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BARWICK, L;Green, J;Vaarzon-Morel, P;Zisserman, K

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Conundrums and consequences: Doing digital archival returns in Australia

Linda Barwick
The University of Sydney

Jennifer Green
The University of Melbourne, ARC Centre of Excellence for the Dynamics of Language

Petronella Vaarzon-Morel
The University of Sydney

Katya Zissermann
The University of Melbourne

Abstract

The practices of archival return may provide some measure of social equity to Indigenous Australians. Yet priceless cultural collections, amassed over many decades, are in danger of languishing without ever finding reconnection to the individuals and communities of their origin. The extensive documentary heritage of Australian Indigenous peoples is dispersed, and in many cases participants in the creation of archival records, or their descendants, have little idea of where to find these records. These processes of casting memories of the past into the future bring various conundrums of a social, political, and technical nature. They raise questions about the nature and dynamics of ongoing cultural transmission, the role of institutional and community archives in both protecting records of languages, song, and social history and disseminating them, and the responsibilities of researchers, organisations, and end users in this complex intercultural space. These questions are perforce framed by ethical and legal questions about access, competing ideas of ownership, and shifting community protocols surrounding rights of access to and the dissemination of cultural information. This paper arises from a project designed to reintegrate such research collections of Central Australian cultural knowledge with the places and communities from which they originally emanated. While we show that the issues raised are seldom neutral and often complex, we also argue for the power that culturally appropriate mobilisation of archival materials has for those that inherit the knowledge they embody.

Keywords: Indigenous archives, archival returns, intellectual property, cultural transmission, Central Australia

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Introduction[1]

Returning archival photos or long-lost recordings of stories or songs to families and communities of origin can be the occasion of "happy tears," as recently reported by one of our collaborators. The phrase points to the complicated consequences that can flow when archival cultural records from the past are cast into the present. Archives, "the documentary by-product of human activity retained for their long-term value,"[2] exist in uneasy relationships with knowledge management systems that depend on face-to-face communication as the primary means of cultural transmission. To generalise, we can say that whereas face-to-face systems, which depend on human interaction, emphasise *process*, document-based systems such as institutional archives emphasise *products*, the traces of human activity encoded in material or electronic media (such as pen and paper, audiovisual media, images, and digital objects). Focusing on the Central Australian area, this chapter is about how archivists, end users, and intermediaries navigate this complex situation in doing archival returns.

For document-based systems, cultural transmission depends on norms and practices to select, preserve, and provide context for the archival objects and to enable future (unspecified) users the means to access, decode, and interpret them. Thus, contemporary institutional archives seek to apply principles-based international best practice to develop systematic procedures for the selection and preservation of the archival objects they hold, and to index them for an imagined future audience. Face-to-face knowledge systems, on the other hand, depend on the judgement and authority of custodians to guide and authorise performative systems of knowledge maintenance and transmission. The packaging of cultural knowledge in song, dance, and other performative modes, for specific audiences in particular contexts, affords a degree of flexibility and context-responsiveness that is impossible in the institutional archive.

For holders of Indigenous cultural knowledge in Australia, long-term abidingness (retention for "long-term value") is highly valued, but for many it is the process of enacting and transmitting knowledge, as well as the authorising context for the specific content, that needs protection. The Indigenous[3] world stresses interconnectedness, while at the same time knowledge is not available to all but rather to those with rights to know and hold the knowledge (Michaels 1986). This means that people are "keen to avoid being held responsible in any way for the management of, and particularly for the access to the resources of others" (Christie 2007: 33). Much Indigenous knowledge is localised, and it is important to know the reason it is being imparted, by whom, to whom, "and how the story fits into the wider networks of kinship, art, music, ceremonials and philosophy" (Christie 2005a: 62).

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2 International Council of Archives (https://www.ica.org/en/what-archive) (Accessed 15 March 2019.)

3 In Australian usage, the term 'Aboriginal' is generally used as an umbrella term to cover the Indigenous nations of mainland Australia and Tasmania (not including the Torres Strait Islands). In this chapter we use the broader term 'Indigenous' for all of Australia's first nations, covering both Aboriginal and Torres Strait Islander cultural domains.

Contemporary practices of archival return in Central Australia, the focus of the present volume (Barwick et al. 2019), thus bring into relief points of misfit between the unspecified imagined audience of the institutional archive and the specific interests held by those engaged in the transactions. Archivists may seek guidance from end users, often via intermediaries (such as researchers), on how to adapt archival systems and principles to maximise the future usefulness of the archival object. Knowledge holders, on the other hand, are more likely to be focused on finding appropriate channels to contain and transmit the performative power of the knowledge the archival objects encode, recruiting intermediaries and archivists as agents of proper process. From all three positions, conundrums, compromises, and unforeseen consequences are evident and inevitable.

We discuss and clarify some key terms used in our discussion below, and then turn to various aspects of return: planning considerations, legal constraints, and dissemination, and finally consider how practices of archival return are changing the contexts in which these practices occur.

'Return' or 'repatriation'?

There are competing views about the difference (if any) between 'archival return' and 'repatriation'. In this volume we generally prefer the more neutral term 'archival return', although we recognise that 'repatriation' can be an appropriate term in circumstances where the emphasis and motivation for return relate to making cultural knowledge available in its place of origin. Both terms invoke elaborate interwoven histories of communities, participants, collectors, and institutions, articulated in a complex space defined by larger social forces ranging from community politics to institutional mandates (Lancefield 1998: 49, 57–58). The term 'repatriation' stems from discussions focused on the return of collections of tangible objects, such as artworks, religious objects, and human remains, that have been amassed by museums and other institutions, sometimes in what may be regarded as "morally dubious circumstances" (Turnbull 2010: 8). Discussing sound recordings, Lancefield (1998: 48) defines repatriation (return)[4] as "any conveyance of copies of sound recordings made and deposited as scholarly documents from archives to people who feel that the sound is part of their heritage." For some, 'return' is synonymous with providing a copy of a recording or enabling access to a database (Christen 2011) (in the latter case, the term 'digital return' may be used), while for others it entails conveying (legal) ownership of an item (Anderson 2005b), or even returning original recordings to communities without retaining a copy at the source institution (Garrett 2014: 79).

Archives and archivists

In the broadest sense, any collection of material "retained for long-term value"[5] (such as a personal collection of photos) qualifies as an archive, but in this chapter we use the term

4 Lancefield uses both terms.

5 As noted in the first paragraph of this chapter, the wording is taken from the International Council on Archives' definition of archives as "the documentary by-product of human activity retained for their long-term value." See footnote 2.

'archive' to denote an infrastructure that enables systematic long-term preservation and use of cultural records. Archivists worldwide are currently undertaking an immense program to digitise analogue recordings to ensure ongoing access to information otherwise liable to be locked up in now-obsolete formats such as audio cassette or videotape. To stand the test of time, a robust digital preservation environment must seek as far as possible to avoid the risks inherent in fast-changing commercial digital technologies and platforms. To follow international best practice (IASA Technical Committee 2009), a digital archival system must incorporate such features as quality control on selection and accession (ingestion) of records to ensure that the records are verifiable and authentic. Archivists must apply unique identifiers, document measures for disaster recovery (such as regular checks on data integrity), and hold backups in multiple locations. To make holdings accessible to end users (the 'designated community'), archivists must make them easy to find and also available in formats that can easily be handled, providing them via user-friendly access points, with clear conditions of use that allow end users to reuse the information for their own purposes (Barwick & Thieberger 2018).

Digital preservation infrastructure is costly and out of reach for many small local archives. Collections that pre-date the digital era come with particular problems – carrier media may have deteriorated and require expensive solutions to repair and transfer the content to sustainable digital formats. In some cases, the window of opportunity for the rescue of technically fragile and near-obsolete objects may have closed already. Some local cultural centres with large digitised and born-digital collections may prefer to compromise on best-practice archival standards so as to retain local control, but many have entered into partnership agreements with larger institutional archives in order to outsource ongoing costs associated with digital preservation, while maintaining local control over access (Ormond-Parker & Sloggett 2012). Such partnerships are rarely straightforward: archivists may need to harmonise idiosyncratic or missing metadata for small collections, and the legal provenance of holdings may not be clear. In the long run, partnership agreements (and the future sustainability of collections) may come under question as organisational issues affecting the funding, governance, or staffing of local cultural centres may effectively orphan collections (Allard & Ferris 2015).

