



AIATSIS

Preserve, Strengthen and Renew in Community Project Report

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Tran Tran

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Warning: Aboriginal and Torres Strait Islander readers should be aware that this document may contain sensitive information, images or names of people who have since passed away.

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Key terms and abbreviations

AIATSIS	Australian Institute of Aboriginal and Torres Strait Islander Studies
Deposit	Placing material with a collecting body for management with pre-determined conditions for access defined by the depositor
Depositor	Person(s) placing material with a collecting body for management with pre-determined conditions for access
Donate	Placing material with a collecting body for management as a gift to the collections for the collecting body to manage in accordance with the Copyright Act 1968 (Cth)
GLAM	Galleries, Libraries, Archives and Museums
IPA	Indigenous Protected Areas are an area of Indigenous-owned land or sea where traditional owners have entered into an agreement with the Australian Government to promote biodiversity and cultural resource conservation
Orphan Works	An orphan work is material that is potentially protected by copyright but for which the owner cannot be identified or located. Where a potential breach of copyright has occurred this is mediated by the nature of the material, and how searches for the owner were conducted
KTLA	Karajarri Traditional Lands Association (RNTBC) holds the native title rights and interests of the Karajarri people
PSR	Preserve, Strengthen and Renew in Community project
Prescribed Body Corporate (PBC) or Registered Native Title Bodies Corporate (RNTBC)	Native title holders must nominate a corporate structure to hold or manage native title rights and interests after a court determination of native title. Once they are registered with the National Native Title Tribunal they are known as Registered Native Title Bodies Corporate (RNTBCs)
Tjamu Tjamu	Tjamu Tjamu (Aboriginal Corporation) RNTBC holds the native title rights and interests of the Kiwirrkurra people
Wangka Maya	Wangka Maya Pilbara Aboriginal Language Centre

Executive summary

The recognition of customary linkages between Aboriginal and Torres Strait Islander communities and their country has been a key focal point for the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS). Returning land has ensured that decision making and authority rests with traditional owners, and enacting heritage legislation has created a layer of preservation and protection for key Aboriginal sites of importance. These measures – whether it be via state and federal-based legislation or institutional arrangements – partially counteract past policies that have unravelled Indigenous cultural identity, authority and political power within broader Australian society. This focus on tangible heritage, however, has also obscured other expressions of culture and drawn attention away from the protection of Indigenous knowledge. Culture must be understood in its broadest form: as knowledge, laws, philosophies, creative expressions, and connections between people and places that are shared between generations. These living interactions define all societies by providing a sense of continuity and identity.

The protection of Indigenous culture, however, tends to be isolated or narrowly linked to commensurate rights within existing policy and intellectual frameworks. These frameworks, built from impoverished thinking, still dominate and policy makers are only beginning to contemplate the significance of culture/s in their work or field. Mervyn Mulardy has articulated the potential cultural losses caused by a lack of coordination and ultimately understanding in funding programs:

A lot of Aboriginal groups are frustrated, worried about...holding on to culture. We have no funding. We...revitalised our next-door neighbour tribe who for forty years haven't done their law. Around us, law and culture's dying and we gotta find a way to get resources.¹

AIATSIS initiated the Preserve, Strengthen and Renew in Community (PSR) project in 2016 in order to address the significant under-recognition and under-protection of intangible expressions of Indigenous culture and heritage. PSR project activities were carried out between 2017 and 2019 (with significant planning beforehand) – as a means of exploring why access to cultural material can be so challenging and to identify practical options for changing current individual, community and institutional practices.

The PSR project was conducted with three project partners: the Karajarri and the Kiwirrkurra peoples, and Wangka Maya Pilbara Aboriginal Language Centre. The partnership with Kiwirrkurra was focused primarily on recording new material and familiarising the community with options for developing their own records and archive. The collaboration with Karajarri focused on using returned material from the AIATSIS collection for revitalising cultural knowledge, recording new material and adapting community processes to 'information management' structures. Wangka Maya already had significant collections held at AIATSIS and the project provided an opportunity to explore how to address challenges in administering an Indigenous-based archive and review existing access permissions with specific family groupings.

Key project activities included:

- collaboration and partnerships: building on pre-existing relationships to define the scope and terms of the research project. This included working with cultural advisors and negotiating research agreements to assign copyright to traditional owners.
- preparatory work and research: including an audit of existing material held in the AIATSIS collection, the clarification, negotiation and review of existing access permissions and extensive research on related collections (especially where metadata was unclear). This preparatory work began with the most administratively simple material (such as open access materials or materials with clear permissions) and moved to more complex items (such as closed men's and women's material).

¹ T Tran, Tran Tran interview with Mervyn Mulardy, unpublished, 22 May 2018.

- on country workshops and recording: to bring materials to communities, discuss permissions and carry out recording of new knowledge, including oral histories, ceremonies and stories. These activities created important opportunities to explore community permissions for historical, contemporary and future access to Indigenous knowledge based on the priorities of project partners.
- knowledge sharing and exchange: including support for project partners to share their story at significant national and international forums, including the National Native Title Conference 2018 and AIATSIS National Indigenous Research Conference 2017, as well as a sector-based national workshop in March 2018.
- impact evaluation: carried out throughout the project to assess and modify research activities as well as measure the outcomes of the research project itself.

The PSR project highlights the importance of:

- developing a community-grounded process to enable access to recordings of cultural materials;
- the benefits gained from strengthening culture and how this can be prioritised through institutional practices;
- knowledge sharing and exchange, including support for project partners to share their story and develop further partnerships and networks to support their aspirations; and
- recognising that the challenges faced by institutions are not insurmountable and collective solutions and responses already exist to manage many of these challenges.

Project context

Culture is revived through keeping Indigenous knowledge alive and strengthening connections to land. Speaking language, sharing stories and teaching younger generations about country are all practices that promote cultural security which, in turn, strengthens knowledge.²

AIATSIS has operated as a custodian of Aboriginal and Torres Strait Islander knowledge for over fifty years. It has commissioned and carried out research that has evolved from a narrow anthropological and linguistic imperative to record Aboriginal and Torres Strait Islander cultures before they 'disappeared forever' to community-embedded ethical research and collecting practices. The bulk of culturally significant material held at AIATSIS was created under its research grants, which was a key (and often sole) source of funding for Indigenous research. These grants produced a rich source of research and recordings of culture, ceremony, language, music and dance, forming an essential part of the AIATSIS collection.³ The knowledge contained in this diverse material has critical implications for the maintenance of cultures, the management of country, the strengthening of languages and the continued renewal and assertion of individual and community identities.

Within a broader movement toward recognition and repatriation of Indigenous held materials, concepts of Indigenous ownership and sovereignty over knowledge have rarely been explored at an institutional level. Rather, our understanding of the benefits of returning Indigenous cultural material often comes from ad hoc, isolated projects.⁴ For example, the return of songs recorded between 1912 and 1981 by Genevieve Campbell from the AIATSIS archive to the Tiwi people in northern Australia had 'substantial positive and empowering outcomes for elders as they share...knowledge in...songs with young Tiwi people'.⁵ Evidence from the Ara Irititja project also highlights the demand for and benefit of digital return in Indigenous communities.⁶ Likewise, Professor Fred Myers has highlighted the significance of returning footage shot in 1974 from the Yaiyai outstation by Ian Dunlop, and translated by himself, back to the Kiwirrkurra people.⁷ The expansion of access to archives through digital return can also create a neutral space for engagement⁸ with communities such as those who prefer to hear stories and view cultural material within

2 L Strelein, T Tran and C Barcham, *AIATSIS submission to the Closing the Gap Refresh Public Discussion Paper*, 2018; T Alfred and J Cornthassel, 'Being Indigenous: resurgences against contemporary colonialism', *Government and Opposition*, 40(4) 2005: 597–614; T Alfred, 'Cultural strength: restoring the place of indigenous knowledge in practice and policy', *Australian Aboriginal Studies*, 2015/1 2015: 3–11; T Tran, J Battin, M Jebb and J Walker, 'Valuing Intangible Cultural Heritage - who decides?', in *Indigenous Knowledge Forum*, in press.

3 AIATSIS now holds over 50,000 hours of audio and video content, 680,000 pictures and 8.4 million manuscript pages, containing, for example, Indigenous knowledge about family, country, and historical events. This view was also expressed by Thieberger who notes that language materials in collections must be used for language revitalisation to be successful, see N Thieberger, *Paper and talk: a manual for reconstituting materials in Australian indigenous languages from historical sources*, Canberra, Aboriginal Studies Press, 1995.

4 RL Punzalan, DE Marsh, and K Cools, 'Beyond clicks, likes, and downloads: identifying meaningful impacts for digitized ethnographic archives', *Archivaria*, 84 2017: 61–102, p. 63; see also C Wavell, G Baxter, I Johnson and D Williams, *Impact evaluation of museums, archives and libraries: available evidence project*, Robert Gordon University, Aberdeen, 2002, p. 10.

5 G Campbell, 'Song as artefact: the reclaiming of song recordings empowering Indigenous stakeholders—and the recordings themselves', in *Circulating cultures: exchanges of Australian Indigenous music, dance and media*, ed A Harris, ANU Press, Canberra, 2014, p. 103.

6 An online database could also be utilised to provide a more comprehensive range of password protection options. Many Indigenous communities are now utilising software that enables culturally appropriate access protections. These include Murkutu (<http://mukurtu.org/>) and Ara Irititja (<http://www.irititja.com/>). See SA Scales, J Burke, J Dallwitz, S Lowish and D Mann, 'The Ara Irititja Project: past, present, future', in *Information technology and Indigenous communities*, eds L Ormond-Parker, M Langton, R Sloggett, AIATSIS Research Publications, Canberra, 2013, pp. 151–69.

7 L Barwick, J Green, and P Vaarzon-Morel eds, *Archival returns: central Australia and beyond*, Special Publication of Language Documentation & Conservation, Honolulu, 2019.

8 Sandy O'Sullivan argues that the power of colonial archives, often a 'formidable space' for Indigenous Australians, is relocated

their own homes.⁹ More broadly, there has been a recognition, particularly since the *Bringing Them Home Report* (1997), that archives have significant potential for impact in allowing for some Indigenous people to reclaim their identity through knowledge of their family background and reconnecting with the places and cultures of their people.¹⁰

The digital return of material from (non-Indigenous) archives to Indigenous people has decolonising potential, but not necessarily in a straightforward way.¹¹ On the one hand, digital return offers greater access to archival material, and consequently begins a relationship that may lead to stronger assertions or expressions of Indigenous control and ownership over the material. On the other hand, there are many challenges to ensuring that digital return has a positive effect. These challenges are not only institutional – such as limited funding and staffing, for example – they are also conceptual and cultural. The return of materials to Indigenous communities can be complex, given that culture and cultural knowledge can relate to almost all aspects of individual and social existence. Indigenous cultural heritage has been expressed in either incomplete ('culture needs a label') or all-encompassing terms ('culture is about everything').¹² In reality the key issue is the very practical need to ensure that cultural information is accessible and shared: on an individual, institutional and policy-based level.

While the alignment between land claims and institutional recognition – such as native title, land rights legislation and environmental management programs – has contributed to the strengthening of culture, these 'areas' of recognition are a small part of the sum of relationships between people and country. Similarly, intellectual property rights, while encompassing diverse concepts of ownership and control, provide no legal protection for communal rights held by a group. Given this divergence between Australian law and Indigenous rights and interests, questions of authority and control have been considered to be 'too hard' in the administration of materials held in archives, libraries and museums (let alone personal collections).¹³ Central to these challenges are past practices that involved collecting material about Indigenous peoples rather than in partnership with communities, leading to thorny ethical legacies that require much work to resolve. This inevitably requires a retrofit to accommodate cultural perspectives or priorities in new structures and processes moving forward.

It is within this context that AIATSIS has sought to address community calls for access to materials through its research in the PSR project. This report synthesises the main research findings that emerged from the PSR project. Part 1 of this report introduces the project partners, their aims and priorities for the project and what activities occurred. Part 2 discusses the important role of culture as a driver and guidance tool for communities, institutions and policy makers, and details where communities can be empowered to determine access, use rights and permissions within a deliberate and culturally informed process. Part 3 discusses the impact of the project and future directions from the community, institutional and policy perspectives.

to a more neutral space when material is accessed digitally: S O'Sullivan, 'Reversing the gaze: considering Indigenous perspectives on museums, cultural representations and the equivocal digital remnant', in *Information technology and Indigenous communities*, eds L Ormond-Parker, A Corn, C Fforde, K Obata and S O'Sullivan, AIATSIS Research Publications, Canberra, 2013, p. 146.

9 S Huebner, 'A digital community project for the recuperation, activation and emergence of Victorian Koorie knowledge, culture and identity', in *Information technology and Indigenous communities*, eds L Ormond-Parker, A Corn, C Fforde, K Obata and S O'Sullivan, AIATSIS Research Publications, Canberra, 2013, p. 176.

10 S Faulkhead, L Iacovino, S McKemmish and K Thorpe, 'Australian Indigenous knowledge and the archives: embracing multiple ways of knowing and keeping', *Archives and Manuscripts*, 38(1) 2010: 27–50, p. 31.

11 L Barwick et al., *Archival returns*.

12 T Tran and C Barcham, '(Re)defining Indigenous intangible cultural heritage', AIATSIS Research Discussion Paper, 37 2018: 1–24.

13 T Bauman and D Parsons, 'Aboriginal land claims in the Northern Territory: documenting and preserving the records and memories', AIATSIS, Canberra, 2020.

Part 1: Our partners and research approach

The project involved multiple research and community teams and was initiated in partnership with AIATSIS by the Kiwirrkurra and Karajarri peoples (with support from Central Desert Native Title Services, Desert Support Services and the Kimberley Land Council). The Wangka Maya Pilbara Aboriginal Language Centre (Wangka Maya) became a third partner based on the significance of their forty-nine collections currently held in the AIATSIS archive.

Project teams

Karajarri	Tran Tran, Nell Reidy, Sam Bayley, Mervyn Mulardy, Anna Dwyer, Wynston Shovellor, Rosie Munroe, Jessica Shovellor and Ash Pollock-Harris
Kiwirrkurra	Tran Tran, Nell Reidy, Kate Crossing, Mantua James, Payu West, Sally Butler, Yinarupa Nungala, Donna James, Ray James, Vivienne West, Monica Jurrah, Joanne West, Elizabeth Abba (and translator Boyd Wright)
Wangka Maya	Mary Anne Jebb, Julie Walker, Clare Barcham, Thomas Allen and Kazuko Obata
Collections access	Ash Pollock-Harris, Grace Koch and Alana Harris
Project logistics	Clare Barcham and Nell Reidy
Research assistance and archiving	Tandee Wang and Tonya Whitney

Project partners

Karajarri

The Karajarri people's land and sea country is located south of Broome and extends several hundred kilometres eastward to the Great Sandy Desert.¹⁴ The Karajarri people are comprised of three related language groups: the Nangu-Karajarri from the north-east, the Nawurtu-Karajarri from the south-eastern desert region and the Naja-Karajarri, of the coastal area. This area is distinguished by two broad categories: pirra, inland or 'bush side', and Jurarr, coastal regions.¹⁵ Karajarri people are connected to country in accordance with Pukarrikarta-jangka or law and culture.¹⁶

Karajarri people are a minority in their community which was set up as a part of the La Grange mission in 1955. Originally a ration depot, Bidyadanga is now home to the Mangala, Juwaliny, Yulparija and Nyangumarta people, who moved there when the mission was formed. The tensions caused by the historical movement of desert groups onto Karajarri land is an ongoing challenge for

14 For a map and details of the determination see: <https://nativetitle.org.au/find/pbc/3333>.

15 Karajarri Traditional Lands Association (KTLA), 'Karajarri Healthy Country Plan 2013-2023: Palanapayana Tukjana Ngurra', 2014.

16 A Dwyer, 'Pukarrikarta-jangka muwarr – Stories about caring for Karajarri country', *The Australian Community Psychologist*, 24(1) 2012: 7–19, p. 13.

Karajarri with significant impacts on land use planning, housing, and the establishment of a ranger base and operations office. Moreover, the influx of other Aboriginal groups to La Grange introduced competing sources of Aboriginal knowledge and law, which impacted on Karajarri cultural practice.¹⁷ The passing of senior elders over the last ten years has also slowed the learning of language and law, especially where there had previously been a reluctance to record law (as this potentially conflicted with established means of cultural transmission). Within this context, the formal decision-making of the Karajarri had also historically been poorly recognised.¹⁸ This lack of recognition continued until the Karajarri people were recognised as native title holders in two separate determinations in 2002 and 2004.¹⁹ The Karajarri Traditional Lands Association (KTLA) was formed after these determinations to hold the legally recognised native title rights and interests on behalf of the Karajarri people. KTLA was the key governance body and project partner in the PSR project.



Figure 1 Karajarri traditional owners at the Port Smith Caravan Park following interviews with ABC News on the project. Credit: Nell Reidy.

17 J Edgar, 'Indigenous land use agreement – building relationships between Karajarri traditional owners, the Bidyadanga Aboriginal Community La Grange Inc. and the government of Western Australia', *Australian Aboriginal Studies*, 2011/2 2011: 50–63.

18 J Edgar, 'Indigenous land use agreement'.

19 In 2012 Karajarri were also recognised as joint native title holders over Yawinya, an area covering 2,000 square kilometres of land and sea country in the east Pilbara and West Kimberley regions: See *Nangkiriny v State of Western Australia* [2002] FCA 660; *Nangkiriny v State of Western Australia* [2004] FCA 1156 and *Hunter v State of Western Australia* [2009] FCA 654 regarding shared country with Nyangumarta people. See also J Edgar, 'Indigenous land use agreement', p. 50.

In 2008, KTLA obtained funding to develop an Indigenous Protected Area (IPA) to implement their land management aspirations. The IPA funding has enabled the development of a ranger program, with thirteen full-time rangers, supported by the KLC and three ranger coordinators.²⁰ The rangers are based in Bidyadanga and deliver on planned land and sea management outcomes within the native title claim area. A Karajarri Healthy Country plan has been developed and directs the work of the rangers with recent projects including: a school ranger program, collaborations on the Yiriman project, mapping boundaries and community roads with Hema Maps – a specialist 4WD and remote Australia mapping company – and bilby plot surveys.²¹ A Cultural Advisory Committee forms a part of the KTLA and was established to advise on the activities of the ranger program.²² In addition to setting out the Karajarri people's knowledge management and practice aspirations, the Healthy Country Plan is also tied to the Karajarri Cultural Database.



