Research of Interest to Aboriginal and Torres Strait Islander Peoples

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<tr>
<td>AIATSIS</td>
<td>Australian Institute of Aboriginal and Torres Strait Islander Studies</td>
</tr>
<tr>
<td>APRA</td>
<td>Australian Postgraduate Research Award</td>
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<td>ARC</td>
<td>Australian Research Council</td>
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<td>ATSIC</td>
<td>Aboriginal and Torres Strait Islander Commission</td>
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Acknowledgements

This project was conducted with the assistance and cooperation of many researchers, universities and other research organisations, Indigenous organisations, Indigenous communities, Indigenous advisers, and staff of the Australian Institute of Aboriginal and Torres Strait Islander Studies. The individuals are too numerous to name here; they are listed, either by name or by the organisation they represent, in the chapters relevant to their contribution. Most were enthusiastic about the project and gave their time and knowledge willingly. The authors are grateful to them.

The project was conducted by the research section of the Australian Institute of Aboriginal and Torres Strait Islander Studies, directed by Dr Mary Edmunds (Research Director). The study was co-ordinated by Dr Stephen Wild (Research Fellow) with the assistance of Ms Dale Edwards. Other research section staff who worked on the project were Dr Geoff Gray (Research Fellow), Dr Graeme Ward (Research Fellow), Ms Brenda Hausia (Research Assistant) and Dr George Bocck (Research Assistant). We attempted to involve as many Indigenous members of staff as possible: Ms Edwards and Ms Hausia in the research section, Ms Alana Garwood, Ms Alana Harris and Ms Kath Schilling from other sections of the Institute as members of the Indigenous Reference Group and/or participants in the Workshop.
Executive Summary

This report presents the results of Stage 2 of a project commissioned in 1995 by the Australian Research Council (ARC) into Research of Interest to Aboriginal and Torres Strait Islander People. Stage 1 of the project was designed to discover the extent and sources of funding by the ARC and the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) for research that could be defined as ‘of interest to Aboriginal and Torres Strait Islander people’.

Stage 2 was designed to discover, through a process of consultation and discussion, any significant gaps, discrepancies and anomalies in research of interest to Aboriginal and Torres Strait Islander people. This was done through the following processes:

1. selection of 40 projects from the Stage 1 database for initial review (Key task 1);
2. selection from the 40 projects of a further 16 for more detailed examination (Key task 1);
3. establishment of an Indigenous Reference Group, who attended three meetings or workshops, as well as providing comment and input into each draft stage of the project (Key task 2);
4. circulation of questionnaires to researchers involved in the 40 projects and collation of their responses (Key task 4);
5. consultation with Indigenous and research organisations (Key tasks 2–4); and
6. a workshop for researchers involved in the 16 projects, also attended by the Indigenous Reference Group (Key task 4).

The report develops options for, and recommendations to, the ARC (Key task 5) based on the main principles identified by the project, namely:

- Negotiation is the key concept for research with or about Indigenous people.
- As part of this negotiation, researchers and research organisations need to identify or establish protocols with Indigenous communities and/or organisations.
- Whether research projects arise from within the academy or in response to issues identified by Indigenous people, Indigenous people need to be involved from the outset in planning and implementation.
• Negotiation must include from the beginning not only the project itself but also the ownership and disposal of research results.

• Research projects need to be staged, with time and funding made available for a preliminary stage to allow community visits and negotiation to take place before beginning the research itself, as well as for a final visit to allow research results to be returned to the community. Research institutions and funding bodies need to recognise and arrange for this staged approach.

• Research institutions and funding bodies need to recognise that research of value to Indigenous people will often result in the shorter term in reports or discussion papers rather than academic publications and therefore should allow a more flexible system of benchmarking for measuring scholarly output.

• Research institutions and funding bodies should undertake the establishment of partnerships or collaborative projects with Indigenous organisations and communities.

• All research projects involving Indigenous people should include a training component for participating Indigenous people.

• Indigenous organisations have identified a number of gaps in current research; in addition, the ARC should develop a process of regular Indigenous input into identification of research gaps.

• The ARC should establish a mechanism, such as a triennial conference, to ensure Indigenous input into research priorities.

• The ARC should ensure ongoing monitoring of research in this area by the maintenance and regular updating of the Stage 1 database.
Section I

Introduction
Project Brief and Project Methodology

Background

This report presents the results of Stage 2 of a project commissioned in 1995 by the Australian Research Council (ARC) into Research of Interest to Aboriginal and Torres Strait Islander People. The project was a response to a 1993 report by the Australian Science and Technology Council, *Research and Development in Tropical Australia*, which recommended an examination of 'the overall level of support for research into topics of specific interest to Aboriginal and Torres Strait Islander people'.

The Project

Stage 1

Stage 1 of this project was designed to discover the extent and sources of funding by the ARC and the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) for research which could be defined as 'of interest to Aboriginal and Torres Strait Islander people'. For the purposes of the project, this definition was broken down into four categories:

- research into aspects of Aboriginal and Torres Strait Islander histories, cultures and lifestyles;
- research that relates to issues of heritage, land, marine and resource management in areas that are of concern to Indigenous people;
- research that relates to government policies and practices that have relevance to Indigenous people; and
- research likely to be of interest to Aboriginal and Torres Strait Islander people.

The substantive outcome of Stage 1 was the development of a database, covering the years 1993 and 1994, with an accompanying report, which provides the basis for Stage 2. A number of particular issues relevant to Stage 2 were also identified, including the following:

- A wide range of research projects receive funding throughout the tertiary sector, including that for PhD research. ARC funding is provided across most institutions, but with a concentration of funding (around 70 per cent) identified in six universities.
Introduction

- The level of funding indicates that the ARC contributed slightly more than 12 per cent of the $11.3 million of identifiable funding for research of interest to Aboriginal and Torres Strait Islander people. The Commonwealth provided the major part of the remaining 88 per cent, including that through AIATSIS. Some other funding was received from State and Territory Governments and from internal university and other institutional (for example, museum) resources.

- Consistent reporting standards are absent in the tertiary sector. In particular, university reporting on research was found to be idiosyncratic and arbitrary. There is an urgent need for the development of agreed tertiary sector reporting standards and reporting deadlines for research. Reporting should include both research results and short descriptions or abstracts.

- With the exception of the research projects funded by AIATSIS, it was not possible on the basis of information available from tertiary institutions to identify whether any of the researchers were Indigenous, nor the extent to which Aboriginal and Torres Strait Islander people may or may not have been involved in either the development or implementation of the research.

- Of the identified funded projects, the Commonwealth Government was responsible for over 80 per cent of funding, and the ARC and AIATSIS were the primary funding organisations at the federal level.

- Classifying the research projects according to Australian Bureau of Statistics research classification codes showed that 82 per cent fell within the social sciences and humanities. Research projects were concentrated in the disciplines of anthropology and sociology, history and prehistory, linguistics, and archaeology. No projects were identified in the areas of mathematical sciences or general engineering, and only one project was recorded in physical sciences and chemical sciences.

Option: The Australian Research Council should distribute funding for research of interest to Aboriginal and Torres Strait Islander people more evenly across all Australian universities.

Option: The Australian Research Council should increase its level of funding for research of interest to Aboriginal and Torres Strait Islander people.

Option: The Australian Research Council should require Australian universities to develop agreed upon tertiary sector reporting standards and reporting deadlines for research, particularly for research of interest to Aboriginal and Torres Strait Islander people, which would include both research results and short descriptions or abstracts.
Option: The Australian Research Council should include a requirement in its application forms to indicate whether the applicant is Indigenous.

Option: The Australian Research Council should make provision in its application forms for indicating the extent of Indigenous involvement in the development and plans for implementation of research of interest to Aboriginal and Torres Strait Islander people.

Option: The Australian Research Council should require all applicants for research funding to assess the implications of their research for Indigenous people by including relevant questions in the funding application forms.

Stage 2

Stage 2 was designed to discover, through a process of consultation and discussion, any significant gaps, discrepancies and anomalies in research of interest to Aboriginal and Torres Strait Islander people.

Both Stage 1 and Stage 2 were undertaken by AIATSIS. The project was carried out in accordance with the Institute’s Ethical Guidelines as set out in the Research Grants Program: Information to Applicants and in the brief provided to the Institute’s Research Ethics Committee. These guidelines constituted a central aspect of the discussions carried out, especially with Indigenous organisations and communities, and are based on the following principles:

- informed consent to the research by the individuals/community with whom or where research is to be carried out or by their representatives;
- benefit to the local community as well as to the broader community of Aboriginal and Torres Strait Islander people;
- acknowledgment of ongoing Indigenous ownership of the cultural and intellectual property rights in the material on which the research is based; and
- appropriate use of research results and/or publication of material as agreed with the community or community representatives.

Relevant research findings from the project are included in and commented on in the body of this report, particularly in Chapter 4.
Key Tasks

With reference to the findings and database arising from Stage 1 of the project and, where necessary, in consultation and cooperation with other research funding bodies, Stage 2 key tasks were as follows:

1. Identify a small representative selection of projects from Stage 1 of the project and study these in detail to determine:
   • the level of involvement of Aboriginal and Torres Strait Islander people in the projects;
   • the research outcomes; and
   • the downstream outcomes.

2. Identify and undertake consultations with the relevant Aboriginal and Torres Strait Islander organisations on:
   • the appropriateness of the definitions used in Stage 1 of the project;
   • any significant gaps, discrepancies and anomalies in the extent and sources of funding for current research of interest to Aboriginal and Torres Strait Islander people;
   • any changes and development in programs and selection processes which might be desirable for future research of interest to Aboriginal and Torres Strait Islander people.

3. Report on the outcomes and key issues arising from consultations; the report should include a substantial discussion of issues arising from both stages of the project and of issues which are important in the wider context of research of interest to Aboriginal and Torres Strait Islander people.

4. Undertake to consult with relevant researchers and research organisations to:
   • gain an insight into their approach to research in this area, including the conception and execution of projects and the dissemination of results;
   • identify what researchers and research organisations see as gaps in this area; and
   • assist the consultants to develop options for consideration by the ARC.

5. Develop options for the ARC on how it could raise awareness within the research community of the impact of research on Aboriginal and Torres Strait Islander people, and the involvement of Indigenous people in research of interest to them.
Methodology

The project was carried out by AIATSIS research staff, with a core of four researchers and two research assistants, under the direction of the Director of Research.

Forty projects from the 898 identified in Stage 1 (that is, 10 per researcher and approximately 5 per cent of all identified projects) were identified initially for further study on the basis of the following criteria:

- geographic regional representation;
- differing access regimes, that is, involving different levels of permission for research by Indigenous communities or organisations;
- diverse disciplinary/subject representation;
- varying length of projects and levels of funding;
- the involvement of single or multiple researchers;
- varying levels of experience of researchers;
- range of institutions identified in Stage 1 as providing a high, medium, or low level of support for projects; and
- where possible, whether or not such projects were carried out in consultation with Indigenous communities or organisations, or included Indigenous researchers.

Initial evaluation of the projects included:

- making contact with researchers and with relevant Indigenous organisations and communities;
- providing information, both oral and written, about the ARC project;
- using a questionnaire in order to elicit responses from the researcher/s about the level of community involvement, outcomes, and perceived usefulness of the projects;
- eliciting initial responses, where possible, from relevant Indigenous groups about the level of community involvement, outcomes, and perceived usefulness of the projects; and
- identifying aims and outcomes of research projects and of research issues raised by researchers in the initial evaluation of the 40 projects for submission to the Steering Committee (submitted as an interim report).

With advice from the Steering Committee and the Indigenous Reference Group (see below), each researcher selected 4 of the 10 projects (that is, 16 projects in all) for further, more detailed evaluation. The more detailed evaluation included:
Introduction

- visits to each of the Indigenous communities and organisations to elicit more detailed responses to the particular projects and to the issues raised by them; and
- a one-day workshop for the researchers and the Indigenous Reference Group members to discuss matters identified in the project brief and issues raised in the context of the initial evaluation, community consultations, Indigenous Reference Group discussions and Steering Committee discussions.

A number of Indigenous organisations which were not part of the detailed evaluation of the 16 projects were contacted to elicit their views on the involvement of community members in research projects, dissemination of research outcomes, feedback of outcomes to the community, the usefulness of research and perceived gaps in research and research funding.

Similarly, a number of research organisations were contacted to gain an insight into their approach to research in this area, including the conception and execution of projects and the dissemination of results, and to identify what researchers and research organisations see as gaps in this area.

In the course of the project and as result of discussions with the Steering Committee, a number of statements and protocols of research ethics specifically relevant to research of interest to Aboriginal and Torres Strait Islander people were collected. To include them in this report, even as an appendix, would make the report far too bulky. Instead, a select bibliography of research ethics is included at Appendix 2, and a discussion of ethical issues is included in the introductory section of the report. The material collected will be held in the AIATSIS Library for reference by intending researchers, research and research funding organisations, and by Indigenous people and organisations.

Indigenous Reference Group

An Indigenous Reference Group was established to maximise the Indigenous contribution to the outcomes of the project. The Reference Group consisted of seven members, all of whom had been involved in research themselves and, to minimise meeting costs, who resided in Canberra. The Reference Group met three times: first, after the initial evaluation of 40 projects to enable members to identify issues for particular investigation in the detailed examination of 16 projects and to give advice on the selection of the 16 projects; second, at the workshop with the researchers of the 16 projects selected for detailed examination; and, finally, following the workshop to review options identified for the ARC arising from the workshop and from consultations with researchers, communities, Indigenous organisations and research organisations.
Organisation of the Report

A division is made between the substantive sections of the report and the data on which the report is based. The data is included in several appendices at the end of the report. The report is written in such a way so that it may be read without reference to the data appendices, while those readers who wish to substantiate the findings independently may refer to the appendices.

The main body of the report is organised into five main sections:

- Introduction
- Initial Analysis of 40 Projects (Key task 1)
- Detailed Analysis of 16 Projects (Key task 1)
- Research Organisations and Indigenous Organisations (Key tasks 2–4)
- Summary and Outcomes (Key task 5).

The Introduction, of which this is a part, introduces the reader into the general area of research about which most of the Report is written, ie Indigenous studies, and to some general issues about who should do Indigenous studies research. The ARC also asked the consultants to comment on definitions of ‘community’ and ‘of interest to’ and a discussion on these terms is included. The Introduction also includes a sub-section on the appointment and role of the Indigenous Reference Group, and a discussion of research ethics.

The remainder of the main body of the report follows the stages of the consultancy itself:

- initial analysis of 40 projects;
- detailed analysis of 16 projects;
- (consultation with) research organisations and Indigenous organisations; and
- the listing of options and recommendations.

Options are derived from the main sections of the report, particularly from ‘Initial Analysis of 40 Projects’, ‘Detailed Analysis of 16 Projects’, and ‘Research Organisations and Indigenous Organisations’. Recommendations are a distillation of selected options.
Appointment and Role of Indigenous Reference Group

Members of the Indigenous Reference Group

An Indigenous Reference Group (IRG) was appointed by AIATSIS to maximise Indigenous input and involvement in the research project. All members of the Reference Group have experience and an active interest in issues relating to research of interest to Aboriginal and Torres Strait Islander people. The members were:

Dr Gordon Briscoe
History Program
Research School of Social Sciences
Australian National University

Kerry Sculthorpe
General Manager of Strategic Planning and Policy
Aboriginal and Torres Strait Islander Commission

David Johnston
Australian Archaeological Survey Consultants

Lori Richardson
Policy Officer
ACT Office of Indigenous Affairs

Flo Grant
Independent Researcher

Robyn Bancroft
Independent Researcher

Kath Schilling
Aboriginal Family History Unit
AIATSIS

Alana Garwood
Collection Manager
AIATSIS Library
Role of the Indigenous Reference Group

The Reference Group was given four main tasks:

- to provide advice on the progress of the consultancy, especially on the selection and evaluation of the final 16 projects;
- to provide Indigenous comment and advice on methodology, particularly the aspect of Indigenous consultation;
- to provide further Indigenous input into the content of the report, including the recommendations to be made to the Australian Research Council; and
- to review the draft report before its finalisation.

Record of first meeting, 2 September 1997

The project coordinator, Dr Stephen Wild, briefly outlined the aims of the project, the role of the Reference Group and the role of the Steering Committee. The Director of Research, Dr Mary Edmunds, provided background to the project, including details of Stage 1, as well as the aims and methods to be used for Stage 2. The agenda for the meeting was as follows:

- Background of Project (Dr Edmunds)
- Aims/Outcomes of Project (Dr Edmunds)
- Progress and Interim Reports (Dr Wild)
- In-depth examination of the 16 projects, particularly the criteria for selection and the methods for examination
- Workshop, 10 November 1997
- Timetable

The Reference Group was able to provide advice on the progress of the consultancy, particularly in relation to the criteria for selection and evaluation of the final 16 projects. The Reference Group discussed and endorsed the criteria as follows:

- region
- access regime
- discipline
- level of funding
- length of funding
- length of project
- single/multiple involvement
- experience of researcher/s
- institutional support
- Indigenous involvement

Members of the Reference Group raised the following issues regarding research relating to Indigenous people and cultures:

*Research of interest to Aboriginal and Torres Strait Islander people*
Are the Stage 1 definitions adequate and appropriate, particularly in relation to research likely to be of interest to Indigenous people?

*Community consultation/representation/permission*
The question of how to define ‘community’ and therefore how to define ‘community involvement/consent’ and the issue of how researchers identify appropriate community contacts, were discussed at some length. It was recommended that the final report, using the 16 research projects as a basis, should address this issue in some detail.

*Indigenous researchers*
They highlighted that the project needed to explore the expectation that Indigenous researchers, having easier access to communities, would, therefore, need less time to carry out research. The experience of Indigenous researchers is that this is not necessarily the case. It was suggested that this could be addressed in the examination of the 16 projects.

*Research should reflect the diversity of Indigenous societies*
Research should not perpetuate the myth that most or ‘real’ Aboriginal or Torres Strait Islander people live in the Top End and this should be reflected in the consultancy.

**Workshop, 10 November 1997**

The issue of attendance at the workshop was discussed at the first Indigenous Reference Group meeting. Following some discussion, it was decided that they would attend the workshop in the afternoon, leaving the morning session for the researchers. Results of the workshop are discussed in more detail in the appropriate section.

**Record of Meeting, 26 November 1997**

The main purpose of this meeting was for the Indigenous Reference Group to discuss the options identified during the various stages of the project and provide advice on recommendations for inclusion in the final report. The agenda for the meeting was as follows:
Introduction

- Minutes of IRG meeting on 2 September 1997
- Discussion of workshop
- Discussion of options and recommendations

The meeting focused strongly on the options and recommendations, and those set out in Chapter 15 reflect the extensive input of the reference group.
The History and Current State of Indigenous Studies

Indigenous studies can be said, in a general way, to be all those things which are of interest to and about Indigenous people. This chapter provides a brief historical overview of the main disciplines that have contributed to the study of Indigenous people. It discusses some of the changes that have occurred in Indigenous studies, particularly over the past 30 years, although it ranges over most of the twentieth century. Of particular note is the importance of Indigenous studies as a major development in research of interest to Aboriginal and Torres Strait Islander peoples. One important development discussed will be the re-assessment of Australian history and what that has meant for the development of Indigenous studies. The chapter goes on to examine the manner in which Indigenous participation in political and social changes and in Indigenous studies has influenced the disciplines from which it is drawn. Finally, it will suggest what the future of Indigenous studies might look like.

The writings of social scientists over the last hundred years have made a diverse (and diffuse) contribution to the formation of public opinion and scholarly thinking about Indigenous people. The disciplinary scope of Indigenous studies is wide ranging, including such diverse disciplines as geology, botany, law, archaeology and anthropology, history and cultural studies. Indigenous studies involves living and deceased people, Indigenous and non-Indigenous people, oral memory (history) and archival documentation. Indigenous studies, although not always so named, has a long history which has shaped the focus of what Indigenous studies can or should be.

