have rights to view and own cultural material. Wangka Maya respect this by conducting clearance processes with all relevant parties before their material is listened to, copied or provided for publication. However, this process is not always straight forward due to the high rate of poorly documented collections and recording of deceased people. Some materials belong to a number of language groups or to families and neither Aboriginal nor Western copyright law can offer suitable access protocols in every case. While Wangka Maya have been resolving issues case by case, they commented on the need for a more systematic solution to secure longevity.

While Indigenous Cultural Intellectual Property (ICIP) may not be legally recognised, it was



Tom Allen from AIATSIS talks about some of the issues communities face with copyright

discussed that as a collective, collecting institutions can agree to recognise ICIP to improve the control that communities have over material that has been returned. There was a suggestion that this kind of issue might be easier to attend to going forward with new material but that there are still issues with managing legacy collections. Despite the complexity of these processes, one of the key messages was that it is important not to forget that the outcome of returning materials could be very significant, for example as part of language revitalisation.

THE 'RIGHT' LANGUAGE

Within and between collecting institutions, there are different disciplines and approaches which present their own challenges. It was evident at the workshop that there are several barriers to having a shared understanding between collecting institutions and communities as well as within and between collecting institutions. For communities, these primarily relate to different priorities and expectations in rules and norms.

Lorraine Injie from the IBN Corp noted the issues created by language:

[there was] questions about the cross-cultural differences that exist in the way our communities and institutions

operate. We're people coming from an oral society who are expected to act in a literate society now and there's a transition process and it's going to take us longer to get there because it's a totally different world that we live in... and different to the world we're expected to be in when we discuss cultural protocols and copyright. [It's] difficult when you talk about copyright because our people – not only do they not understand it as well as non-Aboriginal people do, but they're being exploited; their lack of understanding is being exploited to the greatest extent... it's not until we set ourselves up as industry groups that we're going to be able to feel like we have some sort of equal say in what we're trying to do.

Differences in language also created inequity in communication and understanding. Particular issues were raised in relation to the use of language and jargon without appropriate translation. Anna Dwyer commented that 'English takes over people who speak language and we are influenced by English to do it the Kartiya (non-Indigenous) way. That's how some languages are lost, it's how they go extinct, because we're told to write everything the Kartiya way'. Julie Walker commented that Aboriginal languages may not have words for certain things, for example

glass or computer highlighting the potential gaps in translating legal language into community concepts. People will also adopt words and make them into creole which adds complexity to translation and communication.

Tootsie Daniel illustrated the cross-cultural differences she has witnessed in her community by acting out a scenario in which a mining company reads an agreement to the Yindjibarndi people using 'high legal language', complex legal or scientific jargon. Tootsie said that her people don't understand what mining companies are requesting which is unfair when their rights and land are at stake. She demonstrated her point by tearing the agreement in half. She said that communities are missing out on the benefits of interpreters to ensure real understanding.

There was a suggestion that part of overcoming some of these challenges could involve ensuring more resources and services are available in language. There was a suggestion that consent forms should be written in Indigenous languages. Annie Edwards-Cameron, commented that 'archives should be available in language as well...part of setting up the IBN archives – at the moment they're in language

but we were really careful with the categories in our archives to choose words that we knew we had language words for. We had to keep it in English so the IT people could build it – but eventually we're looking at changing that into their own languages and that means that your archive automatically becomes part of your language program.'

It's also important that people within these communities are aware of the systems and processes of collection institutions. For example, the women from Kiwirrkurra did not understand why information cannot be returned to them and this can be distressing if left unaddressed. Bronwyn Coupe from AIATSIS noted that despite the attempts of AIATSIS to work with communities in an ethical way, access services were continually challenged by the fact that people from communities might not understand what a collecting institution does, what an archive is or why they're interested in recordings from their country. It is concerning that community groups might work in partnerships without full information – especially when it is this that stops them from saying "no" or staking their claim to their material.



Annie Edwards-Cameron from IBN talks about the benefits of setting up archives and consent forms in Australian languages



Damien Webb from the State Library of Western Australia presents his group's discussion

FUNDING AND RESOURCING

RELATIONSHIPS WITHIN THE SECTOR

Throughout the workshop discussions were focused on relationships and networks which exist or which could be formed in the sector, highlighting significant gaps in how institutions and communities interact amongst themselves and with each other.

Julie Walker commented that it is difficult for communities to get funding on their own because the eligibility criteria are quite fixed. Further, the people who assess applications all hold a number of qualifications and there is very little Indigenous representation on selection panels. This situation was heavily contrasted with the fact that communities do research, and communities' information goes into research.

Distinctions were also drawn between institutional and personal relationships. Kate Crossing commented that 'we want you to come and tell us about your project and form that direct relationship.' It is also important that relationships go both ways with both parties supporting one another in direct and personal relationships.