Figure 2 Wynston Shovellor and Mervyn Mulardy during the PSR workshop (March 2018). Credit: Tonya Whitney.

20 S Bayley, M Mulardy, W Shovellor, S Shovellor and A Dwyer, 'Karajarri Cultural Database: reclaiming information and knowledge to inform land management and influence policy development' AIATSIS, 23 March 2017.

21 The key land management areas include weed management, pest animal management, fire management, biodiversity surveys, cultural heritage site protection, education about traditional ecological knowledge, visitor management, regular coastal patrols and biosecurity work with the Australian Quarantine and Inspection Services (AQIS): KTLA, 'Karajarri Healthy Country Plan 2013–2023', p. 18.

22 KTLA, 'Karajarri Healthy Country Plan 2013–2023', p. 55.

The database was established not only to collect cultural and scientific information and community stories but to support Karajarri people to 'physically practice...culture [and support others to learn what's on the [database]'.²³ The database contains songs, stories and information about animals, foods and important places, with information available in both Karajarri and English. As both an information repository and project management tool, the database provides a link between what rangers do on the ground, the IPA management plan and Karajarri land management practices. Rangers can also upload information such as cyber tracker information, feral animal sightings, or necessary fence repairs which can then be linked to a geospatial structure.²⁴

The Karajarri approached AIATSIS in November 2016 to collaborate and support the further development of the database. This included training rangers and advisors in recording and archiving skills, and identifying and renewing older songs and ceremonial activities through archival research and digital access. A project team was developed involving KLC staff, senior Karajarri men and women and younger rangers.

With Karajarri, AIATSIS recorded multiple interviews about the impact of the project, amounting to about one hour, with key project partners, Mervyn Mulardy, Anna Dwyer and Wynston Shoveller. Although the amount of data collected was small, the responses showed clear signs of profound personal impact and evidence of growing cultural confidence and transmission. Mervyn, for example, stated that 'Karajarri law has just gone up within the last two years, it's stronger than ever'. He contrasted the current state particularly with a past feeling that Karajarri culture was being lost: 'they [Elders] probably didn't think Karajarri law was going to continue you know. For me now it's stronger than ever, and it's going to get stronger and stronger'.²⁵ The revival of a ceremonial song found in the AIATSIS collection was particularly significant. Anna discusses how both Mervyn and Wynston are now teaching this song to young people, and she argues this has even spread to the neighbouring Yawuru people.²⁶ Mervyn describes the impact of the project:

We did it [revitalisation] in the last two years, I believe we've closed the gap now, to within ten years. The ceremony is fulfilled already you know, we had two ceremonies already... Karajarri can continue on with their ceremony here...that's the only thing that's stronger, stronger and stronger.²⁷

As a consequence of revitalisation, ceremony grounds that had not been used since the 1980s were re-opened in 2017.²⁸ In all these changes, our partners emphasised the significance of having access to AIATSIS collection material. Anna Dwyer, for example, noted that Karajarri songs would not have been revitalised 'if we didn't walk into that audio recording room...we would have never known that there's a special song that can be used to revitalise the tradition'.²⁹ Mervyn, similarly, emphasised the importance of collaboration with cultural repositories like AIATSIS: 'It's very important for you guys to come out here and for us to be working together with AIATSIS'.³⁰ Mervyn's grandson Wynston echoed these comments:

23 S Bayley et al., 'Karajarri Cultural Database'; Anna Dwyer, senior Karajarri cultural advisor, has also shared how new technologies can 'keep language alive': T Tran, interview with Anna Dwyer, unpublished, 22 February 2018.

24 S Bayley et al., 'Karajarri Cultural Database'. The database is created based on a platform used by other native title bodies (including native title representative bodies and service providers and prescribed bodies corporate) throughout the Kimberley and other regions. For example the same platform is used by Central Desert Native Title Services to manage outputs from its native title research processes and includes information such as heritage surveys, connection reports and other court documents.

25 T Tran, interview with Mervyn Mulardy, unpublished, 22 May 2018.

26 T Tran, interview with Wynston Shoveller and Anna Dwyer, unpublished, 22 May 2018.

27 T Tran, interview with Wynston Shoveller and Anna Dwyer, unpublished, 22 May 2018.

28 T Tran, teleconference meeting notes with Tran Tran, Nell Reidy, Sam Bayley and Mervyn Mulardy, unpublished, 3 October 2017.

29 T Tran, interview with Wynston Shoveller and Anna Dwyer, unpublished, 22 May 2018.

30 T Tran, interview with Mervyn Mulardy and Anna Dwyer, unpublished, 31 May 2017.

My favourite part of the project has just been working and collaborating with AIATSIS, and some of the stuff they have is old. These documents are really important to us because we haven't heard it for many, many years and it's before my time.³¹

Cultural confidence, transmission and self-esteem have been aided through the skills, capacity growth and resourcing offered through access to the AIATSIS archive. Part 2 details how this was achieved and lessons learnt throughout the process.

Kiwirrkurra

The Kiwirrkurra community is located in the Gibson Desert 700 kilometres west of Alice Springs. The Kiwirrkurra people – predominantly Pintupi-Luritja speakers – encountered non-Aboriginal people for the first time as late as the 1980s. Some of these Kiwirrkurra people are partners in the PSR project. In the 1970s, Pintupi people who were living away from their country at Papunya lobbied the government for funding to move back to their homelands. After developing short-lived settlements outside Papunya, a group of approximately 250 Pintupi established an outstation at Yayayi, approximately forty kilometres west of Papunya.³² Later the group moved further west and established two communities on their country; first at Warlangurru (also known as Kintore) in 1981, and at Kiwirrkurra the following year.³³ Jimmy Brown, a Kiwirrkurra man who worked with AIATSIS in the PSR project, still recalls the gradual movement of his people back to the Kiriwrrkurra area and his role in constructing some of the main buildings. These historical movements have formed a central part of the work of Professor Fred Myers who has also worked with the community to return the material he held personally.

For the Kiwirrkurra women, culture is enmeshed with everyday life. Throughout the project activities, their knowledge of country was articulated through songs and singing out to country, practices that were integrated in the many sites the project team visited and the activities engaged in. Song recordings and performances were shared among singers (as well as younger children and families) who were a part of the two recording trips. Questions arose regarding data storage, access and use as well as decision-making structures for information recorded. Because Kiwirrkurra was established as a settlement on Kiwirrkurra land, and many people now live in close proximity to the settlement, there have been opportunities to maintain and practice law and culture. Furthermore, as their contact with non-Indigenous cultures was more recent than for other Indigenous communities, some senior women, such as Noelia Ward, were still living pre-contact lifestyles until they were young women. The knowledge acquired by living on the land is largely taken for granted and is simply a part of the everyday. The issue in Kiwirrkurra was that there was a lack of awareness or consciousness of how cultural practices cease over time as there was little question about their Kiwirrkurra identities and how they are maintained.

31 T Tran, interview with Wynston Shoveller and Anna Dwyer, unpublished, 31 May 2017.

32 Department of Aboriginal Affairs, 'Pintubi Move to Yayiyayi', Newsletter, 5, 1973, p. 6.

33 FR Myers, *Pintupi country, Pintupi self: sentiment, place, and politics among Western Desert Aborigines*, Smithsonian Institution Press, Washington, 1986, p. 46.



Figure 3 Kate Crossing, Mantua James and Noelia Ward following song recording at Marapinti. Credit: Tran Tran.

Unsurprisingly, the Kiwirrkurra people's exclusive native title rights and interests were recognised in 2001 over 42,228 square kilometres of land with little contestation.³⁴ Their native title determination area falls on the boundary of the Gibson and Great Sandy Deserts, in the far south-east corner of the Pilbara region and encompasses the Kiwirrkurra community or town area.³⁵ The deliberate choice of Kiwirrkurra people to live on their country means there has been limited non-Aboriginal influence in the region. Kiwirrkurra country consists of parcels of land where responsibility for management is vested with different family groups which also determines the right people who speak for or represent different areas of land.³⁶ Decision making, including knowledge transfer and cultural practice, is still very clearly based on community governance structures that have been formalised through the Tjamu Tjamu (Aboriginal Corporation) RNTBC. Tjamu Tjamu was incorporated in 2003 and holds native title rights and interests on behalf of the Kiwirrkurra people.³⁷

There are about twenty groups connected to the Kiwirrkurra community area, including: Winparrku Tarkurr, Lake Mackay, Pollock Hills, Yumari, Dover's Hills, Angas Hills, Ngatarn, Lake MacDonald, Parrayilpil and Jupiter Well. At the same time, their remoteness has played a large part in the limited resourcing and funding to develop their community infrastructure to maintain and record cultural materials.

The Kiwirrkurra people have been involved in a recording and repatriation project with Professor Fred Myers but have not developed any long-term infrastructure to store Kiwirrkurra materials.³⁸ They have also been outside the scope of the Ara Irititja program and currently have no active community database or cultural centre where films, photographic material and other cultural resources can be made readily accessible.

34 *Brown v State of Western Australia* [2001] FCA 1462.

35 *Kiwirrkurra IPA—Plan for Country: 2014–2019*, 2014.

36 Tjamu Tjamu Aboriginal Corporation, *Kiwirrkurra IPA*, pp. 10, 16.

37 *Brown v State of Western Australia* [2001] FCA 1462, [12].

38 Remembering Yayayi, *Remembering Yayayi*, n.d., accessed 6 March 2020.



**Figure 4 Mantua James recording one of her storylines passing through Jupiter Well.
Credit: Tran Tran.**

Tjamu Tjamu has slowly developed its governance capacity, becoming financially independent in the past ten years.³⁹ In 2015 an IPA was declared over the entirety of the native title claim area, injecting significant funds and infrastructure to manage Kiwirrkurra lands. One of the most significant achievements of the IPA has not only been land management outcomes but the creation of an administrative space in the community (including a physical office, accommodation and storage facility), precipitating conversations on how to return, store and manage cultural materials.

An IPA management team, operating under Tjamu Tjamu, plans for and oversees the work of rangers and cultural advisors.⁴⁰ Central Desert Native Title Services and Desert Support Services are funded to enable Kiwirrkurra people to run the IPA and were also key partners in the PSR project. Both organisations provided in-kind support and were important in facilitating the connection between Tjamu Tjamu, the Kiwirrkurra community and AIATSIS.

The Kiwirrkurra people have a strong desire to look after people, culture and country through caring for important sites, maintaining access to country and raising cultural awareness.⁴¹ In practice these aspirations have manifested in visiting key sites and sharing community stories – key activities supported through the PSR project. Another aspiration is to support the intergenerational transfer of cultural and ecological knowledge by recording, securing and managing a culturally appropriate storage system and engaging with young people.⁴² With the creation of the IPA office, there is a clear starting point for this work to occur and through the PSR project the Kiwirrkurra community was able to record new material, benefit from engaging with cultural and collecting institutions and assert their right to control how their knowledge is managed or used.

39 This development is in line with an exponential increase in mining exploration interests in the region. AIATSIS previously worked with the Tjamu Tjamu RNTBC to support its growth via the PBC Capacity Building Project in 2011.

40 Tjamu Tjamu Aboriginal Corporation, *Kiwirrkurra IPA*, p. 17.

41 Tjamu Tjamu Aboriginal Corporation, *Kiwirrkurra IPA*, p. 20.

42 Tjamu Tjamu Aboriginal Corporation, *Kiwirrkurra IPA*, pp. 19–20.

Group interviews identified the importance of being able to view old photos and videos.⁴³ This engagement with recorded materials 'keeps culture strong' and as a result, the community 'feel[s] good about themselves, about their culture'.⁴⁴ More importantly, digital return has supported cultural transmission where younger people can look at the materials and expand their knowledge 'about culture from the photos and those old films'. In this respect, access to the AIATSIS collection has been essential because the community 'didn't really used to have anyone' to support access to cultural materials.⁴⁵

Kiwirrkurra participants also agreed that although they would like a repository for women's material to be built on country, they were also happy for materials to be stored at AIATSIS in Canberra, as 'everyone thinks it's a safe place for keeping the stories'.⁴⁶ The project had a positive impact on cultural transmission (and the personal self-esteem this manifests) through facilitating access to resources and cultural recordings.

Wangka Maya Pilbara Aboriginal Language Centre

Wangka Maya is a language resource centre based in Port Hedland in the Pilbara, in north-west Western Australia. Since 1987, Wangka Maya has worked to collect and preserve recordings of the Pilbara's Aboriginal languages and fostered and promoted the use of languages to ensure the retention of culture and history. In describing the beginnings of Wangka Maya, Board Member Lorraine Injie said:

An AIATSIS grant kick-started Wangka Maya and the work it does today. I set up a file for each of the thirty one Pilbara languages. I kept asking "where is the information for this language?" because most of the language files were empty. By the end of the year, I'd been able to go to the library at AIATSIS and start to bring back all the language files. ...Through the oral history project, we added to the recordings. The people who contributed to that work...without them and without their time, we wouldn't be here. They gave that time in the hope that [the information] would be given to their family.⁴⁷

Lorraine also commented that the use of language materials retrieved from the AIATSIS collection to build a collection of material at Wangka Maya has since helped to strengthen people's identity, culture and heritage.⁴⁸ Unsurprisingly, language use may be increased by improving access to collections, digitising texts, and developing resources where appropriate.⁴⁹ Wangka Maya now holds a large amount of language material which it uses to undertake language projects.⁵⁰ It publishes dictionaries and language resources, and offers language and cultural competency training. For example, the Yinhawangka language group utilised recordings to create language resources for use on country and in schools.⁵¹

43 This was carried out with Mantua James, Yinarupa Nungala, Donna James, Ray James, Kate Crossing, Payu West, Vivienne West, Monica Jurrah, Joanne West, Elizabeth Abba, and translator Boyd Wright.

44 T Tran and B Wright, interview with Kiwirrkurra, unpublished, 14 September 2017.

45 T Tran and B Wright, interview with Kiwirrkurra, unpublished, 14 September 2017.

46 T Tran and B Wright, interview with Kiwirrkurra, unpublished, 14 September 2017.

47 L Injie, Recording from Pilbara Aboriginal Languages and History Expo, Roebourne, unpublished, 2017.

48 L Injie, Recording from Pilbara Aboriginal Languages and History Expo, Roebourne, unpublished, 2017. See also T Tsunoda, *Language endangerment and language revitalization: an introduction*, Mouton de Gruyter, Berlin, 2006.

49 See for example: P Mühlhäusler, 'Language endangerment and language revival', *Journal of Sociolinguistics*, 7(2) 2003: 232–245.

50 L Injie, Recording from Pilbara Aboriginal Languages and History Expo, Roebourne, unpublished, 2017.

51 R Tommy, Recording from Pilbara Aboriginal Languages and History Expo, Roebourne, unpublished, 2017.

In 1998 Wangka Maya looked to establish a database to manage this information and considered utilising Ara Irititja, but decided it was too expensive. An alternative database was established and called Nyirti. During the 2000s, a fire went through Wangka Maya and a lot of material was lost, illustrating the importance of keeping duplicate copies in other locations. Some material which had been sent to AIATSIS was able to be retrieved.⁵² AIATSIS currently holds forty-nine collections of sound recordings containing language, stories, songs, and oral histories deposited by Wangka Maya. Over two-hundred people have been recorded in these materials and they include all of the Pilbara's thirty-one languages. The recordings were made between 1973 and 2009 by different linguists working in the Pilbara.



Figure 5 Mary Anne Jebb sharing project aims with the Wangka Maya board members.
Credit: AIATSIS.

As depositor, Wangka Maya can determine what permission must be obtained before material can be listened to, copied or provided for publication. The current permission structure involves Wangka Maya conducting a clearance process with the relevant speaker and their family. This process provides clear protections for the language groups recorded and also creates a cost recovery mechanism for Wangka Maya to account for the resourcing involved in obtaining community permissions.

However, while intended to ensure that cultural information is protected, the mismatch between regional organisational funding, and changing community dynamics, has created potential conflicts and delays in access to material held at Wangka Maya and AIATSIS. This prompted a collaborative review of conditions in late 2016 in order to ensure that permissions did not undermine access to cultural knowledge for the language groups represented by Wangka Maya. The collaboration between Wangka Maya and AIATSIS created an opportunity to review current access and use clearance processes with a general view to support the cultural protocols of the groups represented. On a broader level, this collaboration, along with individual language groups, sought to develop a process for identifying the rights and interests in individual recordings and clarify who may speak for each recording and the knowledge contained within it.

52 L Injie, Recording from Pilbara Aboriginal Languages and History Expo, Roebourne, unpublished, 2017.

Project Methodology

Research partnerships were developed with sustainability in mind and were formed according to the *AIATSIS Guidelines for Ethical Research in Australian Indigenous Studies*.⁵³ The methodology used in the PSR project was qualitative and participatory (see Appendix 1 Key project activities).⁵⁴ The project was also embedded within broader measures in the cultural institutional sector to better recognise community decision-making processes in the preservation of Indigenous materials.

Potential areas of impact – or ‘things we wanted to see change’ – were known and planned for from the very beginning of the project and negotiated with Indigenous partners and collaborators. Accordingly, the research methodology for PSR was driven by the project partners, their needs and capabilities. One key priority was to ensure that copyright in material recorded during the project would be retained by Aboriginal knowledge holders. This was applied throughout the project through reversing ownership and copyright in research contracts and during the recording process (see Appendix 2 for an example of the Informed consent form).

Overarching principles of our approach

Partnership and shared benefits were key and at all stages of the project the team ensured that activities and outcomes supported:

- community control over the project including the determination of project aims, priorities and timeframes; and
- community ownership of copyright over recorded materials and shared copyright over research products.