The complex issues involved in archiving raise the hackles of many players. Complaints may concern delays in the processing of deposits, difficulty in finding relevant materials within collections, or hurdles in access to materials. Some Indigenous researchers feel that they are disadvantaged, in terms of access to cultural materials, if they are not formally affiliated with research units or universities (Perrurle & Judd 2018: 110). For archivists, balancing the equation of curation, care, and distribution or access is a difficult task. Some archives are effectively 'frozen' and unable to deal with new collections because of a lack of capacity, and funding, to undertake what they and their constituents believe to be important work. Archivists may inherit impossible conundrums in their collections, with orphaned materials bereft of metadata or agreements to enable their connection to current generations of Indigenous peoples, or with legacy instructions for access to archival materials that no longer align with contemporary views of rights. The time and resources it would take to resolve all these problems is inestimable.

Communities

When discussing archival returns 'to the community', it is important to recognise that the term 'community' can be used in different ways. In its broadest sense, it is any group of people that have certain attitudes or interests in common (a community of interest); for example, 'the scientific community'. From an archival perspective, a 'Designated Community' is:

> An identified group of potential Consumers who should be able to understand a particular set of information. The Designated Community may be composed of multiple user communities. A Designated Community is defined by the Archive and this definition may change over time. (Consultative Committee for Space Data Systems [CCSDS] 2012: 1.11)

In this sense, the designated community of an archive could be, for example, the general public, and/or researchers in a specific disciplinary field, and/or descendants of those recorded. 'Community' in this sense is a very broad concept that seeks to generalise the likely knowledge base of its potential users in order to design appropriate packages of information for them. A more specific meaning of 'community' implies a focal place, the people of a district or country considered collectively. Thus in Australia, a 'community' commonly refers to a group of people living in a small town or settlement. For various reasons such a group of people might also form a community of interest.

For the purposes of archival returns, the 'community' might consist of descendants or heirs of those recorded, alongside others with expertise and interest in the content of a recording, such as speakers of a language, performers of song traditions, or senior landholders. With increased mobility and the ongoing history of disruptions to traditional lifestyles in remote Indigenous Australia, 'communities' may be widely dispersed (Burke 2018). Such diasporic communities set additional challenges when it comes to negotiating access to and the control of cultural records. An archival object may have significance for a large range of potential end users, many of whom may be difficult to locate and contact, and each of whom may have different interests, requirements, and capabilities to engage with returned materials. As Lancefield (1998: 47) comments, "The dynamic heterogeneity of most communities can render [the] pragmatic problem [of return] exquisitely complex."

Planning for archival return

Prompts for return

Some instances of return may be responses to direct requests from Indigenous people (Campbell 2014: 102) for use of archival materials in their work as teachers or rangers,[6] or for their own personal learning (some specific examples are discussed below). Such requests,

6 Under the Australian government's Indigenous Rangers program, teams of Indigenous rangers work to protect native plants and animals, control feral animals and invasive weeds, reduce dangerous wildfires, and maintain tourism and cultural sites. At the time of writing, 11 ranger groups are operating under the Central Land Council's Ranger program (https://www.clc.org.au/index.php?/articles/info/clc-rangers1). (Accessed 19 May 2019.)

which may involve records kept in *ad hoc* private collections, as well as those that have been properly archived in organisational or institutional repositories, are frequently enabled by the conduit of personal relationships with researchers. Without these active and enabling interpersonal relationships "even the most technologically capable or culturally responsive collections may remain silos" (Brown & Treloyn 2017: 59). Concern about the disparate locations of old records – potentially held in multiple personal collections as well as in the archives of a range of organisations – is widespread. As Arrernte elder and writer Veronica Dobson says, "It worries me that things have been collected and we don't know where they will end up. Young people don't know where to look. Information is sitting idle. It needs to be used by [Indigenous] rangers, for language work, and for research" (Central Land Council 2016).

Other instances of return are prompted by associated stakeholders (former community residents, academics, consultants, lawyers etc). What to do with priceless collections remains an urgent concern for the many Indigenous organisations that have been involved in the recording of language, song, oral histories, and other cultural materials as language documentation, as content for Indigenous radio and television, or for land claims and native title claims. Researchers and other visitors to communities may have long histories of acting as intermediaries, providing families or communities of origin with archival cassettes or photos as part of fieldwork. This practice has been especially common in disciplines such as ethnomusicology, where preparations for fieldwork often involved researchers sourcing archival materials, not only to familiarise themselves with musical styles they might later encounter, but also to contribute archival objects, where requested, as gifts of goodwill to establish and cement personal relationships (Seeger 1986).[7] While such gifts shielded the end user from the expense and inconvenience of travel to archives and payment for copies, they simultaneously positioned the researcher as an intermediary between the institution and the end user.

Archival returns are frequently framed in terms of cultural equity, social responsibility, respect for human dignity and the rights of Indigenous peoples, and for some, are motivated by a desire to redress inequities between institutions/researchers and originating communities (Treloyn & Emberly 2013: 160). Return can constitute, as Lancefield (1998: 49) writes, "some small, distinctly limited redress for certain acts of cultural appropriation enabled by colonial power" and facilitate critical reflection on colonial research legacies (Treloyn et al. 2016: 95). Although the custodianship of collections by academics is viewed by some as associated with their own professional gain (see Wright 2016), many are involved in trying to redress these problems and acknowledge that returning collections is "the right thing to do" (Campbell 2014: 102). As Haviland (2016: 472) writes, "My idea about 'repatriating' photographs and videos to Hopevale stemmed from the innocent notion that what the old men had tried to teach me belonged with their own descendants more than in the digital archives of institutional libraries."

Benefits and drawbacks of archival return

Those planning archival return projects are generally aware that the process has potential for both benefits and drawbacks, and usually aim to maximise the former and

7 Some researchers have chosen not to provide such copies.

mitigate the latter. They should also plan for the likelihood that complex processes can lead to unexpected consequences.

The reported benefits of connection to archival records are many, and returned materials may serve myriad purposes. Some benefits are framed in terms of preserving, reviving, and/or sustaining knowledge. Communities may be empowered through ownership of their own histories, stories, and images and by being able to manage access to these materials (Lydon 2010; Ormond-Parker & Sloggett 2012: 191). With a paucity of personal records such as photo albums in some Indigenous communities, archival returns can enable people to fill in gaps in the family record and create memories for future generations (Campbell 2014; Thorner 2016: 11; Myers 2017: 117). Christen (2012) emphasises the revitalising role of archives in cultural preservation and production, arguing that through digital archives Indigenous people can "balance tradition and modernity on their own terms." Instances of return can be occasions of great local significance and have powerful emotional effects, with a sense of ancestors being returned home (Campbell 2014: 103; Treloyn et al. 2016: 97). Returned records may be regarded as a 'gift' from ancestors for current and future generations (Brown & Treloyn 2017: 55).

Reflecting senior people's desire to leave a cultural legacy, the reuse of archival materials for pedagogical purposes can constitute another potential benefit. For example, Christie describes how Yolngu people use digital technologies at school, bringing together groups of elders to tell stories of the land for children, making DVDs and other multimedia educational resources (Christie 2007: 31–32). Outside formal educational settings, archival records can be used to facilitate intergenerational transmission of knowledge, language, and culture (Christie & Verran 2013: 215; Treloyn et al. 2016: 95; van Gelderen & Guthadjaka 2017; Perrurle & Judd 2018). For example, archival records of songs can be used as primary resources for learning language and reinvigorating interest in song poetry and vocal techniques (Marett & Barwick 2003; Campbell 2014: 112; Thorner 2016: 11; Bracknell 2017). Legacy collections of visual arts may be accessed to provide inspiration to new generations of artists (Hinkson 2015).

To the extent that the return of archival materials can facilitate the transmission of cultural knowledge, returns may also be linked to personal healing and improved health and wellbeing (Anderson & Kowal 2012: 438; Thorner 2016: 11; see also Campbell 2014: 125). As one participant in our project commented:

> It is really important for us to pass on the knowledge from old people telling stories … It makes us feel really happy and makes us feel strong inside. It's really important to pass on our culture and knowledge to our kids and these photos and stories can help.[8]

While old recordings may be of immense contemporary value to communities, they can also unavoidably reify otherwise evanescent verbal arts traditions and undermine those based on the value of improvisation (Treloyn & Emberly 2013; Campbell 2014: 103; Brown & Treloyn 2017). As Bialostocka writes, "Inventorying living heritage runs a risk of essentialising culture and 'fixing' cultural practices in time" (2017: 18). Brown & Treloyn note that:

8 Selina Napanangka, Willowra, pers. comm. to Petronella Vaarzon-Morel, 2018.

> while the intention of the repatriating researcher may be to contribute cultural materials that can be used to sustain a tradition, the form that they take may in fact threaten to harm the very systems of cultural property and authority that they seek to support and sustain. (2017: 163)

The acceptance of an archival record as authoritative can "interpose a factor in community adjustments which the researcher and the archivist did not intend and bear a responsibility for introducing" (Wild 1992: 13). From an artistic point of view, a negative impact may sometimes result from hearing old recordings if they demonstrate high quality linguistic and performance values that are hard to emulate, therefore confirming perceptions of cultural loss and presumably dispiriting current tradition-bearers (Campbell 2014: 103). When consulted about archival materials, people may also make decisions that are perhaps unexpected. In a case study, John Haviland (2016) returned to a community in Northern Queensland with a film he had made some 40 years earlier to find out what the descendants of those featuring in the film about traditional methods of preparing *gambarr*, a tar-like substance used for manufacturing spears and spear throwers, wanted to do with it. The community decided *not* to include the film in their local archive because of complex historical conflicts between family groups.