When forming relationships with universities, communities can use legally binding research agreements to specify research protocols, ethics, informed consent processes, archiving institutions, and future access conditions

as well as ensuring that there is clear community benefit.

When partnerships with communities are formed, it was suggested that budgets should include amounts for consultation with traditional owner groups, and invitations to conferences and workshops for the group to present. Parties should also consider the longevity of relationships including secondary uses of research data, publication of data, and co-authorship in reports.

There was also discussion about relationships at the national and state level. There was discussion on the role of national peak bodies such as Australian Society of Archivists, NSLA, ASA, MGA and GLAM Peak. There were suggestions that more coordination is needed to formulate a national agenda, and to tease out how the work of these organisations draws on and impacts communities. A key part of this could be the release of the Indigenous Road Map and the refresh of the ATSI LRN protocols.

Damien Webb commented that the relationship between state and national collecting institutions needs to be better coordinated. He also expressed concerns that there are very few Indigenous people working in these institutions particularly in higher positions. Concern was expressed about the

FUNDING OPTIONS

rate of ‘burn out’ for those engaged in this field. There was also a sense that individuals are driving change but that institutions and the sector as a whole are not keeping up. Julie Walker echoed this in saying ‘many things are only as good as the person in the position; there’s no policy, there’s no program.’ Julie asked what is the role of a national body like AIATSIS? What’s the role of state libraries? What is the vision? What is the aim?

Rebecca Bateman emphasised that between the national policy level and the community level was a need to move forward and get things happening with protocols that specify how things will be returned and how to deal with ownership. Reflecting on the forum, Annie Edwards-Cameron commented that ‘in this forum, probably the biggest thing that we’ll be taking back is the connections that we’ve made with people in our own state – the library, Karajarri, Kiwirrkurra, Wangka Maya. Taking those relationships back and working on a stage so that we can support each other and bounce ideas off each other.’ These discussions clearly highlight the need for better coordination, agenda setting and a shared vision for collection institutions. This vision should reflect community priorities and practice rather than creating an additional burden on organisations and individuals.

Representatives from both Department of Communication and the Arts (DOCA) and Department of Prime Minister and Cabinet (PMC) spoke at the workshop about what funding opportunities are available to Indigenous communities.

DOCA currently has a pool of \$10 million available for activities such as revitalising languages that are not strong, digitising archives, or teaching community members to become language teachers and community linguists. To apply for this funding, groups or organisations need to meet specific requirements (including being incorporated and having tax status). When questioned about how money was divided between language centres which may be responsible for one language or 30, Feoina Kelly said there is a formula used and calculations can depend on the strength of the language. Further, DOCA has a Register of Ideas collecting suggestions on how the pool of funding could be spent. At the workshop, Sam Bayley suggested a small grants program would be very useful to explore pilots or small scale community projects without the need for a large auspicing project or organisation. DOCA were receptive to suggestions and directed people to their website to access the ideas register and current open grant round.



Representatives from DOCA, Feoina Kelly and Liam Tucker, and representative from PM&C, Madeleine Baldwin, present funding options for language centres

PMC also spoke about their Culture program which has funding available through the Indigenous Advancement Strategy (IAS). The funding is broken into four main streams – jobs, economic development, schooling, and community safety and well-being. Community led applications are accepted for this funding, and the representative encouraged communities to contact their regional network office to coordinate with other government departments such as DOCA and receive informal feedback on their applications.

In the conversation with DOCA and PMC it became evident that the criteria that each department has for funding is too specific and falsely separates related aspects of culture. DOCA deals only with languages and arts while PMC deal with culture even though these things are all connected. There is also no funding available for lore ceremonies despite it being central to all these other aspects. It was raised by Lesley Woods that there are health and well-being aspects to language and culture so she suggested that the sector start thinking about investment through a broader approach: 'we're talking about language and culture being beneficial to our psychological and emotional wellbeing,

it's like a healing from the inside-out that helps with all the other things'. Julie Walker commented that, 'when you're dealing with Aboriginal people, you need to have a holistic framework. You can't categorize people and put them into little boxes. You know, you've got arts and culture over here, languages over here, PBCs, Native title over here. You need to have a holistic framework.' In addition to this conceptual separation, practical issues were also identified with respect to the burden of multiple reporting regimes.

To overcome these separations Mervyn Mulardy said the departments and funding bodies need to 'sit down and talk to us about how to develop funding agreements.' Mervyn also reiterated the potential cultural losses caused by a lack of coordination: 'a lot of Aboriginal groups are frustrated, worried about...holding on to culture. We have no funding. We achieved the greatest by revitalising our next door neighbour tribe who for 40 years haven't done their law. Around us, law and culture's dying and we gotta find a way to get resources'.

