



ABORIGINAL LAND RIGHTS IN THE NORTHERN TERRITORY:

Documenting and Preserving the Records and Memories

By Toni Bauman and Jasmine Tearle, AIATSIS

What do you do with a garage full of files, notes, photographs, slides, negatives, videos, cassette tapes and other materials when you are a researcher or lawyer who has collected them working on land claims under the *Aboriginal Land Rights Act Northern Territory 1976 (Cth)* (particularly in the early years around the 1980s and 1990s)? You are getting old, the documents are under threat, and you need to deal with the pile of 'stuff' in your garage. You know the records are precious not only as Indigenous heritage but also our national heritage.

The first thing you have to do is to document the materials and provenance them: without this they are meaningless.

A joint project between AIATSIS and La Trobe University, Aboriginal Land Rights in the Northern Territory: Documenting and Preserving the Records and Memories (the Project) has been considering issues of documentation, ownership, value, preservation, and storage of these land claim materials with the ultimate aim of providing Indigenous access to them. Realising the rights of Indigenous peoples to their knowledge, culture and heritage is the end game.

As part of Stage 1 of the Project, on 1 and 2 October 2019, AIATSIS and La Trobe convened a focus group in Canberra at University House at the Australian National University. The meeting was an historic occasion bringing together for the first time a group of lawyers, researchers and archivists to discuss these issues.

The meeting was chaired by ANU's Emeritus Professor Mick Dodson, also Chair of the Project's Advisory Committee, and facilitated by AIATSIS Visiting Research Fellow, Toni Bauman, with SC Adjunct Professor David Parsons from La Trobe. La Trobe was also represented by its Professor Pro Vice Chancellor Indigenous, Dennis McDermott.

The discussion was a free flowing conversation between researchers, lawyers and archivists, the latter representing institutions such as AIATSIS, National Archives of Australia (NAA), Central Land Council (CLC), Northern Land Council (NLC), the NT Aboriginal Areas Protection Authority and the Office of the Northern Territory Aboriginal Land Commissioner (ALC).

Above: Participants sharing ideas via 'talking paper'.
Credit: Helen Wright



In opening the meeting Professor Dodson noted the value of the records and commented that 'the memories and documents are more valuable while we are alive than after we are gone...adding a narrative makes them much more valuable than if someone looks at them without the narrative...'. Professor Dodson also noted the leverage of the participants as a group in making land claim materials accessible and garnering resources, provided the group can identify 'this is who we are, what we are, what we want to do'.

The meeting discussed the legislative context in which the records are located including whether they constitute a Commonwealth Record for the purposes of the *Archives Act 1983* (Cth). Records which form part of the exhibits in land claims are clearly Commonwealth records and the ALC is gradually processing these and depositing them in the NAA in consultation with the Land Councils.

However, the records referred to in the meeting were often not submitted formally to land claim hearings, but rather provide the back story to those exhibits. They include things like legal briefing notes, drafts of maps and genealogies, photographs, and cassette tapes of songs, interviews and Indigenous land owners speaking in traditional languages.

Researchers thus hold mixed archives in that their collections may contain materials that informed their land claim work but were not produced during a contracted period or specifically for a land claim. Some of these materials may have been gathered well before there were any suggestions of a land claim or for different purposes including cultural heritage and linguistic research, and may not have been deposited with either Land Council. While the Land Councils hold a number of these records, they do not necessarily have the technical expertise to preserve slides and negatives and outdated cassette and video tapes.



The possibility of a distributed archive was discussed given that documents are already stored in a number of places. There was also some discussion about the need to avoid duplication of records already held by archives, though archivists varied in their opinions, with some preferring to keep an archive in its entirety. Digitisation as an enabler was discussed. There was a view, however, that originals should still be archived for their intrinsic spiritual value in the relationships between those who created the records, the subjects and locations of these records, and the records themselves, making it almost morally impossible to get rid of the records. Sound and visual recordings are in a different category since the record is the digitised recording itself.

The idea of a pilot was discussed where a group of researchers would document and provenance records for a single claim working alongside an archivist; with the Land Councils and other archives providing lists of materials already held. Researchers could video their recollections of the context at the same time. These memories and anecdotes are critical in describing a unique time in history and there was some discussion about publications already in train and the possibility of applying for research funding for others.

Participants valued the opportunity to share researcher and archival perspectives, processes and practices, to identify the issues and of course, to catch up with old friends.

The general consensus was that these issues are a matter of urgency. Priorities need to be established including identifying the materials most sought after by traditional owners, particularly photographs, videos and sound recordings. Finding the funds for archival assistance was of major concern, as was the time required to complete what can be lengthy and arduous work.

As Professor Dodson commented

'We, as a generation, were privileged to hear stories from people who hadn't written stories down for 60,000 years...In 5-10 years they won't be available, [because] we [may not] be here'.

A detailed report on the meeting is in process and will be published on the AIATSIS website when finalised.

If you have any questions or comments please contact:

ntnu@aiatsis.gov.au