

MODIFYING HALLOWED PRACTICES

The Archival Profession and the Management of Records Relating to Indigenous Peoples

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This article describes the debate within the archival profession over the management of records relating to Indigenous people and their availability to subjects and their descendants. The profession's response to the recommendations of the Royal Commission into Aboriginal Deaths in Custody (1991) and the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families (1997) is outlined. The article argues that greater resources need to be devoted to the development of indexes and finding aids for Indigenous material, as these are currently far exceeded by those available to non-Indigenous genealogical researchers. In conclusion, the article argues that archivists are actively engaged in the process of institutionalising respect for the integrity of Indigenous histories and consideration of the particular rights of Indigenous people. But while significant gains have been made over the last decade, much remains to be done to assist Indigenous people to access records and information relating to themselves and their forebears.

Introduction¹

Over the past decade, there has been increasing demand for access to the written records — mainly held by government agencies — which document Indigenous lives. These records are being used to establish Aboriginal and Torres Strait Islander people's connection to the land, to expose past injustices such as under-award wage payments, to reunite families and communities separated through government removal policies, and to re-establish identity.

In 1991, in relation to the tabling of the Royal Commission into Black Deaths in Custody, Pat Dodson noted that:

During the processes of my Commission, I found that Aboriginal people do not have access to, and know about, historical records which have been written about their personal lives. Recognising these matters

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¹ This is an edited version of a paper presented to the seventh annual conference of the Aboriginal and Torres Strait Islander Library and Information Resource Network (ATSILIRN) held at the National Library, Canberra in September 2000. Margaret Reid spoke on behalf of the Australian Society of Archivists.

suggests that research into family history can make a significant contribution to the empowerment of Aboriginal lives.²

The recommendations that came out of two recent national inquiries — the Royal Commission into Aboriginal Deaths in Custody,³ and the Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families⁴ — along with the High Court *Mabo* decision of 1992⁵ and the Commonwealth *Native Title Act* 1993,⁶ have underlined the Australian archival profession's critical responsibilities in managing the records that underpinned these landmark investigations and decisions. My question is: how are archivists responding as a profession?

Indigenous issues had not, in any significant way, been on the agenda for the Australian archival profession before the tabling of the first of these reports in 1991. We had not been called to account as had, for example, the museum sector; nor did we appear to be responding very quickly to the growing disquiet even from within our ranks about our obvious blind spot.

To my knowledge, Louise Anemaat's article 'Documenting Secret/Sacred (Restricted) Aboriginal History' was the first paper within our professional literature which publicly challenged our performance in the area of managing access to records by and of Indigenous Australians.⁷

Anemaat looked at existing practices in managing access to collections that included material of a secret/sacred nature. The problems in documenting this material were both unique and complex, and she argued that 'Aboriginal records are such a special case [a] separate legislated code of access needs to be implemented'.⁸

Two years later, in 1991, Baiba Berzins spoke at the Australian Society of Archivists' (ASA) conference about archivists and Aboriginal records. Her paper continues to offer our profession significant insights.⁹ The archival profession, she said:

cannot maintain a neutral stance when dealing with Aboriginal records and we need to take positive measures to resolve the problems which they raise even at the cost of modifying hallowed practices. Other

² Quoted in S Rosly 'Access to Archival Records for Aboriginal and Torres Strait Islander Peoples' (1995) 23 *Archives and Manuscripts* 65.

³ Royal Commission into Aboriginal Deaths in Custody. (1991) *Report*.

⁴ Human Rights and Equal Opportunities Commission (1997) *Bringing Them Home: National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families*, AGPS.

⁵ *Mabo v Queensland (No 2)* (1992) 175 CLR 1.

⁶ *Native Title Act* 1993 (Cth).

⁷ L. Anemaat, 'Documenting Secret/Sacred (restricted) Aboriginal History' (1989) 17 *Archives and Manuscripts* 37.

⁸ *ibid.*, at 44.

⁹ B Berzins, 'Archivists and Aboriginal Records' (1991) 19 *Archives and Manuscripts* 193.

professions have had to re-examine or are revising their thinking, but archivists have not paid much attention to the issue and few archival institutions have taken appropriate initiatives.¹⁰

She argued that the archives profession had to start supporting the demands of Indigenous people to resume control over their identity and their histories, and we should offer this support as part of our professional responsibilities.