With a clear awareness of funding constraints (and equally a lack of policy appetite for ‘culture-type’ work), project partners were proactive in their leadership and contributions to all activities. Their support included substantial in-kind and logistical contributions from the Karajarri Traditional Lands Association, Tjambu Tjambu Aboriginal Corporation, the Kimberley Land Council and Central Desert Native Title Services, Desert Support Services, Wangka Maya and the Indigenous Desert Alliance. These partnerships resulted in two field work trips for each case study, participation in the AIATSIS research and native title conferences (in 2017 and 2018) and a sector based workshop (in 2018) with a budget of under \$40,000 for the three years.

53 AIATSIS, *Guidelines for Ethical Research in Australian Indigenous Studies*, 2012. An updated version of these Guidelines, the *AIATSIS Code of Ethics for Aboriginal and Torres Strait Islander Research*, was released in September 2020.

54 See also LT Smith, *Decolonizing methodologies: research and Indigenous peoples*, 2nd edn, Zed Books, London, 2012; LT Smith, TK Maxwell, H Puke and P Remara, ‘Indigenous knowledge, methodology and mayhem: what is the role of methodology in producing Indigenous insights? A discussion from Mātauranga Māori’, *Knowledge Cultures*, 4(3) 2016: 131–156.



Figure 6 Planning for site visit and recording with Mervyn Mulardy and Sam Bayley (foreground) and Rosie Munroe, Anna Dwyer and Sylvia Shovellor. Credit: Tran Tran.

Preparatory work and research

PSR project activities involved an audit of existing AIATSIS material, the clarification, negotiation and review of existing access permissions and the return of material to the most culturally appropriate individuals, families and organisations. The bulk of culturally significant material held at AIATSIS was created with the support of AIATSIS research grants, which at the time was a key source of funding for Indigenous research.⁵⁵ Preparatory work included examining surrounding documentation (such as fieldwork notes or finding aids deposited alongside recorded material) and existing conditions placed on accessing the materials.

The lack of information on some relevant collections required unscheduled work by collections and research staff to make preliminary descriptions of material so that they could be efficiently returned. There were instances where there was no clear correlation between the conditions placed on materials and the extent of cultural material contained in the relevant collection. For example, after visiting AIATSIS as a part of the project, some images of ceremony or law were considered to be open access and songs accessible to both senior men and women were closed off to men only. Materials also lacked clear provenance, critical information and metadata, such that whole photographic collections were unidentified until the project team provided fieldwork notes to project partners as part of PSR. With others, the depositor identified the need to return collected materials back to communities for further input but did not provide enough context or information for AIATSIS to verify this.

⁵⁵ See L Strelein, 'AIATSIS – an incubator for Indigenous Researchers? Lessons from the Indigenous Visiting Research Fellowship and AIATSIS Grants Program', Commissioned Discussion Piece for the Review of Indigenous Higher Education Access and Outcomes, 2011, AIATSIS, Canberra.



Figure 7 Nell Reidy, Vivienne West, Joanne West, Mantua James, Kate Crossing and Ash Pollock-Harris during an access visit at AIATSIS.
Credit: Andrew Turner.



Figure 8 Printed photo books (image catalogues) from the AIATSIS After 200 Years collection and audio records shared with the Kiwirrkurra community.
Credit: Nell Reidy.

To enable the return of materials, the project team planned expansively and deeply within AIATSIS to ensure that the project explored existing challenges in a meaningful and useful manner. That is, the team listened to every possible reason for not returning materials and sought to address them. The PSR project also assumed that access to the collection is an ongoing process, and deliberately started with 'easy' material with simple access permissions. Initially only material that was digitised and catalogued and had clear access permissions for the Kiwirrkurra and Karajarri communities was returned. The use of materials led to an iterative research process – such as follow up for songs that extended into the country of other regions and areas (and ultimately catalogued with different metadata).

As the project progressed, access to materials with complicated permissions, such as restricted materials, were revisited and strongly supported by the depositor (Fred Myers) or AIATSIS where material could be declared as orphan works. The project also created an opportunity to review AIATSIS collections and gain critical metadata and knowledge about materials where there was previously little information.

Collaboration

To facilitate collaboration and genuine partnership, AIATSIS worked with cultural advisors with permission from the PBC chair and directors under negotiated research agreements. A balance was needed between generating an appropriate research relationship with an organisation (in this case an Indigenous corporate structure that could act as a default rights holder for publication, as well as house the physical and digital material generated through the research project itself) and individual story tellers.⁵⁶

There were inevitably challenges in this process of collaborative work. Being honest about what the team could and could not achieve, what the team did not know and about negative impacts were also important parts of the research process. For example, the extent of the pain and loss that many community members felt when hearing the voices of those who had passed on was an important impact that the team needed to prepare for by allowing partners to have space and time to view and absorb the material. Further, the team needed to manage the general 'interest' and attention received by the project and its role in lubricating potential community conflict. Planning for and then asking about these issues is also necessary to better improve AIATSIS' processes.

The approach taken in PSR aimed to ensure that cultural decision-making occurred at the appropriate level to match the project objectives by having early and open meetings about the project activities – an approach taken with both the Kiwirrkurra and Karajarri traditional owners.⁵⁷ Issues of control for Wangka Maya were more complex and manifested as control over materials held by others (such as AIATSIS) as well as control over the materials in their collection. In response, AIATSIS supported Wangka Maya to hold a Community Rights in Legacy Collections workshop.⁵⁸ For Wangka Maya, the sheer scope of AIATSIS held materials meant that project activities required more engagement to discuss not only specific collections or materials with cultural advisors, but build an understanding of the broader landscape of materials historically recorded by the organisation.

56 AIATSIS, *Karajarri Wankayi Muwarr: Community Report, Bidadanga May/June 2017*, AIATSIS, 2017.

57 For examples of decision-making structures applied to material see: AIATSIS, *Karajarri Wankayi Muwarr: Community Report, Bidadanga May/June 2017*; *Karajarri Wankayi Muwarr: Community Report, Canberra March 2017*, AIATSIS, 2017; *Keeping the Desert Stories Alive: Community Report, April 2017*, AIATSIS, 2017; *Keeping the Desert Stories Alive: Community Report, September 2017*, AIATSIS, 2017.

58 AIATSIS, *Looking After Community Rights in Legacy Collections: Community Report, Wangka Maya Pilbara Aboriginal Language Centre, 14–16 June 2017*, AIATSIS, 2017.

On country workshops and recording

The PSR project also created deliberate opportunities to bring materials to communities, discuss permissions and carry out recording of new knowledge, including oral histories, ceremonies and stories. These activities created important opportunities to explore community permissions for historical, contemporary and future access to Indigenous knowledge. Project recordings made at key cultural sites and areas were also subsequently used to develop draft community protocols for future access to materials.⁵⁹ The research approach differed slightly for each case study depending on the needs and priorities of our project partners. Interestingly, there were many similarities in the outcomes for each case study, especially in terms of the development of access and permissions. However, the processes developed and adopted to reach a decision differed according to the resourcing and institutional arrangements of each partner. The specific outcomes from each case study are discussed below in Part 2 as they relate to communities, institutions and broader funding and policy contexts.



Figure 9 AIATSIS researcher Nell Reidy filming with Mervyn Mulardy at the Lalaljartu site where he explains the importance of freshwater and saltwater flows. Credit: Tran Tran.

⁵⁹ These outcomes were documented in community reports developed from each fieldwork trip.

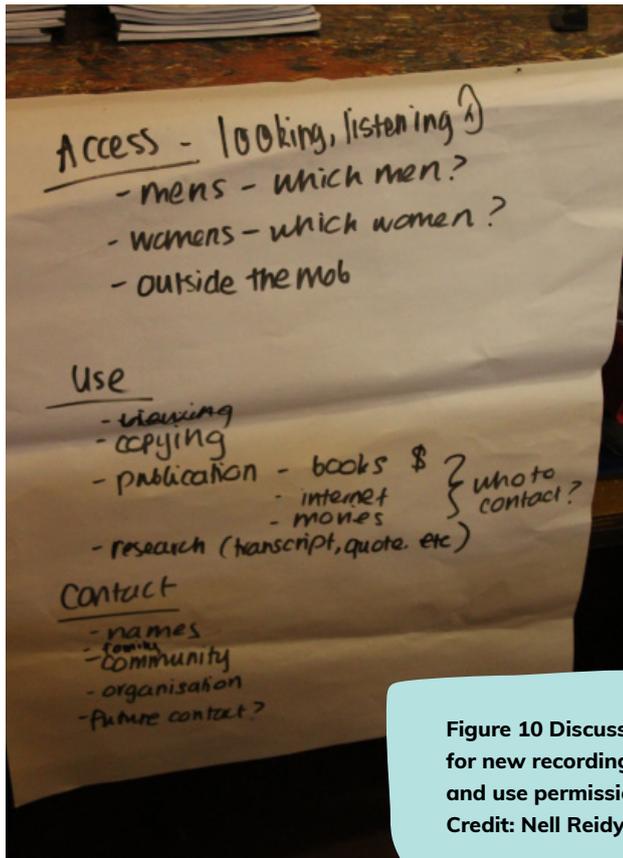


Figure 10 Discussion tools used in planning for new recordings and deciding on access and use permissions for archiving.
Credit: Nell Reidy.

Knowledge sharing and exchange

Embedded within the project was support for project partners to share their story at significant national and international forums, including the National Native Title Conference 2018 and the AIATSIS National Indigenous Research Conference 2017 as well as a sector based national workshop held in Canberra on 14–15 March 2018. This workshop provided an important opportunity for the project partners to meet with other relevant collecting bodies to share collective experiences, issues and strategies to manage some of the challenges of historical collections.⁶⁰ 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;
- 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);
- entrenched nature of institutionalised practices;
- challenges created by conceptions of control, copyright and ownership;
- protection of existing, but as yet unrecognised rights, and ensure that processes and protocols for asking permission are maintained; and
- 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).

⁶⁰ AIATSIS, *Preserve, Strengthen and Renew in Community Workshop Report July 2018*, AIATSIS, 2018.

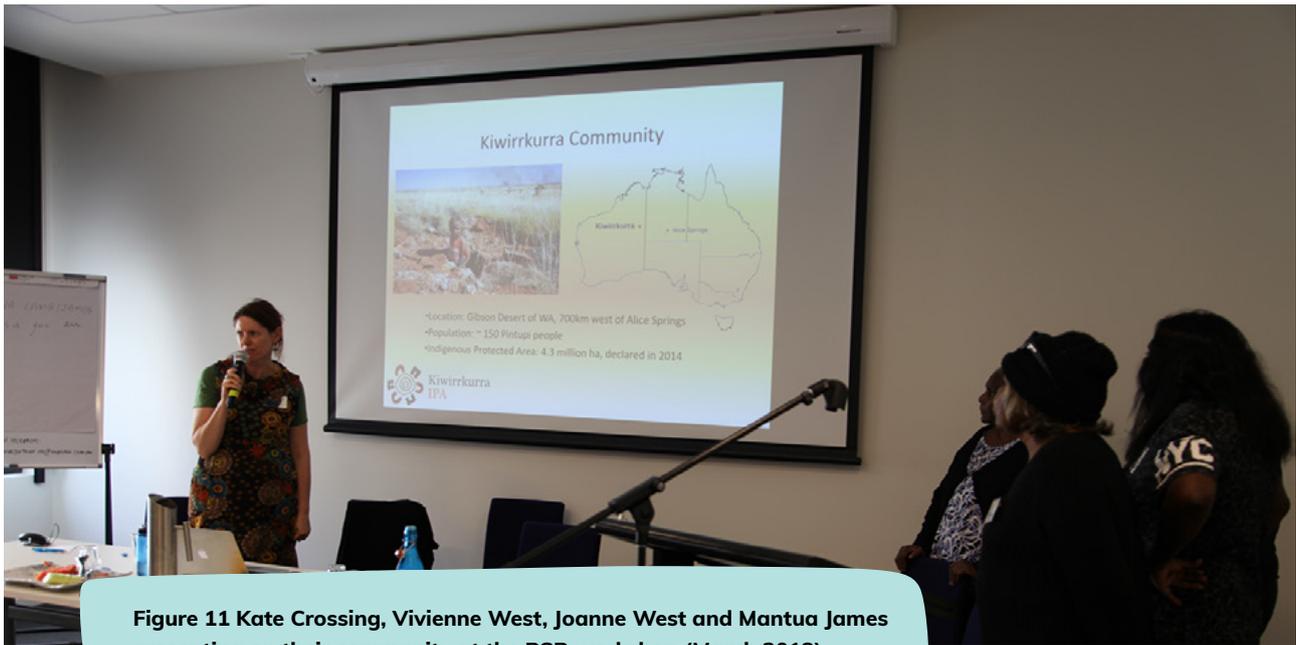


Figure 11 Kate Crossing, Vivienne West, Joanne West and Mantua James presenting on their community at the PSR workshop (March 2018). Credit: Nell Reidy.

Impact evaluation

Research impact and evaluation interviews were carried out throughout the project to ensure that project activities were consistent with the expectations of our project partners and quotes from these interviews have been used throughout this report. We employed in-depth, semi-structured interviews with open-ended questions to allow project partners to speak for themselves and their own knowledge. Interviews were carried out in group contexts, especially where a cross section of generations wanted to be represented, or on an individual basis. Our questions also focused on eliciting narratives or stories, often in the form of 'yarning', which is increasingly being used in Indigenous research.⁶¹

After interviews were conducted, the team analysed and coded those interviews into 'domains of change' or key areas of importance (such as cultural revitalisation, community learning and skills exchange) identified at the outset of the project by our partners.⁶² These domains of change allowed us to identify discrete areas in which impact had been made, which collectively built an overall picture of the impact of our project. Four domains were used: cultural confidence, cultural transmission, individual self-esteem, and skills, capacity and resourcing.

61 Recently, there has been a much greater recognition of the value of narratives and story as knowledge, as well as a recognition of the decolonising potential of such approaches. See DE Marsh, RL Punzalan, R Leopold, B Butler and M Petrozzi, 'Stories of impact: the role of narrative in understanding the value and impact of digital collections', *Archival Science*, 16 2016: 327–372, p. 330; TE Constantino and JC Greene, 'Reflections on the Use of Narrative in Evaluation', *American Journal of Evaluation*, 24(1) 2003: 35–49, p. 36; Baú, 'A Narrative Approach in Evaluation'; WM Duff, A Flinn, KE Suurtamm, DA Wallace, 'Social justice impact of archives: a preliminary investigation', *Archival Science*, 13 2013: 317–348, p. 377; P Brophy, 'Narrative Based Practice', *Evidence Based Library and Information Practice*, 2(1) 2007: 149–58. On 'yarning', see D Bessarab and B Ng'andu, 'Yarning about yarning as a legitimate method in Indigenous research', *International Journal of Critical Indigenous Studies*, 3(1) 2010: 37–50. For an extended exploration, consider, L Bamblett, *Our stories are our survival*, Aboriginal Studies Press, Canberra, 2013; M Kovach, 'Emerging from the margins: Indigenous methodologies', in *Research as resistance: critical, Indigenous and anti-oppressive approaches*, eds L Brown and S Strega, Canadian Scholar's Press, Toronto, 2005; and J Xiem, J Lee-Morgan and J De Santolo (eds), *Decolonizing research: Indigenous storywork as methodology*, Zed Books, London, 2019.

62 This 'domains of change' approach has been used in other methodologies, including the 'Most Significant Change' (MSC) method which was the initial inspiration for the approach AIATSIS undertook: R Davies and J Dart, *The 'Most Significant Change' (MSC) technique: a guide to its use*, CARE International, United Kingdom, 2005, pp. 17–22.

Part 2: Key themes and findings

Community

Connecting communities with archives

The desire for communities to connect with archives and collecting institutions comes from a need to re-engage with the cultural material that they see as rightfully theirs and which constitutes a central aspect of their identities. This material, predominately collected by non-Indigenous researchers and held in archives under the name of the researcher is not always accessible to Aboriginal and Torres Strait Islander individuals and communities. These communities are now working not only to have their material identified as belonging to them, 'but also to have it recognised as a critical aspect of their contemporary lives and culture.'⁶³ This recognition is critical, especially within the context of evolving research practices that rightly demand Indigenous control and ownership over recorded material. Moreover, this connection with archives and the materials they hold is not only a means to engage with cultural information but also to ensure that archival information is appropriately managed into the future. Ongoing connections are especially important where institutions are seeking expertise and advice on cultural permissions and protocols embedded within evolving community dynamics.

The relationship between communities and archives is a mandatory component of ethical collection management practices. It ensures that principles of community empowerment and ownership are employed while also protecting collections and staff members by making certain that the appropriate cultural protocols are applied to dangerous or otherwise potentially harmful material. In other instances, connections between archives and communities are critical for knowledge recovery – for Indigenous communities, to gain access to cultural and family information; and for archives, to obtain valuable metadata or context about specific materials. This two-way dynamic also ensures the future sustainability of archives as materials become increasingly discoverable to future family members who then use or deposit more material. Not only is there obvious individual benefit, but substantial community benefit that can be perpetuated across generations, which reinforces, reiterates and reinterprets existing information.⁶⁴

63 See J Anderson and G Haidy (eds), *Routledge companion to cultural property*, Routledge, Abingdon, 2017. Other practical works include the ENRICH network co-directed by Jane Anderson and Maui Hudson.

64 See for example D Jorgensen and I McLean, *Indigenous archives: the making and unmaking of Aboriginal art*, UWA Publishing, Crawley, 2017.



Figure 12 Rosie Munroe and Anna Dwyer adding metadata to a previously undescribed photographic collection deposited by AIAS researcher John Howard at the KTLA office in Bidadanga. Credit: Tran Tran.



Figure 13 Jacqueline Shoveller, Rosie Munroe and Jessica Bangu adding (and debating) metadata. Credit: Tran Tran.