The problem of ‘real’ Aboriginal people has bedeviled anthropological discourse. In earlier decades, it is more often framed as a discourse about ‘traditional’ and ‘non-traditional’ Aborigines; a continuum of contact, uncivilised to civilised. In the 1960s, to overcome the difficulty of definition and nomenclature, Ronald Berndt used the term ‘tradition-oriented’ to cover Aboriginal people living in remote Australia who still lived as Aborigines used to (Berndt 1988, pp. 518-522). This raises the problem of Aboriginality and what constitutes Aboriginality; anthropology was critical in constructing a ‘public’ and disciplinary Aboriginality through a discourse about ‘traditional’ and ‘non-traditional’ Aboriginal people. It also excluded particular groups, especially Indigenous people living in and around rural townships and in urban parts of Australia. Anthropology, in effect, posed and answered the question: Who is (truly) Aboriginal? This has had great
import in the teaching of Aboriginal Studies. Torres Strait Islander people, on the other hand, have been able to retain an ‘authenticity’, albeit living in cities on the Australian mainland.

Aboriginal people, especially those living in southern Australia, who were dispossessed and deprived of their country (with rare exceptions), were forced onto reserves towards the end of the nineteenth century; others were removed from their families and placed in institutional care; others lived in and around rural townships; some lived in the capital cities. This was what Rowley called ‘settled’ Australia. Aboriginal people who lived in ‘settled’ Australia were not considered subjects for proper study by anthropologists until the 1950s. Thus anthropological interest was in researching Aboriginal people who lived in a traditional manner, and the advice provided to government by anthropologists was directed towards people who lived in a traditional manner.

The twentieth century is perhaps best characterised as a period when Commonwealth, State and Territory Governments attempted to introduce policies which would enable Aboriginal people to be part of the Australian polity; these policies have ranged from biological and cultural absorption to self-determination. Simply stated, government policy problematised Aboriginal people and then produced a policy to fit with the government’s imagined future for them. Within this framework, Aboriginality was either under doubt or devised by both government and the academy.

Anthropology has had a unique and special role in the epistemology of Aboriginal people. It has positioned itself from the early twentieth century (and probably earlier) as a discipline, the dominant discipline, that could engage with Aboriginal societies and therefore assist and advise government in the management and development of Aboriginal people. A.P. Elkin, the only professor of anthropology in Australia until 1951, cast social anthropology in the role of assisting both government and missions in modifying the cultural and social practices of Indigenous people so that they could become civilised and useful members of white Australian society. This was consistent with the aims of the Australian National Research Council, which promoted the establishment of a chair of anthropology in an Australian university, and resolutions of various congresses in support of a chair of anthropology. The resolutions were aimed primarily at the Australian Government, urging that provision be made for the teaching of anthropology in Australian universities.

The theme ‘before it is too late’ was paramount. Aboriginal people were considered a ‘doomed race’, and the aim was to record the cultural practices of a ‘dying race’. During the period 1926–45 most of the anthropological research was undertaken in ‘remote’ Australia. However, Elkin repositioned anthropology in Australia. He provided it with a practical role. By the end of the 1940s he was certain that ‘full-blood’ Aborigines would not
disappear; but he was still eager to record Aboriginal culture which he considered to be fast disappearing. The shift was from a belief in the imminent biological extinction to cultural extinction.

The period between 1940 and 1960 is somewhat sparse with regards to anthropological research in ‘remote’ Australia. With the exception of Ronald Berndt, Catherine Berndt and Marie Reay, all students of Elkin, there was little organised or institutional ethnographic research in Aboriginal Australia during the 1940s. Much of their work was in response to requests from the Aboriginal Welfare Board of New South Wales, of which Elkin was vice-chairman.

Changes in the practice of Australian Aboriginal anthropology were brought about in part by limited funding for research, a diminution in the interest of Aboriginal anthropology and a shift to the recently contacted ‘primitive’ people of the New Guinea Highlands.¹ (The New Guinea Highlands had only been opened to European gaze in the 1930s.) As a consequence of limited funding for research in Australia, during the 1950s many anthropologists in the University of Sydney’s Department of Anthropology were engaged in projects associated with settled Australia, particularly north-west New South Wales and the south coast region.

Hand in hand with these developments went changes to the institutional organisation of anthropology in Australia. After World War II the University of Sydney was no longer the sole institution that taught anthropology nor the only site of post-graduate study in Aboriginal anthropology. The Australian National University was established in 1946 and, although its focus was not on Aboriginal Australia, it provided a congenial atmosphere for anthropologists and others who may have taken an interest in Aboriginal Australia. Moreover, unlike other universities in Australia, it was extremely well funded and was solely a research institution. It had an impressive postgraduate program, offering the Doctor of Philosophy degree, which the Department of Anthropology in the University of Sydney did not offer in anthropology until 1955.² The Australian National University attracted students, both within Australia and from overseas (especially the United States and the United Kingdom), by offering postgraduate scholarships to do anthropological fieldwork in the south west Pacific (Wilson and Young 1996). This had ramifications for Indigenous studies.

¹ Theoretical shifts within the discipline occurred and were better satisfied through the investigation of Highland people. The Highlands also presented anthropological researchers with the opportunity of working with ‘truly primitive’ people largely untouched by the corrupting effects of civilisation. Aboriginal people no longer presented such an opportunity. There were other factors which influenced these changes.

² Workshop on Reflections on Anthropology in the 1950s and 1960s, AIATSIS, April 1997. Mervyn Meggitt was the first PhD.
Pre-war anthropology, dominated by Elkin, not only emphasised research in Aboriginal Australia, but also the connection between research and policy advice to government and the training of government officials and missionaries for work in the territories. In the space of a decade, the Australian School of Pacific Administration took over the training of government officials from the University of Sydney department which was left with training missionaries. The Australian School of Pacific Administration, albeit briefly engaged in research, ceased being a research institution by 1951–52 and concentrated on training. The Australian National University became the major institution for anthropological research; yet its emphasis was not on Aboriginal Australia, applied research (although this came later) or on training government officials.

Elkin retired in 1956. He bemoaned the fact that neither at his department nor at the Australian School of Pacific Administration would there be any member of staff ‘personally conversant with the Aboriginal problems of Northern Australia’. The appointment of John A. Barnes, and then W. R. Geddes, to the chair in the University of Sydney meant that there was no longer a university in Australia that looked to Aboriginal Australia as the main area of research and knowledge. However, museums such as the South Australian Museum continued collecting and describing Aboriginal artefacts and skeletal remains until the 1960s.

The formation of the Australian Institute of Aboriginal Studies (now AIATSIS) in 1963 saw a move to recast the debates of the first half of the twentieth century, especially the debate on the establishment of a chair of anthropology (Shiels 1963). The theme, ‘before it is too late’, rang out during the discussions in the 1961 conference as it had in the British Association for the Advancement of Science conference of 1914, the Australian Association for the Advancement of Science conference of 1919 and Pan Pacific Science Conference of 1923 (MacLeod 1988). Although it was no longer thought that Aboriginal people were dying out, it was considered by the foremost scholars of the 1960s that Aboriginal culture was about to be dealt a deathblow. The Institute would record as much as possible before that blow occurred. Barnes argues that the Institute obtained funds for research largely on the basis that it was a ‘rescue operation’. (Barnes 1988, p. 269). This was, in retrospect, politically expedient. It was possible to give the impression ‘that the proposed research program would not impinge in any significant way on the interests of the Aboriginal welfare bureaucracy’. It also suggested that funding was for a finite period so that after ‘a certain number of years...everything that could be recovered from the past would have been recorded’ (Barnes 1988, p. 270).

Had the Institute continued as defined by the contributors to the 1961 conference, social anthropology, for example, would not have survived;

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3 Elkin to Geise, 11 November 1955. 189/2/455, Elkin Papers, University of Sydney.
rather, it would have resulted in a repetition of the kind of uninspiring ethnography that characterised the work of American anthropologists before World War II. Anthropology did not get caught in that trap, Barnes declared, largely through luck and because of events 'we [anthropologists] had little hand in bringing about' (1988, p. 271).

No one could, he argues, have foreseen in the early 1960s 'the transformations that lay ahead in the relationship between the Aboriginal population and the wider Australian society' (1988, p. 270). Barnes mentioned the 1967 referendum, the Gove case (1971), the land rights legislation of the Whitlam Government, 'maybe' the equal wages case 1966–68. These movements had their beginnings in previous decades. Some traced their beginnings to before World War II. From the early 1950s, there was increasing political pressure from Aboriginal people for recognition of their rights and their history. Anthropology was not blind to these movements (Atwood & Markus 1997); yet these movements did not inform its practice until much later, especially the land rights developments of the mid-1970s (see Peterson & Langton 1983). This also raises the problem of the relationship between Indigenous people and anthropology (as a discipline rather than as individual anthropologists), and the way in which they inform each other.5

The New South Wales and Commonwealth Governments’ policy of assimilation was introduced at the end of the 1930s; other State governments followed. By the end of the 1950s assimilation was under considerable attack from both Aboriginal political movements and white humanitarian organisations. By the mid-1960s assimilation policy in some of the States was renamed integration. These debates, which included the questioning of assimilation policies, called for Commonwealth control of Aboriginal affairs, the struggle for land rights and citizenship rights, in part flowed into the academy. This has formed the basis for continuing work in settled Australia, especially southern (or south east) Australia.

Land rights for the Northern Territory, introduced by the Whitlam Government and passed in 1976 by the Fraser Government, provided a new role for anthropologists (Peterson & Langton 1983). Land rights was probably the single most important event in the development of anthropology in the late 1970s; its ramifications continued throughout the 1980s. The 1992 High Court Mabo decision shifted Indigenous rights in land from a statutory right in the Northern Territory and some States to native title as a right recognised by common law. This is an Australia-wide

4 Nevertheless, more research is needed. During the 1967 Referendum campaign, both Elkin and Ronald Berndt were ambivalent to say the least. The Berndts were not involved in supporting the Gurindji in 1966–68 although they had worked there in 1944–46. See also the transcript of the April 1997 workshop held in AIATSIS.

5 This is a debate which is extremely interesting but which is outside the scope of this report.
right. Continuing the processes undertaken as a result of the Northern Territory land rights legislation, it has had an effect on anthropological practice and theory, as well as affecting the way in which research with Indigenous people is conducted. Ronald Berndt and Robert Tonkinson in their introduction to Social Anthropology and Australian Aboriginal Studies: A Contemporary Overview (1988, p. 5) acknowledge the effect land rights had on anthropological studies:

much of the impetus [for change in models had] come from overseas, but certain developments within this country, for example, the inception of the Aboriginal Land Rights (Northern Territory) Act 1976, have prompted major re-examinations of existing [anthropological] models and the promulgation of new ones.

Another significant change, which was alluded to earlier, is the increasing role of Indigenous scholars in critiquing the social sciences (see especially Langton 1981; 1985). Berndt and Tonkinson make only a quick reference to Indigenous scholarship: ‘We hope the next generation of scholars, including those Aboriginal people who are now entering academia in increasing numbers, will build on this solid body of knowledge’ (Berndt & Tonkinson 1988, p. 13). Little heed was taken, however, of the implications of the Eagle and Crow letter to the Australian Institute of Aboriginal Studies demanding greater involvement of Aboriginal people in the research process, or the similar demands by the Working Party of Aboriginal Historians, or of Langton’s 1981 paper in Social Alternatives, which was highly critical of the social sciences (particularly anthropology) which she accused of ignoring the realities of Indigenous (Aboriginal and Torres Strait Islander) life in rural and urban Australia.6

After the separation of research from its applied or practical application which so characterised the University of Sydney’s Department of Anthropology under Elkin, the three decades after World War II, political changes, especially in regard to land rights, opened up a new era of anthropological research. This involved a re-examination of anthropological practice. Archaeology, rather than anthropology, was perhaps the first discipline to seriously negotiate with Aboriginal people over the way in which sites were opened and the way in which knowledge and information was dispersed. Aboriginal scholars such as Langford (1983) and Atkinson (1985) argue that archaeology intrudes on their past by attempting to describe a past which challenges Aboriginal occupation of the land and denies a cultural continuity between present day Aboriginal people and their (60,000-year-old) ancestors. Atkinson, for example, suggests that archaeological sites are sacred Aboriginal sites, and it is not for

6 In a sense John A. Barnes’ ‘Afterword’ is critical of the collection of Berndt and Tonkinson; its focus is primarily on the ‘traditional’ subjects of the anthropologists in remote parts of Australia.
archaeologists to disturb them. Ros Langford writes that ‘we say that it is our past, our culture and heritage and forms part of our present life. As such it is ours to control and it is ours to share on our terms’ (1983, p. 2). This discourse influenced the way in which research was conducted with Aboriginal people and in Aboriginal communities. Other disciplines such as linguistics and history were also involved.

The other significant development in Aboriginal studies was the re-assessment of Australian history. Australian history, which for so long produced a triumphalist story of success over adversity (including the treachery of Aboriginal people) and progress, came under increasing interrogation in the late 1950s. While most histories written in the first six decades of the twentieth century made reference to Aboriginal people, it was usually only a few introductory pages, which served the purpose of justifying the expansion of settlement. Reece (1979, p. 254–55) observed in his seminal essay, ‘The Aboriginal people in Australian Historiography’, that:

Until the 1960s, the only substantial historical treatment of the Aboriginal people was within the context of missionary history ..., the history of native administration and anthropology.

The works of E.J.B. Foxcroft (1941) and Paul Hasluck (1942) on Aboriginal policy were the most prominent of those histories on native administration. With regard to anthropology, Reece points to Ronald and Catherine Berndt who produced culture conflict studies in the early 1950s. In 1959 the historian J.A. La Nauze observed that, ‘unlike the Maori, the American Indian or the South African Bantu, the Australian Aboriginal is noted in history as a melancholy anthropological footnote’ (p. 11).

‘The invasion of Australia’, a term coined by W.K. Hancock in his Australia (1930), was a metaphor for the conquest of the natural environment. Aboriginal people were often portrayed as part of the natural environment. Yet it was to obtain entirely new connotations when the first wave of ‘corrective’ historians published their work in the early 1970s. The invasion came to refer to the dispossession, dispersal and murder of Indigenous people by the settlers. Aboriginal people were recognised as actors in the history of the continent. They were no longer portrayed as passive victims patiently awaiting their fate. There developed a historiography on Aboriginal/settler relations.

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7 This is perhaps an uncritical review of anthropological studies on ‘culture contact’ done by the Berndts before the 1950s—especially their work on the Yaraldi (The World That Was), Ooldea (Oceania), South Australia (From Black to White in South Australia), and Vesteys pastoral stations, 1944–46 (End of an Era).
Many credit W.E.H. Stanner or Henry Reynolds as the first of the modern scholars to write Aboriginal people into Australian history. Stanner, in the 1968 Boyer Lecture, chastised historians (and presumably other social scientists) for being the high priests of a 'cult of forgetfulness practised on a national scale'; historians had to confront 'the great Australian silence'. Yet the project that did confront this silence that was undertaken by the Academy of the Social Sciences in the mid-1960s, headed by C.D. Rowley, which resulted in his seminal three volume work Aboriginal Policy and Practice (1970). Rowley's aim was to assess the impact of European colonisation on Aboriginal people, investigate why government policies were unsuccessful, suggest alternatives and pave the way for their introduction.

By the end of the 1970s, a number of historians, notably Andrew Markus (1974), Evans, Saunders and Cronin (1975), Reynolds (1978) and Lyndall Ryan (1981), had taken frontier violence as the central theme in their histories of black–white relations. Reynolds' subsequent study Frontier (1987) traced the complexity of white responses to Aboriginal people, from the humanitarians who wanted to save them to those who advocated their extermination. Like Ryan, he pointed to Aboriginal responses to invasion. Race relations (or more particularly Aboriginal/settler relations), once the almost sole prerogative of anthropology and sociology, was subjected to an historical analysis.

The shift in the writing of history from the late 1970s was from narrating and commenting on the inevitability of death and dispossession to 're-discovering' Aboriginal agency, from being written about to writing about oneself. No longer was Aboriginal inclusion a request by Indigenous people but a demand. Reynolds in part responded to this political undercurrent by his emphasis on Aboriginal agency and resistance (see Attwood 1994 for a detailed discussion of the types of Aboriginal history). Another factor which requires further examination is the broader theoretical developments brought about by feminist and other analyses in the late 1960s and 1970s which informed much of this discourse about minorities (see, for example, Fanon 1971; Curthoys 1997).

The research of Reynolds and others also had other, perhaps unexpected, effects. Much of this history underpinned the struggle for rights by Indigenous people as well as other minorities, especially that of land rights (and native title). Both historians and anthropologists played a major role in convincing non-Aboriginal people that Aboriginal people have claims to land and have cultural and spiritual associations and connections to land (country). As Attwood (1996, p. xvi) states:

Over the last two decades the scholarship of historians, archaeologists and anthropologists has undoubtedly had a tremendous influence upon Australia's intellectual and
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cultural milieu, so much so that one can contend, as Richard Broome does, that major changes such as those most recently heralded by the High Court’s Mabo decision are inconceivable without their historical (meta) narratives.

Indigenous studies, that is research about Indigenous people, has undergone a major transformation in the past three decades. Political groups which had advocated Indigenous advancement moved to advocacy and demand for Indigenous rights (human rights, land rights, minority rights). There was (and is) a continuing demand for Indigenous perspectives and participation in the academy (see Atkinson 1985; Langford 1983; Langton 1981).

From the late 1960s Indigenous political movements were increasingly under the management and direction of Indigenous people—the 1965 Freedom Rides, the Wave Hill Walk-off (1966), the Yirrkala Bark Petition (1969), the Tent Embassy (1972). Even the Federal Council for the Advancement of Aborigines and Torres Strait Islanders, so instrumental in the success of the 1967 Referendum, altered the composition of its leadership. In addition, there were actions which were to have profound effects on Indigenous people, and political movements such as the equal wages case (1966–68), the Gove case (1971) and the introduction of ‘multiculturalism’ with its emphasis on the acceptance of ethnic minorities (with Aboriginal people being made, despite their opposition, the ‘first Australians’). The Whitlam Government introduced other changes with regard to Aboriginal people, especially changing federal policy from assimilation/integration to self-determination.

One of the results of the 1967 referendum was the decision by the Federal Government to fund aspects of Aboriginal affairs such as education; and, by the time Whitlam came to government, there was a strong move to make financial provision for Indigenous students at tertiary level. This led, in time, to a number of tertiary educated Indigenous people; having Indigenous students in the academy, especially in those subjects most interested in Indigenous people, created a new and critical voice as well as a shift in perspective for these disciplines. (Again, more work needs to be done to ascertain the extent of these influences.)

All these changes, including those referred to earlier, in some way had an impact on Indigenous studies. Indigenous people repositioned themselves with regard to research and the teaching of Indigenous studies. The Eagle and Crow letter indicated a level of dissatisfaction with the way in which Indigenous studies was being dealt with by the academy, especially the Australian Institute of Aboriginal Studies. In 1981 the Working Party of Aboriginal Historians also made a call for a different emphasis and type of history writing:
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Just as colonised people and oppressed Indigenous people have insisted that their history and cultures are their own to be portrayed and represented by their own people, Aboriginal people are reclaiming their history and culture. We are the guardians and custodians of our history and its culture and it is our responsibility to pass on to future generations our set of truths (p. 22).

Anthropology remained the dominant discipline and continued to place itself at the centre of Indigenous studies. Anthropologists, because of their ‘direct’ relationships with Indigenous people, produced themselves as best able to represent Indigenous studies within the academy. Yet even here there was resistance. Among Indigenous people anthropology was criticised, perhaps the 1985 Australia and New Zealand Association for the Advancement of Science conference being a high-water mark of this assault. Here a number of Indigenous scholars were critical of the lack of consultation with Indigenous people and they objected to being described in terms which objectified Indigenous people, as well as to the use of knowledge for their (white scholars’) own advancement.

At the 1986 conference held to celebrate 25 years of Indigenous studies at the Australian Institute of Aboriginal Studies, the paucity of the Aboriginal contribution was noted, especially in relation to social anthropology. Work done by Aboriginal people in developing courses in Aboriginal Studies in schools (both primary and secondary) accentuated this lack of interest displayed by the academy.