Almost a decade later, in 1999, Sonia Smallacombe addressed the Australian Society of Archivists annual conference and reminded us that institutions such as libraries, museums and state and federal archives had to be:

provoked into redefining and clarifying their roles in contemporary Australian society by Indigenous communities ... [E]xclusion policies and practices do exist in these organisations towards Indigenous peoples [and] therefore, it is important that record holding institutions seriously examine their policies and responsibilities if they wish to include Aboriginal and Torres Strait Islander peoples as part of their client group.¹¹

Smallacombe's point about the role that the Indigenous communities have played in provoking mainstream society into responding to their legitimate concerns is an extremely important one — but it is the subject of another paper. This paper focuses on the (non-Indigenous) archival profession's somewhat chequered history in this area. First, I will examine how the Australian Society of Archivists has made structural changes in response to its members examining their responsibilities as professionals. Second, I will report on changes in standard practices and policies in record holding institutions that are a direct result of the two landmark government inquiries — the *Royal Commission on Aboriginal Deaths in Custody* and the *Bringing Them Home* report.¹²

The Australian Society of Archivists' Response

Indigenous issues have been on the ASA Council agenda since at least 1995, when a dedicated position, first known as the Aboriginal and Torres Strait Islander contact person, was established. This position now has its own portfolio and its responsibilities include monitoring, reporting and making recommendations to Council about archival services to Indigenous peoples and any issues related to the management of Aboriginal and Islander-related records in archival custody.

The ASA's AGM in 1996, held in Alice Springs, was an important one. At this meeting we endorsed the *Aboriginal and Torres Strait Islander*

¹⁰ *ibid*, p 198.

¹¹ S Smallacombe, 'Indigenous People's Access Rights to Archival Records' Papers from the Australian Society of Archivists 1999 Conference. www.archivists.org.au/events/conf99/smallacombe.html.

¹² Hereinafter, these reports are abbreviated to RCADC (1991) and HREOC (1997).

Protocols for Libraries, Archives and Information Services, adopted a policy statement on archival services and Aboriginal and Torres Strait Islander peoples and established a Special Interest Group on Indigenous Issues.

The full text of the ASA's policy statement on archival services and Aboriginal and Torres Strait Islander peoples is available on the ASA's website, www.archivists.org.au. Briefly, it comments on aspects of service delivery to maximise the use of archival holdings, increase Indigenous participation in planning and decision-making within archival institutions, and encourage the employment, training and education of Indigenous peoples so that they can pursue meaningful careers in the record-keeping profession.

At the same meeting, the Indigenous Issues Special Interest Group was established. The group aims to:

- encourage and facilitate discussion amongst the membership on records issues and services to Indigenous people;
- facilitate and encourage the dissemination of information on developments, achievements and initiatives in the area of archival services to Indigenous Australians; and
- facilitate contact with allied professions concerned with the delivery of archival services to Indigenous Australians.

The ASA's current strategic priorities also include an undertaking to 'pursue activities which improve the linkages between the record-keeping community and Aboriginal and Torres Strait Islander communities and which improve the accessibility of records to Indigenous communities and the ability of Indigenous communities to manage and maintain their own records'.

Recommendation 53

It is impossible to under-estimate the importance of recommendation 53 of the Royal Commission into Aboriginal Deaths in Custody report in changing the direction of our profession. Recommendation 53 states that:

Commonwealth, State and Territory Governments [must] provide access to all government archival records pertaining to the family and community histories of Aboriginal people so as to assist the process of enabling Aboriginal people to reestablish community and family links with those people from whom they were separated as a result of past policies of government; and that while issues relating to privacy and confidentiality may arise, as a general principle access to such documents should be permitted.