This snowball effect was obvious throughout the PSR project. Partners identified the value and need for relationships to 'bring back' stories to country: Wangka Maya sourced many of its early materials from the AIATSIS collection; and Karajarri has continued to enrich its cultural database using material returned as part of the project, including law and ceremony song recordings.⁶⁵ Karajarri traditional owner Mervyn Mulardy described cultural practice in terms of health: a living and evolving body of knowledge requiring maintenance and practice. By recording and collecting knowledge and keeping it safe, this knowledge can then be used to keep cultural practices and knowledge alive, to look after country, and renew culture across generations. This is particularly important where access to country is not always possible with significant changes caused by development choices, government uses or variations in climate.⁶⁶

The strengthening of culture places great emphasis on the teaching of Indigenous knowledge and cultural practices to young people. This desire to teach and pass on knowledge to revive culture is reflected in Karajarri thinking about their cultural database. The database is 'not just something to look at. We need to apply and practice information in context and on country'.⁶⁷ As noted by Mervyn Mulardy:

Our language is pretty sick at the moment. This is one story that tell us [about] her being sick. It goes the same with our culture being sick; our language is on the brink, our traditional ways, our old people passing away, a lot of our younger generation are not following our culture, a lot of our younger generation [are] disrespecting our culture, a lot of our younger generation are losing [it] because of lots of the American culture and the European culture. It's hard for them to get back to our traditional ways, our Karajarri ways.⁶⁸

Karajarri are utilising existing material to learn new songs and dances, and teach language 'for plants and animals, and [give] talks about country [and] sacred sites' in classrooms.⁶⁹ These tools aid the teaching of younger generations with an app and activity sheet based on the database, to be created as 'educational tool[s] for the next generation'.⁷⁰ Young Karajarri man, Wynston Shovellor said the group had found a recording in the AIATSIS collection of a relative 'who said Karajarri names for [things]' which would be useful to 'pass that knowledge on to younger generations to learn [and] to practice'. The material is also being used by rangers to look after country with work plans and project work integrated into the database in order to link activities with knowledge collection and recording.⁷¹

65 L Injie, Recording from Pilbara Aboriginal Languages and History Expo, Roebourne, unpublished, 2017.

66 T Tran, L Strelein, J Weir, C Stacey and A Dwyer, *Native title and climate change. Changes to country and culture, changes to climate: Strengthening institutions for Indigenous resilience and adaptation*, NCCARF (National Climate Change Adaptation Research Facility), 2013.

67 M Mulardy, KTLA Group discussion held at AIATSIS, unpublished, 22 March 2017.

68 Bayley et al., 'Karajarri Cultural Database'.

69 M Mulardy, KTLA Group discussion held at AIATSIS, unpublished, 22 March 2017.

70 M Mulardy, KTLA Group discussion held at AIATSIS, unpublished, 22 March 2017.

71 Bayley et al., 'Karajarri Cultural Database'.



Figure 14 On-country access visit facilitated by Rights and Access and Research staff at the Kiwirrkurra Art Centre.
Credit: Tran Tran.

Databases can act as a safety net, where knowledge is maintained and protected through practice. Mervyn Mulardy noted that: 'Working with people like AIATSIS [allows access to] audio recordings...[made by] people who went out to Karajarri country and recorded our old people'.⁷² The significance of these materials is clear to Mervyn: 'We're a fighting culture, so any sort of information [that] our old people recorded in the past...is important for our cultural revival'.⁷³ Mervyn emphasises the importance of the project and its contribution to his own efforts to rebuild culture. He notes: 'We have been able to close a forty-year gap [between the senior language speakers and boys going through law] in one year'.⁷⁴ He also noted that some of the 'missing links' were found in previously inaccessible materials recorded by the Australian Institute of Aboriginal Studies (the predecessor to AIATSIS) through grantee John Howard. The material systematically documents specific stages and structures of ceremony and has contributed to the revival of cultural practices from forty years ago in neighbouring communities. It has also enabled significant planning and development of ceremonial practices for teaching to younger generations. Mervyn views this as fulfilling a 'duty to rebuild law because of old people'.⁷⁵

Successes in cultural revitalisation have increased confidence in rebuilding other areas of culture. Mervyn also reports that access to archival materials provided strength to his community in that it enabled the performance of old songs by younger men at the 2017 Kimberley Aboriginal Law and Culture Centre Festival. He also notes that there is a growing interest in culture: 'They keep asking me when we are going out [to conduct law] again'.⁷⁶

72 M Mulardy, KTLA Group discussion held at AIATSIS, unpublished, 22 March 2017.

73 M Mulardy, KTLA Group discussion held at AIATSIS, unpublished, 22 March 2017.

74 T Tran, interview with Mervyn Mulardy, unpublished, 22 February 2018.

75 T Tran, interview with Mervyn Mulardy, unpublished, 22 February 2018. Mervyn also noted that motifs and designs that were included in ceremonial photographs have been used again based on the information held in Father McKelson's recordings.

76 T Tran, interview with Mervyn Mulardy, unpublished, 22 February 2018.

Forming partnerships between communities, researchers, and collecting institutions will allow for Indigenous communities to assert control over materials in a very tangible way. For example, the Kiwirrkurra women assisted with identifying individuals and correcting metadata as they viewed the pictorial database with AIATSIS staff – a collaboration and knowledge exchange facilitated through the project. Similarly, one Karajarri ranger identified over 400 photos, over three hours, which previously had no metadata attached. Other material accessed during the PSR project, such as the John Howard collection was reviewed following numerous attempts to contact the depositor with new access permissions assigned by Karajarri senior men for closed or culturally significant materials.⁷⁷ These contributions made by project partners enhanced existing AIATSIS collections, ensured that appropriate levels of cultural safety were maintained and made sure that information or metadata was up-to-date and relevant. These examples demonstrate how the engagement of the case study partners as experts in their cultural knowledge reinforced information already held by collecting institutions. It ensured that cultural protocols were better understood, and supported greater access through clear community contacts and information about material.

Ways of governing knowledge

Recognising the provenance – or history – of cultural material held in archives and other collecting institutions goes some way to acknowledging the traditional owners of cultural material. Recognising and respecting the responsibilities that people have over their cultural material allows Aboriginal and Torres Strait Islander peoples to reassert authority over their cultural heritage, providing greater self-determination. The project faced a number of issues driven by imperfect intellectual property law, changing research practice and ethical standards: researchers may seek to embargo access to materials and to protect communities and ‘informants’ or others in order to finalise the publication of their research thesis; in other instances material is deposited by researchers without appropriate consideration of the issues or context; or researchers themselves may seek to assert control over material (such as photographs) to the extent that family members cannot access images of their own relatives. While these instances do not represent the majority of cases, they illustrate the many inconsistencies and challenges that occur in the management of historical archives.⁷⁸

Throughout the PSR project the research team sought to manage these issues in a practical way. For example, for Kiwirrkurra, AIATSIS was able to quickly return material from the After 200 Years collection as it was commissioned by AIATSIS who also held copyright. For the Karajarri, access to material related to ceremony and law was initially challenging. A specific collection deposited by AIAS grantee John Howard contained restrictions and considerable effort was invested in seeking the researcher in order to fulfil permission requirements of his initial deposit. Moreover, this spurred efforts by the Karajarri to make contact with John Howard to learn more about the context in which he had collected the original material – creating an important partnership to refine access to the entire collection at a later date. In some respects, the timing of the PSR project and the time that had elapsed since the deposit of materials at AIATSIS created a new opportunity to review access permissions – lessening the need to manage potentially conflicting restrictions asserted by non-Indigenous researchers.

77 AIATSIS follows a clear policy before declaring that materials in the archives can be reviewed. In this case it involved searching the electoral role (in Australia or overseas), searching known academic and social networks (such as Facebook) in addition to phone and mail communication.

78 G Koch and K Obata, ‘“I am sorry to bother you”: a unique partnership between Luise Hercus and the Australian Institute of Aboriginal and Torres Strait Islander Studies’, in *Language, land & song: studies in honour of Luise Hercus*, eds P Austin, H Koch and J Simpson, EL Publishing, London, 2016, pp. 44–56.

At the PSR workshop in March 2018, participants discussed how knowledge of law and culture should guide ways of dealing with older materials. Julie Walker, Manager of Wangka Maya, commented that 'everyone would feel stronger with law and culture to guide their practices' – something that applies in both Indigenous communities and the non-Indigenous organisations that hold materials. Authority may shift between, or be held exclusively by native title and/or Indigenous corporations, traditional owners, land councils, families or individual community members. The cultural and legal staff member relationships within and between these organisations and groups also need to be understood, particularly in relation to decision-making and community representation.⁷⁹ Processes must be adaptable to these to ensure community and regional priorities are met. Otherwise, any process adopted 'not only ignores history and constant cultural change, but it also flattens the diversity of cultures and obscures the tremendous depth and scope of human experience'.⁸⁰

For Wangka Maya particular concern was expressed about the loss of control over materials held by mining companies. Ann Sibosado commented:

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 [and] trains carrying iron ore.



Figure 15 Lorraine Injie, Board Member presents on the history of Wangka Maya Pilbara Aboriginal Language Centre along with Julie Walker, WMPALC Manager, Annie Edwards Cameron, IBN Group and Jason Lee (WMPALC).
Credit: Andrew Turner.

79 T Tran and C Stacey, 'Wearing two hats: the conflicting governance roles of native title corporations and community/shire councils in remote Aboriginal and Torres Strait Islander communities', *Land, Rights, Laws: Issues of Native Title*, 6(4), 2016: 1–21.

80 V Napoleon, 'Living together: Gitksan legal reasoning as a foundation for consent', in *Between consenting peoples: political community and the meaning of consent*, eds J Webber and CM Macleod, UBC Press, Vancouver, 2010, p. 45.

Currently, mining companies in the Pilbara provide the materials they collect to the National Trust rather than to communities. At the PSR workshop (March 2018), Lorraine Injie expressed that the community was 'losing important cultural and linguistic knowledge' to mining companies. The lack of control over these materials and what companies, or third parties, might do with the knowledge once it was passed on caused particular concern. There is a risk that mining companies may use cultural and linguistic material for their own advantage, especially where the recording of information occurs for other purposes (such as compliance with heritage legislation or objections under native title legislation). Non-community-initiated recording creates significant challenges that the case study partners – especially Wangka Maya and Karajarri – were seeking to counter via their own databases and protocols.

Both Wangka Maya's collection and the Karajarri Cultural Database represent assertions of power and authority to make rules, to create, to interpret, and to produce outputs. At the PSR workshop (March 2018) Julie Walker spoke about existing community-based knowledge systems and processes for maintaining, protecting and storing information. She said that in the past, Aboriginal law had directed which individuals and groups have rights to view and own cultural material. In comparing formal institutions with these community-based structures, Julie considered institutional archives as secondary to Indigenous ways of governing knowledge.

Risk, roles and responsibilities

The PSR project identified clear cultural and community processes for interpreting and managing risk. Cultural authority extends to decisions over ownership of data and who can access and use data – in a similar manner to non-Indigenous risk management practices. The Karajarri Cultural Database, for example, is controlled through the use of password protected access as well as moderated information levels depending on user profiles, so that individuals without appropriate cultural authority cannot view certain material. Similarly, Wangka Maya managed access by maintaining a stringent decision-making protocol over the access and use of their materials as well as ensuring limited access to their information databases.

Family governance provides a basis for managing certain stories or information that is passed on within families whereas a language or grouping based structure such as a Prescribed Bodies Corporate (PBC) provides a unified structure to filter requests for information.⁸¹ However, family governance is not always clear cut, especially where there are intervening or disruptive governance arrangements in place. For example, the governance environment in which Wangka Maya operates is complex. Wangka Maya pre-dates native title and the formation of numerous PBCs and trusts in the region. It is difficult to categorise or represent exactly how governance structures operate and relate to each other as they arise out of both corporate structures and cultural practices. For Wangka Maya this has required a change in practice and the organisation is now going through a process which sees them involve more groups and individuals in their decision-making processes.

Cultural authority is also complicated in processes which involve the return of materials. As part of the second Wangka Maya workshop, AIATSIS created worksheets which could guide discussions about the types of questions requiring consideration. The complexity of each decision meant that these worksheets were never going to be filled out during a session at a workshop. They can, however, be utilised at a later date by organisations and the individuals while reviewing recordings to identify speakers, families, and language groups that could 'speak for' or provide permissions for the recording. This is a time-consuming process that will need to continue beyond the PSR project.

81 For a discussion on the importance of recognising family structures in environmental governance and caring for country see: E Lee and T Tran, 'From boardroom to kitchen table: shifting the power seat of Indigenous governance in protected area management', *Australian Aboriginal Studies*, 2016/2 2016: 81–93, p. 81.



Figure 16 Joe Edgar and Mervyn Mulardy during filming at Mirntingmartaji.
Credit: Tran Tran.

Beyond the resource burden, this work can also be personally challenging. Traditional owners can be openly criticised for engaging with institutions and processes that have, historically, been viewed as being in opposition to community priorities, such as mining companies. In order to manage these risks, Wangka Maya refers questions to their board. When permissions are required, the board seeks to identify the right people to ask to ensure consent is sought from the appropriate people. This can involve examining genealogies and family trees to identify relatives of speakers. Such processes can be difficult as families are dynamic and the passing on of responsibility for certain things such as stories or language may not follow familial lines or match technological changes. Similarly, permission and guidance was sought as to whether it was appropriate to carry a USB of closed men's songs. However, these doubts were resolved through good processes and strong and continuous relationships which predated the research project.

Dimensions of permission and consent

When a cultural group asserts control and authority over their knowledge, a process for seeking permission to access this knowledge becomes imperative. Equally, a lack of process also becomes obvious through increasing delays in processing these requests. Institutions like AIATSIS follow protocols and processes determined by custodians of the knowledge. However, this practice is evolving and the responsibility for permissions does not lie solely with these larger institutions, but also with community and regional organisations. Difficulty can arise from both determining who to contact and then making such contact. This can be due to remoteness of people, lack of internet or telephone coverage, people having already died or lost contact, as well as continuing questions about gender, cultural authority, resourcing and ethical research practice.

Permission is valid where it conforms to Indigenous reasoning or processes of legitimacy.⁸² Consent in an Indigenous context may be less focused on individual autonomy, and instead involve consultation with family or require consent from the 'right person' within a group, such as a custodian.⁸³ However, these mechanisms have been disrupted by colonial processes which introduced different forms of consent, for example, requiring the permission of the affected individual, or a democratic voting process. For Kiwirrkurra, this was not a key issue as knowledge is transmitted and shared through everyday practice alongside the use of USB storage and other forms of technology to facilitate distribution. For Karajarri, a newly-revived cultural practice and the recording of songs has been the major preoccupation, with very few direct requests for access to information. Further, finding the right person was easily mediated by the Karajarri community which had a clear understanding of the potential complexities of a request for Karajarri information and from whom to best seek a response. However, demands upon Wangka Maya as an organisation were a pressing issue. Wangka Maya has instituted a process where it may charge a fee to seek these permissions. This is necessary, as recent requests have been for large collections of materials, sometimes for *all* recordings of a language.



Figure 17 Nell Reidy and Donna James during recording at the Marapinti site. Credit: Tran Tran.

Another aspect of consent raised by Wangka Maya was the difficulty in establishing whether informed consent was obtained, particularly in the case of older materials. In considering consent that had been given in the past, the board faced uncertainty in whether consent had been gained appropriately, questioning the understanding and ability of people to give consent where they may have been unable to read or write. For example, someone may not have read or understood English but they had been asked to sign a consent form without translation or explanation. Determining consent in such cases requires time and effort, not only to make a judgment but also to retrofit cultural protocols where they were previously unrecognised. This places further pressure on Wangka Maya to ensure they make the correct decision about the consent gained for the use of materials.

82 P McGrath and E Phillips, 'Western notions of informed consent and Indigenous cultures: Australian findings at the interface', *Journal of Bioethical Inquiry*, 5(1) 2008: 21–31.

83 McGrath and Phillips, 'Western notions of informed consent'.

Questions were also raised during the PSR project about the cultural safety of returned material in addition to issues around obligations which come with caring for the knowledge being returned. There was concern that there is a lack of awareness about what needs to be done once material is returned and how that material should be cared for, especially where original knowledge holders have passed away.

For AIATSIS, control is largely aligned with the previous wishes of non-Indigenous depositors (who were the major producers of recorded Indigenous material). AIATSIS is seeking to renegotiate with depositors (or their estates) to facilitate the use of community protocols in managing the collection.⁸⁴ Ultimately, however, it has a legal obligation to uphold the decisions made by copyright holders, which can often work against the interests of Indigenous people who have cultural authority over material.⁸⁵ The obvious prioritisation of produced forms of knowledge under copyright law – such as recording and writing – creates uncertainties in managing the risks of copyright application.

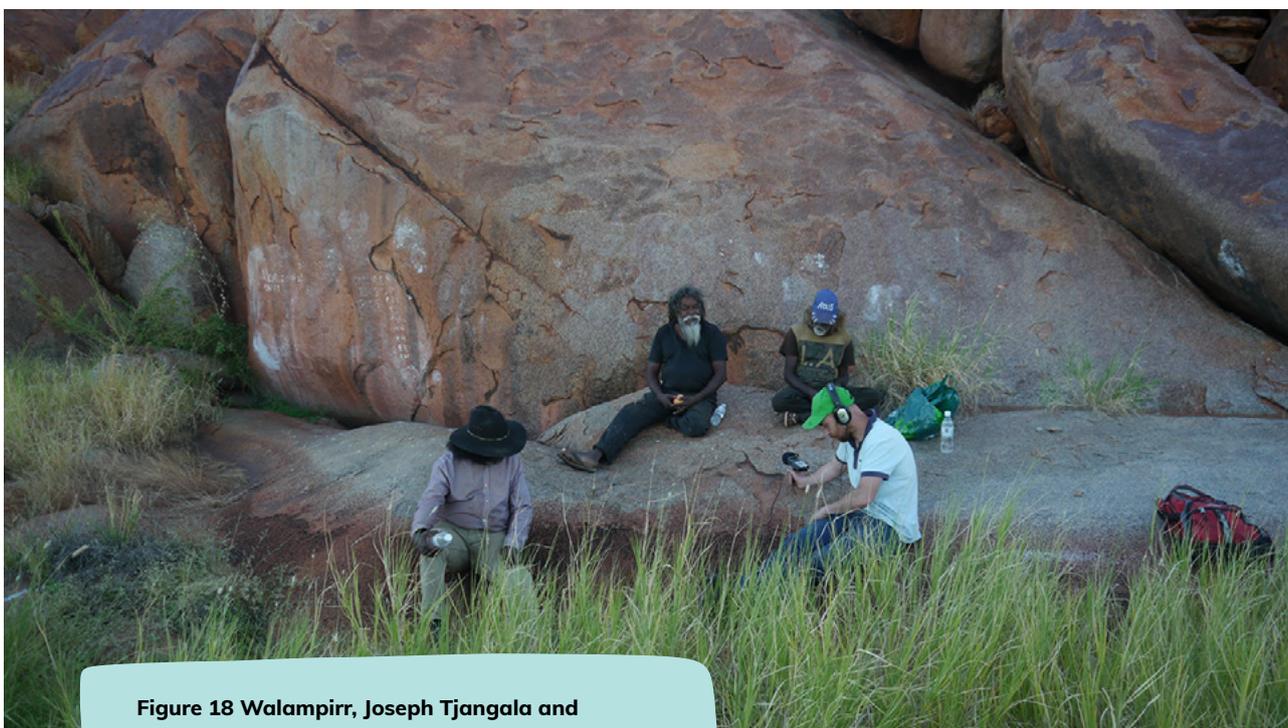


Figure 18 Walampirr, Joseph Tjangala and Mr Jim Brown recording with Tom Allen at Ngami.
Credit: Doug Marmion.