The strength of school-based courses in Indigenous studies is reflected, for example, in two major conferences on Indigenous studies—namely, ‘Contemporary Issues in Aboriginal Studies’ held at the Nepean College of Advanced Education in October 1987, and ‘Aboriginal Studies: A National Priority’, held at the University of New South Wales in September 1992. But these conferences also reveal that most of the development of Aboriginal studies at a tertiary level was being undertaken in the then Colleges of Advanced Education. This was also noted by Alex Barlow in his 1985 submission to the Committee to Review Australian Studies in Tertiary Education (pp. 79–81).

Self-determination, introduced as Commonwealth Government policy in the 1970s, has seen arguments for the control and interpretation of Aboriginal cultural heritage, for ownership and control of much of the previously appropriated intellectual and cultural property, and for the right to represent oneself. Throughout the 1980s and the 1990s, issues of sovereignty, Indigenous rights (including land rights) and native title have become central, not only to Aboriginal militancy, but also in the academy.
It was observed by John Barnes in 1986 that ‘Aboriginal people are much more visible to other Australians’ than they were in 1960. In part this is a consequence of the sequence of events referred to earlier, plus the ‘growth of the Australian tourist industry’ (Barnes 1988, p. 273) and the popularity of Aboriginal painting and art in general. Of course, another significant change is that, whereas in the past the gatekeepers were administrators, heads of university departments and other agents of colonial rule, now Indigenous people have themselves become the gatekeepers. One could describe this shift as the right to freedom from being researched. Indigenous people becoming gatekeepers has changed the paradigm of research and altered the negotiating regime. Barnes, an anthropologist, suggests that negotiation with Indigenous people before beginning research has seen the ‘decline of the natural science paradigm for social science’; the effects are notably ‘on constructing, rather than rediscovering, the characteristics of pre-colonial Aboriginal society, and whether or not there can be something called Aboriginal history’ (Barnes 1988).

Indigenous studies and research are currently undergoing another transformation. We are seeing histories written by both Indigenous and non-Indigenous historians which stress co-existence rather than conflict between settlers and Indigenous people. There is an emphasis on local and family histories as Indigenous people reclaim their past. There are increasingly more collaborative projects which are frequently responses to Indigenous interests and concerns.

Indigenous studies, despite being a western-dominated discourse for most of its time, could not remain indefinitely a white monopoly. The multidisciplinary nature of Indigenous studies is evident; no longer is it dominated by social anthropology, archaeology and linguistics, although these disciplines continue to have the most personal interaction between Indigenous and non-Indigenous researchers.

Thus the greatest impact of the changes is felt by those disciplines traditionally associated with Indigenous studies. The changes and adaptations necessary for the practice of, say, social anthropology have been greatest. Historically, social anthropology has made itself a discipline that was distinguished from others by the outsider perspective it adopts towards society and culture. In conclusion, Barnes (1988, p. 274) poses the questions:

How much input does the observer unavoidably provide in the delineation of emic concepts, and how authentic is the outsider’s interpretation of the insider’s view? What is the ontological status of the structural glosses that are the stock-in-trade of some anthropologists? These questions may be hard to answer, but asking Aboriginal people what they think
about what we write about them seems to me a necessary and practicable first step toward finding answers.

An afterword

Stage 1 of this project was designed to discover the extent and sources of funding by the Australian Research Council and the Australian Institute of Aboriginal and Torres Strait Islander Studies of research carried out in 1993 and 1994 defined as ‘being of interest to Aboriginal and Torres Strait Islander people’. For the purposes of the project, the definition was broken down into four categories:

- research into aspects of Aboriginal and Torres Strait Islander histories, cultures and lifestyles;
- research that relates to issues of heritage, land, marine and resource management in areas that are of concern to Indigenous people;
- research that relates to government policies and practices that have relevance to Indigenous people; and
- research likely to be of interest to Aboriginal and Torres Strait Islander people.

However, there is another level at which research of interest can be discussed. Research of interest is also research of value to Aboriginal and Torres Strait Islander people. Research of interest and of value to Aboriginal and Torres Strait Islander people is wide ranging and includes such diversity as family/genealogy; native title; education; Indigenous political movements (Jackson’s Track in East Gippsland, for example); work history (what sort of work Indigenous people have done); history of the relations between police and Indigenous people; Indigenous women’s history; everyday (social) life.

It was suggested during discussions with the Indigenous Studies Unit in the Museum of Victoria, for example, that all research about or by Indigenous people is of interest to them. The problem was enabling the dissemination of this potentially important research. It was suggested that a way of enabling Aboriginal people to know what research is being conducted would be to notify the Aboriginal Advisory Committee of the Museum whose membership is made up of the 32 registered Aboriginal co-operatives in Victoria.

It was pointed out to the Institute researchers that, while there is research of crucial importance for certain communities at certain times, circumstances and needs change over time. Thus, what is understood as being of value (and of interest) to Aboriginal and Torres Strait Islander people undergoes continual change—this requires continual negotiation with community members.
The Ethics of Research

The question of ethics in research in Indigenous studies today is related essentially to questions of Indigenous cultural and intellectual property rights. The International Convention on Economic, Social and Cultural Rights (Article 15(1)(c)) affirms the right of ‘everyone’ to benefit from the protection of moral and material interests. The United Nations’ Draft Declaration on the Rights of Indigenous Peoples (Article 12) affirms the right of Indigenous people to their cultural traditions and customs and to have their cultural property returned to them, if it was taken without their permission. Article 29 states that:

Indigenous people are entitled to the recognition of full ownership, control and protection of their cultural and intellectual property.

They have the right to special measures to control, develop and protect their sciences, technologies and cultural manifestations, including human and other generic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literature, designs and visual and performing arts.

Central to research in Indigenous studies is the question of informed—or negotiated—consent. This has at least two aspects. In the first place, whether negotiated consent is possible for current research, given the circumstances of the disadvantaged position of Indigenous Australians, or for previous research, given the presumptuousness which marked much of that earlier research. If negotiated consent is possible, how could it be achieved? Secondly, how might the participation of Indigenous people be negotiated to their benefit as well as that of a research project?

Informed Consent

Consent is informed when it is given by a person who understands the purpose and nature of the study, what participation in the study requires a person to do and to risk, and what benefits are intended to result from the study.

Truly informed consent, as described here by the Council for International Organizations of Medical Sciences, could be the greatest protection against exploitation by the researcher of the Indigenous people concerned. It is also
a strong way of demonstrating respect for Indigenous culture. Being properly and fully informed about the aims and methods of a research project and the implications of these and its potential outcomes would allow a community to decide for themselves whether to oppose or to embrace that project.

Obtaining truly informed consent is a complex matter. It is one worth looking at carefully because of its importance to Indigenous people.

Furthermore, for research focusing upon or related to Indigenous people, the informed consent of the people as a group, as well as individuals within that group, is crucially important.

Given that Indigenous knowledge is collectively owned—although individuals may have differential rights in that ownership—only a group may normally give consent to its sharing. Moreover, as Daes (1993, p. 9) elegantly stated:

Heritage can never be alienated, surrendered or sold, except for conditional use. Sharing therefore creates a relationship between the givers and receivers of knowledge. The givers retain the authority to ensure that knowledge is used properly and the receivers continue to recognise and repay the gift.

From whom, therefore, should consent be sought? When should consent be sought? What information should be provided with any request for consent? How should consent be formalised? These issues relate to other questions about definitions of ‘community’ and who should do Indigenous research that are to be dealt with in the next chapter.

These are all matters that researchers planning research among Indigenous people must address well in advance of undertaking any fieldwork. Unless researchers have been working with an Indigenous group for a sufficient time to be accepted among its members, they will need to visit the group to inform and discuss any research plans. These matters must have been resolved before seeking funding to cover fieldwork so that they can be properly and adequately handled well before undertaking any research.

The preparation necessary before the group is asked whether it wants to participate is a matter of ethics, not only of self-interest. Not to do so would waste the time of the Indigenous people concerned and show a lack of respect for them, as well as being a misuse of the researchers’ time and resources.
Negotiation of Indigenous People’s Participation

For Indigenous people to participate in a research project, both with the necessary shared understanding and to share any benefits of the results of the work, requires the recognition by the researcher of the Indigenous group’s ownership of the intellectual property that they agree to share with the researcher—that is, acceptance of Indigenous group control of the research process as a basis for negotiation of shared benefits.

The researcher’s intention to provide benefits to the participating community is an important part of any ethical research plan. The researcher should expect the desire to provide such benefits to be reinforced by the community itself, whose culture may demand something of value from researchers in return for the group’s participation in the research. The nature of any benefits should be appropriate to the research project (for example, medical treatment by medical research teams), appropriate in scale (any suggestion of bribery should be avoided), and apportioned appropriately (decided in cooperation with the group being researched and the individuals participating in the project).

Clearly, it is desirable that the matter be discussed openly with the community from the beginning, and that the distribution of any benefits to the participants should be raised with, and considered by, the ethical review panel considering the research proposal and, where established, by a local Indigenous advisory committee. The central issue here is the negotiation of any benefits resulting from the research outcomes, as well as control of the research process.

As discussed in the previous chapter, recent significant changes in Indigenous studies have been brought about by the increasing involvement of Indigenous people—scholars, organisations, participating communities—in research. This is reflected in the development of a range of documents, protocols and contracts dealing with such research.

This report reviewed a range of published and unpublished papers and ethics committee discussions. A sample of these is discussed here and issues raised by them identified. As seen in the select bibliography (Appendix 2), papers reviewed can be categorised as follows, and the above discussion is focused under these headings:

- Indigenous organisation statements and protocols;
- government agency and department statements and protocols;
- university research office statements and protocols;
- discussions by researchers and professional associations; and
- international statements and protocols.
Indigenous Organisations Protocols and Contracts

An early example of an Indigenous organisation’s reaction to research activities is seen in the document adopted by the Tangentyere Council in March 1988. A notable exposition, it attempts to reorient research to better serve the interests of the researched, including widely spread provisions for control of research planning, implementation and use of research results. It reflects the availability of funds for councils to use to set their own agendas, and the powers obtained in the previous decade by this and other similar Indigenous organisations to control entry onto land and other matters of concern to them. This power meant that a council was able to pay to get research that it perceived it needed and, if access depended upon a decision of the council, then the council could stipulate the conditions under which permits for access and research projects were granted.

The Tangentyere Council document (pp. 1–2) requires a legally binding contract with researchers that clearly explains:

- the aims and purposes of the research;
- the researcher’s duty statement;
- the time framework of the research project;
- the researcher’s wages and conditions of employment;
- the method whereby the results of the research will be supplied to Tangentyere Council; and
- an understanding that the researcher will not use the results of the research publicly without the Tangentyere Council’s approval (ownership and copyright notwithstanding).

The Tangentyere Council’s document proceeds to stipulate the rules for research projects (pp. 3–4) and the processes to follow when proposals are received from outside Tangentyere (p. 7). There is a Research Support Committee of the Council with clearly defined responsibilities in guiding the research (pp. 9–13), an enunciation of the obligations and responsibilities of the researcher (pp. 14–16), and a method for dealing with any disputes arising (pp. 16–17). Other sections deal with the products of the research, who keeps the research materials, and the ownership, publication and public use of the documents based on the research (pp. 20–25). The degree of control to be exercised by the Council is comprehensive.

A more recent example of the exercise of Indigenous organisation control is found in the contract binding researchers to the objectives of the Pitjantjatjara Council. The contract places quite onerous conditions upon the researcher in consideration of the Council’s granting its consent to a researcher-initiated project being undertaken. These include several clauses explicitly delimiting the parameters of the research project, based upon the
acknowledgment of ownership of the cultural and intellectual property of the Indigenous people cooperating in the research, and specifying ownership by the Council, as representing these people, of the results of the research. Among other matters:

- the researcher is to respect the confidentiality of any information provided;
- all materials generated by the research project are to be owned by the Council;
- a draft of any report is to be presented to the Council and no thesis is to be presented to the university without its approval;
- copyright in a thesis is to be owned jointly with the Council and the thesis may not be published without the agreement of the Council;
- the Council, with the researcher’s agreement, has the right to publish the research report; and
- a catch-all—the researcher ‘shall comply with any reasonable direction that may from time to time be given by the Executive’.

A number of these provisions—such as Council control over a thesis—will clearly be unacceptable to the academy in the terms in which they are set out here. The contract demonstrates that negotiated research must be a two-way process, with responsibility being taken by both sides.

An excerpt of the contract appears in Appendix 3.

Government Agency and Department Statements and Protocols

The Australian Institute of Aboriginal and Torres Strait Islander Studies

The Australian Institute of Aboriginal and Torres Strait Islander Studies is a Federal Government statutory authority that funds much research into Indigenous Australia. For many years, the Institute has supported high quality research that will benefit Aboriginal and Torres Strait Islander people. It attempts to do this in accordance with international standards of human rights and scholarship, and has provided guidance in this area to applicants for research support through a discussion of ‘ethical research’ in the Research Grants Program: Information for Applicants which it distributes with research grant application forms. This advice begins by outlining fundamental principles of:

- informed consent to the research by the individuals/community with whom or where research is to be carried out or by their representatives;
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- benefit to the local community as well as to the broader community of Aboriginal and Torres Strait Islander people;
- acknowledgment of ongoing Indigenous ownership of the cultural and intellectual property rights in the material on which the research is based; and
- appropriate use of research results and/or publication of material as agreed with the community or community representatives.

The Institute implements these principles by requiring researchers to adhere to its ethical guidelines and by requiring clearance for proposed research projects by an institutional ethics committee, whether from another organisation or from the AIATSIS Research Ethics Committee, stating

Ethical guidelines

The Institute will not approve of the research activities of any individual/s that lead to, or in its opinion are likely to lead to, offending against the Aboriginal or Torres Strait Islander people living in the area.

The Institute further recognises that:

- neither it as a corporate body nor any worker that it supports has any undeniable right to be given access to information about Aboriginal or Torres Strait Islander life or culture;
- it is only with the cooperation of Aboriginal and Torres Strait Islander people that it is able to fulfil its aim of pursuing research into Aboriginal or Torres Strait Islander cultures and ensuring their documentation for future generations;
- it is the obligation of the intending researcher to convey to the Aboriginal or Torres Strait Islander people concerned the purpose of the work and to obtain their agreement to it; and
- failure to respect Aboriginal or Torres Strait Islander custom can disrupt the life of the communities within which the Institute is sponsoring research, or curtail the researcher’s work and hinder possible future research.

The advice goes on to outline the steps that the grantee must take before commencing the research project, which include consulting with AIATSIS staff, obtaining any relevant permits and legislation, and consulting the ethical guidelines or codes of ethics adopted by relevant professional bodies and/or associations. It then details requirements for obtaining informed consent from relevant Aboriginal or Torres Strait Islander people and organisations. AIATSIS requires that evidence of support and consent be provided to it before the commencement of any project. The advice also
addresses return of results to communities and personal privacy of individuals involved in the research.

Other key areas include the involvement of and benefits to the community of the proposed research; the payment of adequate financial compensation to Aboriginal or Torres Strait Islander co-workers, assistants and subjects of the research where time is required to be spent outside normal personal and community activities; and the dangers of creating circumstances where exploitation of an economic, cultural or sexual nature can occur.

Ownership of cultural and intellectual property rights is addressed in detail, usefully distinguishing between ‘background’ and ‘foreground’ intellectual property rights. Clarification of this area has been essential to acknowledging the Indigenous people’s ownership of their cultural and intellectual property rights to the material on which the research is based. These rights remain with the Indigenous owners, while the grantee is the owner of the copyright in the research results where these are used for research purposes and not for profit; at the same time, the Institute holds a non-exclusive, royalty-free, perpetual licence to use the research material for purposes that are set out in the AIATSIS Grant Agreement.

Ensuring that research results are used appropriately has been of concern in the past. It is Institute policy that, when the work has been completed and analysed, the community and individuals in whose domain the research was carried out should be informed of the results in a clear and comprehensible manner, and that copies of material collected during the course of the research should be returned to the community. The advice also deals with the Institute’s requirement that research materials be deposited in its collections, the means adopted to protect these from improper access and use, and the arrangements for publication of research results.

The Institute’s policy statements and guidelines are included in full in Appendix 3.

Aboriginal and Torres Strait Islander Commission

The Aboriginal and Torres Strait Islander Commission (ATSIC) has also developed policies in this area; they are detailed in the paper Protocols for Undertaking Research (1997). The policies relate particularly to research projects to be contracted by ATSIC officers, but have a wider applicability. One of the points of departure is the recommendation of the Royal Commission into Aboriginal Deaths in Custody (1991, Recommendation 320) that:

Where research is commissioned or funded, a condition of the research being undertaken should be the active involvement
of Aboriginal people in the area which is the subject of the research, the communication of research findings across a wide cross-section of the local Aboriginal community in an easily understandable form, and the formulation of proposals for further action by the Aboriginal community and local Aboriginal organisations.

The protocols describe their bases as follows:

The following guiding principles derive from acceptance of the fundamental principle of Aboriginal and Torres Strait Islander people’s right to self-determination, self-management and respect for the maintenance and continuance of culture and heritage:

- Any person who trespasses on Indigenous land risks endangering not only themselves, but also the traditional land owners who have the obligation to protect the sacredness and integrity of their country.

- Aboriginal and Torres Strait Islander people have distinctive languages, customs, spirituality, perspectives and understandings, deriving from their cultures and histories. Research that has Indigenous experience as its subject matter must reflect those perspectives and understandings.

- Research cannot be undertaken if it conflicts with the rights, wishes or freedom of the people to be researched.

- Much of Aboriginal and Torres Strait Islander people’s knowledge is transmitted orally and should be respected and considered along with documented and other knowledge sources.

- The tangible and intangible items to be considered as constituting the heritage of a particular Indigenous people must be decided by the people themselves.

- All researchers must respect the rights of Indigenous people’s privacy, cultural integrity and control of their own heritage.

- Heritage protection, intellectual property rights, and ownership of cultural material should not be considered to be lost by those individuals and communities who are able to demonstrate a traditional claim to that cultural heritage.

Other sections deal with research protocols applying to the conduct and obligations of researchers, the research project, the research manager, the
negotiation of consent, consultation, and the preparation for fieldwork. Important among those matters relating to the development of a research project is the view that 'a research project should involve the individual or community, from the formulation of the terms of reference, to the discussion of how to seek solutions, to the interpretation of findings' (Item 18); and that 'each research proposal must be negotiated between the research manager and consultant before a contract is signed and reflect the degree of direct research to be undertaken' (Item 20). When contracting for research services, ATSIC requires a contract between the parties which embodies aspects of the protocol.

Informed consent for the proposed research would be required from individuals and community members in general. Items 29–31 detail the requirements that the researcher must meet. These include seeking guidance about a community from local community-controlled organisations, advising individuals or groups intended to be studied of the purpose of the research and the level of confidentiality anticipated, and acknowledging traditional land ownership and the relationship between Indigenous people and the land.

The final section relates to the ownership and publication of the data collected during the research project. It is noted that ATSIC as the funding agency may own copyright of the raw data of the research project. The research contract should also provide that personal information is properly treated, especially in terms of the Privacy Act 1988 which obliges Commonwealth agencies to ensure that persons working on their behalf comply with the provisions of the Privacy Act. If the subject of the study is cultural or heritage materials (Item 34), 'consent of the owners must be obtained, unless the owners are unknown and not, after strenuous effort, ascertainable, it must be acknowledged that where cultural, heritage and secret sacred information are involved Indigenous people will set the rules to what is catalogued and revealed to the public'.

In summary, it is clear from the range of documents referred to in this discussion that no exact scope and limits of the ownership of research results have been wholly agreed upon. This makes life difficult for researchers. It is also clear, nevertheless, that all these organisations agree to the principles of Indigenous ownership of cultural and intellectual property and to the need for researchers to negotiate their projects with Indigenous communities or organisations.

University Research Office Statements and Protocols

In some of the university research office statements and protocols, similar matters are covered to those discussed above, although, since most are of a
general nature, coverage of matters of importance to Indigenous people is often less adequate. Many others of those listed in the select bibliography (Appendix 2) either cover medical research or appear to be based on medical research guidelines. Exceptions are those prepared by Indigenous study unit staff, including the documents provided by the Centre for Aboriginal and Torres Strait Islander Participation, Research and Development, James Cook University of North Queensland, Townsville, and the Centre for Indigenous Natural and Cultural Resource Management, Northern Territory University, Casuarina.