Strong traditional principles concerning rights and responsibilities govern the circulation of cultural knowledge, and may produce equally strong anxieties about inappropriate access to knowledge that may be restricted on the basis of gender, age, or for other reasons. Anxieties may be heightened in data management systems where information is pooled across family, clan, language, or country 'boundaries' (Christen 2005: 322; Christie 2007: 33). New kinds of tensions over rights in archival objects may arise as the result of state recognition and bureaucratisation of Indigenous property relations (see, for example, Glaskin 2007). What was once regarded as belonging to interrelated persons may be disputed if the group fragments, with individuals or branches of a family challenging each other's rights in property, including that of cultural property. We now discuss some legal issues raised in the practice of return.

Legal constraints on the practice of archival return

In any contemplation of the return of cultural heritage materials, a central question is: who can legally authorise return and any eventual reuse of returned materials? This question cannot be answered without first considering provenance: the circumstances in which, and the purpose(s) for which, the object was created in the first place. For example, a map created by a researcher to support a native title claim may have been commissioned by a land council or similar body, and may have been the subject of a contract which contemplated future ownership and uses. Similarly, language or song recordings produced during linguistic or anthropological fieldwork funded by an academic institution are likely to be subject to the policies and ethical frameworks of that institution. In such cases, these contracts and other legal instruments may provide an answer to the question of who can legally authorise return of materials to source communities.

However, in many situations, the provenance of an archival object may be difficult to establish – whether due to its age or the lack of associated documentation, or the lack of

specific contractual agreements. In others, alternative uses of items created for one purpose (for example, use in a native title claim, or for a specific research project) may not have been contemplated, or may even have been specifically disallowed. In such cases, employees of government and institutional archives and universities, and holders of personal and community collections, cannot avoid grappling with the complexities of Australian intellectual property law. Even where provenance is relatively clear and the ownership of cultural materials is legally vested in institutions or in individuals, negotiations may be required to agree on and arrange for the return of those materials to their source communities. Future uses of the materials must also be negotiated and agreed. Such negotiations may not be straightforward. The following sections consider a number of the complexities arising from these issues.

Ambiguity in rights frameworks

Recent decades have seen a growing international movement towards the formal recognition and protection of Indigenous peoples' rights to and interests in their intangible cultural heritage, culminating in the United Nations *Declaration on the Rights of Indigenous Peoples* (2007).[9] Article 31 of this Declaration refers to the right of Indigenous people to "maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions," including oral traditions and visual and performing arts. The Declaration requires states to take effective measures to recognise and protect the exercise of these rights. Some have argued that this requires the introduction of *sui generis*[10] legislation in Australia (Janke 1998; Stoianoff & Roy 2015). Despite indicating support for the Declaration in 2009, the Australian Commonwealth Government is yet to implement legislative measures to implement article 31.[11]

Incompatible concepts of property

Christie (2007: 36) notes that the western legal notion of 'property' "does not do justice to Aboriginal notions of relatedness, origins and identity." Myers questions the appropriateness of using the idea of 'cultural property' to describe "the fluid, relational and constantly changing ways in which Aboriginal ideas of protocol and custodianship continue to be negotiated in ongoing activity" (2017: 187). In the absence of specific equitable contractual arrangements, intellectual property laws and archival systems typically frame the Indigenous

9 See also the UNESCO *Convention for the Safeguarding of the Intangible Cultural Heritage* (2003). Australia is not a signatory to this convention. The World Intellectual Property Organisation Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge, and Folklore is developing an international instrument for the effective protection of traditional knowledge, traditional cultural expressions, and genetic resources (http://www.wipo.int/tk/en/igc). (Accessed 19 March 2019.)

10 Unique, stand-alone.

11 In 2003, the Commonwealth Government circulated a draft Copyright Amendment (Indigenous Communal Moral Rights) Bill for comment. The Bill was criticised as placing unduly onerous requirements on Indigenous communities who wished to protect their intangible cultural heritage (Anderson 2004) and was not enacted. Interestingly, Victoria has recently introduced legislation to protect Indigenous intangible cultural heritage, including language, in Victoria (*Aboriginal Heritage Amendment Act 2016*).

contributor to research and its outputs as the 'subject', rather than as an 'author', thereby excluding them from copyright (Janke & Iacovino 2012; Anderson & Christen 2013) and inadvertently perpetuating problems of colonial exclusion (Anderson 2018). Some go so far as to say that these dynamics can operate to make Indigenous people feel "captives of the archives" (Fourmile 1989: 1).

Even where intellectual property rights can be said to be held by Indigenous contributors to research, such rights can only be held individually (not collectively). This does not properly reflect Indigenous law and practices regarding the custodianship and intergenerational transmission of knowledge (Christie 2008; Janke 2008). The expiry of statutory copyright periods for older material can solve immediate permission problems, but create other challenges – when materials enter the 'public domain' they can be accessed or used by anyone, regardless of cultural protocols protecting sacred, secret, or sensitive material (Anderson 2005b).

Complex questions of 'ownership'

Research and its products become 'property' regardless of the intentions of those involved (Anderson 2018). The creation of records automatically generates 'authors' and 'owners', whom Australian and international law deem – in the absence of specific contractual agreement to the contrary – to hold exclusive rights to control the movement, reproduction, publication, and dissemination of those records. To avoid infringing the rights of 'authors' and 'owners', permission must be sought by non-owners who wish to access and use the materials. Legal questions about 'authorship' and 'ownership' of cultural heritage materials, or the rights that these notions entail, may undermine or limit efforts to return materials.

For any single cultural record there are multiple possible rights holders (Hudson 2006: 9). These may include the researcher, any commissioning organisation or funding body, the Indigenous person or community whose image, voice, knowledge, or information is contained in the record, and any institution with which the record may have been deposited for archival purposes or to which it may have been bequeathed (Janke & Iacovino 2012). As noted above, the identity of rights holders may be determined by the provenance of the record; however, this may often not be the case. There may be a distinction between the ownership of the physical property (the photo, tape, digital recording, or transcript) and the ownership of the intellectual property (the copyright). There may be a further distinction between possession and ownership of the physical property. For example, an item may be in the possession of an archival institution but still be legally owned by an individual researcher or academic institution. Some Indigenous organisations require researchers and consultants to assign copyright and other property in project information to the organisation itself. The situation may be further complicated by the fact that many archival items are hybrid in form, containing, for example, fragments of song embedded in oral history narratives, and involving multiple participants. This makes the issue of rights even more complicated. A further practical challenge is that, in some cases, copyright holders may be unidentifiable or uncontactable (Anderson 2005b; Nakata et al. 2008), and succession rights may not be clear. For example, copyright may be held by a deceased estate.

It has been argued[12] that individuals who hold copyright in a work embodying Indigenous traditional cultural expression may have a fiduciary duty[13] to respect Indigenous customary law in reproducing, publishing, or otherwise dealing with that work (McClausland 1999; Janke 2009a, 2009b; Ritchie & Janke 2015). While the existence of such a duty on the part of the copyright holder may give rise to a *right* of custodians of traditional knowledge to ensure that this material is used by others in accordance with customary law, it does not make Indigenous people the legal *owners* of the records containing their knowledge or cultural expressions.