There are other complex considerations in relation to permissions. Wangka Maya discussed whether some general permissions could be determined based on the content of material or whether cultural authority must be sought no matter the content. This task becomes further complicated in situations where a multi-language speaker may be recorded in one language but belongs to a different language group. A question then arises: which language group or groups needs to be consulted? To identify those with the authority to give consent there is a need for detailed metadata on each recording to be available, including who is recorded, what language the recording is in, and what the recording is about. The metadata for the Wangka Maya collections deposited at AIATSIS is insufficient. This lack of information makes the process of seeking consent very difficult and these issues are likely to remain uncertain until work to improve the metadata can be completed (see Appendix 3). Wangka Maya's experience illustrates a clear need for resourcing and understanding with respect to the challenges that are created by legacy collections.

84 AIATSIS, *AIATSIS Annual Report 2017–2018*, AIATSIS, 2018, p. 24.

85 The exemptions under copyright legislation are not always clear, for example, *Copyright Act 1968* (section 200AB).

Another obvious dimension is gender. Gender-based information and knowledge is an integral feature within many Aboriginal societies.⁸⁶ There are Aboriginal laws which govern the protection and transfer of this knowledge. This knowledge will generally not be discussed or shared in the presence of outsiders and may only be shared with people who meet certain cultural standards.⁸⁷ In terms of ownership, this knowledge is not the property of the individual; instead it is often held by certain people for and on behalf of a larger society or region.⁸⁸ Unsurprisingly, gender, alongside connection back to family was a central delineating factor in the development of access protocols. The driving force was the need to ensure cultural safety within the community itself as well as the safety of those exposed to gendered information.

AIATSIS returned copies of gendered material to Kiwirrkurra during the PSR project. To prepare for this return, the community was made aware that the material was coming, and a handover time and place was negotiated over successive days. A high level of discretion and deference was employed by a senior AIATSIS staff member who had lived in Kintore on a long-term basis. This was acknowledged by senior members of the community who accepted the return of the copies. Discussion about AIATSIS' ongoing administration of this material was then conducted and the current restrictions and permissions were confirmed.



Figure 19 Kate Crossing, Monica Napaltjarri Jurrah, Yinarupa Nangala, Donna Nungarrayi James, Mantua James recording a women's song cycle at Mukula.
Credit: Tran Tran.

86 G McIntyre and G Bagshaw, 'Preserving culture in Federal Court proceedings: gender restrictions and anthropological experts', *Land, Rights, Laws: Issues of Native Title*, 2(15) 2002: 1–12. McIntyre and Bagshaw state that 'such culturally sanctioned secrecy typically pertains to esoteric knowledge which is deemed to be the exclusive preserve of adult members of a single sex'.

87 McIntyre and Bagshaw, 'Preserving culture in Federal Court proceedings'.

88 McIntyre and Bagshaw, 'Preserving culture in Federal Court proceedings'.

From the project it was clear that if a process to obtain consent is to have integrity and remain workable, there must be someone deemed appropriate by a community to firstly propose the issue and secondly establish and/or review the access and use of that material. This approach must balance the requirement to obtain consent every time a copy of an item is requested and the practicality of seeking appropriate authority holders for permissions for 'low risk' requests – such as permissions of photos of family members. In doing so, collecting bodies should be mindful that consent is obtained with cultural protocols and safety in mind and aim to build community confidence. In setting these requirements, more questions arise in relation to the authority of individuals and groups over materials or classes of materials, in particular who are the 'right people' to identify as having authority. What was clear was that Karajarri information is for Karajarri people and, likewise, Kiwirrkurra information is for Kiwirrkurra people. For Wangka Maya, the processes for seeking consent are not as clear cut, as the organisation itself works with thirty one different language groups, creating further complexity. Some elements of decision-making were also consistent across all case studies. In particular, a strong distinction was made between who could see or view materials and what could be done with them (including making copies or subsequent publication).

Resourcing community archives and processes

Once cultural authority is recognised, resourcing is needed to provide a secure space for copies of the material to be held and administrative capacity to process access requests. As of 2018, returned materials in Kiwirrkurra lacked a central storage facility and consistent email contact, with reliable internet having been installed only within the last six months of fieldwork. There are many questions to consider in terms of where returned materials (aside from personal images etc.) can be held, despite clear intentions for permissions and protocols. Currently materials are largely held at the IPA office because there is no PBC space or infrastructure capable of providing long-term storage.

During fieldwork it was not uncommon to see community members share USBs with recordings made by Professor Fred Myers although it was unclear where the recordings had originated from. While storage on USBs may meet short-term needs, this isn't a reliable way to protect information as there is the risk it may be misplaced, viewed by the wrong people or erased. USBs are also prone to damage or degradation over time. Further, when digital copies are returned, communities often receive a copy, while the original continues to be held by the collecting body. There is then a question around who owns the original copy and who owns the returned copy, who can say what access conditions this item then has, or who can choose to destroy the original. If institutions are simply passing on a copy, they aren't relinquishing control of either the physical item or more importantly the knowledge associated with it.

In considering resourcing, the capacity of each body to perform functions such as sourcing permissions, providing access, and making copies of materials may determine the structure which can work best to facilitate the management of, and access to, collections. For example, a community organisation may function as a point of contact to seek permissions, while a larger organisation provides access to materials and makes copies based on the permissions obtained. This may be suitable as smaller community organisations, in particular, may not be well resourced to hold or provide copies of materials to communities or may have other functions of a higher priority, while at the same time having the community knowledge and relationships to effectively seek permissions. It is important to maintain collaborative approaches because it has been established that the 'circulation of expertise and funds from larger to smaller organisations helps keep community archives alive'.⁸⁹

89 Australian Society of Archivists, *Archives matter!*, Australian Society of Archivists, 2007.

Increasingly, community-based archives are becoming a reality. In November 2017, with the assistance of the then Indigenous Land Corporation (ILC) the KTLA successfully negotiated the purchase of freehold land that previously had been a bird park.⁹⁰ Formerly inaccessible to the Karajarri people, the purchase represented an opportunity to create a Karajarri tourism hub and cultural base outside the contested Bidyadanga area. Recently, the Karajarri people have been actively negotiating the return of materials with the aim of developing their own cultural governance structures for the management of this information. In the past, recording has occurred through existing activities or based on short-term grants with Mervyn Mulardy spending time in the Bran Nu Dae aged care facility recording some of the elderly Karajarri people. The then Karajarri chair, Thomas (Dooli) King wished to see the establishment of a Karajarri archive and information management system on Karajarri country so that material collected about Karajarri culture and country is accessible to Karajarri people in the form of a cultural centre.

Institutions

Evolving collection practices

The archive is not a readily comfortable site of engagement for Indigenous Australians. Archives have 'double meanings': they are both sources of important information and hold material that is intrusive or racist.⁹¹ The return of material, therefore, does not fit easily into the process of decolonisation. When cultural institutions fail to appropriately understand and respond to the difficulties inherent to the archive as a site of Indigenous engagement, then it is possible that more harm than good is achieved.

Aboriginal and Torres Strait Islander peoples have long been the subjects of research and record-making with little to no control over these processes. It is the work of researchers, academics, policy makers and others 'that have been responsible for the extraction, storage, and control over Indigenous knowledges'.⁹² It is in this context that institutions are generally established for 'public' interests and consequently seek to make many of their collections accessible. This public purpose, however, has historically been exclusionary of Indigenous people.⁹³

In many instances, knowledge, materials, and resources have been taken from Indigenous peoples and communities without obtaining appropriate consent or establishing an ongoing relationship between the community and those collecting data. AIATSIS practice has moved some way towards enabling a level of protection of both cultural rights and privacy through the enactment of section 41 of the AIATSIS Act 1989. This section binds AIATSIS and ensures that where information is deposited under conditions of restricted access, information is not disclosed other than in accordance with those conditions.⁹⁴ This legislative mandate is also supported by the AIATSIS access and use policy.⁹⁵ Further, AIATSIS cannot disclose information if that disclosure would be inconsistent with the views or sensitivities of relevant Aboriginal persons or Torres Strait Islanders.⁹⁶

90 Since 2019 the Indigenous Land Corporation has expanded its mandate to include water and sea country and is now known as the Indigenous Land and Sea Corporation.

91 K Thorpe, M Galassi, and R Franks, 'Discovering Indigenous Australian culture: building trusted engagement in online environments', *Journal of Web Librarianship*, 10(4) 2016: 343–363, p. 344.

92 L-I Rigney, 'Internationalization of an Indigenous anticolonial cultural critique of research methodologies: a guide to Indigenist research methodology and its principles', *Wicazo Sa Review*, 14(2) 1999: 109–121.

93 J Anderson and K Bowrey, 'The politics of global information sharing: whose cultural agendas are being advanced?', *Social and Legal Studies*, 18(4) 2009: 479–504.

94 *Australian Institute of Aboriginal and Torres Strait Islander Studies Act 1989*, section 41(1).

95 This policy is currently under review to further ensure appropriate cultural and community access to the AIATSIS collections.

96 *Australian Institute of Aboriginal and Torres Strait Islander Studies Act 1989*, section 41(2).



Figure 20 Preparations for burial ceremony following the repatriation of remains. (L-R) Anna Dwyer, Janine Shoveller, Sylvia Shoveller, Sam Bayley, Wynston Shoveller (background) and Nell Reidy. Credit: Tran Tran.

As an organisation, AIATSIS has recognised that using knowledge captured in recordings is the best way to ensure its continued relevance and significance and has also been working to review its existing collection management strategies.⁹⁷ In order to update and create the necessary relationships and protocols to make the collection more accessible, AIATSIS has sought to maintain a continuous relationship with communities to ensure that collections are engaged with as a form of living knowledge.⁹⁸ Previous experiences in research and data collection have led to Indigenous disengagement and distrust with data development, collection, analysis, interpretation, and reporting. Tuhiwai-Smith notes:

Most Indigenous peoples and their communities do not differentiate scientific or “proper” research from the forms of amateur collecting, journalistic approaches, filmmaking or other ways of “taking” Indigenous knowledge that have occurred so casually over the centuries.⁹⁹

The project team employed ‘digital return’ to support our partners to access digitised material held within AIATSIS and to return those digital copies to appropriate members of relevant Indigenous communities. For us, digital return was an important tool for the decolonisation of archives – especially where physical repatriation is impractical or where communities would prefer that irreplaceable and fragile physical material remains at AIATSIS.¹⁰⁰ The use of digital return allowed us to simultaneously recognise Indigenous ownership of much archival material, facilitate access to that material (overcoming large geographical distances), and ensure the ongoing maintenance of the physical integrity of material.

97 B Lewincamp and J Faulkner, ‘A keyhole to the collection: the AIATSIS Digitisation Pilot Program’, *The Australian Library Journal*, 52(3) 2003: 239–245. See also AIATSIS, *Collection Development Strategy 2017–2021*, AIATSIS, 2017.

98 This view was also expressed by Thieberger who notes that language materials in collections must be used for language revitalisation to be successful: Thieberger, *Paper and talk*.

99 LT Smith, *Decolonizing methodologies*, p. 32.

100 Scales et al., ‘The Ara Irititja Project’.

There are, however, a number of important cultural considerations that accompany digital return. Indigenous epistemologies are often very different to non-Indigenous ones.¹⁰¹ Many Indigenous cultures have restrictions on how information should be accessed based on factors such as one's gender or seniority, in contrast to some western demands that emphasise universal open access to all knowledge.¹⁰² Similarly, dominant intellectual traditions – including property law – often fail to allow Indigenous peoples to have control of material that they rightfully consider theirs.¹⁰³ Archives must ensure, therefore, that material is returned appropriately, taking into account cultural parameters for access to knowledge, while simultaneously navigating the competing demands of intellectual property law on the one hand, and Indigenous peoples' right to control their material on the other.

As a result, recent years have seen the development of numerous projects, especially digital databases that have provided Indigenous people with digital access to cultural material. One particularly prominent example is Ara Irititja, a software that provides Indigenous users with digital access to material within a framework of appropriate cultural restrictions and protections. The software, among other things, allows for the restriction of images of people who have passed away, and provides gender-specific materials in separate archives.¹⁰⁴ Other examples of similar projects include: Mukurtu,¹⁰⁵ Dream Trackers CD-ROM,¹⁰⁶ eMob,¹⁰⁷ and the Koorie Heritage Archive.¹⁰⁸

AIATSIS itself has an existing policy that guides the Return of Materials to Indigenous Communities (ROMTIC). This policy allows for every Indigenous individual to request digital copies of up to twenty photographic, audio or moving image items from the AIATSIS collection relating to their family or culture, free-of-charge, within a calendar year.¹⁰⁹ The case studies highlighted in this paper are distinct from this process, however, as they are larger scale projects of return conducted with community rather than through individual requests. Accordingly, community relationships need to be formed sensitively, as some material may be emotionally harmful, even where it is culturally safe to view.

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- 101 For example, McKemmish et al., 'Australian Indigenous Knowledge and the Archives', p. 33; M Nakata and M Langton, 'Introduction', in *Australian Indigenous Knowledge and Libraries*, eds M Nakata and M Langton, UTSePress, Sydney, 2006, p. 4.
- 102 For discussion of this issue, see K Christen, 'Does information really want to be free? Indigenous knowledge systems and the question of openness', *International Journal of Communications*, 6 2012: 2870–93. See also F Myers and L Stefanoff, "'We never had any photos of my family': Archival return, film, and a personal story," in *Archival returns: central Australia and beyond*, eds L Barwick, J Green and P Vaarzon-Morel, Special Publication of Language Documentation and Conservation, Honolulu, 2019, pp. 217–38.
- 103 This point is made in, for example, L Ormond-Parker and R Sloggett, 'Local Archives and Community Collecting in the Digital Age', *Archival Science*, 12 2012: 191–212, p. 193; S McKemmish, S Faulkhead, and L Russell, 'Distrust in the archive: reconciling records', *Archival Science*, 11 2011: 211–239, p. 228. For an extended discussion of copyright, see J Anderson and K Christen, "'Chuck a copyright on it": dilemmas of digital return and the possibilities for traditional knowledge licenses and labels', *Museum Anthropology Review*, 7(1–2), 2013: 105–26.
- 104 Scales et al., 'The Ara Irititja Project', p. 157. The software was originally designed for the Pitjantjatjara and Yankunytjatjara (Anangu) peoples and has been modified to allow for community customisation and now more than 30 separate language groups use it to facilitate their own digital access to material: see Scales et al., 'The Ara Irititja Project', p. 160.
- 105 P de Souza, F Edmonds, S McQuire, M Evans and R Chenhall, 'Aboriginal Knowledge, Digital Technologies and Cultural Collections: Policy, Protocols, Practice', *Melbourne Networked Society Institute, Research Paper 4 2016*: 1–52, p. 37; K Christen, 'Opening archives: respectful repatriation', *The American Archivist*, 74(1) 2011: 185–210; Christen, 'Does information really want to be free?'. See also K Christen, "'The Songline is alive in Mukurtu": return, reuse and respect', in *Archival returns: central Australia and beyond*, eds L Barwick, J Green and P Vaarzon-Morel, Special Publication of Language Documentation & Conservation, Honolulu, 2019, pp. 153–72.
- 106 B Glowczewski, 'We have a Dreaming: how to translate totemic existential territories through digital tools', in *Information technology and Indigenous communities*, eds L Ormond-Parker, A Corn, C Fforde, K Obata and S O'Sullivan, AIATSIS Research Publications, Canberra, 2013, pp. 105–25.
- 107 O'Sullivan, 'Reversing the gaze', pp. 142–43.
- 108 Huebner, 'A digital community project', pp. 171–83.
- 109 AIATSIS, *Access and use policy: AIATSIS Collection*, AIATSIS, 2014, p. 14.

For example, when listening to recordings made by anthropologist John Howard of his great grandfather, Mervyn expressed mixed feelings of gratitude and anger:

[H]e was lucky my great grandfather had good English but the way he was questioning, asking so many questions...but then we also have good information...at the end of the day – today – its valuable.¹¹⁰

Mervyn felt that Howard's questioning was disrespectful but at the same time, it enabled the recording of clear and accurate information.

In response to the historical legacy of information marginalisation, calls have been made for Indigenous data sovereignty through Indigenous maintained, controlled and protected data.¹¹¹ Issues relating to data sovereignty are wide-ranging and include: disambiguating data archives and cultural archives; deciding what data is collected; data storage; ownership; access and consent; intellectual property rights; and the use of data in research, policy, and practice.¹¹² Data sovereignty supports the broader imperative that researchers and collecting institutions decolonise their governance arrangements and the data archives 'externally created for and about indigenous peoples'.¹¹³ As such, recording activities that occurred through the PSR project reversed assumptions of ownership and ensured that all intellectual property was vested in the appropriate community knowledge holder (see community reports and project activities detailed in Appendix 1 and sample permissions script in Appendix 2).