By way of example, WMPALC spoke about how they have used grants to improve

Julie Walker explains that covering the costs of language centres is very stressful. They need support just to maintain their current operations



their physical and digital archives, inviting contractors with experience in archiving to come to the Pilbara to share their expertise. Julie Walker explained that a program costs \$5000 in administration alone, and that upgrading their server for their database Nyiti costs \$16 000. These costs can be overwhelming and difficult to cover in addition to the burden of finding grant money. The staff time spent pursuing resources has an additional cost on recording or practicing culture. Julie Walker drew on WMPALC's experience in saying to DOCA and PMC that 'you need to know the full story of what's happening. And our language centres need support just to maintain our current

operations and we live in a remote location... the amount of stress that creates is enormous. It has an emotional and psychological effect on staff. And those things are not taken into consideration.'

A further issue of equity was raised because non-indigenous institutions as opposed to Indigenous institutions are receiving the largest amount of funding. There was also a suggestion that it would be good to educate communities about the availability of all funding sources, and not just sources directed specifically to Aboriginal and Torres Strait Islander peoples.



GAPS AND OPPORTUNITIES

A number of suggestions were made throughout the workshop on potential gaps in research and practice that could be addressed.

HOW DO YOU CONNECT COMMUNITY AND COLLECTING INSTITUTIONS?

In managing community Aboriginal and Torres Strait Islander organisations, there are two sets of expectations to be managed: Australian law and Aboriginal and Torres Strait Islander lore. Government and collecting institutions do not always recognise the tensions between these and the difficulties of managing these expectations. These tensions arose in the context of:

- Developing relationships between institutions and communities
- Ensuring community access to collections and
- Design of technical systems to store and manage collections.

In discussing scenarios about accessing and using material from archives, the consultation process with communities was a key focus. The community representatives at the workshop clearly articulated the processes that need to be followed in their particular communities for their rights to be acknowledged and respected in these consultation processes. They also spoke about how they are often misrepresented and felt like they have little or no control over their knowledge. Workshop participants also raised similar concerns from an institutional perspective. The following rules were suggested by the group:

- Where protocols or processes exist, they must be followed
- Not one person or organisation can speak for other communities
- Communities need to be paid for consultation and this process needs to be included in client or project budgets
- Communities have the right to say no
- Communities have existing pressures,

priorities and commitments and do not exist for the purposes of consultation

- Consultation can involve all community members and can take time so clients should be prepared to be patient and
- The people whose image or voice appears in material need to be identified so that all the right people can be consulted or the right process can be followed.

There are however, some real challenges to following these rules. As Tootsie Daniel explained, Aboriginal organisations commonly speak for communities now. Their boards make decisions on behalf of the community potentially diluting their power and cultural authority. It is also very difficult to accurately represent community interests unless all relevant parties are involved consistently in a consultation process, and even then, it can be difficult for them to make decisions. Tootsie further added that there are cultural laws like avoidance that affect who you can and can't consult with and certain people have responsibility over particular information. In these instances, who 'the community' is, who is paid, who can say no, who is recognised as the ICIP holders and consulted with, is not always clear.

Kate Crossing brought up a similar issue regarding the capacity of AIATSIS to govern Kiwirrkurra material in the future. Project partners from Kiwirrkurra are represented by Tjambu Tjambu Aboriginal Corporation. They have identified the appropriate people to consult with in the instance that someone would like to access, copy or publish their material today. However, in two generations time, systems of knowledge protection and transfer might be different, or the responsibilities of family groups might be different and the wrong owners may be contacted based on old deposit forms.

The default solution of many depositors has been to identify the entire language group as having ICIP and this has been damaging or unhelpful 50 years later when that language group has diverged. Tasha James also spoke



Tasha James from the National Film and Sound Archive presenting for her group, raising issues about the process of consultation with communities and the potential benefits of connecting communities with material in archives

for her discussion group and said that ‘while we can talk about these difficult processes, these are long conversations that can go on forever, and there are other conversations we should be having about more significant things’. She mentioned the lack of focus on creating beneficial connections between institutions and communities: ‘We’re so focused on the tensions that have arisen and the mechanisms to try and avoid them, but perhaps a necessary step forward is to engage differently and to have conversations with people about what material of theirs exists in archives’.

Kirsten Thorpe also spoke about the need to rethink training within archives and libraries. She suggested that institutions need to be trained in capacity building and that the sector as a whole must rework its approach to communities with a focus on independence and self-governance, an approach supported by all the workshop participants.

This was demonstrated when representatives from Kiwirrkurra expressed their surprise at the material they were not aware of that was held at AIATSIS. Much of the time, there is material in the archives that people could put on Facebook or add to a local project but they don’t have any knowledge of it. It’s likely that connecting people with these archives will bring great benefits.