The nature of the archival object may have a bearing on the question of rights. For some sound recordings, Indigenous participants can be said to be 'performers' in a 'live performance' under the *Copyright Act 1968* (Cth) (Janke 2008) and, as such, have specific rights to protect against unauthorised use of their live performances. It is unclear whether a person who is recorded providing an oral history (see Hudson & Kenyon 2005: 122) or speaking an Indigenous language is giving a 'performance'.[14] For recently made recordings, performers are deemed to be co-owners of the sound recordings of their performances.[15] Performers' rights exist alongside copyright, and for old sound recordings do not displace the need to negotiate with the owners of copyright in those recordings. Hudson & Kenyon (2005: 127) argue that, for a recorded oral history interview, copyright in the words of the interview (as a 'literary work') may be jointly held by the interviewer and interviewee.[16]

Fair dealing, exceptions, and licences

Dilemmas of copyright ownership might be circumvented by relying on 'fair dealing' or other exceptions in the *Copyright Act*, which allow non-owners to use copyright materials for specific purposes (such as research or study, criticism or review, and private/domestic use) without infringement. However, these exceptions are narrow and do not authorise a range of uses such as the inclusion of copyright material in a database managed by an Indigenous community (Hudson 2006: 63). Other copyright exceptions exist for educational and cultural institutions, libraries, and archives, but it is not clear how these might operate in the context of archival return projects when the intentions of Indigenous communities are not defined (Anderson 2005b).

Where copyright licences are granted to communities, careful consideration must be given to the identity of those who will be authorised to use materials under the terms of the licence, how long the licence will remain in force, and the precise ways in which communities might wish to use returned materials in the future: digitisation, inclusion in a database, publication online, and annotation or alteration of the materials may each require special permissions. In the absence of such permissions, the use by Indigenous communities

12 On the basis of the Federal Court's decision in *Bulun Bulun & Anor v R & T Textiles Pty Ltd* (1998).

13 A duty involving a relationship of trust.

14 The definition of 'performance' excludes the "delivery of any item of news and information" (section 248A(2)(b) of the *Copyright Act*).

15 Section 22(3A) of the *Copyright Act*.

16 In contrast, spoken language data may not meet the test for 'originality' required for copyright to be held in the words of a sound recording (section 32 of the *Copyright Act*; see also Bell & Shier 2011).

of cultural heritage materials to "make new meanings" may contravene the copyright owners' rights (Anderson 2005a: 26).

Conundrums in navigating copyright

Historically, the distribution of intellectual property rights in the products of research was often simply not contemplated or understood (Myers 2017). Barwick (2004: 260) has discussed how the relationship between archives, contributors, owners, and users continues to be problematic due to "a lack of appropriate agreements and relationships rather than technical impediments." Balancing moral, commercial, and legal rights is complicated and not for the lay person. As Newman (2012: 453) points out, "(l)inguistic fieldworkers are not trained to know copyright law any more than copyright lawyers are trained to do phonetic transcription." Best practice for research projects in linguistics, musicology, and other related disciplines is to consult with people and document their instructions about long-term care of, and access to, their research materials, as well as to agree in writing on the sharing of intellectual property rights via co-authorship of research outputs. Ideally the principle of free and informed consent is an ongoing process, which may involve re-consultation if new purposes for old data arise (Janke & Iacovino 2012).

One of the problems with documenting consent for archiving is the ways that archives change over time – some questions that may have been asked in the past do not reflect current realities. Access to archived materials may no longer require a visit to the archival institution, but rather may be mediated online, with materials being directly downloadable. Some archives are moving towards open access, as an ethical and practical approach to the management of archival materials, and in some cases is a requirement of funding bodies and academic institutions. We have observed that there are shifting sensitivities, too, in Australian Indigenous communities about various types of access, particularly when it comes to viewing photos or films or listening to recordings of the deceased.

Legal considerations for native title claim materials

Huge quantities of material have been assembled in support of native title claims that have now been determined.[17] The question of ownership of copyright in these materials is not always straightforward (Ritchie & Janke 2015). As noted above, materials created to support native title claims may be subject to contractual agreement between a researcher and the commissioning organisation, which clearly sets out arrangements for ownership and the future management of the materials. Such materials are typically held by organisations, for example by land councils. As Koch (2008: iv) wrote:

17 Section 223 of Australia's *Native Title Act 1993* provides direction on what is required to establish native title, including the "existence of a system of traditional laws and customs and how these connect the people with the lands and waters claimed" (Bennett & Koch, Appendix 7 in Koch 2008: 46).

> Many valuable and irreplaceable documents have been created during research for native title claims. Some Native Title Representative Bodies (NTRBs) have dedicated staff to manage these documents, but others are not able to care for them properly.

In this report, written now more than a decade ago, Koch recommended urgent action to assess the condition of records, to arrange for digitisation, to develop plans and protocols for access to materials, and to "ensure their preservation for posterity" (2008: iv). NTRBs also commonly hold similarly complex materials generated from externally funded land and sea management projects or deposited with them for safekeeping by clients. Conundrums for NTRBs in managing access to such materials range from legal issues concerning privilege, confidentiality, and copyright through to pragmatic problems such as how to obtain consent from clients who are widely dispersed and often living in remote communities (Twomey 2008).

As Indigenous representative bodies build their collections, many created without foresight for potential future reuse, they often need to re-engage with the stakeholders with whom the records were created, to obtain permissions, recreate missing metadata, and document instructions as to future handling and dissemination of the materials. Such a process requires careful judgement and expertise, and significant expenditure of time and resources, for which institutions do not have core funding. Enabling access to outside users is similarly unfunded under the original terms of establishment and ongoing operations of NTRBs (Koch 2008: 1, 50–51).

Indecision and uncertainty

The absence of an appropriate legal framework or an established process for dealing with Indigenous cultural materials can produce uncertainty and ambivalence for collecting institutions (Nakata et al. 2008) and individuals involved in the return of archival materials. On a smaller scale, disagreements among joint copyright owners about where cultural materials should be housed or how they should be used can also lead to indecision and paralysis. Where heritage materials have been deposited with cultural institutions, these practical difficulties can lead to significant uncertainty about how to share and allow access to those materials.[18] Holders of personal collections and autonomous archives confront the same challenges. Complex and unsatisfactory situations such as this in Australia and elsewhere have led some to observe that western intellectual property regimes do little to protect the rights of Indigenous peoples to control and protect their intangible cultural heritage (Janke 1998, 2008, 2009a). Alternative approaches are urgently required.

Practices of archival return

Platforms and formats for dissemination

For much of the 20th century, access to archival media such as recordings and photographs required individuals to visit the physical archive. Depending on any access and copying

18 Another issue for institutions to consider is whether the return of cultural heritage materials might breach their statutory information privacy obligations (Hudson 2006: 42–7; Bell & Shier 2011: 43–6).

restrictions (on the archival side) and on the receiver's technical and financial resources (such as funds to travel and pay for copies, as well as home access to playback machines), analogue copies of archival materials could be provided to the end user, typically in low-resolution analogue formats such as photocopies of photographs, or cassette tapes of sound recordings preserved on reel-to-reel tape. Further copying of these materials by the end user was discouraged, not only by archival access agreements, but also by the progressive deterioration in resolution over successive generations of analogue copies.

In an age where digital rather than analogue formats are the preferred medium for both recording and return, digital formats seemingly have many advantages: they better match the affordances of now widespread digital media playback devices such as mobile phones, they present the possibility of copying and sharing without loss of resolution, and they are frequently a means of intergenerational engagement, combining young peoples' typically greater digital literacy with older generations' wishes to support or revitalise traditional practices. Digital surrogates can enable ongoing access to old media that might otherwise become unplayable, thus allowing a new dynamic life for formerly hard-to-access physical objects (Christen 2011: 187). As pointed out by Newell (2012: 288), digital copies ("surrogates") have their own distinctive qualities that affect the ways in which users can connect with them. Geismar (2013) also draws attention to the "capacities and contradictions" of digital return. Digital return may be cyclical in ways that the repatriation of physical objects is not conventionally understood to be, since the same channels also permit a return from communities back to museums (Geismar 2013: 256). On the other hand, Geismar argues, "we need to pay attention to the implicit power relations that permit digital returns and to the hierarchies that 'keeping-while-giving' establishes" (Geismar 2013: 257; see also Bell et al. 2013).

Institutional archives are increasingly placing digital collections online, with a view to facilitating direct access by end users, usually with some form of authentication and agreement to conditions. Numerous constraints can impede end users from such apparently unmediated access. Typically text-centric and Anglo-centric archive interfaces may inhibit end users from discovering the existence of archival collections online in the first place (Barwick & Thieberger 2018). The ongoing 'digital divide' (Rennie et al. 2016) and other challenges associated with telecommunications in remote Indigenous communities are realities that any archivist planning online access must consider (Australian Communications and Media Authority 2008). Even where users can command such technical means, digital data costs for downloads may be prohibitive (van Deursen & van Dijk 2019). Not uncommonly, communities of speakers lack "the technical equipment and access to the Internet that would allow use of an archive in an active or autonomous way" (Treloyn & Emberly 2013: 173; Widlok 2013: 189) and there can be great disparity across a single region. Questions of long-term sustainable access to archival collections remain hard to answer in such circumstances.