Confusion, copyright and communal rights

What the PSR project revealed was the continuing challenge of ownership: where cultural rights may point to one owner, they may not have legal rights over that material. As part of our work with Wangka Maya, participants at the Community Rights in Legacy Collections workshop expressed a lack of understanding of their individual rights in terms of ownership. In particular, participants were concerned about assignment of copyright, moral rights, and how employees and volunteers were affected by copyright within their own organisation. Participants at the Collections workshop also conveyed a lack of understanding among the community about people's intellectual property rights, noting in particular that it was difficult for people to understand that no legal protection is automatically available for cultural rights in recorded materials (without the expense and time in developing necessary contractual arrangements). What was evident from the larger second workshop at the Pilbara Aboriginal Languages and History Expo was that people also have their own systems by which knowledge is protected and passed on that are poorly understood by the law and existing policy.¹¹⁴ Julie Walker for example, spoke about how community members have their own rules and conceptions of knowledge that did not always translate into existing structures which needed to be worked through in a structured manner. There was obvious frustration that copyright law does not mirror, extend to, or even recognise that a system for managing and maintaining knowledge already exists in Indigenous cultures. At the workshop, Bruce Thomas, chair of Wangka Maya, said of copyright: 'It's gotta start with family. I have a song just for my grandchildren – that's lore/law. Whitefella law come in. Too many law; no good one'. His words reiterate the overlapping yet incomplete laws that communities are subject to when protecting and using knowledge.

110 T Tran, interview with Mervyn Mulardy, unpublished, 22 February 2018.

111 R Lovett, 'Aboriginal and Torres Strait Islander community wellbeing: identified needs for statistical capacity', in *Indigenous data sovereignty: toward an agenda*, eds T Kukutai and J Taylor, ANU Press, Acton, 2016.

112 T Kukutai and J Taylor, 'Data sovereignty for indigenous peoples: current practice and future needs', in *Indigenous data sovereignty: toward an agenda*, eds T Kukutai and J Taylor, ANU Press, Acton, 2016.

113 D Smith, 'Governing data and data for governance: the everyday practice of Indigenous sovereignty in Indigenous data sovereignty', in *Indigenous data sovereignty*, eds T Kukutai and J Taylor, ANU Press, Acton, 2016, p. 118.

114 AIATSIS, *Looking after community rights in legacy collections*.

Communities articulated more relevant questions for consideration: who are the 'right people' to speak? How they are chosen, and how they will make their decision? This is particularly relevant where an individual or individuals acting on behalf of a larger group of people all have an interest in an item or piece of intellectual property. Will the group nominate an individual or seek to make decisions collectively? Will a nomination be based on customary law? Will it depend on the position of a person within a PBC or ranger group? Or determined by an individual's ability to interact with archives and collections bodies, or their access to a telephone, computer or the internet? How will collective decisions be made – by majority vote? What are the boundaries of the collective?¹¹⁵ Is a nominated individual bound by group decisions?

The women who visited AIATSIS from Kiwirrkurra also faced issues with copyright because they knew of material held by AIATSIS which they were unable to access. Restrictions had been placed on the items by the depositor, who owned copyright, meaning the material could not be shown. Kate Crossing, Kiwirrkurra IPA coordinator explained the confusion community people faced in this situation especially where people did not understand why they could not access knowledge from their families. The Kiwirrkurra experience is one of many that the PSR project is seeking to overcome by introducing appropriate research and archival practices and creating new management processes which place communities at the centre of decision-making in relation to their collection materials. There needs to be space for multiple forms of ownership and provenance before many of the existing gaps and issues identified in knowledge management can be addressed.

Accessibility of the archives

Archives held at collecting institutions can be difficult to access for many reasons.

The list is long and includes:

- information is dispersed amongst multiple sites rather than a single place;
- there is a lack of understanding of the work that collecting institutions do;
- resources available to review archived material on country or in community settings are lacking;
- the volume of requests and materials to review creates long delays in archival processing times;
- there are large distances between collecting institutions and source communities and living descendants who need to make decisions;
- there is community conflict and ad hoc decision making;
- there are different levels and methods of community engagement (with organisations, family groups, individuals);
- there is insufficient documentation, particularly in older material where collecting practices were much poorer; and
- the conditions placed upon accessing materials restrict community use.

The legacy of 'taking' from Aboriginal and Torres Strait Islander communities directly impacts the accessibility of information in archives and collecting bodies. This information ends up dispersed everywhere from private collections to universities and museums in Australia and overseas. This dispersal of information creates difficulties for Indigenous communities today in accessing these materials and bringing them back to their families or language groups. Central to this disaggregation of information is the variations in ethical engagement with communities, of collectors and organisations, as well as a lack of an identifiable governance structure or a central repository to which to return materials.

115 J Webber, 'The meanings of consent', in *Between consenting peoples: political community and the meaning of consent*, eds J Webber and CM Macleod, UBC Press, Vancouver, 2010.

In Australia, archives and collecting institutions are usually located in cities, which can make physical access difficult or impossible for many. This lack of physical proximity raises questions of whether communities even know particular collecting institutions exist, let alone that those collecting institutions may hold materials relevant to their community. Online catalogues make collections searchable without the need to travel to the archive, but only where people have easy access to computers and the internet. Further, searching catalogues still requires a level of literacy and familiarity with searchable databases and can be difficult to interpret – especially given that whole university courses are dedicated to information management. Moreover, catalogue searches are also based on the assumption that metadata and catalogue records are accurate and comprehensive, that English is the preferred language and that information and resources are organised in a universally logical manner. Other secondary technological issues are discussed further below.

These challenges create a burden on traditional owners seeking to bring back information to country, especially where they must search multiple collections and develop partnerships and collaborations. For example, the Karajarri note their materials are held in Broome by the Sisters of St John of God, the State Library of Western Australia, and AIATSIS. This dispersal of information creates the need for repeated access requests as well as 'casting a wide net' to bring back material to the community. Mervyn Mulardy noted the burden of re-aggregating information:

How do we approach the people who [have] all this information? How do we go about getting it transferred to use? Do we have an agreement with them? Do we sit down with them? Do we work out a protocol? We want to work with them, in a better way, to get that information...and collaborat[e] to work together because they've got valued information.

Noting materials may be spread across collecting institutions and could be held by multiple bodies, there are many ways organisations can collaborate, or fail to collaborate, to produce different management structures for materials. Differing access conditions can arise where the bodies who hold copies of the same material do not coordinate their access requirements leaving some material vulnerable to cultural security concerns – for example, sensitive cultural material has been known to be available in open access publications and digital theses.

To overcome some of these accessibility issues, collecting institutions – when adequately resourced to do so – facilitate community access visits and engagement with heritage materials. AIATSIS' visit to Kiwirrkurra included taking photo books for the community to view and select which materials they would like to obtain copies of. However, several issues became apparent in doing so. Poor eyesight meant many people could not see enough detail in photographs to understand their contents or identify people in them.¹¹⁶ During AIATSIS' later visit to Wangka Maya, these problems were subsequently addressed. For example, photos were printed on full pages with the caption for each photograph below the individual image. This greatly improved people's interaction with the images, resulting in requests for copies, provision of additional information on the images, and requests for the photo books to be made available to organisations to show to the wider community. Some of these issues were also largely resolved with the introduction of AIATSIS' online pictorial database that was made available during the second fieldwork trip. Although this solution unearthed a secondary issue of exhausting the communities' costly satellite internet bandwidth.

116 A caption list was provided separately to the photo books, creating difficulty in coordinating the photograph and its caption.



Figure 21 First viewing of historical footage of John Dudu a senior Karajarri man. The footage was shared with community by Darren Jorgensen from the Berndt Museum. Credit: Tran Tran.



Figure 22. Mantua James, Tran Tran and Yinarupa Nangala viewing images on the AIATSIS pictorial database at the IPA office in Kiwirrkurra. Credit: Nell Reidy.

The metadata paradox

A further barrier to accessibility encountered in the PSR project was a lack of detailed information or metadata on the collection materials, which significantly slowed consent processes. In engagements between researchers, collecting bodies, and communities to determine who can speak for and give permission to access materials, a key consideration for case study partners was ensuring cultural safety. This means that materials should be managed according to protocols determined by communities.

There is a need to provide a minimum level of information about the material: what is in the material, who it relates to and who is authorised to give permissions in relation to the material. Accessibility also needs to be balanced with the need to ensure that cultural safety is maintained in line with recognising the authority of traditional owners to manage their knowledge. Without this information, collecting institutions may be reluctant to hold large amounts of restricted and therefore inaccessible material and there may be no apparent value in storing data without the ability to access it.¹¹⁷

Using the wrong language

Two issues emerged around the use of language that case study partners identified as impacting accessibility: the need to actually use Australian languages generally, and the need to explain institutional processes in ways that are understandable. The combination of the widespread use of English and legal or technical jargon is increasing inequality in communication and understanding. Lorraine Injie expressed the creation of this inequality in the following way:

[there were] 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 – not only do [our people] 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.

A second aspect of concern around communication raised by the case study partners was the difficulty of explaining to communities what an archive is, why they are useful, why you would want stories belonging to country kept elsewhere and how to access archives. Throughout the project, case study partners slowly built their understanding about AIATSIS, the collections and the ongoing challenges the organisation faces in managing Indigenous cultural knowledge and information. Early on, it was clear that the discussion about archiving processes was absent from the earlier fieldwork trips. Gradually, project conversations evolved from references to 'that museum place in Canberra' to an understanding of the work that AIATSIS carries out.

Trust in AIATSIS increased to the extent that participants were willing to donate materials, either in addition to the recordings made during the project, or materials recording older ceremonies. Following the first fieldwork trip to Kiwirrkurra, Sally Butler, a Kiwirrkurra traditional owner and academic, visited AIATSIS in Canberra with Kate Crossing from Central Desert Native Title Services. Sally and Kate were given a tour of AIATSIS which contextualised their practical understanding of the ways in which AIATSIS manages cultural information. Following the tour, Sally spent some time looking at photographs and some film recorded by Jeremy Long, a former patrol officer and researcher, held at AIATSIS. Sally and Kate stated

117 This is a key consideration in the AIATSIS Collection Development Policy 2017–2021 which has seen the rejection of some valuable but undescribed collections: "AIATSIS will normally only acquire materials that can be appropriately stored and managed", criteria 5.1 in AIATSIS, *Collection Development Strategy 2017–2021*.

that the trip 'helped the Kiwirrkurra people better understand what happens with archived material that relates to them'. Similarly, as senior Karajarri man Mervyn Mulardy notes: 'We did not know AIATSIS, what you hold [here]'.¹¹⁸ While traditional owners clearly viewed AIATSIS as an organisation that could assist in taking care of materials, there was limited discussion of the practical steps involved and the further choices required to ensure that material was appropriately archived – for example extensive collection donation and deposit forms.

Communicating this understanding also involves careful word selection in avoiding jargon while accurately conveying institutional processes. For example, to describe AIATSIS' role in handling materials, using 'protecting' or 'caring' may be preferable to 'controlling' material. Avoiding scientific, legal or technical jargon related to rights management, digitisation, or metadata systems could assist in avoiding misunderstanding. These concepts need to be explained in ways which are meaningful to users of the archive, particularly those in communities. Some anthropological terminology regarding particular cultural practices can be objectifying and care needs to be taken in using such terms. Using the most appropriate language extends beyond being selective in word choice to, perhaps more significantly, increasing the usage of Australian Indigenous languages and meeting communities in the middle.



Figure 23 Donna James, Boyd Wright, Nell Reidy, Joseph Tjangala, Joanne West, Yinarupa Nangala and Marlene Spencer walking towards the Jupiter Well site. Credit: Tran Tran.

118 T Tran, interview with Mervyn Mulardy, unpublished, 22 February 2018.

Technical issues

Both large collecting institutions and community archives are facing practical challenges in maintaining their collections. These issues create another long list which includes:

- the preservation of collections;
- succession planning of storage and preservation systems;
- systems to support discovery and to manage access levels;
- the need to build research and collection practice to develop comprehensive and accurate data held within these systems; and
- succession planning from a governance and technological perspective.

A further aspect of managing Indigenous knowledge and information is the practicality of data storage and the need to preserve material like tapes, digital files, photographs, and reports. There is a need to balance the advantages of cloud-based storage, cultural security and preventing data loss.¹¹⁹ Considerations of cultural safety may also include: allowing access to only one gender, to only members of certain families, or to certain individuals. Another significant barrier with cloud-based storage is the accessibility and reliability of the internet and the cost associated with maintaining such a service. Other issues related to digital files include format obsolescence, the need for back-ups, protection against data breach and data corruption, and migration. These issues continue to persist in large collecting institutions and are becoming increasingly pertinent to communities. If physical files are held, there is a further issue of how organisations have the capacity to ensure secure storage and appropriate access.



Figure 24 Viewing of images using the old pictorial database in Kiwirrkurra.
Credit: Nell Reidy.

¹¹⁹ See further the National Library of Australia's digital preservation policy on these issues: [National Library of Australia, *Digital Preservation Policy 4th Edition*](#), National Library of Australia, 2013.

This was of particular concern in the return of materials to Kiwirrkurra where the ultimate 'home' for materials was unclear. The community itself had its own structures for the management of closed materials, namely, privately located keeping places which were also accessed during the project. For example, photos were returned that required review by senior men and were ultimately dealt with appropriately by the community – although in ways that do not always suit dominant archiving practice. The materials were ultimately placed in a secure location with the expectation that they would not be seen or accessed. In contrast, social and community photos were widely distributed within the community via USBs that could be readily plugged into televisions and other devices (independently of the poor internet access in the community area). For the Karajarri, the future of their database has not come into question and they have formed a positive working relationship with their developer who has been collaborating with them to develop appropriate permissions and access protocols. However, the overall 'safety' and reliability of their database has not been tested or challenged to date.

Trauma

As Aboriginal and Torres Strait Islander peoples re-assert and re-engage with cultural material collected by researchers and kept in archives, there are increasing calls to support their right to respond to historical material. Often collections contain historical records which include inaccurate information and racist assumptions and do not reflect peoples' lived experience. Collecting institutions need to ensure culturally safe environments in which traumatic records can be dealt with appropriately. There is a need for institutions to recognise that by holding and making decisions about these records they are not neutral.

The biases of non-Indigenous archivists distort collections, particularly where Indigenous people are not able to contest the records kept. At the PSR workshop (March 2018), Pat Williamson, from the National Museum of Australia, commented that staff within collecting institutions need to be aware of the unconscious biases they hold. She also expressed concern that people are 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.' At the same workshop, Kirsten Thorpe, a professional archivist, noted the failings in record-keeping and has begun to question how communities can take back traumatic records.¹²⁰

These issues of trauma were particularly relevant in the case of Wangka Maya – which has been on a longer journey in terms of the development of their language archive. They are now facing similar if not more challenging access questions as a key regional body in the Pilbara. Julie Walker articulated the impact of archives and institutions:

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 benefit. 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 it's affecting my children. There's this issue about historical trauma...these institutions need to evaluate themselves: their own values and their own ethics.

120 For further discussion on the 'right of reply' see McKemmish et al., 'Distrust in the archive'; and T Luker, 'Decolonising archives: Indigenous challenges to record keeping in "reconciling" settler colonial states', *Australian Feminist Studies*, 32(91–92) 2017: 108–125.



Figure 25 Julie Walker, Manager of Wangka Maya Pilbara Aboriginal Language Centre, sharing her thoughts on issues of ethics and community access. AIATSIS Research Fellow, Doug Marmion (background), and (then) Director of Collections Services, Bronwyn Coupe. Credit: Nell Reidy.

Not all communities have positive experiences when they dig deeper into archives. Throughout the project, the team deliberately sought to mitigate against this trauma by ensuring that the right members of the community, with cultural authority, were the first to view information and had sufficient capacity to manage any potential negative impacts. Moreover the project team needed to be mindful of the impact of the project on communities. To gain access to materials, communities need to demonstrate their bona fide connection, but what form should/could this take? How can archives work to make this more explicit to Indigenous clients, and facilitate them being able to present the appropriate demonstration of their connection to the materials? Framing access in this way (presenting bona fides/credentials) reflects a familiar problem in Indigenous Australian society when questions arise about authority over land or information.

Law and policy

Cross-cultural and multiple sources of law

Conceptualisations of value, ownership, responsibility and authority vary across cultures. Ownership as determined by Australian law, and conceptualised through a western legal tradition, often holds an *a priori* status – becoming ‘part of one’s taken-for-granted knowledge’.¹²¹ Aboriginal and Torres Strait Islander concepts of ownership are embedded in various ontologies, and although these concepts may meet with and diverge from dominant conceptualisations, acknowledgement and respect for these various understandings is needed.

121 A Moreton-Robinson, ‘Whiteness, Epistemology and Indigenous Representation’, *Whitening Race: Essays in Social and Cultural Criticism*, Aboriginal Studies Press, Canberra, 2004, p. 75.

One of the most difficult elements of the PSR project was reconciling the divergent ways in which ownership was understood by Indigenous people, non-Indigenous people, and legal and policy frameworks. For the Kiwirrkurra ladies who were recorded during the April fieldwork trip, a key issue was the translation of concepts related to ownership and control. From the outset it was difficult for the Kiwirrkurra partners to imagine that authority and ownership of cultural information would be in question, as the team travelled to key sites where songs were shared with and recorded. Implicit in visiting these sites and telling these stories was the demonstration of authority. How this authority translates into decision-making protocols, let alone collection management practices, was a key question for the project team. How can ownership translate into a proprietary sense; and if ownership is shared, what is the scope of an owners' collective and individual rights? The lack of clarity around these issues can compound challenges in managing the collection (see 'Accessibility of the Archives' for further discussion).

These views were reiterated by Anna Dwyer, who stated:

If a person tells a story, they own that story. Some people do not understand ethics and copyright. This can be unnatural and alien. If a Karajarri person makes a movie, it's ours... others will say they own it, that "it's our story".¹²²

This raises the question of what to do 'where the same knowledge is held by more than one group, particularly where those groups have different laws to determine authority'.¹²³ Anna Dwyer also alludes to the difficulty posed by intellectual property law and the fact that it does not align with her community's conceptions of ownership and protection. Mervyn Mulardy also articulated this incongruity saying:

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.