Gerald Preiss from AIATSIS spoke of the importance of working to accepted standards wherever possible. He said there are existing technical standards relating to the digitisation of collection materials and the creation of ‘digital born’ materials. The use of these standards wherever possible will ensure that collection materials can be preserved for future generations and are of sufficient quality to support most intended future uses. There are also standards for the creation of cataloguing and metadata records. The use of these standards wherever possible will ensure that digital collection materials will be readily discoverable and accessible in Cataloguing systems and Digital Asset Management systems.

The use of these standards may also support the discovery and reunification of historically dispersed collections held in various locations – through the sharing of linked data. There are also approaches specifically designed to incorporate the perspectives of Indigenous communities in the management of their intellectual property and cultural heritage.

Technical standards will change over time and there will always be some difficulty in achieving coordination of all parties working to the same agreed standards set – both in Australia and internationally. Despite this, coordinated and agreed approaches will be of benefit and will support efforts to Preserve, Strengthen and Renew collections for future generations.

CAPITALISING ON COMMUNITY CAPACITY

For Karajarri, they hope to strengthen language, create stronger ties with other groups, and ensure that they have thorough and effective consent forms for accessing their cultural knowledge and material. They are also interested in engaging with regional alliances and exchanging examples of best practice. They are also investigating how they could establish a cultural business arm of their PBC to ensure law and cultural partnerships are prioritised and funded.

The Kiwirrkurra group thought that a workshop to understand copyright would be very beneficial. They considered that this would work best in the form of a project so that real examples and real things that matter to people can be used to explain the concepts and the problems. They are looking to set up a keeping place, find a suitable system to archive material, and a way to keep consistent metadata. They thought that this would be good for a young person to run.

Wangka Maya were interested in developing regional standards that would enable the pooling of resources to support community or local capacity building and creating a consistent approach to asserting Indigenous decision making. Many agreed that a workshop with the participants from Western Australia would be useful to continue the dialogue about these issues and create a space where information, protocols, research agreements and learnings can be shared. Other things that were suggested would be useful to discuss were the influence of IT on business and governance. In particular, a lot of resourcing is focused on infrastructure rather than maintaining and preserving oral traditional systems.

WHAT PRACTICAL INFORMATION AND TOOLS WOULD BE USEFUL FOR COMMUNITIES?

There was agreement that one of the most important emerging considerations was the needs of communities who are in the early stages of or who will soon begin discussing creating a community archive. An early consideration is the recordings that are of sufficient quality to be archived and how communities can begin or continue the recording process. When storing electronic items, communities need to know which questions to ask when setting up an archive and the differences between available options. In providing information, it needs to be made relevant to people on the ground.

While regional and national standards are relevant, information that would be useful for communities is whether smart phone recordings are sufficient, and practical and technical points such as whether attaching a lapel microphone will improve the quality. When saving files or passing them onto other to be archived, what are the best file formats to use, and which are simply sufficient.

In doing this, 'Community archiving 101' toolkits could be produced to provide information about how to prepare an archive. For example, before you have a database, groups could use excel spreadsheets to record metadata to facilitate straightforward transferring of material into a database. A standard list of metadata fields that capture all necessary information would also be of great value. Toolkits could also suggest what different archival systems are available and what the benefits and drawbacks are of each one.

WHAT COULD COLLECTING INSTITUTIONS DO?

A number of suggestions were made in relation to what state and national collecting institutions could do to adapt their processes to support community priorities and needs. Firstly, it would be useful to develop resources to explain what collecting institutions do – what an archive is, how material is handled, why you would want to have recordings of stories belonging to country kept elsewhere. To ensure that the cultural rights of individuals and communities are upheld, institutions could recognise ICIP and build this into their processes. A national framework or national protocols could be developed to ensure there is an industry standard. A starting point for discussing these challenges could be the protocols which currently exist (for example the ATSILIRN Protocols and Statement of Principles relating to Australian Indigenous Knowledge and the Archives) as well as the research and work that Aboriginal and Torres Strait people have done in collecting institutions.

Consent and other forms such as indemnity forms could be made available in language. Having archives or parts of archives in language could also be useful in supporting language. The need to support and recognise Indigenous researchers who contribute to collections was reiterated, specifically the need to provide wages as well as facilitate education and training in areas such as copyright and metadata. For example, a current partnership seeking to achieve this is the Indigenous Remote Archival Fellowship, a cross-institutional fellowship between AIATSIS, IRCA and NFSA.

HOW COULD TRAINING AND EMPLOYMENT BE IMPROVED?

