Review Commentary

Aboriginal and Torres Strait Islander Protocols for Archives

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THE PUBLICATION OF THESE PROTOCOLS is timely for all in the field of information management and provision. Aboriginal and Torres Strait Islander people are recognising how essential it is to obtain access to records and are actively seeking access for purposes they, and many non Aboriginal people, consider vital to the process of reconciliation. Access to records is being sought for such purposes as the establishment of basic identity and family links, the redress of perceived past injustices, the gathering of evidence for land and native title claims, and the seeking of knowledge of Aboriginal history, cultures, traditions, and languages.

Quite apart from any legal or moral imperative for us to meet the requirements of Aboriginal people or just the basic desire to meet our clients' needs, the very effective and articulate political voice of Aboriginal community representatives is likely to ensure that their needs for access to records will have to be acknowledged and effective steps taken to meet them. The Protocols

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are both an important and ground-breaking guide on how to proceed, and also an aid to the reconciliation process by facilitating the raising of awareness amongst the wider community about the past treatment of Aboriginal people and of Aboriginal history.

The stated intention of the Protocols is to provide a guide to good practice. An important qualifier is added to the effect that they will need to be interpreted and applied in the context of each organisation's goals and responsibilities, collections and client community.

The Protocols were developed through a series of national consultations, involving both Aboriginal people and institutions, and with wide circulation to interested parties, and were subsequently adopted by the Aboriginal and Torres Strait Islander Library and Information Resource Network.

The following comments on each Protocol are made from an archival perspective, taking into account both the Protocols themselves and the additional notes in the Implementation section.

1. Content and Perspectives

This Protocol recommends practices which are highly appropriate to archival organisations. In summary, they are the development of appropriate access policies; the promotion of the existence and availability of collections and the provision to clients of an explanation for any conditions governing access; and the facilitation of the development of Aboriginal community keeping places.

Part 1.2 is not appropriate for archives other than collecting manuscript organisations, specifying as it does that a balance should be sought in collections through acquiring material by, as well as material about, Aboriginal peoples. Similarly, part 1.1, in requiring consultation with relevant Aboriginal communities in regard to the development of collections, is not directly appropriate, but its call for consultation in relation to the management of collections is a practice which should be adopted where possible in archival institutions.

2. Aboriginal and Torres Strait Islander Intellectual Property Issues

The Protocol opens with quotes by Aboriginal people regarding ownership, and goes on to discuss ownership largely in the context of protection of authors' rights under copyright law. In an archival situation, the sentiments

of the Protocol are appropriate, particularly in relation to becoming aware of the issues surrounding cultural documentation, the need for cultural awareness training, the recognition of primary cultural and intellectual property rights and moral rights, consultation with Aboriginal people on the application of these rights to materials in the care of agencies, and the sharing of information on initiatives. There is, however, a need to recognise that the 'primary cultural and intellectual property rights' of Aboriginal people requires further definition in the archival context.

The issue of ownership in relation to Aboriginal records is much broader and more complex than indicated. Ownership of many Aboriginal related records rests with various Australian governments, as specified in archival legislation. Access to them is dependant on the access policy of the government concerned. While archivists would contend that these are official records created by government officials in the daily administration of government functions and that there is no question about where ownership resides, many in the Aboriginal community do not define ownership in terms of who created the records. Records about Aboriginal people are considered 'their' records as much as are records, artefacts, or works of art created by Aboriginal people. This has already become a very real issue for archivists, for example, in negotiations currently taking place between the Commonwealth and the 'Stolen Generation' in the Northern Territory in relation to the development of protocols to facilitate individuals' access to records about themselves. The Land Councils established under the Commonwealth *Aboriginal Land Rights (Northern Territory) Act 1976* are also questioning whether ownership of records they create in representing Aboriginal people should reside with the Commonwealth under the *Archives Act 1983* or with Aboriginal people. Any archival development of this Protocol needs to consider this issue as a matter of priority.

Implementation notes for the Protocol provide a good discussion of the moral rights of Aboriginal people and the need to recognise those rights. How far the moral rights can and should be recognised in the archival context and in view of the existing legal ownership situation is a major issue for archivists and archival organisations. Consultation with Aboriginal people which is stressed throughout the Protocols will be a vital part of the process of resolving this issue.

3.   Accessibility and Use

Essentially, this Protocol is about making libraries and other resource centres more user friendly for Aboriginal people. Most of the measures outlined could all be employed by archival organisations to good effect. The Protocol would be improved by the inclusion of the reference in the Implementation notes to the need for focused finding aids. In the archival context, this is a most important adjunct to structural finding aids where Aboriginal related records are not readily distinguishable and identifiable.

The Implementation Notes begin with a statement about Recommendation 53 of the Royal Commission into Aboriginal Deaths in Custody, but do not develop the discussion in terms of facilitating access to records for community and family history purposes except in terms already described. The primary challenge is how to enable Aboriginal people affected by previous government policies of removal of children of part aboriginal descent to have access to personally sensitive records, while at the same time protecting privacy and avoiding indiscriminate access to records which are often offensive and incorrect. At present access policies tend to be Eurocentric in their definitions of what is considered personally sensitive. Appropriate amendments to these policies need to be developed in negotiation with Aboriginal people.

4.   Description and Classification of Materials

This Protocol relates to improving access to libraries, archives and information services through a range of measures to improve the description and classification of materials. These include the use of a national thesaurus for description, the use of culturally appropriate subject headings and guidelines for archival description, the promotion of changes to Library of Congress Subject Headings, the introduction of classificatory systems which describe items by their geographic, language and cultural identifiers, and consultation with Aboriginal people in relation to the description, cataloguing and classification of materials.