At least two guides to records published after the tabling of this report are directly attributable to Recommendation 53. Ros Fraser's guide — *Aboriginal and Torres Strait Islander People in Commonwealth Records* — attributes its publication — finally, after years of being in draft form — to both 'an activity to celebrate the 1993 International Year of the World's Indigenous People and

a response to ... recommendation [53].¹³ The second example is the Cultural Ministers' Council publication *Records of National Cultural Significance: Indigenous Australians*, published in March 1997.¹⁴

Another initiative that is related to recommendations embodied in that first landmark inquiry is the establishment of specialised services. The Community and Personal Histories Section of the Queensland Department of Aboriginal and Torres Strait Islander Policy and Development, which has an office at the Queensland State Archives, is a good example. The Unit's objectives are:

- to recognise a right of access, of Aboriginal and Torres Strait Islander peoples to the department's records;
- to assist Aboriginal and Torres Strait Islander peoples to reconstruct their own, their families', and their community's past; and
- to facilitate research which has maximum benefit for Aboriginal and Torres Strait Islander peoples and their communities.

Bringing Them Home Report¹⁵

The *Bringing Them Home* report, tabled in May 1997, made a further eight recommendations on aspects of record-keeping in relation to the management of Indigenous records. Recommendations included a requirement to locate and identify records within the government sector and outside of it; to improve access to the records and to develop minimum access standards; to prevent the destruction of relevant records; to improve education and training for archivists and other professionals; and to support the establishment of Indigenous repositories.

By the time the report was tabled, there were few government archival institutions without some sort of guide to the Indigenous records in their custody. When Baiba Berzin's paper was published in 1991, probably the only published guide was the *South Australian Guide to Records Relating to Aboriginal People*.¹⁶ Others, such as Ros Fraser's guide, had not yet been published and others were works in progress.

We are now beginning to see the first of the published guides to records held in church archives. In 1999, the Cultural Minister's Council published *A*

¹³ R Fraser (1993) *Aboriginal and Torres Strait Islander People in Commonwealth Records: A Guide to Records in the Australian Archives*, ACT Regional Office, AGPS.

¹⁴ Archives Working Group of the Cultural Ministers Council (1997) *Records of National Cultural Significance: Indigenous Australians*, Archives Working Group of the Cultural Ministers Council.

¹⁵ HREOC (1997) *Bringing Them Home*.

¹⁶ Public Record Office of South Australia (1988) *Guide to Records Relating to Aboriginal People*, Public Record Office of South Australia.

Guide to Records of Indigenous Australians in the Lutheran Archives,¹⁷ which covers Lutheran church records from missions in the Northern Territory, Queensland and South Australia, and which also includes a name index. Only a few months ago, *Mission Times A Guide to Queensland Presbyterian Church Records Relating to the Gulf Missions at Aurukun, Mapoon, Mornington Island, Weipa and the Thursday Island Mission Agency* was launched.¹⁸

Many of these guides include name indexes along with brief histories. I mention this because any archivist who has undertaken standard archival training will know that, in our profession, indexing the entire content of a record is low on our list of priorities — it is time-consuming and typically it is a task that has been given to volunteer staff.¹⁹

Of course, some state archives have been creating extensive name indexes over decades to cater to the (non-Indigenous) genealogy market. This reality was the impetus behind the development of the Mackett Index — that is, the glaring discrepancy between the amount of resources that had been channelled into the development of indexes, finding aids and brief guides available to the migrant as opposed to those available to assist the Indigenous researcher. Paul Mackett has been indexing Queensland records for references to Indigenous people for well over ten years, his work all completely unpaid. For other agencies, this task is only just beginning; but the newcomers have the benefit of hindsight in terms of the structure of the indexes, as well as access to more sophisticated technology.

Increasing user demand has also seen copying projects in relation to Indigenous records in government institutions being fast-tracked. Community and Personal Histories (Queensland) has recently scanned some 985 boxes of personal or case files, comprising just under 16 000 individual files.

In response to recommendation 21 prohibiting the destruction of records that may be required by Indigenous people, a number of agencies immediately introduced moratoriums on records destruction for records within their jurisdiction.

There have also been several related initiatives — for example, in 1997, the Queensland State Archives developed *Guidelines for the Retention of Records Relevant to Native Title Claims*. The purpose of the *Guidelines* is to assist records administrators to determine which public records should be kept so that they will be available for native title claims.

Recommendation 23 called for the establishment of records taskforces. Queensland was the last state to establish one and we are using ours to identify

¹⁷ Archives Working Group of the Cultural Ministers Council (1999) *A Guide to Records of Indigenous Australians in the Lutheran Archives*, Adelaide, SA, Archives Working Group of the Cultural Ministers Council.