There were several suggestions made specifically in relation to training and employment. In community archives, it is desirable to employ Aboriginal and Torres Strait Islander staff who are aware of existing family relationships and governance structure. Increased resources and training for community members to create pathways in archiving and language work would be greatly beneficial. The group also suggested a need to have full time employees placed in regional archives and for state and national collecting bodies to employ more Aboriginal and Torres Strait Islander staff to look after material and to understand health and safety concerns.

APPENDIX 1: WORKSHOP AGENDA



Preserve, Strengthen and Renew in Community

Date: 14-15 March 2018

Place: Mantra Macarthur, Canberra

Aims:

- To share the findings of three case studies carried out by AIATSIS in partnership with Karajarri and Kiwirrkurra traditional owners and the Wangka Maya Pilbara Aboriginal Language Centre concerning:
 - the return of cultural information to traditional owners from collecting institutions (film, audio, photos, manuscripts for example)
 - the recording of new materials and keeping information contemporary
 - community based protocols for managing cultural knowledge and information into the future
- To explore the issues identified in the case studies
- Identify what's working and what's not working and the gaps
- To build relationships among relevant stakeholders
- To explore the tension in moving to a community governed model

Day 1: 14 March

Time	Activity
8:30 - 9:00	Coffee and tea
9:00 - 9:10	Acknowledgement of traditional owners and Welcome to Country
9:10 - 9:20	Housekeeping and information management
9:20 - 9:25	AIATSIS introductions
9:25 - 10:30	Participant introductions
10:30 - 11:00	Morning tea
	Karajarri project: <i>Karajarri Wankayi Muwar Mervyn Mulardy, Anna Dwyer, Wynston Shoveller and Petha Farrer-Shoveller</i>
	<i>Focus Questions: Case study participants</i>
11:00 - 12:30	<ul style="list-style-type: none">• What did we do in the case studies?• What were the protocols for accessing materials?• What's working?• What's not working?
	<i>Focus Questions: Other participants</i>
	<ul style="list-style-type: none">• How can other participants help in finding cultural materials and returning them?• What involved in obtaining their permissions?

Time	Activity
12:30 - 13:15	<i>Lunch</i>
13:15 - 14:45	<p>Kiwirrkurra project presentations: <i>Keeping the desert stories alive</i> <i>Joanne West, Viviene West, Mantua James and Kate Crossing</i></p> <p><i>Focus Questions: Case study participants</i></p> <ul style="list-style-type: none"> • What did we do in the case studies? • What were the protocols for accessing materials? • What's working? • What's not working? <p><i>Focus Questions: Other participants</i></p> <ul style="list-style-type: none"> • How can other participants help in finding cultural materials and returning them? • What involved in obtaining their permissions?
<i>Working afternoon tea</i>	
14:45 - 16:15	<p>Wangka Maya project presentation: <i>Looking after community rights in legacy collections</i> <i>Julie Walker, Lorraine Injje, Mary Anne Jebb, and Thomas Allen</i></p> <p><i>Focus Questions: Case study participants</i></p> <ul style="list-style-type: none"> • What happened in the case study? • What are the protocols for accessing materials? • What's working? • What's not working? • What are the regional issues? <p><i>Focus Questions: Other participants</i></p> <ul style="list-style-type: none"> • What do others have to offer? • How is material at AIATSIS accessed? • What's involved in collections obtaining permissions from Wangka Maya? • What are the challenges?
16:15 - 16:30	Summary and wrap up
16:30 - 17:00	Closing exercise
18:30	<i>Dinner - Duxton</i>

Day 2: 15 March

Time	Activity
8:30 - 9:00	<i>Coffee and tea</i>
9:00 - 9:30	Recap from yesterday identifying main issues
9:30 - 10:30	Mapping issues and gaps in a range of contexts
10:30 - 11:00	<i>Morning tea</i>
11:00 - 12:00	Mapping issues and gaps in a range of contexts (<i>cont'd</i>)
12:00 - 13:00	<i>Lunch</i>



Time	Activity
13:00 - 13.45	Funding and resourcing options <ul style="list-style-type: none">• <i>Feoina Kelly, Indigenous Languages and Arts, Department of Communications and the Arts</i>• <i>Madeleine Baldwin, Culture Branch, Housing, Land & Culture Division, Department of the Prime Minister and Cabinet</i>
13:45 - 14.30	Mapping and building community, regional and national relationships <i>Working afternoon tea</i>
14:30 - 15:00	Summary and next steps
15.00 - 15.30	Closing exercise



APPENDIX 2: GROUP SCENARIOS

Scenario to be role played and processed in a plenary session

Key characters:

- Granddaughter (Amy)
- AIATSIS access officer (Ashwood)
- Collection Access Manager (Tom)
- Senior anthropologist (Doug)
- Community Office (Wynston)
- Oldest living relatives (Mervyn, Anna, Tootsie)

Amy lives in a big city away from her country. She wants to learn more about her culture and her people. She finds a list on the internet that says AIATSIS has an old photo of her great-great grandfather. She calls Ashwood at AIATSIS for a copy of the photo so she can put it on Facebook to share with her family.