A major contribution from the universities is the concept of the ‘ethics research committee’, set up to review research proposals by members of the university. Ethics research committees can significantly influence the ethical conduct of research involving Indigenous people. Potentially, the committees can provide an essential basis for building a protocol for such research. AIATSIS has recently established an ethics research committee, which reviews all applications for research support made to the Institute. Whether an application has already been reviewed and approved by the ethics research committee of the applicant’s institution is an important consideration.

Discussions by Researchers and Professional Associations

The materials under this heading in the select bibliography (Appendix 2) are more wide-ranging in time and topic than those in most of the other sections. They cover guidelines issued to members by various professional and amateur research organisations; many include codes of ethics that are binding on members of those organisations. Noteworthy examples may be seen in the Australian Archaeological Association’s Code of Ethics and the Australian Anthropological Society’s seminar on Research and the State. The Australian Library and Information Association has developed a useful document emphasising policy and practice in lodgment of research materials. In many instances association members are discussing the topic as background for efforts to draft explicit protocols. Examples of these can be found in Eckerman et al, for research by educators, Jonas’ report to the Australian Heritage Commission, and Will’s discussion of the conduct of musicological research. Other publications describe the role of protocols as in Atmian’s essay for the Academy of Social Sciences, and Sutherland’s discussion of intellectual property issues for the rainforest conservation group. The list contains critiques and discussions by several Indigenous researchers.
International

The international section contains a small sample of statements by world bodies. These can provide the contexts for national and local guidelines and useful comparative materials.

Researchers and Host Community Representatives

Ethical considerations were raised by AIATSIS research team members with researchers, host communities and representatives of Indigenous organisations. The following general areas of concern were identified:

- contact by researchers, and their continuing relationship, with host communities;
- informed consent of the host communities to the proposed research;
- acknowledgment of ownership by Indigenous people of the cultural and intellectual property rights to the material on which the research is based;
- benefit to the community;
- the need for independent informed review of a project before its implementation; and
- the need for prior agreement with the host community on appropriate use of research results and/or publication of material.

Contact by Researchers and their Continuing Relationship with Host Communities

The question of the form of the initial contact that researchers should make with potential host communities is discussed in Chapter 7. What needs to be stressed here is the express desire of Indigenous community representatives to establish and maintain, as the basis for any research project, a secure interpersonal relationship. The terms ‘trust’ and ‘personal relationship’ were frequently used in discussions with Indigenous community representatives. From this relationship of trust would follow:

- an agreement by and desire of the host community to share access to information and to places; and
- a desire of the researcher to respect the community’s wishes about limitations on access, confidentiality of information, and the provision of research results in appropriate forms.
Corollaries are the right of the community to limit access to places and to information as it deems appropriate, to veto aspects of the research with which it is not comfortable either at proposal stage or subsequently and, ultimately, to sever the relationship.

Despite their emphasis upon the importance of interpersonal relationships as the proper basis for a research project, some community representatives decided that a contractual relationship should also be forged, at least to the level of an exchange of ‘paper’ setting out each side’s expectations.

Researchers tended to stress the advantages to their research of well-developed personal relationships and of a research project in which community members were fully involved. Despite the extra work, time and expenses involved in meeting local wishes, such arrangements provide a more enjoyable and productive experience of the work overall.

Informed Consent of the Host Communities to the Proposed Research

The researcher should know whether any federal, State or Territory legislation relates to the proposed research; for some types of research, government permits may be required. All States and Territories have legislation controlling activity at (and sometimes access to) archaeological sites and permission is required to excavate and/or to conduct surveys.

As well, peak Indigenous organisations may require consultation and/or an application to be completed for permits to conduct research. The example of the Tangentyere Council is discussed earlier in this chapter; the umbrella research coordination organisation for the Kimberley, Kimberley Art Law and Culture, based in Fitzroy Crossing, requires researchers working under its auspices to complete a formal contract. In some jurisdictions, permits for access to Indigenous-held land are required, and this can be an effective way of controlling research. The Northern Land Council, for example, is able to maintain an overview of research in those areas under its control (most of the north of the Northern Territory) through its permits-issue system. The Bawinanga Aboriginal Corporation in Maningrida is able to use the permit system to control research in those areas of Arnhem Land to which it provides services.

Establishing the groundwork for a research project was seen to require:

- informing the appropriate organisations as soon as possible;
- discussing the proposed research program with the relevant Aboriginal or Torres Strait Islander people;
- informing them of their rights and their access to the results of the research; and
before fieldwork, obtaining permission from the relevant individuals, communities or organisations to visit the proposed locality and to conduct research.

The ensuing arrangements have to be fully understood by and acceptable to those people concerned. This may entail a preliminary visit to the proposed research area, including by scholars from overseas, in addition to making contact by writing.

In some instances it was envisaged that considerable time would have to be spent contacting organisations and individuals, and explaining the aims and methods of the proposed research. Funding agencies would have to take into account, when allocating research budgets, the special requirements for research in Indigenous Australia.

The position of overseas-based researchers was seen as difficult. However, researchers and community members pointed to individual researchers who had come to local communities before their actual research work to establish contacts with community members and organisations. It was seen that both research funding agencies and individual researchers would have to be prepared to allocate the extra expenses required.

Acknowledgment of Ownership by Indigenous People of the Cultural and Intellectual Property Rights in the Material on which the Research is Based

Ownership of the cultural and intellectual property rights over knowledge that is the focus of the research, and over any resulting data and materials, was seen as a central concern by many Indigenous people and their organisations. This was repeatedly expressed to members of the research team and is the basis of provisions in draft contracts.

It appears that most bona fide researchers are pleased to acknowledge Indigenous people's ownership of cultural and intellectual property rights and to incorporate this acknowledgment as a basis of their research planning.

Benefit to the Community

In some communities, the idea that research should only be permitted if the research project benefits the community was raised. Where people insisted on practical outcomes, they did not fully understand the nature of social science research. In other instances, this aspect was not of such importance.
Introduction

They made clear, however, their desire that researchers should actively include members of the relevant community as collaborators or co-researchers. It was also made clear that proper financial compensation should be paid to Indigenous co-workers, assistants and subjects of the research where time is required to be spent outside normal personal and community activities. Flexibility of payment was desirable, so that payment could be made as a lump sum to the community if requested.

The Need for Independent Informed Review of a Project before its Implementation

Researchers tended to agree that an ethics research committee appraisal of their projects was appropriate and likely to be useful in clarifying any aspects of their proposal that might be of concern to a host community. The idea was less familiar to host community members and Indigenous research organisations, but their representatives tended to agree that such appraisal would be useful in vetting projects before they reached communities and community organisations.

The Need for Prior Agreement with the Host Community on Appropriate Use of Research Results and/or Publication of Material

Similarly, both individuals and organisations wanted to be able to control the public use of information. Strict contractual arrangements were envisaged by some, while some older individuals were pleased to be sent facsimile copies of research papers for them to check—"just in case the researcher has got something wrong."

Most researchers had no difficulty with such requirements and requests. One problem they expressed was the possible compromise of their own intellectual property rights in the resulting research reports. They would, however, accept the requirement that they negotiate the public use of research results.

Both parties saw the advantages of a written contract in which the details of the community's and the researcher's concerns about appropriate use of research results and/or publication of material could be specified and subjected to arbitration if necessary. The Tangentyere Council document, for example, provides for resolution of disputes (pp. 16–17) by reference to a disputes committee established by the Council and, if necessary, its further reference to arbitration.
Who Should do Indigenous Studies Research?

The centrality of cultural and intellectual property rights to Indigenous people relates to questions about the definition of ‘community’. These rights are collective rights. Consent to share knowledge with outside researchers, including Indigenous researchers, therefore requires collective consent. It is the question of what constitutes collective consent that underlines the complexities and ambiguities of the notion of ‘community’ in Indigenous studies. It also raises the ubiquitous question of who should or may carry out research.

Definition of ‘Community’

The concept of ‘community’ informs much of the discourse of human rights, of international law and treaties, and of development. In the Australian context, it is regularly invoked in asserting an idealised unity of purpose and action among social groups perceived to share a common culture. To some extent, ‘community’ and ‘culture’ are treated as synonymous, rather than as principles operating at different levels of social realities. Indigenous culture is therefore seen to define Indigenous community.

This, of course, is not so. Definitions of community are as diverse as communities themselves and there is no one definition of community which applies in all cases. Communities cannot be assumed to be homogeneous. To make this assumption is to ignore the diversity of groupings within communities. On the other hand, community can be used as a shorthand way to describe groups of people who indeed share a culture, including common linguistic characteristics, common geography, common culture and a common history.

At the same time, there are further differences within local groupings, often referred to as ‘communities’, between, for example, people who continue to live on their traditional land and those who live on country for which their attachment may be historical rather than traditional. This is so in many parts of Australia where dispossession and displacement have created groupings which are the result of government action and policy.

A group of people who are involved in a common research project can be described as a community. For the purposes of research, this group is the community with whom the researcher will consult and negotiate (we can
call it the participant community), although it is not necessarily the only group (community) who are interested in the research.

In the workshop held for this project with researchers and the Indigenous Reference Group, the most acceptable definition of 'community' for the purposes of gaining negotiated consent was that 'a community includes anyone who believes themselves to be part of that community and is recognised by others as having some right to be so included'.

Representativeness

In many, probably most, research projects, a researcher is more likely to need to deal with community representatives rather than with every community member. Among Indigenous societies, however, there is hardly a more vexed area than the politics of representation. Nevertheless, one of the questions that a researcher has to address is the identification of and consultation with appropriate representatives of the people who are to be the focus of or affected by any research. In Indigenous Australia there is no single culturally appropriate authority to act as a point of reference to initiate the consultative process—and this is appropriate given the diversity of interests and people. Certainly, the Aboriginal and Torres Strait Islander Commission would find it difficult to act in this role. Regionally and locally many small co-operatives, land councils and other organisations provide direct representation for Indigenous people. There are, however, limitations to their expertise and the extent to which they may wish to deal with issues such as proposed research generated from outside their communities.

Matters of representation are complex and include the following considerations: membership of groups based on genealogical and land-based relations; principles of identity and land ownership; the problem of defining who is the politically responsible group in any particular situation; traditional authority in both the sacred and secular arenas in so far as these are conceptually separable; ownership of country; highly personalised processes of decision-making.

Nevertheless, a researcher is required to gain consent for a proposed project. One of the first tasks of any such project, therefore, will be an assessment of who constitutes the appropriate persons or organisations to provide such consent. For this reason, the establishment and implementation of accepted protocols, as discussed earlier in this report, is an essential step towards the continuation of research in Indigenous Australia.
Who Should, or May, Do Indigenous Studies Research?

In recent years, a focus on the ownership of Indigenous cultural and intellectual property rights has led to passionate debate about who should, or may, do Indigenous studies research. This debate reflects the growing involvement of Indigenous people in research and matters related to research, and includes such questions as who determines the research scope, direction and outcomes, as well as the question of who should and should not undertake Indigenous studies research.

There are many misunderstandings and fears embedded in this debate. At its heart is an ongoing tension between ownership by researchers of the results of their research and ownership by Indigenous groups of their heritage. A further tension arises from the different meanings of knowledge for researchers and Indigenous societies where knowledge is not public and is shared only with those who have defined and differential rights. The question, therefore, of who should or should not do research relates to the ways in which access to knowledge is gained by a researcher, who is involved in imparting it, and how it is to be used.

This has from time to time led to a view that only Indigenous people should engage in research. For example, at a workshop in Alice Springs in 1986 sponsored by the National Health and Medical Research Council (NH&MRC) and the Menzies Foundation to establish research priorities in Aboriginal health, three demands were put forward by Indigenous participants.

- Firstly, they required that all research and the results of that research be controlled by Indigenous people and released or withheld as they saw fit.
- Secondly, since there had already been too much research on issues related to Indigenous health, all future research should have an immediate and direct practical application.
- Thirdly, Indigenous people would determine research priorities and the sorts of research which should be carried out (Palmer 1987, p. 89).

These demands were not unique; a number of writers had raised them earlier than the conference in Alice Springs. These issues are still prominent in discussions with Indigenous people and were addressed in the community consultations undertaken for this project.

Some comments addressing these three demands relate to issues that arose from these consultations.
Introduction

1. It was required that all research and the results of that research be controlled by Indigenous people and released or withheld as they saw fit.

The argument, simply put, is that where the research is about Indigenous people, it should also be controlled by them. This is an issue which was discussed frequently during the project. It was not always put so forcefully, nor was it about control and veto. On the contrary, the comments made to Institute researchers were not about excluding or censoring non-Indigenous researchers, but rather about encouraging increased involvement of Indigenous people in all stages of research.

2. All research should have an immediate and direct practical application

Comments made throughout this project supported the view that research of value to Indigenous people will come from consultation and negotiation with them, often taking the form of a collaborative project. Such research is capable of meeting the needs and aspirations of Indigenous participants. It requires an ongoing relationship between the researcher and the individual(s) and the community. This research needs to be based on maximum access and participation by Indigenous people. It can also meet the needs and aspirations of scholars and the academy. Research of value to Indigenous people need not be anti-intellectual or of little value to the academy.

On the other hand, many scholars (especially those working in history, cultural theory, cultural studies and art history) who write about Indigenous matters do not see their research having, nor do they seek to make their research have, an immediate and direct practical application.

In summary, research can have a direct practical application without being anti-intellectual. Secondly, it seems that what is being asked for is collaborative projects rather than attempting to exercise control over the direction of research.

3. Indigenous people determine research priorities and the sorts of research which should be carried out

This is not a straightforward area, as many researchers come to their research projects in serendipitous ways. Some have little contact with Indigenous people, primarily because they are using archival sources that reflect more the settlers’ understandings of events. This is particularly the case with historians and other scholars who examine the past, especially that of government agencies, mission bodies and so on. The task is to obtain an Indigenous view through the use of oral sources. On the other hand,
projects in anthropology and those social sciences which engage with the views of Indigenous people frequently come about because of either a perceived ‘problem’ as seen by a researcher, as in a government consultancy or, more and more frequently, in response to Indigenous requirements.

In conclusion, it would seem that if the researcher engages in the kinds of arrangements outlined above, the issue of who (Indigenous or non-Indigenous scholars) should do Indigenous studies research is irrelevant. Nonetheless, there is an increasing call for Indigenous researchers.
Section II

Initial Analysis of 40 Projects
Selection of 40 Projects

Introduction

Forty research projects for initial evaluation were selected from Stage 1. They were selected to ensure a representative sample according to the selection criteria listed under ‘Methodology’ in Chapter 1. These are: region, access regime, discipline, level of funding, length of project, single/multiple researcher/s, institutional support and Indigenous involvement. Each project is listed in Appendix 4 with the key number provided in the Stage 1 Report, the name of the researcher, and title of project, followed by each of the selection criteria listed above.

The selected projects were analysed by each selection criterion (see Appendix 1). Although projects were selected with the aim of covering the full range of possibilities within each selection criterion, representativeness of the sample was constrained by the actual projects listed in Stage 1. In addition, in order to select a full range within each selection criterion, the distribution of projects within other selection criteria was necessarily uneven. For these reasons, projects are often distributed unevenly over any one selection criterion. Further discussion of this sampling problem appears below under each criterion heading. Note that the number of projects totalled for each selection criterion is sometimes greater than 40 because some projects satisfy more than one selection criterion.

Selection Criteria

Region

Regions are specified in the individual listings of selected projects according to appropriateness in each case, and in the analysis are specified by State or Territory and subdivisions of these regions (for example, northern/southern). Some projects, however, do not fit neatly into this classification and are given different regional identification (for example, Central Australia, Eastern Australia, Australia-wide). Virtually all regions of Australia are represented, except southern Queensland. Note, however, that in terms of cultural regions, northern New South Wales is similar to southern Queensland and is well represented. That New South Wales and the Australian Capital Territory are over-represented is largely the result of the regional distribution of Stage 1 projects.
Access Regime

The access regimes are distributed fairly evenly over the six types.

Discipline

For the most part, disciplines to be represented were selected from the Australian Bureau of Statistics Fields of Research Classification, with some modifications to cater for the specialised field of Aboriginal and Torres Strait Islander studies. A number of projects overlapped several of the identified disciplines. The apparent over-representation of history and archaeology is a reflection of the current dominance of these disciplines in Indigenous studies, significantly in response to Indigenous demand. Social anthropology, linguistics and arts research (performing arts and visual art) are well represented within a wide range of disciplines covered.

Level of Funding

Selected projects are quite evenly spread between less than $5,000 to over $50,000. The category ‘Salary’ indicates that the project was undertaken as part of the salaried duties of the researcher and no other funding was required. APRA indicates that the project was carried out as part of a postgraduate degree and no further funding was required.

Length of Project

Most projects were undertaken in one or two years, as indicated in the sample. A PhD project is usually of three to four years full-time duration.

Single or Multiple Researcher/s

Although it appears that most projects were undertaken by a single researcher, at the same time most researchers in this field actively involve Indigenous community members where the research is carried out.
Institutional Support

Some nine universities and four other institutions provided institutional support for the selected research projects. Included are a museum and other government agencies (ACT Parks and Conservation, Australian Nature Conservation Agency) in addition to AIATSIS. AIATSIS provides significant support for many research projects, from casual library service to full-time office facilities. The support provided by AIATSIS sometimes supplements the institutional support provided by other bodies such as universities.

Indigenous Involvement

Most field research requires at least community support, an increasing proportion of projects includes Indigenous researchers, while projects requiring no Indigenous involvement are few and far between (one project among those selected).
Initial Contact with Researchers and Communities

Process

Contact with Researchers

The 40 projects were allocated among the four consultants working on the project. The consultants contacted by telephone the researchers whose projects were being analysed. They informed them of the project and sought their cooperation, describing the process of consultation, filling out a phone questionnaire on their availability for the duration of the project and contact information for themselves and relevant members of the community in which their project was carried out, and asking them to check the accuracy of the summary description of their project. The consultants indicated that the researchers would be asked to complete a brief written questionnaire which would be sent to them after this initial contact.

Most researchers contacted were interested in the project and were willing to cooperate, and most completed the questionnaire. The initial list of projects needed to be revised for several reasons:

- unavailability of the researchers (for example, gone overseas);
- unwillingness of researchers to be involved;
- incompleteness of projects; and
- uncontactability of researchers.

Some gave particular reasons for their concerns about their involvement in the project, mainly the confidentiality of information about community members, and the ethics of giving the names of community members and their contact details to project representatives. Nevertheless, not all who expressed concerns were uncooperative. With revisions to the list of projects, the consultancy team was successful in obtaining 37 completed questionnaires to supplement the information gathered during telephone conversations.
Contact with Communities

The consultants also attempted to make initial telephone contact (see below) with the Indigenous community members who were identified by researchers as being relevant to each of the research projects. Overall, this process was not generally successful in eliciting information about the research projects because community members who had been nominated were unavailable or because of the time lapse from when the project had been conducted or because of communication difficulties. Nevertheless, it provided the opportunity for the consultants to inform the relevant Indigenous communities/individuals about the Australian Research Council project.