Databases: structures, ontologies, and metadata

Christie (2004: 4) has argued that the way databases are constructed and their implicit ontologies reflect assumptions about "the nature of the world, and the nature of knowledge." As highlighted by Nakata & Langton (2005: 4), "Complex intersections between knowledge

systems, in the context of political and cultural reassertion by Indigenous people, are what professionals now confront and must work through." Controlled by hierarchies and taxonomies that reproduce particular cultural assumptions about the ordered world, archives and databases may sequester objects into categories and classes that are unfamiliar to Indigenous end users (Christie & Verran 2013: 307–308; also Christie 2005b; Bow et al. 2015: 117). From an archival perspective, it is difficult to discover, search, and navigate the contents of a database or archive without good metadata, an integral aspect of databases that concerns the identification and description of information (Bow et al. 2015: 117). For example, working with Yolngu in northeast Arnhem Land, Christie found that the labels used to categorise metadata fields and to name files in many databases can prevent Yolngu researchers from discovering ideas, topics, and knowledge that are linked in Yolngu epistemology.

As non-Indigenous biases are typically inherent in databases, there is a risk that they may inhibit or undermine intergenerational knowledge transfer among Indigenous peoples by challenging traditional systems of ownership and authority (Christie 2005a; Treloyn & Emberly 2013: 174–175). Choosing what content to include in local databases can place onerous responsibility on individuals to make decisions that affect the whole community, and can give rise to inequities within the community based on who has access and who does not (Treloyn & Emberly 2013: 163). Brown & Treloyn (2017: 57) argue that we need "databases that aim to reflect and embed local Indigenous ontologies, cultural protocols and traditional knowledge in both the content and schema of the system." Such are the aspirations of the Aṟa Irititja (Hughes & Dallwitz 2007) and Mukurtu (Christen 2015) platforms, separately developed specifically for enabling community access and interaction with digital collections, and discussed elsewhere in this volume.

The act of inviting community members to participate in the collection and correction of the metadata of existing resources (Garrett 2014) is now regarded as an important form of engagement that assists in bringing an archive to life (Bow et al. 2015: 117). In 2017, Doris Stuart, an Arrernte elder from Mparntwe (Alice Springs), received digital copies of some photographs of herself taken in the 1980s (Figure 1). In this case, due to ongoing personal connections with the photographer, it had been relatively straightforward to connect her with her photographs. This experience prompted Doris to talk about how sad she was to see that, in some old archival photos from the Alice Springs area, Indigenous people were nameless.[19] "There has to be some recognition of who they are, how they looked, and what they stood for," she said. "Every photo tells a story isn't it? Stories are a record of the next generations" (Central Land Council 2016).

19 We have noted that it is very common for children not to be identified in historical photographs, even when the adults are. This has implications for people searching for individuals in images in later years.

Figure 1. Doris Stuart is pleased to get a copy of some photos of herself taken near Alice Springs by Jennifer Green in the 1980s (photo: Jennifer Green)

McGrath (2010: ix) discusses how narratives offered in the 're-documentation' processes can "provide considerable insights into historical sociality and significance beyond the original moment in which the image was taken." This can be a form of "critical re-rendering" (Biddle 2016: 1; see also Hinkson 2015). Discussing the return of recordings to Yolngu communities, Toner (2003) proposed expanding the metadata to include commentaries by traditional owners about the contemporary significance of returned records, such as expressions of kinship to singers on recordings. The re-emplacing of records may be requested: Brown & Treloyn describe how one senior person "physically re-embedded … records into their place of origin by requesting a playback session at an old mission-era shed where he used to hear old people singing during his childhood" (2017: 56).

Describing the addition of "tribal metadata" to materials held by archival institutions as part of a "reciprocal curation" process in the creation of the Plateau Peoples' Web Portal, Christen (2011: 200) reports grappling with "the linguistic tension involved in using English terms to represent Native themes." She states that no "eloquent solution" could be found, although thoughtfully choosing English terms was regarded as the "best of the worst." Similar issues of language choice are highly relevant in Australia, where widespread multilingualism among older generations abuts with language shift to English, Kriol, and new languages created by younger generations (O'Shannessy & Meakins 2016). In many cases, the need to operate across multiple languages and low levels of vernacular literacy have tended to favour the use of English for metadata, and for access platform interface terminologies (as, for example, in the Central Land Council's Digital Archive, based on Keeping Culture KMS).[20]

20 https://clc.keepingculture.com/ (Accessed 16 April 2019.)

Materialities of archival media

Materials sourced from archives may be returned to individuals and to local institutions such as libraries, community organisations, or schools using various *ad hoc* modes of delivery. Content that is closely related to individuals and their families may be provided in person on DVDs, CDs, or flash media (USB sticks). Local delivery of larger collections to community hubs may be accomplished via media databases (Treloyn & Emberly 2013; see also Meakins et al. 2018), portable hard drives, or dedicated wi-fi hotspots.[21] Password-protected media databases hosted on community computers may allow people to search, sort, and shuffle various media and create their own cultural objects (Christen 2005: 326), though password-based rights management systems have been critiqued, since "information on a computer is never completely safe if the computer is shared in a public space" (Christie 2008). From these sources, recordings and photographs are downloaded and circulate in homes, cars, clinics, or social clubs, where they may become the inspiration for new creations, incorporating old recordings with the new (Campbell 2014: 111–112).

In the absence of (or in preference to) internet connectivity, users may "create a social network of digital exchange" (Mansfield 2014: 66) by sharing digital objects locally between mobile phones, tablets, and computers via local area wireless networks or peer-to-peer (Bluetooth) networks. The same technologies are used to share newly created digital resources recorded on mobile phones and distributed within family networks (Auld et al. 2012). USB storage devices containing video and audio recordings are also regularly exchanged and plugged into televisions or game consoles for viewing. Women may keep USBs (Figure 2), paper copies of archival access requests with snapshots of metadata, and images of their long-deceased relatives in their handbags – but lament the consequences of children rifling their contents. Hard drives and USBs fail; phones that hold fragments of archival collections get lost or broken. Even the collections of recognised Indigenous cultural production agencies and media organisations are not immune to such dangers – hard drive backup systems fail because of extreme climatic conditions and perhaps neglect and lack of foresight, and sometimes this results in the irreplaceable loss of material that has been entrusted to their care.

Materials returned to individuals might certainly be passed on in turn to others who are considered to have rights in the material (Campbell 2014: 111). But they might equally fall into the wrong hands or simply be lost. Clearly the easy portability of mobile devices can have both positive and negative implications: such modern digital objects may hold considerable power and new protocols are needed to deal with their potentials.[22] The solution adopted by several participants in our research was the individual purchase of small home safes, to provide security for the digital and technological ephemera of returns in home communities.

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21 http://librarybox.us/whatis.php (Accessed 12 December 2018.) Note: The LibraryBox device is no longer available for purchase. For developments with RasberryPi, see http://www.language-archives.services/about/pi (Accessed 23 January 2019.)

22 Shaun Angeles Penangke. Old ways, new digitisation and the Strehlow Collection. Plenary talk. AMaGA (Australian Museums and Galleries Association) conference, Alice Springs, 15 May 2019.

Figure 2. A personal collection of USB drives, clearly indicating the various sources of the materials: the CLC Cultural Media Project, Batchelor Institute, and the University of Sydney (photo: Jennifer Green; reproduction courtesy April Campbell Pengart)

Changing contexts for archival returns

Planning for future reuse

What effect has their encounter with archival returns had on the opinions Indigenous people themselves express concerning the future of the cultural records they create in the present day? An analysis of a selection of consent documents relating mostly to recordings of Indigenous languages and song in the Central Australian region accrued over a three-decade period (Green et al. 2017) revealed that there was unanimity about the importance of retaining the data to pass on cultural knowledge to future generations. What varied were the strategies specified to enable this to happen. There was a slight trend over time towards a more open-access viewpoint. Yet the 'look but do not keep' viewpoint is also common – some participants didn't require permission for their data to be viewed in an archive but did want people to ask if they wanted a copy. A selection of these, sometimes contradictory, viewpoints are reflected in the verbatim comments below:

1. "Good to show kids what was really important to us. This is for kids today, and young people. It means a lot."
2. "It is OK to see these things without restriction – men, women, and non-Indigenous people can view. Can show to whitefellas from a long way."
3. "Is OK to use Anmatyerr language for making a dictionary and health books and to use in schools. But not for people to hear stories that may sound OK but may be very sacred to other people."