Ashwood looks at her request. He sees that permission is needed from an anthropologist, Doug, before he can give Amy a copy of the photo. Doug took the photo. Doug's permission and the permission of the person photographed are both needed if Amy wants to make the photo public on Facebook.

Ashwood finds out that Doug lives overseas. He tries to contact him many times but receives no response.

Ashwood refers the issue to the Collection Access Manager (Tom)

The Collections Access Manager declares the photo an 'orphan work' and advises Amy what to do.

Amy herself then has to contact Wynston at the Community Office who talk to the oldest living relatives of the great-great grandfather to get his permission to put the photo on Facebook.

Wynston has to talk to other senior people in the community and eventually says no to Facebook, but that Amy can still have a copy.

Sample Focus Questions (facilitated in plenary group)

- What might happen next?
- What might be the problems with Amy putting the photo on face book?
- What are the main access issues?

Scenario 1 (Break out group 1 and Break out group 6)

Ross goes on a holiday to his family's community. At the community office he finds an audio recording described on a list as 'men from the Kimberley singing in Ngarinyin'.

Edward runs the community office. Edward tells Ross he saw other language recordings on the office computer but there is no information about them.

Ross wants to listen to the recordings. He thinks he knows who to get permission from but he can't find them.

Focus Questions:

- What do you think Edward would do?
- What should Edward do?
- How does Ross know who to ask?
- What will Ross do when he can't find the right men?
- What will Edward do when he can't find them?
- What are the main access issues?

Scenario 2 (Break out group 2)

Peter worked for a land council 20 years ago when he took photos of some meetings. He also recorded some dancing on video with the old people. No community people signed any permissions or paperwork back then.

10 years ago Peter gave the video and photos to both the community office and to AIATSIS to look after. The only paperwork is him signing over ownership of the videos and photos but nothing to do with copyright.

The community office flooded 5 years ago and the only copies are at AIATSIS.

Ross works at a museum and wants to use one of the videos in a museum exhibition he is working on in Sydney.

John is setting up a cultural archive in the community and is trying to get hold of materials from AIATSIS.

Focus Questions:

- Who owns the copyright of photos and videos Peter took?
- Who owns the information?
- Who does Ross need to get permission from?
- What should Ross do to make sure the cultural information is protected?
- How should John approach AIATSIS?
- What are the main access issues?

Scenario 3 (Break out group 3)

Mary looks at the AIATSIS website and sees an exhibition of material from a South Coast community. She wants to use it in a blog she is writing about Australia.

The material includes a film clip of a song and accompanying transcription and translation in an Indigenous language and in English.

The song is public but has special meaning for the traditional owners and was used in native title court proceedings.

Mary contacts Tasha, an AIATSIS Access officer, to get copies of the materials. Tasha contacts James who looks after the community archive, who talks to Linda and Fred.

Focus Questions:

- What does Tasha do?
- What might happen when she contacts the community?
- What might senior traditional owners, Linda and Fred say to James?
- What are the main access issues?

Scenario 4 (Break out group 4)

Ingrid is a young Aboriginal teacher from north Queensland who lives in Canberra. She wants to make a children's story book in language about a little girl who gets lost and sees lots of animals and plants.

Ingrid goes to the computer to search for stuff to help her find language words. She sees that there is a recording at AIATSIS about plants and animals in her old people's language. She goes to AIATSIS and asks the access officer, Matthew, if she can listen to it.

Matthew says she can't let her because AIATSIS is only looking after the recording and can't let her do this. The recording was put in AIATSIS by the community organisation from Ingrid's family's community. The family have to give permission.

Ingrid calls Edward at the community office where the family name is on a file. Edward knows Linda is the daughter of the old lady whose voice was recorded 30 years ago. He talks to Linda for permission and she says no.

- What will/should Edward do?
- What will/should Ingrid do?
- What will/should Matthew do?
- What are the access issues?