Table 1. Analysis of Projects by Selection Criteria

Analysis by Region

<table>
<thead>
<tr>
<th>Region</th>
<th>Number of projects</th>
</tr>
</thead>
<tbody>
<tr>
<td>Torres Strait</td>
<td>3</td>
</tr>
<tr>
<td>Northern Queensland</td>
<td>1</td>
</tr>
<tr>
<td>Northern Northern Territory</td>
<td>8</td>
</tr>
<tr>
<td>Central Australia</td>
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</tr>
<tr>
<td>South Australia</td>
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<tr>
<td>Southern Western Australia</td>
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</tr>
<tr>
<td>Northern Western Australia</td>
<td>4</td>
</tr>
<tr>
<td>New South Wales and ACT</td>
<td>11</td>
</tr>
<tr>
<td>Victoria</td>
<td>2</td>
</tr>
<tr>
<td>Tasmania</td>
<td>2</td>
</tr>
<tr>
<td>Eastern Australia</td>
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</tr>
<tr>
<td>Northern Territory</td>
<td>1</td>
</tr>
<tr>
<td>Australia-wide</td>
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Analysis by Access Regime

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<td>Community council</td>
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<tr>
<td>Regional organisation</td>
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</tr>
<tr>
<td>Service organisation</td>
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<td>Family</td>
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<td><strong>Total</strong></td>
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### Analysis by Discipline

<table>
<thead>
<tr>
<th>Discipline</th>
<th>Number of projects</th>
</tr>
</thead>
<tbody>
<tr>
<td>Botany/Ethnobotany</td>
<td>1</td>
</tr>
<tr>
<td>Health</td>
<td>2</td>
</tr>
<tr>
<td>Physical anthropology</td>
<td>2</td>
</tr>
<tr>
<td>Social anthropology</td>
<td>4</td>
</tr>
<tr>
<td>Race and ethnic relations</td>
<td>1</td>
</tr>
<tr>
<td>Women's studies</td>
<td>1</td>
</tr>
<tr>
<td>Linguistics</td>
<td>4</td>
</tr>
<tr>
<td>History</td>
<td>12</td>
</tr>
<tr>
<td>Archaeology</td>
<td>13</td>
</tr>
<tr>
<td>Rock art</td>
<td>3</td>
</tr>
<tr>
<td>Performing arts</td>
<td>4</td>
</tr>
<tr>
<td>Visual art</td>
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</tr>
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<td>Photography</td>
<td>2</td>
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<td>Geography</td>
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</tr>
<tr>
<td>Heritage management</td>
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<td>Education</td>
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### Analysis by Level of Funding

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<tr>
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</tr>
<tr>
<td>$10,001 – 20,000</td>
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<td>$20,001 – 30,000</td>
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<td>$50,001 +</td>
<td>5</td>
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<td>APRA</td>
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### Analysis by Length of Project

<table>
<thead>
<tr>
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<td>Up to 1 year</td>
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<tr>
<td>Up to 2 years</td>
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<tr>
<td>Up to 3 years</td>
<td>3</td>
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<tr>
<td>More than 3 years</td>
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<tr>
<td>PhD project</td>
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<td><strong>Total</strong></td>
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## Analysis by Single or Multiple Researcher/s

<table>
<thead>
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<th>Single or multiple researcher/s</th>
<th>Number of projects</th>
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</tr>
<tr>
<td>Multiple</td>
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<td><strong>Total</strong></td>
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## Analysis by Institutional Support

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<th>Institution</th>
<th>Number of projects</th>
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</thead>
<tbody>
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<td>Australian National University</td>
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</tr>
<tr>
<td>University of New England</td>
<td>4</td>
</tr>
<tr>
<td>James Cook University</td>
<td>3</td>
</tr>
<tr>
<td>Northern Territory University</td>
<td>2</td>
</tr>
<tr>
<td>AIATSIS</td>
<td>8</td>
</tr>
<tr>
<td>University of Sydney</td>
<td>1</td>
</tr>
<tr>
<td>Australian Museum</td>
<td>1</td>
</tr>
<tr>
<td>University of Western Australia</td>
<td>1</td>
</tr>
<tr>
<td>ACT Parks and Conservation</td>
<td>1</td>
</tr>
<tr>
<td>La Trobe University</td>
<td>1</td>
</tr>
<tr>
<td>University of Canberra</td>
<td>1</td>
</tr>
<tr>
<td>Aust. Nature Conservation Agency</td>
<td>1</td>
</tr>
<tr>
<td>University of Queensland</td>
<td>1</td>
</tr>
<tr>
<td>None</td>
<td>1</td>
</tr>
<tr>
<td>Undetermined</td>
<td>11</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>42</strong></td>
</tr>
</tbody>
</table>

## Analysis by Indigenous Involvement

<table>
<thead>
<tr>
<th>Indigenous involvement</th>
<th>Number of projects</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indigenous researcher/s</td>
<td>9</td>
</tr>
<tr>
<td>Community support</td>
<td>19</td>
</tr>
<tr>
<td>Organisational support</td>
<td>3</td>
</tr>
<tr>
<td>Individual support</td>
<td>1</td>
</tr>
<tr>
<td>None</td>
<td>1</td>
</tr>
<tr>
<td>Undetermined</td>
<td>17</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>50</strong></td>
</tr>
</tbody>
</table>
Analysis of Questionnaires

Introduction

This chapter is a critical discussion of the responses to questions asked by telephone and on the questionnaires. A summary of the issues raised by the researchers follows the discussion of the responses.

Discussion of Responses to Questionnaires

What Prompted You or Your Research Team to Undertake this Project?

Table 2. What Prompted Research Projects?

<table>
<thead>
<tr>
<th>Prompted by</th>
<th>Number of projects</th>
</tr>
</thead>
<tbody>
<tr>
<td>Previous research carried out in same subject area</td>
<td>5</td>
</tr>
<tr>
<td>Previous research carried out in related area</td>
<td>5</td>
</tr>
<tr>
<td>Desire for cross-disciplinary research</td>
<td>1</td>
</tr>
<tr>
<td>Theoretical interests within a discipline</td>
<td>5</td>
</tr>
<tr>
<td>Initiated by organisations</td>
<td>4</td>
</tr>
<tr>
<td>Teaching Indigenous studies</td>
<td>5</td>
</tr>
<tr>
<td>Need for cultural heritage management</td>
<td>4</td>
</tr>
<tr>
<td>Interaction between Indigenous and non-Indigenous people</td>
<td>1</td>
</tr>
<tr>
<td>Public debate</td>
<td>1</td>
</tr>
<tr>
<td>Needs of service providers</td>
<td>1</td>
</tr>
<tr>
<td>Initiated by community</td>
<td>1</td>
</tr>
</tbody>
</table>

Most of the research projects were initiated from within the academic community. This includes research previously carried out by the same researcher in the same subject area (for example, extension of previous postgraduate research), research conducted in related areas (for example, research done in another health area, and research done in another geographical area such as Africa and the South Pacific), cross-disciplinary research by different senior researchers (for example, linguistics and ethnomusicology), and research generated by theoretical interests within a discipline (for example, several archaeological projects). Some projects were initiated by organisations, for example, the Australian Heritage Commission, AIATSIS, Law Foundation of New South Wales. Others
were prompted by teaching Indigenous studies at both tertiary and secondary levels, including the need for better teaching materials. A further category covered projects generated by the perceived need for cultural heritage management, for example, management of sites, management of national parks, and conservation and management of historical records. A small minority were either community-driven or initiated as a result of interaction between non-Indigenous researchers and Indigenous people, for example, the history of an important local event or organisation, the interaction between an Indigenous school principal and a local university researcher. One research project was prompted by a public debate, in this case a debate on the disposal of skeletal remains.

List the Aims or Research Questions that Were Addressed in Your Project.

**Table 3. Project Aims**

<table>
<thead>
<tr>
<th>Aims</th>
<th>Number of projects</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cultural recording/documentation/analysis</td>
<td>8</td>
</tr>
<tr>
<td>Contribute to Australian prehistory</td>
<td>4</td>
</tr>
<tr>
<td>Cultural heritage management</td>
<td>5</td>
</tr>
<tr>
<td>Historical</td>
<td>9</td>
</tr>
<tr>
<td>Meeting Indigenous needs</td>
<td>7</td>
</tr>
</tbody>
</table>

The project aims identified in the researchers’ questionnaires tended to be more specific than the categories adopted here. Projects were fairly evenly distributed over the five categories of aims identified. The first category listed includes recording songs, photographing sites, and documenting and analysing both rock art and contemporary art. One project which is included in the first category had as its primary aim the assembling of a comprehensive seed collection of arid zone acacias with edible seeds, and a secondary aim of documenting Indigenous uses of the seeds in traditional and contemporary culture and diet. A smaller number of projects aimed to contribute to the study of Australian prehistory, for example, investigating Pleistocene human adaptations in the Kimberleys, and a regional prehistory of lower south eastern South Australia. A category of projects related to both cultural recording/documentation and prehistory is research related to the field of heritage management, for example, recording and conservation of rock art sites, plans of management for national parks, analysis of stakeholders’ interests in the management of national parks, and archiving of historical photographic records. The significant number of projects with historical aims is a reflection of recent and current interest in the inclusion of Aboriginal involvement in Australian history, for example, adding an Indigenous perspective to the history of Perth in the 1950s, compiling a history of the Ngunnawal of the Canberra district, and
documenting the continuity of traditions in south eastern Australia through art. The aims of most of the remaining projects were directly relevant to meeting community needs, for example, literacy and numeracy needs in Aboriginal adult education, the use of Aboriginal English in court, the relationship between Kriol and literacy, and creating employment.

How Did You Go about Achieving these Aims? What Methods Did You Use?

Table 4. Project Methods

<table>
<thead>
<tr>
<th>Method</th>
<th>Number of projects</th>
</tr>
</thead>
<tbody>
<tr>
<td>Participant observation</td>
<td>5</td>
</tr>
<tr>
<td>Documentary research</td>
<td>14</td>
</tr>
<tr>
<td>Recording and analysis</td>
<td>11</td>
</tr>
<tr>
<td>Workshops</td>
<td>2</td>
</tr>
<tr>
<td>Case studies</td>
<td>2</td>
</tr>
<tr>
<td>Use of Indigenous advisers</td>
<td>4</td>
</tr>
<tr>
<td>Questionnaires &amp; interviews</td>
<td>16</td>
</tr>
<tr>
<td>Excavations</td>
<td>3</td>
</tr>
<tr>
<td>Site surveys</td>
<td>6</td>
</tr>
<tr>
<td>Creating &amp; inputting into databases</td>
<td>3</td>
</tr>
<tr>
<td>Laboratory analysis</td>
<td>3</td>
</tr>
<tr>
<td>Elicitation (language, life histories, photo elicitation)</td>
<td>5</td>
</tr>
<tr>
<td>Trialing/Action research</td>
<td>3</td>
</tr>
<tr>
<td>Locating &amp; collecting materials</td>
<td>3</td>
</tr>
<tr>
<td>Classifying &amp; archiving materials</td>
<td>2</td>
</tr>
<tr>
<td>Compiling genealogies</td>
<td>1</td>
</tr>
</tbody>
</table>

As much as possible the words used by researchers to identify their methods were also used in this classification, although of necessity there was some adoption of cover terms such as 'documentary research' which covers all library and archival research. Of course, individual researchers may have used a number of the methods identified above but not mentioned them as predominant methods of their project. Given these qualifications about classification, some generalisations can be made.

The first conclusion is that researchers predominantly used quite conservative methods, with questionnaires and interviews, documentary research, and recording and analysis being the most common. Many of the methods identified are strongly entrenched in particular disciplines, for example, participation observation (anthropology), documentary research (history), recording and analysis (ethnomusicology), excavations and site surveys (archaeology), and elicitation (linguistics). Some were more innovative or used old techniques in new ways, such as photo elicitation.
and case studies. Few indicated that they used methods which in
themselves involved community members in active and significant ways,
such as workshops, use of Indigenous advisers, and trialng or action
research (although researchers may have adopted other means to involve
community members which will be discussed in the next section). A
general conclusion is that, to the extent that the projects surveyed are
typical, researchers tend to be conservative in their methods and are still
operating in a mode which allows for little real input into the research
process by the Indigenous subjects of the research.

Did You Obtain Community Support for Your Project? If So, How?
What Kind of Indigenous Involvement was there in the Project?
Please Elaborate (for example, Indigenous Advisers, Co-Researchers,
Interpreters, Paid Informants, Co-Writers).

Table 5. Obtaining Community Support

<table>
<thead>
<tr>
<th>Access type</th>
<th>Number of projects</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contacting elders</td>
<td>4</td>
</tr>
<tr>
<td>Informed Indigenous organisations</td>
<td>1</td>
</tr>
<tr>
<td>Community visit</td>
<td>10</td>
</tr>
<tr>
<td>Through Indigenous research assistants</td>
<td>2</td>
</tr>
<tr>
<td>Support of Indigenous organisations</td>
<td>8</td>
</tr>
<tr>
<td>Through Aboriginal liaison officers</td>
<td>1</td>
</tr>
<tr>
<td>No community support obtained</td>
<td>3</td>
</tr>
<tr>
<td>Through personal network</td>
<td>9</td>
</tr>
</tbody>
</table>

The large majority of projects received community support in some form,
even if it was only through contacting elders. In the largest number of
cases, researchers actually visited the community, and many researchers
who nominated working through personal networks probably had visited
communities either in the past or in relation to the project. One project
was initiated by an Indigenous community organisation. Only four projects
obtained no community support (including informing Indigenous
organisations). The way in which community support was obtained was
clearly influenced by the type of research project, for example, a regional
history written from documentary sources would require a lower level of
community support than an educational project aimed at influencing policy
directions in Indigenous education. Thus, there is a need to ensure an
adequate level of community support for projects of interest to Aboriginal
and Torres Strait Islander people. Such support is not fully demonstrated in
the results of the questionnaire.
### Table 6. Level of Indigenous Involvement

<table>
<thead>
<tr>
<th>Type of Involvement</th>
<th>Number of projects</th>
</tr>
</thead>
<tbody>
<tr>
<td>No active involvement</td>
<td>7</td>
</tr>
<tr>
<td>Individual advisers</td>
<td>14</td>
</tr>
<tr>
<td>Co-researchers</td>
<td>4</td>
</tr>
<tr>
<td>Research assistants/trainees</td>
<td>14</td>
</tr>
<tr>
<td>Community workshops</td>
<td>3</td>
</tr>
<tr>
<td>Steering committee/reference group</td>
<td>1</td>
</tr>
<tr>
<td>Primary researcher</td>
<td>2</td>
</tr>
</tbody>
</table>

These categories do not count informants or the subjects of research as being actively involved. Rather, involvement implies an active role in the research project other than merely giving information. Although some projects lend themselves to Indigenous involvement more than others do, a surprisingly large minority of projects had none. For the majority of projects there was Indigenous involvement of some degree. Most commonly, researchers engaged community members as advisers or research assistants (or trainees in one case), but the real level of Indigenous involvement in these cases was often unclear. A less ambiguous example of Indigenous participation is the use of community workshops, either during the data collecting phase or as a means of obtaining Indigenous input on draft results. At a more significant level, Indigenous individuals were involved as the primary researcher or equal co-researcher in six projects, but in only one case was an Indigenous group appointed with a formal supervising role.

Was there Significant Non-Indigenous Involvement from a Local Organisation?

### Table 7. Non-Indigenous Involvement from a Local Organisation

<table>
<thead>
<tr>
<th>Type of Organisation</th>
<th>Number of projects</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community organisations / clubs</td>
<td>3</td>
</tr>
<tr>
<td>Government agencies</td>
<td>16</td>
</tr>
<tr>
<td>Non-Indigenous communities</td>
<td>1</td>
</tr>
<tr>
<td>Other organisations</td>
<td>2</td>
</tr>
<tr>
<td>None</td>
<td>13</td>
</tr>
</tbody>
</table>

Although one of the largest categories reflects no local non-Indigenous involvement, Table 7 also indicates that there are other stakeholders in research of interest to Aboriginal and Torres Strait Islander people. Government agencies, including educational institutions, national parks and wildlife service, courts and health centres, constitute the largest
category. Two of the three community organisations were churches. Only one private organisation, a publisher, was mentioned as being involved in a project. Only one researcher mentioned the non-Indigenous community as being involved in their project, although a community is not strictly an organisation. Researchers seem not to involve non-Indigenous organisations or communities in their research of interest to Aboriginal and Torres Strait Islander people, although more work is needed to clarify this point.

**Table 8. Outcomes of project**

<table>
<thead>
<tr>
<th>Type of Outcome</th>
<th>Number of projects</th>
</tr>
</thead>
<tbody>
<tr>
<td>Report, plan of management</td>
<td>18</td>
</tr>
<tr>
<td>Published articles, book chapters</td>
<td>13</td>
</tr>
<tr>
<td>Seminar, conferences, workshops</td>
<td>6</td>
</tr>
<tr>
<td>Audio-visual products</td>
<td>9</td>
</tr>
<tr>
<td>Theses</td>
<td>7</td>
</tr>
<tr>
<td>Books, monographs, book manuscripts</td>
<td>5</td>
</tr>
<tr>
<td>Teaching packages</td>
<td>1</td>
</tr>
<tr>
<td>Exhibitions</td>
<td>2</td>
</tr>
<tr>
<td>Databases</td>
<td>3</td>
</tr>
<tr>
<td>Collections of material</td>
<td>2</td>
</tr>
<tr>
<td>Transcriptions</td>
<td>2</td>
</tr>
</tbody>
</table>

Table 8 only includes formal outcomes and does not include less tangible and downstream outcomes (discussed elsewhere in the report). This is mainly because most researchers replied in this vein. In general, researchers in this area are quite productive. However, most outcomes are conventional academic products (reports, articles, theses, books and the like), probably a response to institutional requirements. Audio-visual products are often complementary to the conventional products. More innovative outcomes include teaching packages, a film, a CD-ROM, a seed collection, exhibitions, and electronic databases.

Did You Receive any Indigenous Feedback about the Results of Your Project?

**Table 9. Indigenous Feedback about the Results of Projects**

<table>
<thead>
<tr>
<th>Type of Feedback</th>
<th>Number of projects</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contacted by Indigenous organisations</td>
<td>1</td>
</tr>
<tr>
<td>for copies of outcomes</td>
<td></td>
</tr>
<tr>
<td>Feedback from advisers</td>
<td>3</td>
</tr>
</tbody>
</table>
Indigenous Feedback (continued)

<table>
<thead>
<tr>
<th>Category</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indigenous reviewers, workshops offered to and</td>
<td>1</td>
</tr>
<tr>
<td>requested by Indigenous organisations</td>
<td></td>
</tr>
<tr>
<td>Conference report by Indigenous co-researcher</td>
<td>1</td>
</tr>
<tr>
<td>Community workshops, meetings</td>
<td>2</td>
</tr>
<tr>
<td>Return visit to community</td>
<td>2</td>
</tr>
<tr>
<td>Continuing community involvement</td>
<td>6</td>
</tr>
<tr>
<td>Non-specific</td>
<td>8</td>
</tr>
<tr>
<td>Intermittent</td>
<td>2</td>
</tr>
<tr>
<td>None</td>
<td>6</td>
</tr>
</tbody>
</table>

For most research projects, Indigenous feedback was not planned or specifically facilitated by the researcher. Hence a large number of responses to this question were positive but non-specific, indicated intermittent or ad hoc feedback, or were negative. The planned or facilitated feedback processes were diverse, such as workshops for communities or Indigenous organisations, a conference report by a co-researcher, return visits to the community, and continuing involvement in the community. There is thus a variety of ways to generate Indigenous feedback to research projects, but they need to be planned and deliberately organised. Indirect, ad hoc or intermittent Indigenous feedback is not likely to result in meaningful evaluation by those with most at stake in the research.

List any Difficulties or Shortcomings of the Project as You see Them.

The following issues were raised by researchers in returned questionnaires. Most were raised under this heading, and a few under other headings. They have been organised into categories consistent with issues raised elsewhere in the report.

Community Consultation and Consent

Several researchers commented on the difficulty of obtaining community consensus on a research project because Indigenous communities, like most communities, are generally not homogeneous. A related issue is the need to identify all those in a community who may have an interest in the project. Researchers may find it difficult to consult a community at a distance, for instance, isolated communities may not have phones or faxes and literacy may be too limited for effective communication by letter. A visit to the community can make all the difference. One researcher who commented on this difficulty found that community members were approachable, interested and willing to be involved during a community visit. Several comments pointed out the right of an Indigenous community to say no to a proposed project, which may cause frustration on the part of
the researcher who is required to obtain community consent from funding bodies and research organisations. There is an inherent potential for conflict between researchers and ‘gatekeeper’ organisations, either regional or local; conflicts tend to be greater when non-Indigenous staff are involved. The need for clear communication of the aims and scope of a project at the outset was an implication of one researcher’s comment that there was a misunderstanding and difference in expectations about the outcome of the project between the researcher and community members. In general, these issues serve to underline the importance of the researcher consulting carefully with the community before commencing a project.

Indigenous Involvement

In general, researchers did not raise issues under this heading, except for one who noted the complicity of researchers in hegemonic systems, presumably implying that Indigenous people have no control over research.