Taken literally, this Protocol is much more appropriate to libraries than to archives. However, to be noted is the qualifier in the Implementation notes which acknowledges that archives may be compelled to use the names appended in the past to files, records and series, adding that more sensitive terminology could be employed at the level of finding aids. This is appropriate especially for focused finding aids, and the use of the thesaurus terms, and geographic, language and cultural identifier approaches may provide suitable

access points. The spirit, if not the literal interpretation of the provisions in all cases, is appropriate to archives.

5.   Secret and Sacred Materials

The recommendations of this Protocol are entirely appropriate for the management, handling and provision of access to secret/sacred material contained in archival holdings. The discussion accompanying the Protocol is well-informed and thoughtful, with the overall result being a very practical guide to best practice in this area.

Of special value is the suggested facilitation of the process of consultation and implementation by mechanisms including liaison with reference groups at local, state and national levels, and the appointment by each institution of a liaison officer as the specific point of contact between the institution and the relevant reference group.

6.   Offensive Materials

The content of this Protocol is very general. Provisions include developing an awareness of the extent to which collections may contain potentially sensitive material, and developing strategies to deal appropriately with offensive materials in consultation with Aboriginal peoples.

This represents a good general model for dealing with offensive materials, but does not suggest any detailed strategies for issues like access policy for such records (comments under Protocol 3 are relevant here). Discussion in the Implementation guidelines includes mention of the dilemma for libraries and archives caught between the responsibility for making records available and the need to respond appropriately to the existence of offensive materials, but does not examine the situation any further. There is mention of routine restriction of some material in archives, rather curiously using the example of the protection of national security when restriction on the grounds of causing personal embarrassment or distress would be more appropriate in this context.

There is mention too of making potential users aware of the content of the material before they open it. This is of great importance and should be included in the body of the Protocol. Particularly for archival material, the desirability of releasing such material to those directly affected through appropriate professional counselling services should be included in any further development of such a Protocol.

7.   Governance and Management

The measures included in this Protocol relate to ensuring the involvement and participation of Aboriginal people in the governance, management and operation of agencies which serve Aboriginal people and/or hold material with Aboriginal content or perspectives. They are entirely appropriate for adoption by archival organisations, and include ensuring Aboriginal membership on governing and advisory bodies, meaningful Aboriginal participation in the development, adoption and implementation of relevant policies, the development of mechanisms to ensure effective monitoring and review of implementation of policies, and the facilitation of organisational change to accommodate Aboriginal perspectives.

8.   Staffing

The aim of this Protocol is to provide an effective guide to best practice for organisations in the area of the inclusion of Aboriginal people on staff to change organisational culture for the benefit of all. The measures outlined represent practical steps towards the recruitment of Aboriginal people, their development, their inclusion in selection of staff, facilitation of their entry into management positions, recognition of their cultural needs, and the development and implementation of cross cultural awareness programs which ensure that all staff are sensitive to cultural diversity. The Protocol is equally relevant to archival organisations as it is to other agencies in the information services field.

9.   Education and Training for Professional Practice

The Protocol deals with ensuring that staff of libraries, archives and information services are appropriately prepared to deal with Aboriginal materials, and Aboriginal clients and staff. It calls on not only these organisations but also educational and professional bodies to implement a range of measures designed to achieve this goal. Of particular importance for archival organisations is the provision of Aboriginal cultural awareness training for every staff member and particularly all who deal with the public, ensuring that education and training programs involve Aboriginal people in both design and delivery, and supporting Aboriginal students in archives education and training. Of relevance and significance for educational institutions and professional bodies is ensuring that archival education and training courses at all levels adequately cover issues relating to Aboriginal materials, clients and staff.

10. Awareness of Aboriginal and Torres Strait Islander Peoples and Issues

The measures recommended in this Protocol are appropriate for archival organisations. They include: promoting awareness and use of Aboriginal related holdings by such means as targeted guides, finding aids, tours and exhibitions; and promoting awareness of Aboriginal peoples, cultures and issues among non Aboriginal peoples. Indexing, not a traditional archival activity, becomes an important additional finding aid technique in some archives because of the inaccessibility of records relating to Aboriginal individuals, rather than for the purpose of highlighting Aboriginal content and perspectives.

11. Copying and Repatriation of Records to Aboriginal and Torres Strait Islander Communities

This Protocol is of considerable significance for archives. It relates to original records which were created by, about or with the input of particular Aboriginal communities. Where any archives organisation has records which were taken originally from the control of any community or created by theft or deception, there should be no question of the organisation not agreeing to the repatriation of those records. The Protocol goes on to specify that organisations in this situation should seek permission to hold copies of these records, but refrain from copying them should permission to do so be denied.

Of most immediate value to archival organisations is part 11.1 of the Protocol which calls for a sympathetic and cooperative response to any request from an Aboriginal community for copies of records of specific relevance to the community for its use and retention. For archivists and for Aboriginal people, this may well be a suitable compromise to the call from the Aboriginal community for ownership and possession of all records kept about them.

The final part of the Protocol relates to assisting Aboriginal communities in planning, providing and maintaining suitable keeping places for repatriated records, an important role for archivists to play.

Conclusion

There are some very important threads which run through all the Protocols, especially concerning consultation with Aboriginal people, and gaining knowledge and understanding of Aboriginal culture. For any institution in the information services field which is interested in improving the

management, handling and accessibility of Aboriginal records and the provision of services to Aboriginal clients, these are basic requirements.

The Protocols, if taken literally on every occasion, are not always directly applicable to archives. However, when viewed as principles to be adopted and adapted as appropriate to each organisation and as a guide to best practice, they are a very good starting point. The compilers and all who contributed to the development of the Protocols are to be commended on this important initiative and on its successful execution.