The importance of considering divergent concepts of ownership was also evident in the Pilbara. For example, speakers recorded in the Wangka Maya collections are often multilingual and were sometimes recorded telling stories in their second or subsequent language. While it is unlikely the speaker intended to assert ownership over the story or membership of a language group, claims to ownership have been made by the descendants of those featured in recordings. This may reflect the political and cultural experience of Aboriginal people in the Pilbara, where questions of ownership continue to be shaped by contested native title, mining, and heritage protection processes.

Corporations owning and administering copyright over language recordings also have an important impact on the administration of Indigenous knowledge. For example, the copyright for a recording of somebody speaking their own language, conducted by a third party, volunteer or worker representing that organisation, is usually owned by the organisation in charge of the recording. Similarly, the work of consultants may be owned by the corporation that engaged them. Both situations can alienate legal ownership of cultural knowledge from the language group and speaker. The importance of enabling Indigenous people to retain legal ownership of their materials' is recognised in many contemporary ethics and research frameworks and realised through assigning copyright in agreements, licensing, changing deposit conditions or undertaking retrospective reviews of conditions.

Where interests are communally-held, finding a 'right' person to seek permission from is a common challenge. It is also one that is inadequately addressed where there is a need to understand the historic and political decisions that have impacted a community. In the absence of any legal 'ownership', other forms of protection may be useful in protecting language.

¹²² T Tran, interview with Anna Dwyer, unpublished, 21 March 2017.

¹²³ Indigenous Advisory Committee Secretariat, *Submission: Indigenous Cultural and Intellectual Property*, 2012.

For example, agreement making can be a practical way to support existing or intended relationships and fill in gaps in existing practice and law. This is a key gap in the Australian context wherein Indigenous intellectual property or Indigenous Cultural and Intellectual Property has not been adequately facilitated in formal mechanisms of recognition.¹²⁴ Some further options are discussed in Part 3: (Re)building relationships.

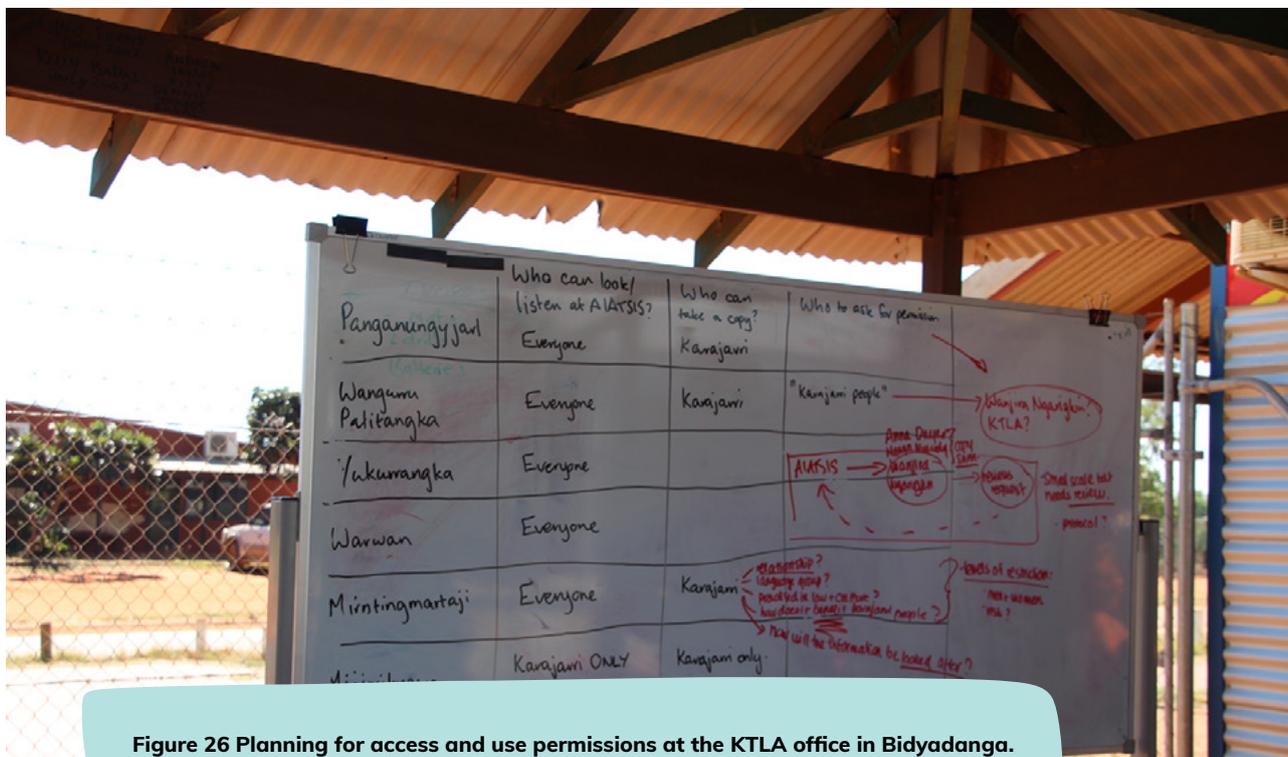


Figure 26 Planning for access and use permissions at the KTLA office in Bidadanga.
Credit: Tran Tran.

Copyright

It is important not to overstate the coverage of legal mechanisms to protect ownership. As discussed above, copyright is fraught with confusion and is merely one form of protection available to organisations and individuals. While serving as a potential mechanism to protect intellectual property rights, copyright largely fails to assist in managing the communal aspects of intellectual property – that is why copyright has been deliberately discussed last in this report.

Further, the copyright system has an emphasis on the protection of tangible materials rather than the intangible knowledge and information contained within those items. Copyright only protects material expressions of original ideas, for example something that is written down, published, filmed, or recorded.¹²⁵ Another problem is that it gives rights to the creator. These limitations mean anthropologists or researchers who record Indigenous peoples may perversely be the copyright owners of Indigenous knowledge and stories. This does not protect the cultural rights of the person speaking or providing the information and who should instead hold the copyright in the material.¹²⁶ AIATSIS research operates according to the principles of the Guidelines for Ethical Research in Australian Indigenous Studies (GERAIS), where copyright is vested in knowledge holders so that the Indigenous person in the

124 Tran and Barcham, '(Re)defining Indigenous intangible cultural heritage'.

125 Copyright Act 1968, section 32.

126 TR Hilder, 'Repatriation, revival and transmission: the Politics of a Sámi musical heritage', *Ethnomusicology Forum*, 21(2) 2012: 161–179.

recording is the copyright holder.¹²⁷ However, such an approach would rely on the researcher being ethical and collaborative in their research approaches – a weak and passive form of protection rather than an automatic right.

Copyright carries an ‘originality’ test, raising the possibility that for a story recorded multiple times by different people, only the first storyteller may have copyright protection but the others may not. This can be beneficial in that third parties cannot misuse a story, but it can be detrimental in that only one person from a group of story-holders can have copyright over that story. Many Aboriginal and Torres Strait Islander materials require protection in perpetuity consistent with the nature of intergenerational rights and interests, and the expiration of copyright protection after 70 years risks the cultural security of materials.¹²⁸

There are also other legal gaps where Indigenous peoples’ conceptions of ownership are not accounted for, leaving Indigenous cultural heritage and knowledges unprotected. The law creates false divisions between land, intellectual intangible property, and tangible property such as written work, audio recordings, or film recordings of performances. These are inextricably linked, but the law demands their separation and consequent dismissal of Indigenous ownership. Further, while legal protection relies on categorisation and a distinction between tangible and the intangible, Indigenous cultural heritage and knowledge does not conform to such compartmentalisation.¹²⁹

The transmission of ownership is also complex and not set by predetermined legal pathways. As reiterated by our case study partners, ownership of ceremonial material itself is somewhat fluid; it passes to different people through time and kinship, and in other cultural ways.¹³⁰ Wangka Maya Director, Kayleen Arnold said there is always somebody to speak for things.¹³¹ The starting point should be how to find the right speaker.

127 Although the *Copyright Act* requires this to be done in writing.

128 A final issue with copyright is that, generally, it only provides copyright protection for 70 years at which point a work enters the public domain: *Copyright Amendment (Disability Access and Other Measure) Act 2017*, section 33.

129 H Deacon with L Dondolo, M Mrubata and S Prosalendis, *The subtle power of intangible heritage: legal and financial instruments for safeguarding intangible heritage*, HSRC Publishers, Cape Town, 2004; Ninti One, [Intellectual Property \(IP\) in Australian Law](#), n.d., Ninti One, accessed September 2020; Tran et al., ‘Valuing Intangible Cultural Heritage - who decides?’

130 J Anderson and G Koch, ‘[The politics of context: issues for law, researchers and the creation of databases](#)’, in *Researchers, communities, institutions and sound recordings* [Conference], eds L Barwick et al, University of Sydney, 2003.

131 For example, even though the Nyamal Train song is a public song, there are still processes about who can carry the song and who can take it to other places: Kayleen Arnold, in AIATSIS, *Looking after community rights in legacy collections workshop*.

Part 3: (Re)building relationships

Cultural institutions must endeavour to share, where appropriate, the vast knowledge that is contained within their collections. Building better collaborations and partnerships with Indigenous communities requires ongoing conversations within and about Indigenous collections. Relationships are key to resolving many of the practical and conceptual issues the project team faced throughout the project. The multitude of questions that arose are an inherent part of the colonial legacy of taking land – and culture – from Indigenous peoples. The project team sought to reverse this in practical terms in how a) the common need and story from our project partners was identified and b) this story was used to inform the research methodology and develop a broader narrative of cultural development identified by project partners. The project team ultimately worked with project partners to support narrative style story telling, using – if there is a need for an academic label – critical Indigenous perspectives.¹³²

Process and outcomes

In engaging with project partners to develop the processes and activities the project team hoped to maximise the benefits of the project. By using Indigenous perspectives as a starting point, the project team questioned the usefulness of dominant frameworks for understanding the validity of our research.¹³³ 'Bias' was inevitable, since it was only because of strong, existing relationships with our project partners that our research could be conducted at all.

Building long-term relationships and trust with Indigenous persons and communities is crucial to improved practices in the Galleries, Libraries, Archives and Museums (GLAM) sector, and such factors of project process are integral to achieving this. As discussed above in Part 1, the project team ensured that AIATSIS developed appropriate research agreements to signal AIATSIS' commitment to ensuring community benefit which was later formalised through the primary governance structure of each case study partner. The project team also used the partnership to create space for the recognition of community laws and processes for handling their information.

132 For a recent summary of critical Indigenous perspectives AIATSIS has produced, see L Strelein, B Burbidge, J Martin and T Wang, *AIATSIS Submission - Indigenous Evaluation Strategy* AIATSIS, 2019, pp. 11–14.

133 Throughout, we were conscious of long-standing scholarly debates about the difficulty of assessing the quality of qualitative approaches, and the epistemological challenges of applying conceptions of 'rigour' developed in a quantitative context to qualitative models: C Robson, *Real world research: a resource for users of social research methods in applied settings*, 3rd edn, John Wiley and Sons, West Sussex, 2011, p. 155; J Cho and A Trent, 'Evaluating Qualitative Research', in *The Oxford handbook of qualitative research*, ed P Leavy, Oxford University Press, New York, 2014, pp. 677–98.



Figure 27 AIATSIS researcher Nell Reidy preparing for an impact interview with Anna Dwyer and Wynston Shoveller near Kakara cave site.
Credit: Tran Tran.



Figure 28 Impact interview focus group recorded at Mukula.
Credit: Tran Tran.

What the PSR project enabled us to do was support cross-cutting conversations and reflect on our own practice. Throughout the project the team asked questions about the impact of project outcomes (e.g. returned digital copies or new recordings of culture) to develop a better understanding of these issues, review AIATSIS' existing collection management strategies, and to make the collection more accessible. In addition to engaging with communities, the review of permissions also resulted in revisiting collections in collaboration with depositors, generating better metadata and descriptions and improving AIATSIS' own content management systems. This has enabled remote communities to edit our content as well as create new fields to account for cultural variance in metadata.

Understanding impact can ensure that AIATSIS is meeting the priorities of its Indigenous partners and can provide essential information for improved practices. Indeed, Thorpe and colleagues have argued that 'defining and measuring success is a core part of successful collaborative work with Indigenous communities'.¹³⁴ A number of project activities were designed to trial community permission processes in order to explore the different dimensions of access to knowledge (discussed above). The project team found that regardless of the issues that arose, positive and durable outcomes were more likely when the following considerations were incorporated into research practices:

- ensuring that processes empower Aboriginal and Torres Strait Islander decision-making;
- paying a local and appropriate community member to undertake consultation;
- using boards and other governance structures 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 (and the risks involved) to the appropriate community or family decision makers; and
- understanding and respecting the pressure of community and family obligations.¹³⁵

Institutions will always be relevant

Community challenges are dynamic and resourcing needs will evolve according to the growing capacity of Indigenous organisations. As communities create their own material, AIATSIS and other large collecting bodies have provided and could continue to provide expertise about archival practices. Examples of such support may include providing recordings and photos, language material, or databases of cultural knowledge. A further role of large collecting bodies may be making certain materials available for wider dissemination across Australia. Importantly, in considering collaboration and cooperation between organisations, Julie Walker emphasised: 'The role of holding a collection is more than just policies and procedures; it's also about having good relationships'.¹³⁶ These relationships should also arguably be flexible, ongoing or easily revived to support, for example, skills transfer to better equip communities to make decisions about how their cultural information is managed and used.

Throughout the PSR project, better relationships between communities and institutions, as well as between institutions themselves, assisted in increasing the accessibility of archives for the project partners. All case study partners at the PSR workshop (March 2018) agreed that the formation of long-term relationships is crucial to engaging with communities. From the institutional perspective, it was suggested that in addition to responding to the priorities of communities there could be better coordination between institutions about which communities and individuals they are working with at any one time.

¹³⁴ Thorpe et al., 'Discovering Indigenous Australian Culture', p. 356.

¹³⁵ AIATSIS, *Preserve, Strengthen and Renew in Community: Workshop Report*.

¹³⁶ AIATSIS, *Looking after community rights in legacy collections*.

There was a desire among staff from collecting institutions for this collaboration to extend to the formation of a community of practice allowing for the sharing of information about their work, who they were working with and their processes. This community of practice would be composed of a group of individuals at its core and could also include local and regional archivists, thereby helping to bridge the gap between collecting institutions, communities and individuals. It was also suggested that this would assist state and national collecting institutions as they would be aware of communities that were looking for material. This approach has the potential to make archives more accessible to communities as they will gain a deeper understanding of the work that collecting institutions do and how their materials can be accessed. Collecting institutions should also seek to increase the amount of information, such as consent and indemnity forms, available in Australian Indigenous languages, or alternatively or additionally increase the use of interpreters. This is particularly the case where an institution will be working with a particular language group for an extended period of time or on a complex project.



Figure 29 Tasha James (presenting) and Toni Bauman (facilitating) at the PSR workshop (March 2018). Credit: Nell Reidy.

Existing gaps and future steps

The PSR project has admittedly raised more questions than answers. But there are also clear pathways that can originate within communities and Indigenous organisations to resolve inconsistencies or complex scenarios – if the project team provided them with more space and recognition. This recognition does not have to be overly complex (like identifying all the right people before doing anything) or all encompassing (like comprehensive legal reform, although there is an obvious preference for this occurring). There are a multitude of simple solutions that can be adopted now or developed in collaboration with communities – like finding key knowledge holders that can efficiently provide captions for over 200 photos in half a day. Before baulking at the difficulty or asking for more funding and resourcing, researchers and practitioners should be thinking through what needs to be prioritised – culture. To strengthen culture, to practise culture and to provide the materials that can support this process.

Strengthening culture was the primary aim of the AIATSIS Library Digitisation Pilot Program (LDPP) over twenty years ago. While the PSR project has gone some way in achieving the stated aims of the LDPP, there is more that can be done now. The PSR project was largely based on strong pre-existing relationships and the commitment of key individuals and communities who maintained a specific ethical standard – rather than an institutional approach. As Punzalan has noted, ‘changes and effects’ also need to occur from within institutions. With strong relationships, many activities can happen but only within the constraints of formal partnerships – for example, material could not be returned if AIATSIS as an organisation did not wish to do this. The project team hopes that in sharing the findings, methodology and approach from PSR, the return of cultural materials can move on from its poor reputation of being ‘too hard’ into a form of institutional best practice in the future.