Execution of Projects

An issue raised here was the incompatibility of notions of time in academic and community contexts, which leads to insufficient time being allowed for the execution of projects within communities. Of particular concern was the time needed to facilitate communication in a context where the researcher does not speak the community’s language. These issues were raised in relation to a project sponsored by a research organisation which does not usually involve Indigenous communities. However, they could also be relevant in the context of academic disciplines which do not have significant involvement in research of interest to Indigenous people. As noted elsewhere in this report, funding bodies and research organisations should recognise that a lower level of resources needed for research equipment is balanced by the need for a longer period of time required for research involving Indigenous communities.

Return of Research Results to Communities

The only issue raised here by researchers was the lack of central repositories through which results of research could be returned to communities. This issue is also addressed elsewhere in this report.

Ownership of Results

The ownership of the results of research is a vexed and complicated issue which was raised by one researcher. When research is sponsored by an Indigenous organisation, ownership of the results is perhaps more clear-cut than when research is funded by a research funding body such as the
Australian Research Council or AIATSIS. A related issue is authorised access to research results, mainly audio-visual records, which are deposited in a research organisation like AIATSIS, particularly when the original owner of the material is deceased. Indigenous people often feel that there is no culturally sanctioned authorisation to permit access to and use of such material by researchers. These issues of cultural and intellectual property rights are currently the subject of a separate inquiry and need further investigation.

Research Gaps and Priorities

A general comment was that a recent trend to focus on funding research into economically related projects reflects the current non-Indigenous perspective on economic rationalism rather than Indigenous perspectives of the significance of the spiritual needs of the community. Other gaps and priorities identified were the need to:

- redress the imbalance between research on women’s roles and men’s roles, that is, more research needs to be conducted on the former, by women researchers;
- address Christian influences on Indigenous cultures as against attention solely on pre-Christian culture; and
- copy relevant materials held in overseas collections, for deposit in Australian collections and return to communities.

Summary

The responses to the questionnaire for researchers revealed that most research of interest to Indigenous people excludes Indigenous involvement from the planning process or other significant input into research projects. Most of the research projects were initiated from within the academic community and reflected the theoretical interests of the disciplines concerned. As a result, only a small number aimed to meet identified community needs. This academic orientation was reflected also in the methods adopted, most of which being strongly entrenched in particular disciplines. Most outcomes are conventional academic products (reports, articles, theses, books), probably a response to institutional requirements. For most research projects, Indigenous feedback was not planned or specifically facilitated by the researcher. Indirect, ad hoc, or intermittent Indigenous feedback is not likely to result in meaningful evaluation by those with most at stake in the research. In general, most researchers still operate in a mode which allows for little real input into the research process by the Indigenous subjects of the research.
There is a need to ensure an adequate level of community support for projects of interest to Indigenous people. Researchers expressed the difficulties of consulting with a community at a distance. They recognised that, to avoid misunderstandings, thorough community consultation is necessary before commencement of a project and that there is no substitute for a community visit. They emphasised the time needed to develop personal relationships during the conduct of the research and the need for funding bodies and research organisations to recognise this. The results of the questionnaire also indicate that there are other stakeholders in research of interest to Indigenous people. Government agencies are the predominant non-Indigenous stakeholders identified by researchers.
Section III

Detailed Analysis of 16 Projects
Selection of 16 Projects

Process

The final selection was informed by an attempt to satisfy the same eight criteria used to choose the initial 40 projects, namely a representative coverage according to region, access regime, discipline, level of funding, length of project, single or multiple researchers, institutional support, and level and type of Indigenous involvement. In addition, the selection of the 16 projects for detailed analysis was influenced by several other factors, including:

- information provided on the telephone and in a written questionnaire by researchers;
- other critical characteristics of the projects themselves; and
- responses from communities.

Questionnaires by researchers

After revising the initial selection of 40 projects, the consultants were able to obtain 37 written responses from researchers. Of these 37 responses, some were more informative than others and seemed promising for further investigation. For example, some were more forthcoming about problems in community consultation and return of research outcomes to communities. The same researchers whose projects were to be further analysed had to be available to attend a workshop following the community consultations.

Other Critical Characteristics of the Projects Themselves

In addition to the eight criteria used to select the initial 40 projects, other critical factors informed the selection of the final 16 projects. Due to the uneven representation of the four main categories of research projects identified in Stage 1 of the project in the original database, an attempt was made to include some representation of all categories. Policy-oriented research projects was one category poorly represented and this was reflected in the initial selection; however, one policy-oriented project (M. Cranney, ‘Aboriginal adult education in south eastern Australia’) was selected from the initial 40 projects and another project not in the original 40 was added to the list of 16 projects (Robbins, ‘Aboriginal people and social welfare in...’).
South Australia’). Research on topics of concern to Aboriginal and Torres Strait Islander people such as land management and heritage projects was also relatively poorly represented in the Stage 1 database. Although several in this category were included in the initial 40 projects and heritage research was well represented in the final 16 projects, projects on land management and other resource related topics of concern to Aboriginal and Torres Strait Islander people were not suitable for further investigation mainly because of the unavailability of the researcher or insufficient information on the returned questionnaires. The fourth category—research on topics of potential interest to Aboriginal and Torres Strait Islander people—was not represented in the final 16 projects for detailed analysis because the method adopted for this stage of the consultancy called for visits to communities where the research project was carried out. However, this fourth category of research was discussed at the workshop for researchers and Indigenous Reference Group members.

Responses from Communities

The strategy at this stage of the consultancy required visits to communities to consult with community members who were involved with the project and with those who may have a role in future projects (for example, Council chairpersons, representatives of other community organisations, Indigenous researchers). The availability of relevant community members influenced the selection of projects selected for detailed analysis.
Community Consultations

Process

Each researcher selected communities in contiguous areas for the purpose of visiting communities and consulting community members (particularly those who participated in the projects) about the research process. The groupings were as follows:

- Researcher 1: New South Wales and Tasmania;
- Researcher 2: Southern Western Australia, southern South Australia, Victoria, Australian Capital Territory;
- Researcher 3: Northern Northern Territory, northern Western Australia; and
- Researcher 4: Torres Strait and northern Queensland, central Australia.

A questionnaire was devised to guide the researchers in their community consultations. The general areas of consultation were as follows.

How should the initial approach be made to communities by researchers?
This involved the definition of the community as it relates to this research project and research projects in general, to whom the first approach should be made, how should it be made (telephone, mail, fax, visit by researcher), and the appropriate form of agreement between the researcher and the community.

Involvement of community members in project. Information was sought on whether community members were involved in the planning of the project, in what ways community members assisted in carrying out the project, the extent of community involvement in the compiling of the outcomes of the project, and in general what community members believe should be their role in research projects.

Feedback of research outcomes to community. Community members were asked how the researcher provided feedback to the community, whether the researcher gave copies of research outcomes to the community, whether a plain English report was provided, and in general what they felt is the appropriate feedback to communities.

Usefulness of research to communities. Community members were asked if and how the project was useful to the community, whether there were any practical outcomes, and what kinds of outcomes were felt to be useful to the community.
**Realisation of expectations of community.** Participants were asked if they were satisfied with the outcomes of the project, what other expectations they had and were they made clear to the researcher, whether the researcher made clear what the expected outcomes were to be, and whether the community would be willing for another research project to be conducted in their community.

**Issues Identified**

The following is a summary of the issues raised in all community consultations.

How Should the Initial Approach be Made to Communities by Researchers?

The definition of a community is diverse and therefore no one definition of what a community is will apply in all cases. In the Torres Strait there is no question as to what constitutes the community in most instances (that is, the people living on or with ancestral connections to a particular island). On the other hand, in the Arnhem Land centre of Maningrida, for example, several language groups are represented, each language group having several clan homeland centres. What constitutes the community in this case may be all of the people living in and served by Maningrida, the members of one language group, or the members of one clan community. There is another order of difference between what may be termed traditionally oriented areas and settled areas. In the former the community generally includes as a core group the traditional owners of the country they occupy, while in the latter the community is more likely to include a larger proportion of Indigenous people from other places. In addition, while the former usually consist of mainly Indigenous people, in the latter the Indigenous community may be a part of a larger community which includes non-Indigenous people. These differences influence the appropriate ways in which consultation should be carried out. For example, a researcher does not need to seek permission to visit a town in settled Australia, whereas permission to visit a traditionally oriented centre is usually required in advance and may even require a formal permit. However, similar consultation processes are required to work with any Indigenous community (see below). While in traditionally-oriented places traditional owners are usually more easily identified, in settled Australia responsibility is often contested and identification more problematic because of dispossession and displacement. When identifying the community to be consulted and planning the consultation strategy, researchers need to be aware of and sensitive to these differences. The
definition of community depends on the scope of the particular research project, which will influence the kind and level of consultation required.

Option: Researchers should take into account all of the factors influencing the way a community is defined in identifying the community and planning the consultation strategy which is appropriate to their project, for example, language groups, traditional owners, and the effects of dispossession and displacement.

In most local Indigenous communities there are organisations which to varying degrees and in various ways represent the community. Such organisations range from health centres to cultural centres, land councils, educational consultative groups, elders’ councils, legal aid centres and women’s centres. In many instances, each of these organisations will represent a particular power group or faction in the community and may be in dispute with other organisations. The kind of research being proposed should determine what local organisation should be approached first. Intending researchers should endeavour as well to consult with and inform as many local organisations in the research area as possible. In cases where research projects transcend local communities, umbrella or regional organisations need to be approached. For example, the Aboriginal Advisory Committee attached to the Museum of Victoria is made up of representatives of each registered Indigenous cooperative and community in Victoria. Although this Committee was set up to advise on research projects which seek to use the museum’s collections, it is an ideal body to adopt a wider advisory role on research of interest to Aboriginal people in Victoria. In some regions of Australia there are umbrella organisations which already play such a role. In some cases they require formal permission to conduct research in a local community within the area of their responsibility. The Pitjantjatjara Council in central Australia is an example of such an organisation. The role of Indigenous organisations is discussed further in chapter 13.

Option: Intending researchers should endeavour to consult with and inform as many local organisations in the research area as possible.

Option: Indigenous regional organisations should be encouraged to adopt an advisory role for proposed research projects where this role is not already being performed. Researchers should seek out the advice of such organisations where projects transcend local communities.

An approach to a regional and/or a local organisation is not always sufficient to obtain community approval for a project. Researchers should consult with community members themselves and not only the representative organisation. In many instances, the role of the organisation will be to direct and introduce the researcher to the appropriate community members for
further consultation. Researchers should be aware that confronting people without prior arrangement and introduction is not acceptable and usually counter-productive. They should organise visits for times to suit the community on the advice of the relevant organisation. Inadequate community consultation may result in inadequate research results. Further consultation with the community could take the form of a community meeting in order for researchers to introduce themselves and the research project to the wider community. In some instances, community meetings would need to be broadly advertised in an effort to maximise consultation and participation. A second preliminary visit to the community may be required. In one community, for example, it was only on the second visit that the community warmed to a project which the researcher had modified in light of community comments during the first visit. As a result of this community input at the consultation stage, the project was substantially broadened and made more productive, both for the researcher and the community.

Option: Researchers should consult with community members themselves and not only the representative organisation.

Researchers should be aware that initial consultation does not exclude the requirement for continuous development of relationships with community members. They should undertake continuous consultation in order to maintain an ongoing relationship with the community. Indigenous people stressed the need for ongoing consultation and negotiation during research projects for a number of reasons which do not necessarily reflect their desire to exercise control and censorship over research. They may wish to ensure that there is nothing which constitutes a breach of trust, causes embarrassment, shames them, is used in a way which may disadvantage them, or which has become sensitive because the situation has changed. While some members of the community may feel the need for a formal agreement, developing trust through personal relationships is also necessary.

Option: Researchers should undertake continuous consultation in order to maintain an ongoing relationship with the community.

Involvement of Community Members in Project

In the community consultations, it was made very clear that local community members want to be involved in research projects. In planning a research project, researchers should consider ways to ensure maximum involvement of community members in carrying out the project. For example, in an archaeology project researchers should plan to employ community members as excavation assistants; in a history project community members may be employed to assist in collating documentary
evidence from archives, libraries and other information sources; in an
ethnomusicology project community members may be employed to record
community musicians. When involving community members in research
activities researchers should endeavour to include a training component
which may be one of the more useful outcomes of the project for the
community.

Option: In planning a research project, researchers should consider
ways to ensure maximum involvement of community members in
carrying out the project.

Option: In involving community members in research activities,
researchers should endeavour to include a training component.

One way of ensuring meaningful involvement of community members in a
research project is to establish a formal monitoring arrangement. During the
community consultations this idea surfaced in different forms and was given
various names, for example, establishing a reference group, having a buddy
or mentor arrangement, or establishing a research monitoring committee.
Such mechanisms may be established at either local or regional levels.
Researchers working in a local community should ensure the establishment
of a steering committee. A steering committee would be responsible for
negotiations between researchers and families or individuals and, as such, be
in a position to protect the interests of all parties. The researcher would be
able to negotiate and resolve any problems or issues that may arise in
carrying out the project with the steering committee. Such an arrangement
could prevent unintentional inappropriate behaviour on the part of the
researcher, such as collecting sensitive material inadvertently, using material
inappropriately, or straying into restricted areas. Regular reports could be
made to the steering committee, which can then be responsible for making
research results available to the whole community. Any changes to the
project, including proposed outcomes and the forms of their dissemination,
can be negotiated with the steering committee. A steering committee can
have a continuing role beyond the formal conclusion of the project so that
researchers can continue to have a point of reference in the community.
Regional, State or Territory Indigenous organisations should be encouraged
to establish a research monitoring body that would operate on a continuing
basis. Such a body would be responsible for monitoring ongoing research in
the region, facilitate Indigenous input into the establishment of research
priorities, advise researchers on the selection and planning of projects, act as
a steering committee for projects with a regional scope, and adopt research
protocols or guidelines which are appropriate to the region.

Option: Researchers working in a local community should ensure the
establishment of a steering committee.
Option: Regional State or Territory Indigenous organisations should be encouraged to establish a research monitoring body that would operate on a continuing basis.

Feedback of Research Outcomes to Community

Usually the final outcome of a research project is compiled after the researcher has left the community. In some cases, it is important that community members have an opportunity to review and discuss research results in draft form before finalisation. There is no suggestion of censorship or veto of results. Rather the intention is to allow community members to correct any misinformation, contribute missing information, offer opinions to the researcher and generally making people feel involved in the research as participants, not just subjects, right up to the end. This requires a return visit to the community by the researcher which should be planned and budgeted for. Researchers should be encouraged to present the draft results in a community workshop to facilitate discussion.

Option: When appropriate, a return visit to the community that is planned and budgeted for should be made by the researcher to review and discuss research results with community members.

In addition to the formal results of the research (for example, a thesis, report to the funding body, book, article), final outcomes should be returned to the community in an appropriate and accessible form. Written material should be presented in plain English (Plain English Report), and audio-visual presentation is often preferable to written presentation. If a return visit is not required to present draft results, the final results should be returned in person.

Option: In addition to the formal results of the research (for example, a thesis, report to the funding body, book or article), final outcomes should be returned to the community in an appropriate and accessible form.

Early in the life of the project researchers should negotiate with the community on the place where research results will be deposited. Communities in general like to have research results deposited in a place which is easily accessible to community members, such as a local keeping place, a school library, the local council building, or other community organisation. In addition, it is important that researchers return relevant material to individuals who have played a significant role in the project. AIATSIS was generally viewed favourably as a place where research results should be deposited for long-term management under optimal conditions.
Option: Early in the life of the project researchers should negotiate with the community on the place where research results will be deposited.

Usefulness of Research to Community

Usefulness of research can have a very broad range of meaning—from strengthening a sense of cultural identity to improving employment opportunities. The kind of research project being proposed will determine the nature of its usefulness. Immediate usefulness is not necessarily a measure of community support for a project. For example, an archaeological project near Toomelah, New South Wales was supported by the community primarily because of people’s interest in cultural history and its implication for cultural identity and pride, although the employment of community members in the project was also a more practical benefit. Another kind of cultural research was exemplified in two projects in the Torres Strait where local communities were very supportive of projects to record and document traditional songs because of their importance for cultural maintenance and transmission. On the other hand, a project whose aim was to make policy recommendations to improve adult education outcomes among Indigenous people in south eastern Australia was supported, not because of direct benefits to the participants in the project, but for the long-term implications for policy-making in this area. In some cases usefulness may be a matter of contributing to the education of non-Indigenous people about Indigenous culture and history.

All research projects have an intellectual component and Indigenous people are no less likely to be interested in a project for this aspect than anyone else, particularly if the project is about their own community, culture or history. Although usefulness is one criterion for community support for a project, it is not the only one.

Researchers should consider the usefulness of the project to the community at the planning stage and further negotiate the issue at the first community consultation. Usefulness may include direct practical benefits such as local employment as research assistants, paying informants, providing vehicle access, the acquisition of new skills and knowledge, as well as less immediate benefits.

Option: Researchers should consider the usefulness of the project to the community at the planning stage and further negotiate the issue at the first community consultation.
Realisation of Expectations of Community

Methods of research should be negotiated and agreed upon with the community during the initial consultation, and any variation in method should be renegotiated before implementation. Community members are generally aware and accept that methods may change as the project evolves. Nevertheless, they have an understandable desire to be kept informed and consulted about such changes.

Option: Methods of research should be negotiated and agreed upon with the community during the initial consultation, and any variation in method should be renegotiated before implementation.

Researchers should identify and discuss expected outcomes of the project during the initial visit to the community. As with changes to methods, community members should be informed of any changes to outcomes in the course of the project.

Option: Researchers should identify and discuss expected outcomes of the project during the initial visit to the community.

A problem identified in Indigenous communities was the lack of researchers’ cultural awareness acquired directly from Indigenous people. Although researchers may have received indirect training about Indigenous culture, they often lack direct experience with Indigenous people. Indirect training in cultural awareness was not considered enough cultural preparation for a researcher to work in an Indigenous community. New researchers, or researchers proposing to work in a new area, should participate in cultural awareness training relevant to the community in which they expect to work. This could take the form of a language course taught by a native speaker, such as those offered by the Institute for Aboriginal Development in Alice Springs. Or it may be more appropriate to participate in a workshop conducted by the Indigenous studies centre in their university. Provision on research grant application forms could be made for researchers to indicate what steps they have taken to undertake cultural awareness training relevant to the community in which they propose to carry out research.

Option: New researchers, or researchers proposing to work in a new area, should participate in cultural awareness training relevant to the community in which they expect to work.
Workshop for Researchers and Indigenous Reference Group Members

Process

The researchers who conducted the 16 selected projects were invited to a one-day workshop on Monday, 10 November 1997, to discuss issues relevant to the consultancy. The workshop followed the conclusion of the community consultations. Members of the Indigenous Reference Group decided to attend the afternoon session of the workshop. Participants were as follows.

Researchers

H.R. Lawrence (Project 1) R. Broome (Project 27)
F.A. York (Project 3) J. Marcus (Project 28)
S. Kleinert (Project 5) D. Roberts (Project 33)*
R. Poignant (Project 8) B. Bond (Project 34)*
Murray Garde (Project 12) M. Cranney (Project 35)
S. Kinnane (Project 22)* W. Beck (Project 37)
L. Marsh (Project 22)* A. Harris (Project 40)*
B. Egloff (Project 24)

Indigenous Reference Group

G. Briscoe* K. Schilling*
R. Bancroft* A. Garwood*

AIATSIS Staff

G. Boeck (Research Assistant) B. Hausia* (Research Assistant)
T. Donaldson (Research Fellow) G. Ward (Research Fellow)
M. Edmunds (Research Director) S. Wild (Research Fellow/Project Coordinator)
D. Edwards* (Research Fellow)
G. Gray (Research Fellow)

Australian Research Council

F. Rose

* = Indigenous

The agenda for the workshop was derived from issues identified in the project brief and highlighted by the project Steering Committee at its
meeting on 19 September (see letter of 2 October 1997 from Professor M. Clunies Ross). The agenda was as follows:

Morning Session

1. Contacting communities, agreement on outcomes, and dissemination of results
Many research funding bodies and Indigenous communities and organisations have the established requirement that a researcher contacts the community in which the research is proposed to be carried out to obtain prior community approval for the project. What constitutes appropriate community approval, from whom should approval be obtained, how should it be obtained, and what should be the content and form (verbal, written, contract) of the agreement (for example, agreement on outcomes, dissemination of results)?