APPENDIX 3: ATTENDEES

Name	Organisation
Anna Dwyer	Karajarri Traditional Lands Association
Annie Edwards-Cameron	IBN Corporation
Ash Pollock-Harris	AIATSIS
Bronwyn Coupe	AIATSIS
Clare Barcham	AIATSIS
Damien Webb	State Library of Western Australia
Diana James	Centre for Heritage and Museum Studies, ANU
Doug Marmion	AIATSIS
Feoina Kelly	Department of Communications and the Arts
Fiona Blackburn	AIATSIS
Gerald Preiss	AIATSIS
Haley Young	Queensland South Native Title Services
Jason Lee	Wangka Maya Pilbara Aboriginal Language Centre
Joanne West	Kiwirrkurra Community
Jodie Dennis	National Museum of Australia
Jodi Neale	Nyamal Archive Database
Julie Walker	Wangka Maya Pilbara Aboriginal Language Corporation
Kate Crossing	Desert Support Services
Kazuko Obata	AIATSIS
Kirsten Thorpe	University of Technology Sydney
Lesley Woods	ANU
Liam Tucker	Department of Communications and the Arts
Lizzie Ellis	ANU
Lorraine Injie	IBN Corporation
Madeleine Baldwin	Department of Prime Minister and Cabinet
Mantua James	Kiwirrkurra Community
Mary Anne Jebb	AIATSIS
Maxine Briggs	State Library of Victoria
Mervyn Mulardy	Karajarri Traditional Lands Association
Nell Reidy	AIATSIS
Pat Williamson	National Museum of Australia
Petha Farrer-Shoveller	Karajarri Traditional Lands Association
Rebecca Bateman	National Film and Sound Archive
Sam Bayley	Kimberley Land Council
Sanna Nalder	Queensland South Native Title Services
Shannon Faulkhead	Monash Country Lines Archive
Stewart Shannon	National Film and Sound Archive
Tasha James	National Film and Sound Archive
Tom Allen	AIATSIS
Toni Bauman	Facilitator
Tootsie Daniel	Community Representative
Tran Tran	AIATSIS
Vivianne West	Kiwirrkurra Community
Wynston Shoveller	Karajarri Traditional Lands Association

APPENDIX 4: TALKING PAPER

Following partner presentations, workshop participants were asked to respond to the challenges/issues that arose and any issues that could support the presenters in addressing these issues.

PRESENTATIONS

Karajarri Presentation

Issues/Challenges

- Collection institutions need to listen and give control/access to community
- How can institutions make culturally informed decisions to manage collections
- It's too hard
- Auditing of collections and consultation with communities
- Securing resources and expertise is not easy
- Passing knowledge to younger generations
- Finding money
- Capacity and resources to manage own collections
- Funding/resources + lack of younger generation involvement
- Challenge of so many different systems/archives/databases that we have to search to find our stories and our materials
- Culture is not healthy but finding funding is difficult
- Archive material being used for revitalisation while old people still available to put it in context + protocols
- Describing collections following community concepts
- Locating old recorded material in diverse archive
- Safe community cultural keeping places + archives
- Lack of knowledge or where collections can be found

- Finding the balance between having enough info/access to that material can be found vs cultural sensitives to keep people safe challenge
- Access and awareness of existing materials in collections

Ideas

- Develop a cultural arm for cultural capacity building. Have a cultural business arm separate from PBC's
- Sharing knowledge across boundaries
- Cultural awareness in national/state institution
- Developing infrastructure for community archive
- Innovating ways to engage youth in diaspora communities with archives through cultural revitalisation
- Collaboration: connecting community to collection
- ICIP national access protocols
- Develop a Karajarri business case for cultural centre can we establish state or regional AIATSIS hubs

Kiwirrkurra Presentation

Issues/Challenges

- For existing collections does AIATSIS' access and use framework give precedence to the copyright holder over community rules for seeing and using?
- Permission to access complex. Who decides?
- Can you have perfect permission?
- Rightful ownership of a recording is being taken by the person who is recording
- Joint copyright? Indigenous owner and creator
- Why do we respect the legal rights of people who stole our material more than we value our cultural rights?
- Copyright vs ICIP
- Copyright doesn't equal Indigenous knowledge and intellectual property

- Getting people to better understand their cultural and intellectual property rights and copyright
- Complexity of every step it would be great if national protocols would evolve
- Appropriate storage of returned media. Security. Who holds the media?
- No safe place to store items
- How will the materials be stored safely?
- How to manage material when no storage or office?
- Secret material on unsafe media (USB)
- Communities are isolated and there's not a lot of infrastructure
- Limited access to collections due to copyright
- Community using AIATSIS guides before AIATSIS makes contact
- Keeping culture strong with young people
- Lack of understanding about historical background makes it difficult to identify relevant material
- Collecting institutions needs to have good ways of explaining what they do and how they do it
- Database development ability to annotate records e.g. Photographs remotely in virtual meetings
- Provide media training to young people
- Develop own cultural agreements with collecting organisation regarding collection management
- Get help from other groups who have been working through what you are
- There are benefits from learning from and staying connected to other communities
- Identify further resources other than AIATSIS: NLA, NFSA, NMA
- Keep consistent and detailed metadata for all materials created
- Set up a dedicated male and female public archive
- Wangka Maya Presentation