¹⁸ G Wharton (2000) *Mission Time: A Guide to Queensland Presbyterian Church Records Relating to the Gulf Missions at Aurukun, Mapoon, Mornington Island, Weipa and the Thursday Island Mission Agency, 1891 to 1978*, PCE Press.

¹⁹ J Ellis (ed) (1993) *Keeping Archives*, DW Thorpe in association with the Australian Society of Archivists, p 262.

significant record groups, identify and prioritise indexing projects and funding sources, discuss how to manage access to sensitive personal information, and to standardise access procedures as required by Recommendation 25.

Minimum access standards have to incorporate, first, the right of Indigenous peoples to view any material about themselves including 'information which is necessary to establish the identity of family members'; and second, the right of subjects to have control over how information about them is divulged to a third party. To quote Sonia Smallacombe again:

The practice of having all records over 30 years of age publicly available presents a dilemma for Aboriginal and Torres Strait Islander peoples because the Aboriginal-related records contain personal information such as the names of individual people ... [and] family members often find information about members of their own family which had, for various reasons, been kept from them.

Further, she argues that:

It is extremely important that processes are in place so that information of a personal and sensitive nature is protected from becoming public knowledge. Access to highly sensitive or restricted information ... needs to be accessed by Indigenous people [and] access restrictions to what is deemed 'highly sensitive material' ... [need to be] applied using guidelines that take into account the needs or cultural sensitivities of Aboriginal and Torres Strait Islander peoples.²⁰

There have been a number of significant initiatives that have attempted to establish processes which deal with this very complex issue. The best-known examples are probably the National Archives Memoranda of Understanding, the first of which was launched in March 1997. The Memoranda set out arrangements for access to open period Commonwealth records (ie records more than 30 years old) in the custody of the National Archives by Indigenous people and their representatives. This includes records subject to public access exemptions. Under the terms of the memorandum, people granted access sign a declaration that they will not reveal sensitive information without the written authority of the subject or their next of kin. Copies of all relevant records are provided free of charge.

In other jurisdictions, alternative arrangements have been made. Community and Personal Histories, for example, has had an operational access agreement since 1996 which provides us with consistent procedures in managing access to records containing sensitive personal information. People wishing to undertake personal history research have an automatic right to access their own personal files or any other records about themselves. However, access to another person's file or records can only be given with the written permission of that person or that person's adult next-of-kin. Where a person does not know who their relatives are, the staff of the Community and Personal Histories Unit

²⁰ Smallacombe (1999) 'Indigenous People's Access Rights to Archival Records'.

will work with Aboriginal and Torres Strait Islander community organisations such as Link-up and other government agencies to try and establish family ties.

Researchers wishing to use records relating to Aboriginal and Torres Strait Islander peoples and their communities need to secure the written support of those communities before access will be granted. They must also sign a written undertaking that they will not disclose any information which breaches the privacy of particular individuals or communities.

Recommendation 28 argues for the introduction of traineeships and scholarships for the training of Indigenous archivists, genealogists, researchers and counsellors.

In early 1998, the ASA began negotiations with the Australian Library and Information Association (ALIA) and the (Commonwealth) Department of Employment, Workplace Relations and Small Business to extend the coverage of their existing Indigenous employment strategy to include trainee archivists. In a recent letter to the Senate Inquiry into the Stolen Generations, the ASA's president refers to the ASA's 'delight' at being able to join with ALIA as a partner in the Indigenous Recruitment and Career Development Strategy, thus enabling the strategy to include the archives as well as the library sector.

Unfortunately, we were only able to participate in this scheme for around twelve months. Government funding for the strategy ceased in March 2000. Our submission urged the government to extend the funding and amend the scheme to take into account some of its deficiencies. For example, in the twelve months the ASA was involved, only one Indigenous cadet was able to benefit from the scheme. The problem for trainee archivists was that under the existing scheme they were required to be enrolled fulltime; there was no recognition that some archives students have no choice but to study by distance education; or that all postgraduate archive courses attract full fees. The ASA believed that these inbuilt inflexibilities created barriers to potential archives trainees.

The ASA Council's position is that to implement Recommendation 28 successfully:

flexible training programs that provide Indigenous people with the skills to operate family information services, reunite families and deliver archival services back to their communities should be established.