2. Conception, planning and execution of projects
How are research projects conceived? How are priorities established? Consider the following: planning of appropriate methods, consideration of research ethics, consultation with colleagues in the research community and consultation with Indigenous communities and organisations.

3. Selection processes
Regarding the criteria and processes for selection of projects to be funded, how should criteria be established, what factors should be considered, who should make decisions? Should funding bodies establish priorities and if so, how?

4. Gaps in research and research funding
Considering neglected areas of research and potential new sources of funding, who should identify gaps in research and how should the process of identification be carried out? Who should be responsible for informing the research community of gaps in research and how should this informing process be done?

Afternoon Session

5. Summary of morning session

6. Return of research results
Who owns the results of research? How and in what form should research results be returned to communities and to whom should the results be returned? What responsibility does the researcher have to include return of research results in the planning and execution of the project?
7. Definitions of ‘community’ and ‘of interest to ...’
How is ‘community’ defined for such purposes as ‘community consultation’ and ‘community involvement’? How does one ensure inclusion of all parts of the community? How can research be defined as ‘of interest to Aboriginal and Torres Strait Islander people’?

8. Impact of research on Aboriginal and Torres Strait Islander communities
Should the potential impact of a research project be assessed as part of the selection process? What kinds of impacts should be considered? Should the actual impact of research projects be assessed after the project is completed? How should such an assessment be made and who should conduct the assessment? How should impact assessments be disseminated?

9. Gaps in research

10. Summary of day’s discussion

Background materials sent to Workshop participants were as follows:
- workshop agenda
- project description
- project tender
- copy of letter from Steering Committee
- list of issues identified from initial evaluation of 40 projects
- list of projects selected for intensive analysis

Participants were divided into three groups in the morning and four different groups in the afternoon, ensuring Indigenous and staff representation in each group. The morning groups reported back at the beginning of the afternoon session to enable the Indigenous Reference Group members to hear them. The afternoon groups reported back at the end of the afternoon session. Group reports were tape-recorded and detailed notes were taken by one of the research assistants. Detailed notes were also taken by staff members during group sessions.

Issues identified

Contacting Communities, Agreement on Outcomes and Dissemination of Results

Because communities are diverse, there also has to be a diversity of approaches. Researchers should identify the relevant process operating in the community. For example, a local organisation may not represent
everyone in the community, different kinds of projects require consultation with different groups of people, a regional study will require contacting a peak regional body such as a museum or heritage organisation. Written agreements are not always appropriate; while an agreement with a peak body will normally be in written form, agreement at a local level may be less formal. Researchers should include an account of their negotiation and consultation with the community. Funding bodies and institutional ethics committees need to be made aware of these differences. Basic protocols need to be developed to inform researchers, funding bodies and institutional ethics committees about appropriate levels and kinds of community consultation and approval.

Option: The Australian Research Council should adopt basic protocols to inform researchers, other funding bodies and institutional ethics committees about appropriate levels and kinds of community consultation and approval.

Research projects should consist of three stages. Stage 1 is a preliminary visit to establish community relationships and trust in the researcher, explain the proposed project and seek community approval to carry it out. Stage 2 is the conduct of the project, assuming community approval has been obtained. Stage 3 is a return visit to present draft results of the project. Stage 1 may be shortened to explaining the project and seeking community approval if the researcher has a long-standing relationship with the community. To avoid raising false expectations, approval of funding in principle for the project needs to be given before Stage 1 for researchers who are new to the particular community. It should be the responsibility of the researcher to ascertain the appropriate means of conveying community approval to the funding body. Final approval of funding, including funding for the preliminary visit, should follow the obtaining of community approval without the researcher needing to make further application.

Option: Research projects should consist of three stages: a preliminary visit to the community to obtain approval, the conduct of the project, and a return visit to present draft results for comment.

Option: To avoid raising false expectations, approval of funding in principle for the project needs to be given before a preliminary visit to the community. Final approval of funding, including funding for the preliminary visit, should follow the obtaining of community approval without the researcher needing to make further application.

Research results as negotiated with the community should be returned in an appropriate and accessible format. Written materials should be left with the community, but researchers should also provide an oral explanation of results.
Option: Research results as negotiated with the community should be returned in an appropriate and accessible format.

Initial approval by a community should include agreed outcomes. However, research projects are dynamic and often change their purpose and focus. Despite having initial agreements on outcomes, they usually need to be renegotiated as the project proceeds. In such cases, new verbal or written agreements will need to be negotiated.

Option: Researchers should negotiate new verbal or written agreements if the purpose and focus of a project change after an initial agreement is made with a community.

Conception, Planning and Execution of Projects

Serendipity plays a major role in how people actually work out their research interests. Indigenous communities approach researchers to carry out projects, therefore research projects are also influenced by what communities see as being important. New research projects also arise out of current research projects.

Research is also carried out by researchers other than social scientists, who may not take into account or be aware of the implications of their research for Indigenous communities. Research funding bodies should require researchers to assess these implications by including relevant questions in the funding application form.

Option: Research funding bodies should require researchers to assess the implications of their research for Indigenous people by including relevant questions in the funding application form.

People doing postgraduate research in some disciplines—such as art history, history, cultural studies—often have no adequate supervision or understanding of the protocols required to work in Indigenous communities. The Australian Research Council should ensure that postgraduate research students proposing to work in Indigenous communities are supervised by researchers with adequate experience in Indigenous communities and are familiar with the protocols available for such research.

Option: The Australian Research Council should ensure that postgraduate research students proposing to work in Indigenous communities are supervised by researchers with adequate experience in
Indigenous communities and are familiar with the protocols available for such research.

Medical issues rather than social issues have largely informed and influenced the way that institutional ethics committees work. While there is a general level of agreement among social researchers on research ethics (particularly within disciplines which have their own codes of ethics), there is a need for an agreed code of ethics for all research of interest to Aboriginal and Torres Strait Islander people. This is of special importance to independent researchers who have no institutional guidance on research matters. It is suggested that the Academies of the Humanities and Social Sciences, in addition to other relevant organisations, be asked to consider the adoption of such a code.

Option: The Academies of the Humanities and Social Sciences and other relevant organisations should adopt a code of ethics for all research of interest to Aboriginal and Torres Strait Islander people.

Research in Indigenous communities can often be a very slow process, with the best research requiring time to develop personal relationships with community members. This is time-consuming and therefore often expensive. Researchers often find themselves under pressure from funding bodies and research organisations to limit time-related expense. In general, research in Indigenous communities is inexpensive in terms of technical equipment, but this is balanced by a need for an investment in the development of relationships which underpins the research. Funding bodies and research organisations need to be flexible about and supportive of this kind of research, taking into account the time required to carry it out and the resultant cost.

Option: Funding bodies and research organisations should be aware of the time needed to develop the personal relationships with community members which underpin research in Indigenous communities. Time-related costs should be balanced against technical costs in other research areas.

Issues related to the ethics of research of interest to Aboriginal and Torres Strait Islander people could be addressed by the formation of equal partnerships between research organisations and Indigenous communities. The Australian Research Council's Strategic Partnerships with Industry-Research and Training (SPIRIT) Scheme (incorporating the former Collaborative Research Grants Scheme) could be extended for this purpose. A research organisation, such as a university, may consider developing a joint agreement with an Indigenous community, facilitating the development
of an ongoing relationship between them, including employment schemes, education and training programs, and scholarships for community members.

Option: Research organisations should be encouraged to develop partnerships or joint agreements with Indigenous communities which facilitate research in return for providing community access to benefits such as employment, education and training, and scholarships.

Option: The Australian Research Council should extend the Strategic Partnerships with Industry-Research and Training (SPIRT) Scheme (incorporating the former Collaborative Research Grants Scheme) to involve the idea of equal partnerships between Indigenous communities (as well as Indigenous organisations) and research organisations.

Selection Processes

A better balance needs to be struck between Indigenous needs and priorities, on the one hand, and international and national academic agendas, on the other. Selection processes should include reference to criteria such as relevance to Indigenous communities, usefulness of the outcomes and processes by which negotiations with the community are conducted.

Option: Priorities and selection processes should reflect Indigenous priorities and needs as well as academic research agendas.

Option: In the selection of projects to fund, the Australian Research Council should include reference to criteria such as relevance to Indigenous communities, usefulness of the outcomes and processes by which negotiations with the community are conducted.

Researchers in the area of Indigenous studies highlighted the difficulty of accessing Australian Research Council Large Grants. There is more likelihood of researchers in this area being awarded Small Grants through the university structures or grants from AIATSIS which also tend to be small by comparison with ARC Large Grants. The Australian Research Council should review its selection process for grants in the area of Indigenous studies, with the aim of increasing the share of research funds.

Option: The Australian Research Council should review its selection process with the aim of increasing the proportion of research funds available in the area of Indigenous studies.

Greater attention needs to be given to publicising the outcomes of research projects and less attention to the announcing of research grants. It is
suggested that research funding bodies publicise research results and pay less attention to the awarding of the means of doing research.

Option: The Australian Research Council should give greater attention to publicising the outcomes of research projects and less attention to announcing research grants.

Gaps in Research and Research Funding

Research gaps are identified through a variety of means—by researchers as a normal part of the scholarly process, through community processes, as a by-product of the preparation of native title claims, by committees responsible for awarding research grants during the process of sifting applications. The selection of research projects is an organic process which grows out of a changing framework of intellectual endeavour and changing ideas. It is important that identification of research gaps not become too mechanical. There should be a process for all stakeholders—communities, individuals, researchers, organisations—to have input into defining gaps. Research gaps should be publicised among the research community and should be included in the information on the grant application process each year. An organisation with links to communities should be responsible for ensuring that all stakeholders contribute to the process.

Option: An organisation with links to communities should be responsible for ensuring that all stakeholders contribute to the process of identifying gaps in research of interest to Aboriginal and Torres Strait Islander people and for encouraging applications in the areas identified.

There is no shortage of research needs in the field of Indigenous studies. What is required is a process of matching research issues and researchers able to address these needs. A database of current research and research needs should be established and maintained, with input from researchers, Indigenous centres in universities, other Indigenous organisations and research organisations. The database should include projects that were both successful and unsuccessful in attracting funding, as unsuccessful applications also identify gaps in research. Universities and other research organisations should report annually on research of interest to Aboriginal and Torres Strait Islander people. A regular summit to review research undertaken and to identify research priorities could be organised by a peak research funding body such as AIATSIS or Australian Research Council.

Options: The Australian Research Council should ensure the establishment of a database of current research and research needs and organise a regular summit of stakeholders including representatives of
Indigenous organisations to review research and to identify research priorities.

Return of Research Results

It is the responsibility of the researchers to return results to the community. Initial negotiations with the community should determine who receives the results, how many copies and what formats. In addition to formal results which are usually in written form, it may be appropriate to return results in more accessible forms which may include a Plain English Report, audio-visual material and possibly by using the Internet. It is often appropriate to run a workshop for the community to explain results.

Option: It is the responsibility of the researchers to return results of research to the community.

Option: Initial negotiations with the community should determine who receives the results, how many copies and what formats.

The results of research should be deposited in accessible institutions with provision for maintaining cultural collections, for example, local keeping places and/or national institutions. It is the responsibility of researchers to ensure that their material is deposited in a place where it will be well maintained and curated and accessible to other people.

Option: The results of research should be deposited in accessible institutions with provision for maintaining cultural collections, for example, local keeping places and/or national institutions.

Considering the current debate over who owns the results of research, the distinction between copyright and rights over intellectual property should be kept in mind, namely, that researchers own copyright over research results but that common law rights over intellectual property on which the results are based remain with the original owners. The ownership of research results should be clarified by the researcher in the initial negotiations with the community.

The allocation of rights over research results between researchers and sponsoring research organisations should also be explained to the community. The resolution of this issue adopted by AIATSIS is to accord equal, non-exclusive rights between the parties. The whole area of copyright and intellectual property rights as they apply to Indigenous people in Australia is currently the subject of review under the auspices of AIATSIS, and a final report is imminent.
Option: The ownership of research results, including the allocation of rights between the researcher and the sponsoring research organisation, should be clarified by the researcher in the initial negotiations with the community.

Definitions of ‘community’ and ‘of interest to’

Any definition of ‘community’ needs to include all parts of the community relevant to the scope and purposes of the research project. The community might be a family, a region (south eastern Australia, for example) or a city. It is the responsibility of the researcher to identify the relevant community. Community consultation should be as wide as possible. Consulting a local organisation does not necessarily mean all components of the community have been adequately consulted. Any individual or group that could claim an interest in the research area has a right to be consulted. Funding should be adequate for the purpose of identification of and consultation with the community.

Option: The researcher is responsible for the identification of and consultation with the community relevant to the scope and purposes of the research project and should ensure that this process is adequately budgeted for in the research grant application.

A requirement for a researcher to answer yes or no to the question of whether community consultation has or will be adequately undertaken is not sufficient guarantee. A research funding body like the ARC might follow a question about whether the proposed research is of interest to (or relevant to) Aboriginal and Torres Strait Islander people with a direction to guidelines on this and other matters which the applicant is required to consult and follow. It should be the responsibility of the sponsoring research organisation to ensure that the guidelines on consultation have been observed before the release of funds to the researcher.

Option: The Australian Research Council should direct the attention of an applicant to guidelines on community consultation and other matters relevant to research of interest to Aboriginal and Torres Strait Islander people. It should be the responsibility of the sponsoring research organisation to ensure that the guidelines on consultation have been observed before the release of funds to the researcher.

Participants in the workshop generally found the expression ‘of interest to Aboriginal and Torres Strait Islander people’ not very useful. Phrases that were preferred included ‘things of contemporary concern’, ‘of relevance to’,
and 'of potential impact on and usefulness to'. Issues identified included the reclaiming of histories, languages (maintenance, revival, recording of, and so on), identities, finding heritage, native title, education. The Australian Research Council should make provision on the grant application form to identify whether a project is particularly relevant to Indigenous people and, if so, refer applicants to guidelines describing community consultation.

Option: The Australian Research Council should make provision on the grant application form to identify whether a project is particularly relevant to Indigenous people and, if so, refer applicants to guidelines describing community consultation.

Impact of Research on Aboriginal and Torres Strait Islander Communities

There are clearly potentially negative impacts of research, for example, its intrusiveness in communities, as well as potentially positive impacts or benefits. It should be the responsibility of funding bodies and research organisations such as the Australian Research Council, AIATSIS and universities to inform researchers about the potentially negative impacts, and Indigenous people about the potentially positive impacts or benefits of research. The Australian Research Council should include in its grant application form a question about how the project will benefit Aboriginal and Torres Strait Islander people, which should follow the question on whether the project is relevant.

Option: Funding bodies and research organisations such as the Australian Research Council, AIATSIS and universities should inform researchers about the potentially negative impacts, and Indigenous people about the potentially positive impacts or benefits of research.

Option: The Australian Research Council should include in its grant application form a question about how the project will benefit Aboriginal and Torres Strait Islander people, which should follow the question on whether the project is relevant.
Section IV

Research Organisations and Indigenous Organisations
Consultations with Research Organisations

Process

Among the key tasks of the project was a requirement to consult research organisations. The object was to 'gain an insight into their approach to research in this area, including the conception and execution of projects and the dissemination of results [and to] identify what researchers and research organisations see as gaps in this area.'

To this end, approximately 50 research organisations were identified as potentially conducting research 'of interest to Aboriginal and Torres Strait Islander people.' These organisations fall into the following categories: non-government organisations with an interest in Aboriginal and Torres Strait Islander topics, Commonwealth, State and Territorial bodies, museums and galleries, and university departments and Indigenous centres.

Organisations Included in Consultations

Of the approximately 50 research organisations identified and contacted, 30 responded either by telephone, by e-mail or in person. Of these, seven were Indigenous centres within universities. The following organisations responded.

- Aboriginal Education Council (NSW)
- Aboriginal Law Bulletin
- Aboriginal Areas Protection Authority (NT Government Statutory Authority)
- Aboriginal Tourism, Melbourne
- Anthropology Department, Northern Territory University
- Centre for Aboriginal Economic Policy Research, ANU
- Council for Australian Post Graduate Associations
- Australia Council
- Australia Council for Educational Research
- Australian Heritage Commission, Aboriginal and Torres Strait Islander Section
- Australian Institute of Criminology
- Environment Australia

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Museums and Art Galleries of the Northern Territory, Darwin
National Cultural Heritage Committee
North Australian Research Unit (NARU, a unit of ANU Research School of Pacific and Asian Studies)
Parks and Conservation, Northern Territory
Australian National Botanic Gardens
Arts South Australia, Division of Arts Industry Development
Australian Museum
Museum of Victoria
National Gallery of Victoria
Museum of South Australia
Tasmanian Museum
Centre for Indigenous Development, Education and Research, University of Wollongong
Aboriginal and Torres Strait Islander Studies Unit, University of Queensland
Wollotuka Aboriginal and Torres Strait Islander Education Centre, University of Newcastle
Riawunna, Centre for Aboriginal Education, University of Tasmania
Postgraduate Program in Aboriginal Studies, Curtin University
Centre for Indigenous Natural and Cultural Resource Management, Northern Territory University
Ooralla Centre, University of New England.

The topics of discussion were:

- contacting communities, agreement on outcomes, and dissemination of results;
- conception, planning and execution of projects;
- selection processes;
- gaps, discrepancies and anomalies in the body of research;
- return of research results;
- definitions of ‘community’ and ‘of interest to ...’; and
- impact of research on Aboriginal and Torres Strait Islander communities.

Raw results of discussions with research organisations are analysed below.
Issues identified

Contacting Communities, Agreement on Outcomes, and Dissemination of Results

When research is conducted in a relatively small community, permission should be sought from all of the community. When the research involves a large group, permission needs to be obtained from the appropriate elders and community administrator. Agreements between communities and researchers should include agreement over dissemination of results and may take the form of a contract. In all instances the Indigenous community has the right to be fully informed about the proposed research, including its potential impact, its purpose, how much it is likely to intrude upon their lifestyles, as well as knowing what will be done with the results.

Appropriate community approval depends upon the scope of the research project, for instance whether it has national, regional or only local application. The scope would determine from whom approval should be obtained. For example, approval for a national project could be determined by the organisational structure of the national body most relevant to the research project and would normally be sought and obtained in writing. In the case of a research project in a local Indigenous community, approval may be obtained from a local representative body following a presentation to the local community. In such cases, the researcher is likely to be known to the community and approval probably given by consensus.

Funding of research should be based on the premise that Indigenous communities and/or Indigenous organisations have perceived the need for research and wish to sponsor it. This places the Indigenous community in a position of greater power to control the research process.

Indigenous communities and organisations desire more control over the dissemination of research outcomes, including the most appropriate means of communication, that is in written plain English, native language, verbal, audio-visual, via meetings at community level, or via more traditional means of disseminating research results. They suggested that the dissemination of research results might need to involve one or more of these methods to meet the needs of varying audiences.

It is recognised, however, that the consultative process should ensure that the quality and validity of the research is not compromised. This is especially the case if the findings are unpalatable to the community. The research process must be unbiased, as well as culturally appropriate, as defined by the Indigenous group involved.
Conception, Planning and Execution of Projects

Research organisations are easily classified as either routinely undertaking research projects or having a single project they consider of interest to Indigenous people. In the former instance, mechanisms to allocate research funds generally involve the governing body setting research priorities. Occasionally these organisations have Indigenous sub-committees with oversight of the origination or execution of projects.

Commonwealth bodies contacted all had governing bodies which set research priorities and were most likely to conduct ongoing research with permanent staff. State and non-government organisations generally followed suit but were less likely to have permanent staff members conducting research. Where research projects were undertaken, they preferred to hire temporary staff rather than contract research by tender. In those instances in which research projects were unusual, they forwarded the topic to their executive body for consideration prior to applying for external funding for the project. Although the governing body did not set research priorities, they did oversee the project.