4. "We don't want the words mixed up. We [are] not happy if they use Dreamtime stories to make a cartoon book, or to make logos to put on T-shirts."
5. "You can put it on television – we want to see coloured people on TV."
6. "I would like to share my stories to the public so they can see how we share our stories to young children."

Comments concerning practices of restriction on accessing images or recordings of the deceased showed that the main concern was the potential effect on local populations and close family. What happened in far-off places beyond networks of kin and accountability was of lesser concern. Warumungu woman Ruby Frank reflects on the processes of reaching agreement with other members of her family group on access to archival cultural and ceremonial recordings. "People talked about how we wanted to run it, what is to be strict and what doesn't need to be strict. And what can be in the open," she said.[23]

The comments above reflect an overall respect for research materials, but also anxiety about their misappropriation or misuse. There is also much variation, not only between regions of Indigenous Australia, but also regarding different types of archival materials and what is at stake – whether these be photos of family, recordings of speech, oral histories, songs, or narratives, documentations of visits to country, and so on.

Participatory archiving

An increasing recognition of the inherent cultural bias in the structures and operations of archives, and of the colonising origins of many institutional archives dealing with Indigenous collections, has led to calls for 'participatory archiving' to allow users more say in structuring and managing collections (Huvila 2008). Numerous initiatives have established 'autonomous archives' that exist outside of government (Moore & Pell 2010). Many initiatives have sought to take advantage of the affordances of digital technologies to reimagine the relationship between people and collections (Christen 2005; Christie 2008; Nakata et al. 2008; Thorner 2010). In addition to the Aṟa Irititja and Mukurtu databases already mentioned, Australian community facilities designed with such factors in mind have been developed in many places, including in the Pilbara (Brown & Treloyn 2017: 57), in the Kimberley (Treloyn et al. 2016: 96), in northeast Arnhem Land (De Largy Healy 2014: 30; see also Anderson 2005b), and in Central Australia (for example, PAW Media and Communications based at Yuendumu, as well as the CLC's already mentioned Digital Archive). The Indigenous Remote Communications Association (IRCA) assists community organisations in planning and managing their collections (Indigenous Remote Communications Association 2010), while the Central Australian Youth Linkup Service supports workstations, some loaded with local collections, in multiple remote locations.[24]

Community language centres, often supported by the Australian government's Indigenous Languages and Arts funding scheme, provide another network of community-based infrastructure, coordinated by umbrella bodies such as First Languages Australia.[25] Such

23 Ruby Frank, pers. comm. to Jane Lloyd, 25 April 2019.

24 https://caylus.org.au/computerrooms/ (Accessed 16 April 2019.)

25 https://www.firstlanguages.org.au/ (Accessed 15 April 2019.)

centres commonly aspire to community-based language archiving (Linn 2014), in an emerging movement towards 'participatory delivery' of archival information that goes hand-in-hand with community-based language research. In a community-based language archive, "the archive actively engages with the relevant community in conducting all levels of documentation, describing and contextualising, maintenance, and dissemination of information"; community members are primary shapers and users of the archive (Linn 2014: 61).

Larger institutions are also part of this move. The Northern Territory Library established a network of local libraries and knowledge centres, and created the Community Stories platform, based on the Aṟa Irititja model, to provide facilities in numerous regional and remote libraries (Gibson 2009). AIATSIS (the Australian Institute of Aboriginal and Torres Strait Islander Studies), the primary national institution charged with the archiving and dissemination of Australian Indigenous information, provides copies of audio recordings, video recordings, and photographs to Aboriginal and Torres Strait Islander peoples through the Return of Material to Indigenous Communities (ROMTIC) program. The operations of such programs are not without their issues (see, for example, Campbell 2014).

Positive experiences from archival return have prompted some Indigenous people to look to archives to assist in cultural continuity:

> We want to send our things to the archive so that they can look after our things – like photos, videos, and other recordings. We are happy that they look after them for us [in Canberra] so that the next generations of children can see these things, after we are gone. In the old days these things got lost, and people didn't know where to look for photos and recordings of their songs and Dreaming stories. The poor things didn't know where to look. So that is why we are depositing things in the archive.[26]

Conclusion

While participatory approaches to archiving do not provide a blanket solution, the culture of archiving has certainly been changed through engagement with a wide range of users. We have seen that engaging in returns is rarely a straightforward enterprise for anyone involved in the process. Archivists, researchers and other intermediaries, staff of local autonomous Indigenous organisations, and end users are all faced with dynamic situations that require careful judgement and expertise. Ethical and legal questions about access, competing ideas of ownership, and shifting community protocols and expectations can be hard to avoid. For some genres of archival material (for example, personal photos) the stakes may not be so high, but for others, the unexpected and unregulated insertion of digital recordings from the past into the socio-political ecologies of the present has the potential to disrupt as well as to give pleasure and provide resources for sustaining traditions and enriching lives.

As Christen comments, "there is … [no] one-size-fits-all answer to the archival questions indigenous peoples bring to bear on the institutions that hold much of their cultural heritage." Digital technologies "cannot ensure that respectful and reciprocal curation processes follow;

26 April Campbell Pengart, pers. comm. to Jennifer Green, 10 October 2018.

that must happen face-to-face through sustained dialogue and a commitment to collaborative archival practice" (Christen 2011: 209). Such commitment to sustained dialogue is time consuming and sometimes has unexpected consequences. Those of us engaging in archival returns are constantly given cause to reflect on the conundrums and unexpected consequences generated by our own institutions, practices, and training.

Some of the issues raised in this chapter are relevant to broader global discussions in the emerging field of Indigenous data sovereignty (see Kukutai & Taylor 2016). As we have discussed, it can be difficult to grasp the nature and dynamics of ongoing cultural transmission, the roles of institutional and community archives in both protecting and disseminating records of languages, song, and social history, and the responsibilities of researchers, organisations, and end users in this complex intercultural space. These questions are perforce framed by ethical and legal questions about access, competing ideas of ownership, and shifting community protocols surrounding the rights of access to and the dissemination of cultural information. While we have shown that the issues raised are seldom neutral and often complex, we also argue for the power that culturally appropriate mobilisation of archival materials can have for those that inherit the knowledge they embody. But it is not only end users who are affected by the practice of archival returns. Since archivists, intermediaries, and end users are all involved, doing archival returns cannot help but change archival systems and research practices too. It is fair to say that all records are situated in what Myers has termed "circumstances of cultural flow" (2017: 187).

References

Allard, Danielle & Shawna Ferris. 2015. Antiviolence and marginalised communities: Knowledge creation, community mobilization and social justice through a participatory archiving approach. *Library Trends* 64(2). 360–383. (doi:10.1353/lib.2015.0043)

Anderson, Heather & Emma Kowal. 2012. Culture, history, and health in an Australian Aboriginal community: The case of Utopia. *Medical Anthropology* 31(5). 438–457. (doi:10.1080/01459740.2011.636411)

Anderson, Jane. 2004. The politics of Indigenous knowledge: Australia's proposed Communal Moral Rights Bill. *UNSW Law Journal* 27. 585–604.

Anderson, Jane. 2005a. Access and control of Indigenous knowledge in libraries and archives: Ownership and future use. *Correcting course: Rebalancing copyright for libraries in the national and international arena.* Conference proceedings, Columbia University, New York. American Library Association and the MacArthur Foundation.

Anderson, Jane. 2005b. Indigenous knowledge, intellectual property, libraries and archives: Crises of access, control and future utility. *Australian Academic & Research Libraries* 36(2). 83–94. (doi:10.1080/00048623.2005.10721250)

Anderson, Jane. 2018. Negotiating who "owns" Penobscot culture. *Anthropological Quarterly* 91(1). 267–305. (doi:10.1353/anq.2018.0008)

Anderson, Jane & Kimberly Christen. 2013. 'Chuck a copyright on it': Dilemmas of digital return and the possibilities for Traditional Knowledge Licenses and Labels. *Museum Anthropology Review* 7(1–2). 105–126.

Auld, Glenn, Ilana Snyder & Michael Henderson. 2012. Using mobile phones as placed resources for literacy learning in a remote Indigenous community in Australia. *Language and Education* 26(4). 279–296. (doi:10.1080/09500782.2012.691512)

Australian Communications and Media Authority. 2008. *Telecommunications in remote Indigenous communities*. (http://bitily/ACMA2008) (Accessed 3 October 2019.)