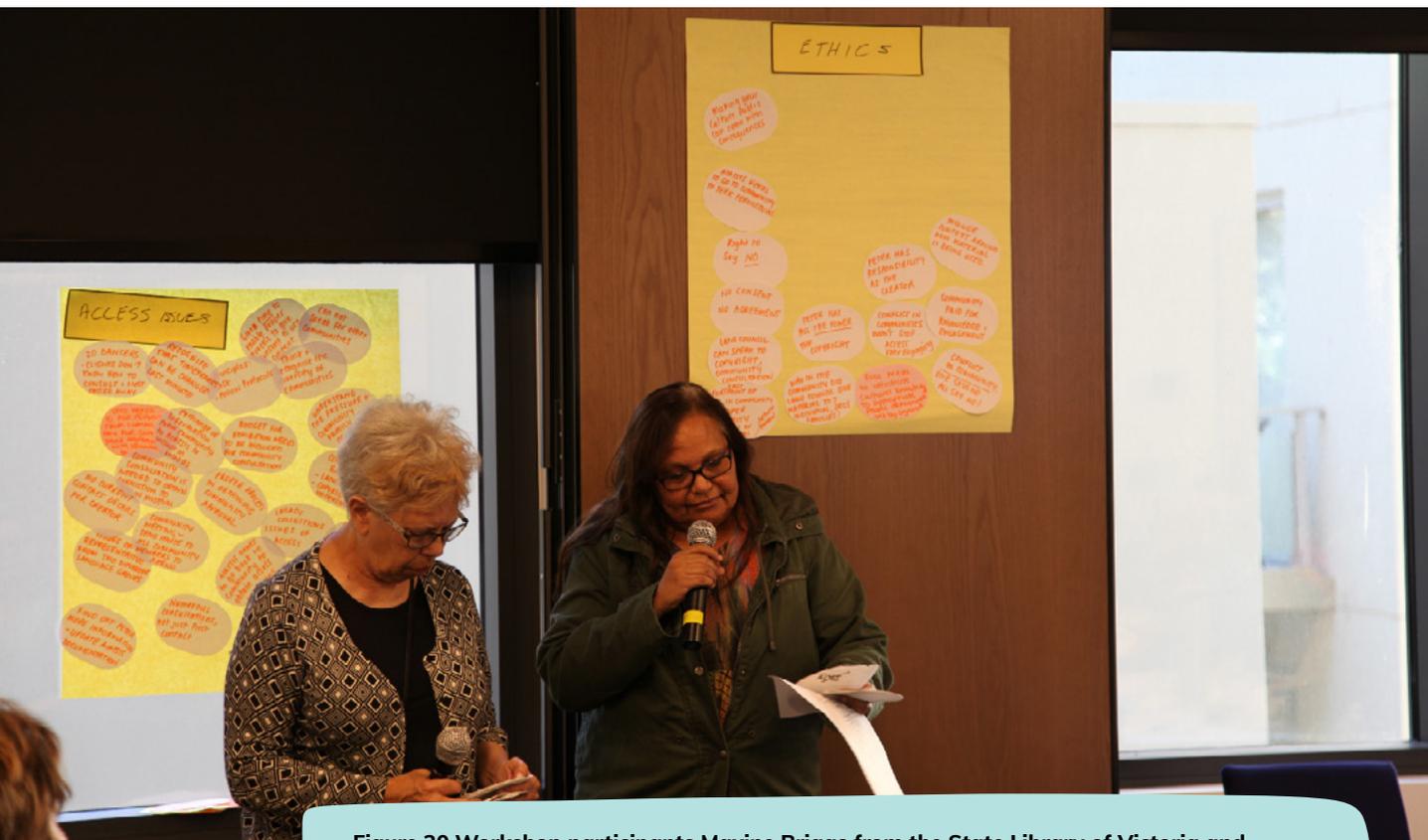


Figure 30 Workshop participants Maxine Briggs from the State Library of Victoria and Julie Walker from Wangka Maya sharing outcomes of discussions on community access issues. Credit: Tonya Whitney.

Appendix 1 Key project activities

Project phase	Date	Case study 1: Kiwirrkurra	Case study 2: Karajarri	Case study 3: Wangka Maya
Project planning and community engagement	March 2016	Kiwirrkurra access visit with Tjamu Tjamu Director Matthew West		
	16 September 2016	AIATSIS planning day with Central Desert and South Australia Museum		
	27 September 2016	Tjamu Tjamu RNTBC meeting (with Central Desert Native Title Services) and passing of a resolution to engage in the project		
	16 November 2016	AIATSIS presentation at Indigenous Desert Alliance, Perth attended by members of the IDA	Karajarri elders and the KLC approached AIATSIS to become a case study partner in the project.	
AIATSIS audit of materials that can be returned	16 January 2017	AIATSIS internal review of historical deposit forms and workshoping of how forms could be improved/ practices changed to better administer cultural rights		
	28 February 2017	AIATSIS review of existing options and best practice		
	14 March 2017	AIATSIS field work and working planning meeting		
RNTBC meetings and permissions	15 March 2017	Kiwirrkurra PBC meeting to discuss project permissions (with Central Desert) and finalise clauses in the final research agreement.		
	20–24 March 2017	<p>Karajarri project meeting, access visit and attendance at the AIATSIS National Indigenous Research Conference, 21–23 March 2017. During this time, the key focus and priorities of the project were also discussed alongside with the research agreement template. A short-form project agreement was subsequently drafted for approval and the Karajarri agreed to the following project name: Karajarri Wankanyi Muwarr (Keeping stories and songs alive).</p> <p>The community report from the fieldwork trip is available here: https://aiatsis.gov.au/research/current-projects/preserve-strengthen-and-renew-community</p>		

Project phase	Date	Case study 1: Kiwirrkurra	Case study 2: Karajarri	Case study 3: Wangka Maya
AIATSIS fieldwork planning	27 March 2017	AIATSIS voice recording workshop. AIATSIS staff participated in a workshop to develop skills in voice recording. The workshop focused on obtaining consent, recording techniques, and instruction on how to use equipment to produce archival standard recordings.		
Fieldwork and community-based meetings	4–6 April 2017	<p>Kiwirrkurra Workshop One, 'Keeping the Desert Stories Alive', where AIATSIS staff visited the Kiwirrkurra community to return copies of material from the AIATSIS collection, to record new materials and to develop protocols with the community about how these two processes should occur. Photo books of AIATSIS collection material were taken to Kiwirrkurra so people could see what photographs AIATSIS held and people could then order copies for themselves. On-country recording of stories also took place in separate men's and women's groups. These groups also discussed who would be able to listen to the recordings made and who would be allowed to obtain copies. Kiwirrkurra has a strong connection to country and a desire to keep their desert stories alive.</p> <p>The community report from the fieldwork trip is available here: https://aiatsis.gov.au/sites/default/files/2020-09/keeping-desert-story-alive-community-report.pdf</p>		
	Access visit	12 May 2017	Kiwirrkurra access visit and project meeting. Kate Crossing and Sally Butler visited AIATSIS in Canberra to view the ways in which material is managed and stored.	
	19 and 25 May 2017	AIATSIS field work planning meeting		

Project phase	Date	Case study 1: Kiwirrkurra	Case study 2: Karajarri	Case study 3: Wangka Maya
Fieldwork and community-based meetings	29 May–1 June 2017		<p>Karajarri Workshop One and on-country recording. The workshop involved meeting with the KTLA directors and rangers in Broome and Bidadanga to plan where to record and review the March forum presentation and meeting. AIATSIS staff recorded at various sites during the on-country recording. The meeting was also attended by Central Desert staff as observers.</p> <p>The community report from the fieldwork trip is available here: https://aiatsis.gov.au/research/current-projects/preserve-strengthen-and-renew-community</p>	
	14–15 June 2017			<p>Wangka Maya Community Rights in Legacy Collections Workshop</p> <p>AIATSIS ran a workshop in conjunction with Wangka Maya to discuss the rights which attach to the Wangka Maya materials deposited at AIATSIS. This workshop was attended by staff and Board members of Wangka Maya, Juluwarlu Group Aboriginal Corporation, and IBN Group.</p> <p>The community report from the fieldwork trip is available here: https://aiatsis.gov.au/research/current-projects/preserve-strengthen-and-renew-community</p>
	12–14 September 2017	<p>Kiwirrkurra Workshop Two, 'Keeping the Desert Stories Alive'</p> <p>This was the second trip for the pilot project and involved the return of films, audio and parts of the pictorial collection as well as the recording of new stories and the development of decision-making processes for accessing newly recorded materials.</p> <p>The community report from the fieldwork trip is available here: https://aiatsis.gov.au/research/current-projects/preserve-strengthen-and-renew-community</p>		

Project phase	Date	Case study 1: Kiwirrkurra	Case study 2: Karajarri	Case study 3: Wangka Maya
Fieldwork and community-based meetings	10 October 2017			Pilbara Aboriginal Languages and History Expo AIATSIS in conjunction with Wangka Maya ran a workshop at the Pilbara Aboriginal Languages and History Expo. The workshop involved discussion of the Wangka Maya language recordings with a range of language groups in the Pilbara.
Project workshop with other stakeholders	14–15 March 2018	Preserve, Strengthen and Renew in Community Workshop, Canberra AIATSIS hosted a workshop in Canberra to discuss the issues faced by each of the case study partners. The workshop involved presentations by each of the case study partners and discussion with case study partners and staff from various collecting institutions and interested parties. The workshop report is available here: https://aiatsis.gov.au/research/current-projects/preserve-strengthen-and-renew-community		
Fieldwork and community-based meetings			Karajarri Workshop Two and on-country recording	
Research and project impact evaluation	November 2018 – ongoing	Further research impact interviews with Karajarri and Kiwirrkurra traditional owners.		
Project extension		Art Sound FM recording of project outcomes and production of six episodes on the PSR project.		

The project received approval from the AIATSIS ethics committee (approval no. EO62–08082017 and EO62–08082017) including additional approval to review the outcomes of the project via a series of research impact questions. The AIATSIS ethics committee is an external committee that reviewed project material (including project information sheets, agreements and consultation processes with project partners).

Appendix 2 Informed consent form

Karajarri Wankayi Muwarr

Informed Consent Form

Researchers: Dr Mary Anne Jebb, Dr Tran Tran and Nell Reidy

1. I understand what this project is about.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
2. I voluntarily agree to my participation in this study.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
3. I understand that I can withdraw from the project at any time.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4. I understand what will happen to me during the research project as explained to me.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
5. I agree that the researcher(s) can interview me for the research including in a group of people (or 'focus group').	Yes <input type="checkbox"/>	No <input type="checkbox"/>
6. I consent to this interview/focus group/workshop being recorded, audio taped and/or filmed.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
7. I agree to photographs being taken of this interview/focus group/workshop.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
8. I understand the potential risks and possible benefits of participating in this research as explained to me.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
9. I understand that the results of this research may be published in a public or other forum.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
10. I agree that my name and other personal information may be mentioned in the Community Report and Project Report that come out of this research.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
11. I understand that all information gather in this research that is confidential will be kept secure for three years at AIATSIS.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
12. If the researcher(s) keep(s) a record of what I said I want it to be offered to AIATSIS to store and archive for safekeeping in accordance with the Archiving Protocol.		
13. I understand that, if the researcher(s) find out confidential information, they will talk to me and/or KTLA about what to do with it.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
14. I understand that this research will produce a Project Report and Community Report that will be available on the internet and used in the future.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
15. I want the researcher(s) to give me a copy of the Project Report and Community Report that are produced as a result of this research.	Yes <input type="checkbox"/>	No <input type="checkbox"/>

16. I understand that I will retain any Intellectual Property from my personal interview recordings. Yes No

17. I understand that the researcher(s) will SHARE copyright in the Project Report and Community Report produced as a result of this research. Yes No

This means that the researcher(s) cannot reproduce the information that is in the Project Report and Community Report in other places or for other purposes without first getting permission from KTLA. The researcher(s) will not be able to make money from this information without first reaching a new agreement with KTLA.

Signatures

Participant to complete:

- I have read the Participant Information Sheet and Informed Consent Form (or someone has read it to me in language I understand) and I agree with it.

Name: _____

Phone: _____

Address: _____

Signature: _____

Date: / /

Email (to send a copy of this form): _____

Researcher to complete:

I have described the nature of the research to the Participant and I believe that he/she understood and agreed to it.

Name: _____

Signature: _____

Date: / /

SCHEDULE 4 – ARCHIVE CONSENT FORM (clause 7.4)

ARCHIVE CONSENT (To be obtained verbally)

Today is [DATE]

This is [NAME OF RECORDER]

I am recording with [NAME OF PERSON BEING RECORDED] for the Karajarri Wankayi Muwarr research project. Could you tell me your full name?

Do you agree to be recorded?

Could you please tell me where we are?

....

[NAME OF PERSON BEING RECORDED] owns the copyright in this recording.

Do you want this material to be offered to AIATSIS to be archived?

Who can look at or listen to (or access) this material in the future?

(Is it open/public? Restricted? Only for Karajarri/family?)

Who can take a copy? (family, researcher, native title research, someone from the public)

What can they do with it?

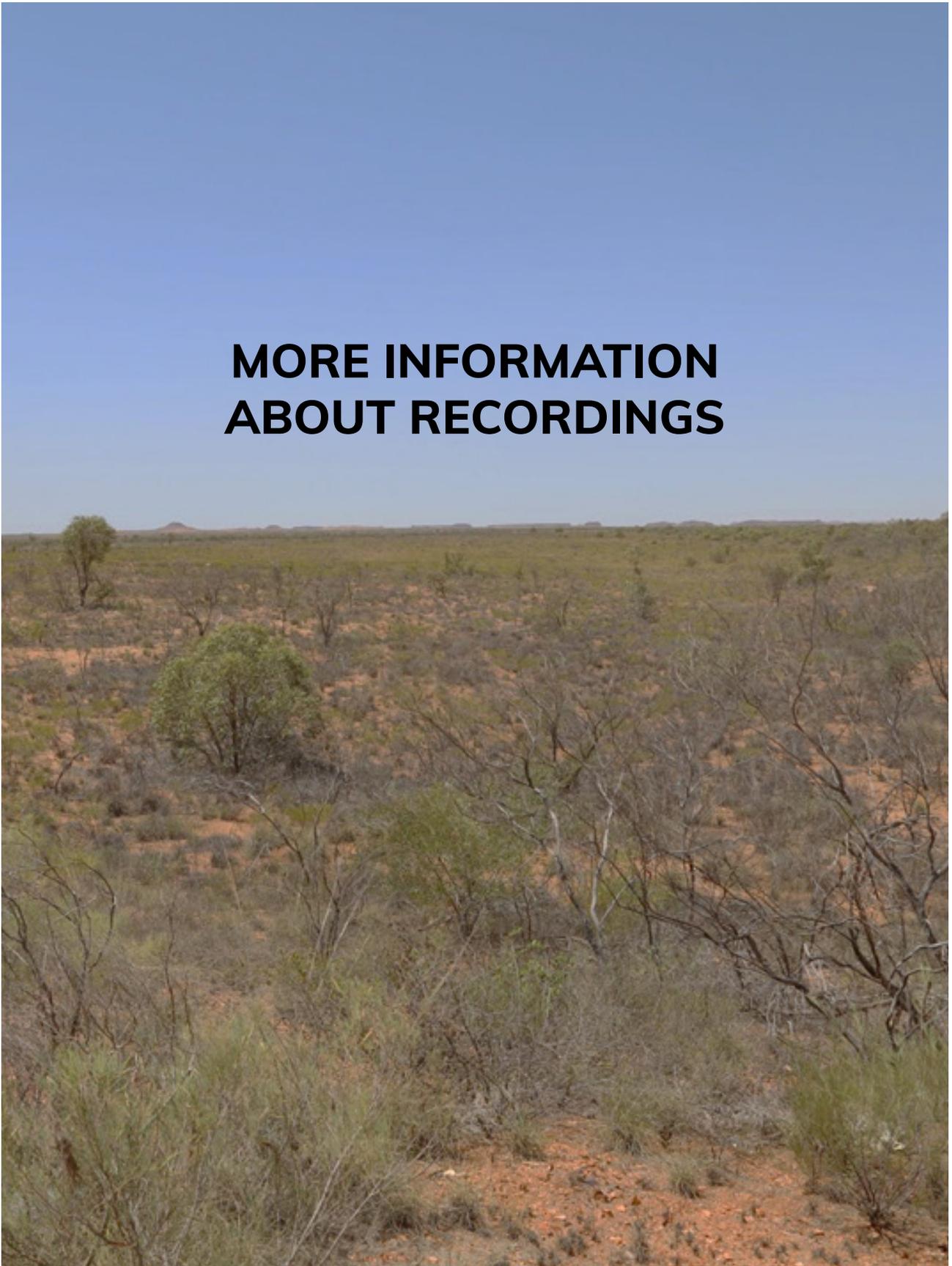
If restricted...

If AIATSIS cannot contact you, who should they speak to for permission for this material?

(Family member, KTLA, KLC)

Appendix 3 Permissions workbook

**MORE INFORMATION
ABOUT RECORDINGS**



Cared for at AIATSIS

This booklet contains more information about the recordings that Wangka Maya archived at AIATSIS.

The names and the information we have about the recordings is not complete. The spelling might be incorrect and there is some information that is missing.

We want to understand if the protocols for listening to and copying these recordings can be improved, especially for family and community to share this legacy.

The table at the end of this booklet might help us improve the protocols for family to listen to or have copies of the recordings that are archived at AIATSIS.

Language	Speakers and performers	Description of recording	Location/Place	Year	Collection number
Banjima	Horace Parker, Wobby Parker, Maudie Dowton, Elizabeth Dowton, Chubby Jones, Nellie Jones, Bonny Tucker, Alice Smith, Leary, Joyce, Adrina Conlon, Tadgee, Peter Stevens	Banyjima recordings Language elicitation, narratives and songs in Banjima	Onslow, Palm Springs, Pt Hedland, Wakathuni community, Youngaleena Bunlima Community	1994–2001	WANGKA MAYA_04
Banjima, Kurrama, Malkana/ Malgana, Yinhawangka/ Innawonga	Sam Mitchell; Tommy Wallal; Milly Monaghan; Roy McKay; Ivy Long; Billy Newell; Sandy Brown; Ollie Williams; Teddy Allen; David Woodman; Daisy Mitchell; Winnie Gray; Verna Rakozic; Jimmy Attwood; Henry Allen; Vincent Clark; Joyce Injie; Mabel Tommy; Amy Smith	Marapikurrinya Oral History Project and Yinhawangka Project from the Pilbara area, WA. Discussion of stars, animals, bush tucker, children's games, people who served in war, Monte Bello tests, impact of mining, citizenship rights, pastoral history, songs, field trip to Karjini National Park	Pt Hedland, Marble Bar, Onslow, S Hedland, Yandeyarra, De Grey River, Karjini National Park, Eriwayawa	1973–1992	WANGKA MAYA_01
Banjima, Kurrama, Pinikura	Nelson Hughes, Maudie Downton, Judy July, G Lockyer, Jack Dowton, Algie Paterson	Gurrama recordings Language elicitation, narratives and songs in Gurrama, also includes some Pinikura and Banjima	Onslow, Pt Hedland	1991–1995	WANGKA MAYA_05
Kariyarra	Manny Lockyer, Nancy Roberts, Doreen Jenkins	Kariyarra recordings Language elicitation, narratives, oral histories and songs in Kariyarra	Pt Hedland	1992–1997	WANGKA MAYA_06

Name of person in recording	Who to contact? Family? Organisation?	Who can listen to this – anyone? women? men?	Can AIATSIS let family listen?	Can AIATSIS give a copy to family?	Can researchers or anyone listen at AIATSIS?	Can AIATSIS give researchers a copy to listen to?

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