Recommendation 29 requires Records Taskforces to provide support for the establishment of Indigenous repositories to house historical and cultural materials relevant to particular communities.

In November 1997, Council announced a new initiative to promote and fund 'keeping archives' workshops for those who work with records in Indigenous communities and Keeping Places. Council's view was that, as a professional organisation, the most appropriate and practical response to recommendations contained in the National Inquiry was in the provision of community-based skills training.

After consultation with sectors of the target audience, it became clear that, for some communities, their main concern was with getting access to

government and non-government records rather than the development of repositories. The seminar series instigated by Council became 'Using and Keeping Archives' workshops to reflect this emphasis.

In the past few years, there have been a number of seminars, workshops, field trips, information session and exhibitions which provide information to potential users of archival records. The first of the ASA-sponsored seminars was held in South Australia, hosted by State Records. It had a twofold purpose of making State Records staff more aware of Indigenous issues relating to access to records (such as the need for more indexes and finding aids), and also provided an opportunity to inform people without an archives background about the initiatives being undertaken. There have been two seminars this year — one in Sydney hosted by State Records (New South Wales), which aimed to promote the use of archival and related records by Aboriginal people for genealogical and local history research, and another in Brisbane for Indigenous language workers.

Future Directions

The archival profession, through its professional organisation, has two main strategies: 'keeping archives' workshops; and employment, training and education initiatives.

Promotion of 'Keeping and Using Archives' Workshops and Possible Development of Companion Manuals

In the immediate future, the ASA will continue to promote its workshop program. This is becoming even more important as more and more communities are starting to make moves to establish their own repositories

It would be wonderful to be able to support our workshop programs with a handbook or manual designed specifically for people wanting to establish an archives program in their community. There are a number of models we could use, such as Karen Coote's *Care of Collections*,²¹ as well as our own publication, *Keeping Archives*.²²

The Association of Canadian Archivists has recently published a resource list titled *First Nations Record-Keeping Issues*.²³ This is available online and includes sections on why record-keeping and archives should be important to First Nations. It also provides lists of available grants, any published resources and guides which could be adapted to local needs, advisory programs available by location, oral history manuals, general bibliography including relevant journals, CD-ROMs and websites.

The Society of American Archivists has also published a booklet, *Native American Archives: An Introduction*.²⁴ Written by John A. Fleckner, the

²¹ K Coote (ed) (1998) *Care of Collections*, Australian Museum.

²² Ellis (ed) (1993) *Keeping Archives*.

²³ Association of Canadian Archivists, *First Nations Record-Keeping Issues. A Brief Resource Guide*, <http://aca.archives.ca/sis/sisaa/resource.htm>

²⁴ J Fleckner (1984) *Native American Archives. An Introduction*, Society of American Archivists.

booklet was published in 1984 and is still being promoted (by the Canadians at least) as a good introduction for people wishing to establish their own archives programs on communities.

It may also be possible, as a profession, to increase our level of practical assistance to existing archival programs by providing in-kind support. This could include training and mentoring of record-keepers in communities, as well as assistance with the provision of basic resources such as conservation materials.

Lobbying for Employment, Training and Education Initiatives

The ASA will also continue to lobby for the reintroduction of scholarships that will assist Indigenous people to undertake postgraduate studies in archives administration. Of course, postgraduate training is not the only road to follow. Institutions need to continue to facilitate the participation of Aboriginal and Torres Strait Islander peoples in planning and decision-making processes and in the routine operation of archival institutions in any way available to them.

Concluding Comments

I believe we have made significant improvements in our service to Indigenous peoples over the last decade. In his letter to the Senate Inquiry into the Stolen Generation, the then President of the ASA Adrian Cunningham wrote that:

The archives profession is deeply committed to doing everything it can to improve access to those archival records that would be of assistance to the stolen generation. In addition to encouraging indexing and other Indigenous records accessibility projects, the ASA recognises the need to increase the numbers of trained Indigenous staff working in archival institutions.

We can't stop now. People need access to their records urgently — often in response to government-imposed deadlines, but also because they need to know who they were (and are) and where they came from.²⁵ As archivists, we must continue to actively engage in this process.

²⁵ See L. Williams, 'My Experience with Accessing Queensland Government Records', Papers from the Australian Society of Archivists 1999 Conference. www.archivists.org.au/events/conf99/williams.html