Barwick, Linda. 2004. Turning it all upside down … Imagining a distributed digital audiovisual archive. *Literary and Linguistic Computing* 19(3). 253–263. (doi:https://doi.org/10.1093/llc/19.3.253)

Barwick, Linda, Jennifer Green & Petronella Vaarzon-Morel (eds.). 2019. *Archival returns: Central Australia and beyond* (Language Documentation & Conservation Special Publication 18). Honolulu HI: University of Hawai'i Press. (http://hdl.handle.net/10125/24898)

Barwick, Linda & Nicholas Thieberger. 2018. Unlocking the archives. In Nicholas Ostler, Vera Ferreira & Chris Mosely (eds.), *Communities in control: Learning tools and strategies for multilingual endangered language communities. Proceedings of FEL XXI Alcanena 2017*, 135–139. Hungerford, UK: Foundation for Endangered Languages. (http://hdl.handle.net/2123/20395)

Bell, Catherine & Caeleigh Shier. 2011. Control of information originating from Aboriginal communities: Legal and ethical contexts. *Études/Inuit/Studies* 35(1–2). 35–36. (doi:10.7202/1012834ar)

Bell, Joshua A, Kimberly Christen & Mark Turin. 2013. Introduction: After the return. *Museum Anthropology Review* 7(1–2). 1–21.

Biddle, Jennifer Loueride. 2016. Sentience and sentimentality in *Remembering Yayayi*. *The Cine-Files* 10 (Spring). (http://www.thecine-files.com/biddle2016/) (Accessed 13 February 2018.)

Bow, Catherine, Michael Christie & Brian Devlin. 2015. Shoehorning complex metadata in the Living Archive of Aboriginal Languages. In Amanda Harris, Nicholas Thieberger & Linda Barwick (eds.), *Research, records and responsibility: Ten years of PARADISEC*, 115–131. Sydney: Sydney University Press. (https://ses.library.usyd.edu.au/handle/2123/16671) (Accessed 20 February 2018.)

Bracknell, Clint. 2017. Maaya waabiny (playing with sound): Nyungar song language and spoken language. In Jim Wafer & Myfany Turpin (eds.), *Recirculating songs: Revitalising the singing practices of Indigenous Australia*, 45–57. Canberra: Pacific Linguistics.

Brown, Reuben & Sally Treloyn. 2017. Relational returns: Relationships and the repatriation of legacy song recordings in Australia. *University of Melbourne Collections* 20. 50–61.

Burke, Paul. 2018. *An Australian Indigenous diaspora: Warlpiri matriarchs and the refashioning of tradition*. New York, Oxford: Berghahn Books.

Campbell, Genevieve. 2014. Song as artefact: The reclaiming of song recordings empowering Indigenous stakeholders – and the recordings themselves. In Amanda Harris (ed.), *Circulating cultures: Exchanges of Australian Indigenous music, dance and media*, 101–127. Canberra: ANU Press.

Central Land Council. 2016. Keeping track of old memories. *Land Rights News Central Australia* 6(3). 21.

Christen, Kimberly. 2005. Gone digital: Aboriginal remix and the cultural commons. *International Journal of Cultural Property* 12(3). 315–345. (doi:10.1017/S0940739105050186)

Christen, Kimberly. 2011. Opening archives: Respectful repatriation. *American Archivist* 74(1). 185–210. (doi.org/10.17723/aarc.74.1.4233nv6nv6428521)

Christen, Kimberly. 2012. Balancing act: The creation and circulation of Indigenous knowledge and culture inside and outside the legal frame. In Sean A Pager & Adam Candeub (eds.), *Transnational culture in the internet age*, 316–345. Cheltenham, UK: Edward Elgar Publishing.

Christen, Kimberly. 2015. A safe keeping place: Mukurtu CMS innovating museum collaborations. In Juilee Decker (ed.), *Technology and digital initiatives: Innovative approaches for museums*, 61–68. London: Rowman & Littlefield.

Christie, Michael. 2004. Computer databases and Aboriginal knowledge. *Learning Communities: International Journal of Learning in Social Contexts* 1. 4–12.

Christie, Michael. 2005a. Aboriginal knowledge traditions in digital environments. *The Australian Journal of Indigenous Education* 34. 61–66. (doi:10.1017/S1326011100003975)

Christie, Michael. 2005b. Words, ontologies and Aboriginal databases. *Media International Australia Incorporating Culture and Policy* 116(1). 52–63. (doi:10.1177/1329878X0511600107)

Christie, Michael. 2007. Fracturing the skeleton of principle: Australian law, Aboriginal law, and digital technology. *Learning Communities: International Journal of Learning in Social Contexts* (November). 30–39.

Christie, Michael. 2008. Digital tools and the management of Australian Desert Aboriginal Knowledge. In Pamela Wilson & Michelle Stewart (eds.), *Global Indigenous media: Cultures, poetics, and politics*, 270–286. Atlanta: Duke University Press. (doi:10.1215/9780822388692-019)

Christie, Michael & Helen Verran. 2013. Digital lives in postcolonial Aboriginal Australia. *Journal of Material Culture* 18(3). 299–317. (doi:10.1177/1359183513492081)

Consultative Committee for Space Data Systems (CCSDS). 2012. *Recommendation for space data systems practices: Reference model for an open archival information system (OAIS), issue 2.* Washington DC: CCSDS Secretariat.

De Largy Healy, Jessica. 2014. Remediating sacred imagery on screens: Yolngu experiments with new media technology. *Australian Aboriginal anthropology today: Critical perspectives from Europe*. Paris. (http://actesbranly.revues.org/577) (Accessed 14 February 2018.)

Fourmile, Henrietta. 1989. Who owns the past?: Aborigines as captives of the archives. *Aboriginal History* 13(1/2). 1–8.

Garrett, Edward. 2014. Participant-driven language archiving. *Language Documentation and Description* 12. 68–84.

Geismar, Haidy. 2013. Defining the digital. *Museum Anthropology Review* 7(1–2). 254–263.

Gibson, Jason. 2009. *Managing Indigenous digital data: An exploration of the Our Story database in Indigenous libraries and knowledge centres of the Northern Territory*. Broadway, NSW: UTS ePress. (https://opus.lib.uts.edu.au/handle/10453/19485) (Accessed 26 February 2018.)

Glaskin, Katie. 2007. Outstation incorporation as precursor to a Prescribed Body Corporate. In James F Weiner & Katie Glaskin (eds.), *Customary land tenure and registration in Australia and Papua New Guinea: Anthropological perspectives*, 199–221. Canberra: ANU E-Press.

Green, Jennifer, Myfany Turpin & Carly Pettiona. 2017. *Trends in consent forms from Central Australian people: Report to CLC–CMP project management board.*

Haviland, John B. 2016. Making *gambarr*: It belongs to me, I belong to it. In Jean-Christophe Verstraete & Diane Hafner (eds.), *Culture and language use* 18. 455–480. Amsterdam: John Benjamins Publishing Company.

Hinkson, Melinda. 2015. *Remembering the future: Warlpiri life through the prism of drawing.* Canberra: Aboriginal Studies Press.

Hudson, Emily. 2006. *Cultural institutions, law and Indigenous knowledge: A legal primer on the management of Australian Indigenous collections.* Melbourne: Intellectual Property Research Institute of Australia.

Hudson, Emily & Andrew T Kenyon. 2005. *Copyright and cultural institutions: Guidelines for digitisation.* Melbourne: University of Melbourne.

Hughes, Martin & John Dallwitz. 2007. Aṟa Irititja: Towards culturally appropriate IT best practice in remote Indigenous Australia. In Laurel E Dyson, Max Hendriks & Stephen Grant (eds.), *Information technology and Indigenous people*, 146–158. Hershey, PA: Information Science Publishing. (doi:10.4018/978-1-59904-298-5.ch020)

Huvila, Isto. 2008. Participatory archive: Towards decentralised curation, radical user orientation, and broader contextualisation of records management. *Archival Science* 8(1). 15–36. (doi:10.1007/s10502-008-9071-0)

IASA Technical Committee. 2009. *Guidelines on the production and preservation of digital audio objects: Standards, recommended practices and strategies, IASA-TC 04.* 2nd edn (web version). (Ed. Kevin Bradley.) Aarhus, Denmark: International Association of Sound and Audiovisual Archives. (www.iasa-web.org/tc04/audio-preservation) (Accessed 19 October 2019.)

Indigenous Remote Communications Association. 2010. *Joining the dots: Dreaming a digital future for remote Indigenous media. IRCA submission to the Indigenous Broadcasting and Media Sector Review.* (https://www.yumpu.com/en/document/view/34120845/joining-the-dots-dreaming-a-digital-future-for-office-for-the-arts) (Accessed 19 October 2019.)

Janke, Terri. 1998. *Our culture: Our future: Report on Australian Indigenous cultural and intellectual property rights.* Michael Frankel & Company.