Issues/Challenges

- Reuniting language that is almost extinct and dealing with family around copyright
- Future proofing access/use
- Access to more information
- How do we work through legacy collections while still maintaining new work? Especially with limited resources
- Maintain relationships with many (changing) language communities
- Managing complex relationships
- Recognition for training and support for indigenous researchers working with archives
- Complexity of relationships with all stakeholders
- Resources and capacity to manage regional archive

Ideas

- State library of WA can assist with organising, scanning and storing materials
- Archive: make a list of what you want to record.
- Keep copyright for story owners
- Set up keeping places
- Think about how much information would be needed in 50 years to find the right people to decide who can see their recordings
- Don't start collecting material until there is a safe place to keep it
- Have a workshop in the community to understand copyright

Ideas

- Help Karajarri with language building
- Look after material
- Create stronger ties with Karajarri to assist in material use interns and partners to assist
- Internships to work on handling or organising materials
- Sharing expertise, ideas about working together

- Continue working with elders, share knowledge
- Wangka Maya are a great resource for new organisations
- Regional alliances + exchange of best practice and training
- Challenge of upgrading old technology archives
- Consent forms need to be reviewed and upgraded regularly
- Find a place where you can store your cultural stuff away from danger
- Work with libraries and archives to build skills of local communities to look after their own archives

SCENARIO DISCUSSION

Workshop participants also shared their ideas in response to a number of scenarios where they were asked to think about community and collection based issues concerning ethics, culture and rights, access and how they can be resolved.

Ethics

- Linda may not want language being spoken off country
- Is Linda making money from these books? Does any go back to the community?
- Making your culture public can come with consequences
- Empowering aboriginal decision making
- Recording can be colonising
- Recognising processes and protection of aboriginal archives
- Is Linda allowed to veto use? She may be responsible for recording but not for language
- Need to be aboriginal rather than fitting in boxes
- Funding favours institutions (centralisation of information)
- Ethics are traditional rules and customs
- Include context around how material is being used

- Peter has responsibility as the creator
- Conflict in communities won't stop access keep engaging
- Community paid for knowledge and engagement
- Conflict in community one says no, all say no!
- Ross needs to attribute cultural knowledge to appropriate people determined set by agreement
- Who in the community did land council give material to? Individuals, organisations or families?
- First point of call in the community is proper authority (e.g. men's or women's)
- Language revitalisation vs permissions
- Permission systems have changed since recording was made 30 years ago
- No consent no agreement
- Does Linda know she's the permission person?
- Right to say no
- Linda may be worried about doing the wrong thing Ingrid won't have to deal with the fallout but Linda will
- Misplaced administrative control
- AIATSIS needs to go to community to seek permission

Culture and Rights

- Not just recording but also learning
- Cultural delegation Indigenous governance
- Cultural strengthened by practice
- Feel stronger with law and culture
- Law and culture needs resourcing
- Office works within community driven protocols
- Ensuring the right people are empowered to make decisions

Access Issues

- 20 dancers clients don't know how to consult + most passed away

- Recognise that time frames can be changed last minute
- Exchange of information from community to AIATSIS to include in records
- Budget for exhibition needs to be included for community consultation
- Principles: ask then follow protocols
- Give time to enable proper process to give consent to use content
- Cannot speak for other communities
- Think and recognise the diversity of communities
- Understand the pressure and community family obligations
- Budget for exhibition needs to be included for community consultation
- Proper process in obtaining community approval
- Legacy collections issues of access
- Representatives from families need to be consulted
- Who is going to talk to everyone in the community? Paid role.
- AIATSIS needs to go back to community to obtain access conditions
- Numerous consultations, not just first contact
- Find off Peter more information update AIATSIS documentation
- Issues of representative from two different language groups
- Community meeting send invite to all community members to attend
- No current contract details for creator
- Community consultation is needed to obtain permission to put in museum
- Recording is the back up (but the focus of funding)
- Seek family advice
- Edward should check with board
- Need for an agreed practice or framework but flexible
- Learning with community person to understand their role
- Aboriginal staff from local community
- Too much responsibility on community managers
- Lack of information
- Learning with community person to understand their role
- Staff need to understand the community
- Cultural laws like avoidance. Who can you talk to the right way?
- Health danger cultural survival
- How do you know the processes
- Younger people frightened. Need to teach law and culture.
- Ross should go to senior family members
- Different groups not clear
- No documentation when recordings are made
- Somebody without authority providing/ denying access
- Unsafe storage of material
- Employing local people in the office
- Complex communication between many parties is the request being explained properly?
- Matthew could have contacted on Ingrid's behalf. Could also try to determine intent of interviewee
- Establishing ownership
- Content identification
- Not planning to re-use recording, only language in it. Does this change the situation
- Succession planning. Capacity building
- Recording may be part of a larger collection which contains sensitive material