Janke, Terri. 2008. Indigenous knowledge & intellectual property: Negotiating the spaces. *The Australian Journal of Indigenous Education* 37(S1). 14–24. (doi:10.1375/S1326011100000338)

Janke, Terri. 2009a. *Beyond guarding ground: A vision for a National Indigenous Cultural Authority.* Rosebery, NSW: Terri Janke and Co.

Janke, Terri. 2009b. *Writing up Indigenous research: Authorship, copyright and Indigenous knowledge systems.* Terri Janke and Co. (http://docs.wixstatic.com/ugd/7bf9b4_a05f0ce9808346daa4601f975b652f0b.pdf) (Accessed 8 June 2018.)

Janke, Terri & Livia Iacovino. 2012. Keeping cultures alive: Archives and Indigenous cultural and intellectual property rights. *Archival Science* 12(2). 151–171. (doi:10.1007/s10502-011-9163-0)

Koch, Grace. 2008. *The future of connection material held by Native Title Representative Bodies: Final report* (Native Title Research Report), vol. 1. Canberra: Native Title Research Unit, AIATSIS.

Kukutai, Tahu & John Taylor (eds.). 2016. *Indigenous data sovereignty* (Centre for Aboriginal Economic Policy Research Research Monograph 38). Acton, ACT: ANU Press. (doi:10.22459/CAEPR38.11.2016)

Lancefield, Robert C. 1998. Musical traces' retraceable paths: The repatriation of recorded sound. *Journal of Folklore Research* 35(1). 47–68.

Linn, Mary S. 2014. Living archives: A community-based language archive model. *Language Documentation and Description* 12. 53–67.

Lydon, Jane. 2010. Return: The photographic archive and technologies of Indigenous memory. *Photographies* 3(2). 173–187.

Mansfield, John. 2014. Listening to heavy metal in Wadeye. In Amanda Harris (ed.), *Circulating cultures: Exchanges of Australian Indigenous music, dance and media*, 239–268. Canberra: ANU E-Press.

Marett, Allan & Linda Barwick. 2003. Endangered songs and endangered languages. In Joe Blythe & Robert McKenna Brown (eds.), *Maintaining the links: Language, identity and the land*, 144–151. Bath, UK: Foundation for Endangered Languages. (http://hdl.handle.net/2123/1314) (Accessed 19 October 2019.)

McClausland, Sally. 1999. Protecting communal interests in Indigenous artworks after the *Bulun Bulun* case. *Indigenous Law Bulletin* 4(22). 4–6.

McGrath, Pamela Faye. 2010. *Hard looking: A historical ethnography of photographic encounters with Aboriginal families in the Ngaanyatjarra Lands, Western Australia.* Australian National University. (PhD.)

Meakins, Felicity, Jennifer Green & Myfany Turpin. 2018. *Understanding linguistic fieldwork*. London: Routledge.

Michaels, Eric. 1986. *The Aboriginal invention of television in Central Australia 1982–1986* (Institute Report Series). Canberra: Australian Institute of Aboriginal Studies.

Moore, Shaunna & Susan Pell. 2010. Autonomous archives. *International Journal of Heritage Studies* 16(4–5). 255–268.

Myers, Fred. 2017. Whose story is this? Complexities and complicities of using archival footage. In Jane Anderson & Haidy Geismar (eds.), *The Routledge companion to cultural property*, 168–193. Routledge Handbooks Online.

Nakata, Martin N & Marcia Langton (eds.). 2005. *Australian Indigenous knowledge and libraries*. Broadway, NSW: UTS ePress.

Nakata, Martin N, Vicky Nakata, Alex Byrne, Jill McKeough, Gabrielle Gardiner & Jason Gibson. 2008. *Australian Indigenous digital collections: First generation issues*. Broadway, NSW: UTSeScholarship.

Newell, Jennifer. 2012. Old objects, new media: Historical collections, digitization and affect. *Journal of Material Culture* 17(3). 287–306.

Newman, Paul. 2012. Copyright and other legal concerns. In Nicholas Thieberger (ed.), *The Oxford handbook of linguistic fieldwork*, 430–556. Oxford: Oxford University Press.

Ormond-Parker, Lyndon & Robyn Sloggett. 2012. Local archives and community collecting in the digital age. *Archival Science* 12(2). 191–212. (doi:10.1007/s10502-011-9154-1)

O'Shannessy, Carmel & Felicity Meakins. 2016. Australian language contact in historical and synchronic perspective. In Felicity Meakins & Carmel O'Shannessy (eds.), *Loss and renewal: Australian languages since colonisation* (Language Contact and Bilingualism 13), 3–26. Berlin: De Gruyter.

Perrurle, Joel Liddle & Barry Judd. 2018. Altyerre NOW: Arrernte dreams for national reconstruction in the 21st century. *Learning Communities: International Journal of Learning in Social Contexts*, 23. 106–115. (doi:10.18793/lcj2018.23.09)

Rennie, Ellie, Eleanor Hogan, Robin Gregory, Andrew Crouch, Alyson Wright & Julian Thomas. 2016. *Internet on the outstation: The digital divide and remote Aboriginal communities* (Theory on Demand 19). Amsterdam: Institute of Network Cultures.

Ritchie, Eamon & Terri Janke. 2015. Who owns copyright in native title connection reports? *Indigenous Law Bulletin* 8(20). 8–11.

Seeger, Anthony. 1986. The role of sound archives in ethnomusicology today. *Ethnomusicology* 30. 261–276.

Stoianoff, Natalie P & Alpana Roy. 2015. Indigenous knowledge and culture in Australia – The case for sui generis legislation. *Monash University Law Review* 41(3). 745–784.

Thorner, Sabra. 2010. Imagining an Indigital interface: Aṟa Irititja indigenises the technologies of knowledge management. *Collections: A Journal for Museum and Archives Professionals* 6(3). 125–146.

Thorner, Sabra. 2016. Visual economies and digital materialities of Koorie kinship and community: Photographs as currency and substance. *Anthropology and Photography* 6. (http://www.therai.org.uk/images/stories/photography/AnthandPhotoVol6.pdf) (Accessed 20 October 2019.)

Toner, Peter G. 2003. History, memory and music: The repatriation of digital audio to Yolngu communities, or, memory as metadata. In Linda Barwick, Allan Marett, Jane Simpson & Amanda Harris (eds.), *Researchers, communities, institutions, sound recordings*. Sydney: University of Sydney. (https://ses.library.usyd.edu.au/bitstream/2123/1518/1/Toner%20rev1.pdf) (Accessed 21 November 2018.)

Treloyn, Sally & Andrea Emberly. 2013. Sustaining traditions: Ethnomusicological collections, access and sustainability in Australia. *Musicology Australia* 35(2). 159–177. (doi:10.1080/08145857.2013.844473)

Treloyn, Sally, Matthew Dembal Martin & Rona Googninda Charles. 2016. Cultural precedents for the repatriation of legacy song records to communities of origin. *Australian Aboriginal Studies* 2. 94–103.

Turnbull, Paul. 2010. Introduction. In Paul Turnbull & Michael Pickering (eds.), *The long way home: The meaning and values of repatriation*, 1–11. New York: Berghahn Books.

Twomey, Justine. 2008. Legal and practical considerations in managing access to materials held by NTRBs and Land Councils. Appendix 6. In Grace Koch (ed.), *The future of connection material held by Native Title Representative Bodies: Final report* (Native Title Research Report 4), 39–45. Canberra: Native Title Research Unit, AIATSIS.

van Deursen, Alexander JAM & Jan AGM van Dijk. 2019. The first-level digital divide shifts from inequalities in physical access to inequalities in material access. *New Media & Society* 21. 354–375. (doi:10.1177/1461444818797082)

van Gelderen, Ben & Kathy Guthadjaka. 2017. The Warramiri website: Applying an alternative Yolŋu epistemology to digital development. *Research and Practice in Technology Enhanced Learning* 12(14). 1–19. (doi:10.1186/s41039-017-0052-x)

Widlok, Thomas. 2013. Analogical problems with digital data. *The Asia Pacific Journal of Anthropology* 14(2). 183–194. (doi:10.1080/14442213.2013.768694)

Wild, Stephen A. 1992. Issues in the collection, preservation and dissemination of traditional music: The case of Aboriginal Australia. In Alice M Moyle (ed.), *Music and dance of Aboriginal Australia and the South Pacific: The effects of documentation on the living tradition* (Oceania Monograph 41), 7–22. Sydney: Oceania Publications.

Wright, Alexis. 2016. What happens when you tell somebody else's story? *Meanjin,* Summer.