In those museums and galleries with a current staff member responsible for Indigenous material, governing bodies set the research priorities. Museums and galleries generally tailor their research to the requirements of a particular object, performance or display, with the research being undertaken by staff. More than other research organisations, museums, galleries and botanic gardens actively seek external funding.

Commonwealth bodies are significantly more likely to operate under explicit research protocols, many of which specifically address Indigenous concerns. Other government bodies generally adopt research protocols from other organisations. Surprisingly, State and Territory museums and galleries rarely work under explicit protocols despite frequent community-based consultation and a desire to increase community involvement. In only two cases did research require initial community consultation prior to commencing the research project. Nonetheless, strong relationships with Indigenous communities were mentioned or aspired to. Museums, galleries and gardens expressed this intention with some vigour.

Non-government organisations were more likely to have infrequently occurring or one-off research projects. In these cases, no Indigenous oversight was likely and research protocols were informal. They did, however, contact involved communities during the planning of the research. In fact, they saw their relationships with these communities as a necessary part of the conception and execution of the project. The topics were derived from national issues related to their charter, for example, Aboriginal and Torres Strait Islander literacy. They considered the research feasible because of personal networks with their constituent bodies, in this case
schools with exemplary literacy programs and some Aboriginal and Torres Strait Islander students in attendance.

Indigenous centres in universities considered that it is paramount that the conception of the research is a high priority for the community/ies involved, and that the communities should be able to see real benefits for themselves from the outcomes of the research. Indigenous people should manage all of the research processes, including the origination of research concepts and management of their conduct, planning and execution, drawing on specialist non-Indigenous advice as required. The establishment of an Indigenous Reference Group is one way of ensuring Indigenous input. It also needs to be highlighted that Indigenous communities and organisations maintain the right to withdraw from any research project at any time if the study proves to be too invasive.

Some research projects are conceived jointly by communities and researchers, but this is a fairly new phenomenon as it used to be that a non-Indigenous researcher chose a research topic depending on their interest and then formulated a joint arrangement with a community. The process should be a partnership between the specialist researcher and the community. It would be preferable if an Indigenous research institution such as AIATSIS were to act as watchdog over all projects that have the potential to affect communities.

**Option:** Commonwealth agencies should be required to implement research protocols generally applicable to research of interest to Aboriginal and Torres Strait Islander people.

**Option:** The Australian Research Council should identify as exemplary successful or best practice methods in research organisations.

**Option:** Institutions devoted to public patronage can ensure community involvement by using Indigenous community reference groups in the conduct of their research.

**Option:** Organisations need a means of disseminating information regarding the existence of pertinent research, including presentation to an Indigenous audience.

**Option:** When a research organisation which does not routinely undertake research of interest to Aboriginal and Torres Strait Islander people engages in such research, it should appoint an Indigenous advisory group in order to ensure that appropriate research protocols are followed.
Selection Processes

Indigenous centres in universities emphasised the benefits to communities and the equitable distribution of projects throughout Australia. One centre proposed an Indigenous committee whose major responsibility would be to monitor and develop Indigenous research ethics and oversee all current and past research of interest to Aboriginal and Torres Strait Islander people. A standing committee to monitor research of interest to Aboriginal and Torres Strait Islander people could complement a triennial summit to review research on a regular basis.

Option: The Australian Research Council should establish a standing committee to monitor research of interest to Aboriginal and Torres Strait Islander people.

Gaps, Discrepancies and Anomalies in the Body of Research

Apparently research organisations found it difficult to identify gaps in research or potential areas of further research since of a number that asked for further time to respond only one did. Those research organisations which have undertaken one-off projects have uniformly found these projects worthwhile. Simultaneously, these projects revealed areas of research which they felt called for further examination. As mentioned above, non-government organisations were most likely to engage in one-off research projects. Despite engaging in research on a specific object, or for a display or performance, museums, galleries and botanic gardens suggested gaps that had relevance quite beyond these immediate needs. The following is a list of the research gaps research organisations explicitly mentioned:

- register of scholarships suitable for Aboriginal and Torres Strait Islanders;
- the role supervision plays in the success of Indigenous postgraduate students;
- the nature of cultural differences impeding Indigenous postgraduate students;
- teaching and assessment methods appropriate for Aboriginal and Torres Strait Islanders;
- the degree of English language and literacy in Indigenous communities and homes;
- the extent, causes and demography of poverty;
- the effects of socio-economic disadvantage and housing, health, employment, education and personal relationships;
• the expectations of international travellers visiting Aboriginal and Torres Strait Islander cultural venues;
• Aboriginal artists’ biographies, community context, market structure, international tourists and export market;
• Indigenous methods of wildlife management;
• cultural and intellectual property;
• the relationship with land and native title in south eastern Australia;
• Indigenous textiles;
• current understanding of Tiwi culture;
• human remains identification;
• social history of identified regions;
• Aboriginal rights movement within identified regions;
• horticultural tools and plant use especially for schools;
• research implications of the recommendations of the Royal Commission into Aboriginal Deaths in Custody; and
• research implications of the recommendations of the National Inquiry into the Removal of Aboriginal and Torres Strait Islander Children from their Families.

Option: The Australian Research Council should foster single-issue, one-off research projects carried out by organisations that do not frequently conduct such research as a means of identifying gaps in the research record and engaging such organisations in research of interest to Aboriginal and Torres Strait Islander people.

Only one of the Indigenous centres in universities actually identified research implications of the recommendations of the Royal Commission into Aboriginal Deaths in Custody and the National Inquiry into the Removal of Aboriginal and Torres Strait Islander Children from their Families. Otherwise, they proposed means of identifying gaps on a regular basis, in common with most other research organisations.

It was suggested that although the Indigenous centre within each university will actively search out its own research opportunities, a politically neutral clearing house for research of interest to Indigenous people could prove to be beneficial to all Indigenous researchers. It was further suggested that AIATSIS would be the most obvious body for this purpose. Major research organisations such as AIATSIS and the Australian Institute of Criminology need to more widely publicise their research programs and opportunities for funding in Indigenous communities and Indigenous research centres and organisations.
Option: The Australian Research Council should ensure the establishment of a database of current research and research needs.

Option: The Australian Research Council should identify an organisation with links to communities to be responsible for ensuring that all stakeholders contribute to the process of identifying gaps in research of interest to Aboriginal and Torres Strait Islander people, and for encouraging applications in the areas identified.

Major criticisms were leveled at the lack of co-ordination of and Indigenous input into the whole research-funding field. Money can be obtained from a diverse range of organisations, each having different selection criteria. There needs to be more scope to ensure the maintenance of appropriate research ethics and Indigenous input into decisions affecting funding and conduct of research.

Return of Research Results

University Indigenous centres believed that a community at least has a right to be informed of the results of research conducted in the community, particularly if it is likely to have a significant impact on them. Some would argue that the community has a right to determine their wider dissemination and publication if the impact is likely to be negative. Additionally, they raised the issue of Indigenous intellectual property rights, currently the subject of considerable discussion. The outcomes of this debate should determine the allocation of rights over the results of community-based research.

Rights over research results and the cultural appropriateness of the means of their dissemination must be negotiated and clearly defined prior to the commencement of the research project. Researchers should feel bound by any agreement negotiated, which may include a formal contractual arrangement. Although the ownership of research results is shared among several stakeholders (researcher, community, funding body, publisher, sponsoring research organisation), the researcher has a responsibility to return results to the community. This should be an essential component of any project.

Other centres argued that if research projects are conceived and carried out collaboratively, the results of research should be owned collectively. The format in which research results are returned to communities will be determined by the scope of the projects themselves, for example, projects carried out in collaboration with national, state/territory or regional peak bodies may only require written reports, while projects conducted at a local or community level may also require face-to-face presentations.
Option: The ownership of research results, including the allocation of rights between the researcher and the sponsoring research organisation, should be clarified by the researcher in the initial negotiations with the community.

Option: Research results as negotiated with the community should be returned in an appropriate and accessible form.

Definitions of ‘community’ and ‘of interest to’

University Indigenous centres reported that these definitions are complex issues and depend on who is asked and the context in which it is asked. For practical purposes, the community may be taken to be largely represented by key organisations at national, state/territorial, regional or local levels depending upon the scope of the project. Ultimately, the definition of community must be left in Indigenous hands.

One centre noted that the definition of a community for a particular purpose can take time, particularly in urban situations where it is difficult to ensure inclusion of all parts of the community. In some urban areas, such as Brisbane and Canberra, the Indigenous population is very dispersed. For consultation to be effective in such cases, the widest possible publicising and networking is required.

Indigenous centres pointed out that the term ‘of interest to’ needs time to emerge and be more closely defined. At this stage of limited Indigenous involvement in research, Indigenous people want to know as much as possible about research that in any way affects Indigenous people. Until Indigenous people can witness the diversity of current and past levels of research, they will not be in a position to define what is or is not of interest. This will be an emerging process as Indigenous people gain access to the detail of research undertaken for or on behalf of Indigenous people.

Option: The Australian Research Council has a responsibility to inform Indigenous communities about research that may be of interest to them.

Impact of research on Aboriginal and Torres Strait Islander communities

University Indigenous centres agreed that the potential impacts of any research should be considered and assessed during the selection and evaluation of potential projects. It is important that the community clearly
understands the potential impacts. It may be difficult in more traditionally-oriented communities where English is spoken as a second language and reliance on the goodwill of the researcher is more important than formal processes.

The kinds of impacts that need to be considered include personal detriment, cultural intrusion, spiritual disruption, and loss of cultural ownership, as well as positive impacts such as a better informed community, better educational outcomes, improved employment opportunities, better health, and development of community skills. The actual impacts of research projects should not only be assessed after completion, but should also be monitored during the research process.

Option: The Australian Research Council should consider the potential impacts of research, both positive and negative, during the selection and evaluation of potential projects.

Option: The actual impacts of research projects should not only be assessed after completion of a project, but should also be monitored during the research process.
Consultations with Indigenous Organisations

Process

The project tender described a variety of issues related to Aboriginal and Torres Strait Islander organisations and the conduct of research. In the second stage of the project the consultant was asked to identify and consult with relevant Indigenous organisations on ‘the appropriateness of the definitions in Stage 1 of the project: any significant gaps, discrepancies and anomalies in the extent and sources of funding for current research of interest to Aboriginal and Torres Strait Islander people; any changes and developments to programs and selection processes which might be desirable for future research of interest to Aboriginal and Torres Strait Islander people.’

Organisations Included in Consultations

Twelve Indigenous organisations (not including university Indigenous centres) responded to questions asked during visits by consultants or by telephone. Face-to-face discussions with staff of these organisations were more wide ranging and at greater depth than could be achieved via a telephone survey. The organisations included land councils, policy advisory bodies and service providers. A list of the organisations follows:

Central Land Council, Alice Springs, NT
Yipirinya School, Alice Springs, NT
Central Australian Aboriginal Media Association (CAAMA), Alice Springs, NT
Institute for Aboriginal Development, (IAD), Alice Springs, NT
Tangentyere Council, Alice Springs, NT
Torres Strait Regional Authority
Pitjantjatjara Land Council
Ngaanyatjarra Land Council
New South Wales Aboriginal Education Consultative Group Inc.
Northern Land Council, Darwin
Kimberley Aboriginal Law and Cultural Centre, Fitzroy Crossing, WA
Tandanya Arts Centre, Adelaide
Interviews with Staff of Aboriginal and Torres Strait Islander Organisations

In keeping with the key tasks identified by the Australian Research Council, the interviews were envisioned as following relatively informal procedures. While the central concerns were those identified within the project tender and in subsequent communication with the Australian Research Council, the organisations were invited to set the priorities within these areas of concern. Results of the consultations were found to fall within the categories prevalent throughout Stage 2 of the project: the conduct of research (initial approach, involvement of community members), the dissemination of results, and current and potential usefulness of the research (gaps, directions for future research).

Issues identified

How Should the Initial Approach be Made to Communities by Researchers?

In some regions approval from a regional Indigenous organisation is required to conduct research in an Indigenous community. Researchers should inquire early in the project if such approval is necessary. As a matter of principle, researchers should involve appropriate regional Indigenous organisations as a guarantee of the adequacy of community consultation. An Indigenous organisation which has a representative structure can give guidance about procedure, and it can accept responsibility for the actions of the researchers if they follow the guidance given. Professional research officers working for Indigenous organisations can play an important role in interpreting the aims and methods of the project to the governing board. Researchers and research organisations can also be helpful to Indigenous organisations because of their experience in the research arena. To help avoid difficulties between intending researchers and representative Indigenous organisations with responsibility for approving research projects, routine procedures could be negotiated between research organisations and Indigenous organisations.

Option: Whether or not approval is required from an Indigenous organisation to conduct research, as a matter of principle researchers should involve appropriate regional Indigenous organisations early in the project.

Option: Routine procedures should be negotiated between research organisations and Indigenous organisations with responsibility for
approving research projects to avoid difficulties in the initial contacts with communities.

New researchers need the assistance and advice of an established researcher in the area in which they propose to conduct research, someone who will also act as an intermediary with the community. Such intermediaries should preferably work for an Indigenous organisation. Before commencement of the project it is necessary for researchers to visit the community in which the research is to be carried out. Although the chairperson of a local council or even the council itself does not always represent the whole community, visiting a community to discuss a project before its commencement will provide more assurance of adequate consultation than if no visit occurred. Community consultation should include the logistics of accommodation, provisions, transportation and so on. Ownership of the results should be established before the research is begun, and the possible uses of the results should also be discussed and agreed upon. It would be helpful to have a checklist of the processes which need to be gone through before, during and after the project. Part of the process should be reaching agreement on the allocation of rights over the research results, such as the rights of the community, of the researcher and of the sponsoring research organisation. A useful tool would be a comprehensive statement about different types of copyright/intellectual property rights.

Option: Before commencement of the project it is necessary for researchers to visit the community in which the research is to be carried out.

Option: Researchers should reach agreement on the allocation of rights over the research results during the initial visit to the community.

Involvement of Community Members in the Project

There is general agreement among Indigenous organisations that all research of interest to Aboriginal and Torres Strait Islander people should include Indigenous involvement at all stages of a project. One means of ensuring effective Indigenous involvement is to establish a program to train community researchers. Real benefits accrue to researchers when individual community members are familiar with the research process even if, in the absence of extensive research experience, they act mainly as guides to the community. On the other hand, community researchers may play a more active role in projects, for example in gathering and analysing data, and in implementing the research outcomes in the community. Training of community researchers could be carried out by Indigenous education providers such as the Institute for Aboriginal Development in Alice Springs, the Summer Institute of Linguistics, Batchelor College, and the Cooperative
Research Centre which is part of the Menzies Centre for Health Research and involves the Institute for Aboriginal Development as a partner. Training for people in remote Australia (Northern Territory, northern Western Australia, northern South Australia, northern Queensland) should be intensive and individual rather than in classes. Funding would be needed for such a scheme.

**Option:** All research of interest to Aboriginal and Torres Strait Islander people should include Indigenous involvement at all stages of a project.

**Option:** For effective Indigenous involvement in research, the Australian Research Council should facilitate the development of a program of training of community researchers.

More Indigenous researchers need to be trained at a tertiary level so that they can carry out their own research projects. There is a felt need among Indigenous organisations that preference should be given to Indigenous researchers in future. This will require greater attention to training Indigenous researchers and urging them to apply for research positions. The Indigenous studies centres in universities have an important role to play in training Indigenous researchers. Alternatively, the Director of the Institute for Aboriginal Development spoke of her vision of an Indigenous university made up of independent Indigenous adult education providers (multicampus) and incorporating traditional knowledge into the curriculum.

**Option:** The Australian Research Council should encourage the training of Indigenous researchers at tertiary level so that they can carry out their own research projects.

For the most productive research, researchers should ensure community involvement in the formulation of the aims, methods and outcomes of a project. Research priorities which are established at a national level should be relevant at regional and local levels, because if topics seem irrelevant to a local community, interest and involvement will be limited. Research methodology should be designed to be consonant with customary methods of discourse. For example, visiting a site with community members may not only be more productive than merely talking about the site but may also inform younger people about its significance, thus serving a community purpose at the same time. Community involvement is not only relevant to the aims and methods of a project, but also to the presentation of outcomes. For example, the presentation of audio-visual material is a community issue which should be dealt with while the researcher is in the community. To facilitate community engagement with the project, researchers are advised to establish a community reference or advisory group which should function in accordance with community styles of communication.
Option: For the most productive research, researchers should ensure community involvement in the formulation of project aims and methods, and in the presentation of project outcomes.

Feedback of Research Outcomes to Communities

Researchers should return to the community with a draft of the outcome of the research, for example, a report, a book manuscript, a video. The researcher should consult with the community about anything that is to be published or made public as a result of the research. Researchers should listen to the critique of their research by community members both in their private and public roles. In addition to the sensitivity of audio-visual documents, dissemination of research results via the Internet presents a particular potential problem in this regard.

Option: Researchers should return to the community with a draft of the outcome of the research to consult with the community about publication of the results.

Usefulness of Research to the Community

Researchers should accept an obligation to explain the usefulness or otherwise of the proposed research project to the community. Community assent for a project does not necessarily depend on its usefulness, as Indigenous people may be interested in research projects for intellectual reasons. Usefulness of research is not always immediately apparent, but may have unforeseen benefits over the longer term. Anthropological research in the past, for example, has significantly informed the land claims processes in recent times.

Option: Researchers should accept an obligation to explain the usefulness or otherwise of the proposed research project to the community.

A particular problem is the intrusiveness of research in a community. There are some kinds of intrusion which communities are not able to avoid, but research is not one of them. Hence communities are prone to rejecting research projects rather than welcoming them for this reason alone. This will likely strengthen in future as communities exercise their right to self-determination more strongly. One way to enhance the community’s valuing of research is for the researcher to maintain a long-term relationship with the community. A national protocol for research should encourage continuing
involvement by researchers with the communities after projects have been completed to facilitate the implementation of research outcomes.

**Option:** A national protocol for research should encourage continuing involvement by researchers with the communities after projects have been completed to facilitate the implementation of research outcomes.

Research needs identified by Indigenous organisations included education, social and environmental impact assessments, protection of intellectual property, and demographic studies. The most frequently mentioned was research in education. A crisis in Indigenous education, particularly at the secondary level, was identified. There is a desperate need for an alternative to mainstream post-primary education. While there are successful Indigenous providers of adult education (for example, Institute for Aboriginal Development in Alice Springs), secondary schools are failing Indigenous youth. Young people need better educational opportunities in their communities and sporting facilities to keep them interested and occupied. Quantitative research is needed to clearly and publicly identify the crisis in education, and any research which helps to establish this need in the public arena would be welcome.

Indigenous land councils identified the need for environmental and social impact assessment before commercial exploitation of Indigenous land. An important source of income for communities is the production and sale of art. There needs to be particular attention paid to the protection of intellectual copyright for Indigenous people. Intellectual copyright issues also extend to the protection of other cultural knowledge such as the pharmacological use of plants and plants as food sources. One Indigenous organisation which had been involved in the collection of census data for the Australian Bureau of Statistics was critical of the methods used and identified accurate demographic studies of Indigenous people as a research priority. It was pointed out that accurate demographic information drives the planning and provision of services in the future.

**Option:** Indigenous organisations should identify research needs in education, social and environmental impact assessments, protection of intellectual property, and demographic studies.

While research in recent times has tended to involve communities in the planning and execution of projects, the records and results of a lot of research in the past were not the outcome of significant community involvement. Not only have the research materials not been looked at by the community, they have not been adequately archived. The ARC should initiate a national plan of action to address such issues as intellectual property rights, rights over land, and hurtful or libellous personal references.
in the research records gathered without significant community oversight, in addition to ensuring their secure deposit.

Option: The Australian Research Council should initiate a national plan of action to address such issues as intellectual property rights, rights over land, and hurtful or libellous personal references in the research records gathered without significant community oversight, in addition to ensuring their secure deposit.
Section V

Summary and Outcomes
Summary and Overview

Stages 1 and 2: The Context

This project, in both Stages 1 and 2, has used material from the years 1993 and 1994. These two years, however, constitute just one moment in the much longer history of interaction between the academy and Indigenous people in Australia and of the research carried out in that arena. Any discussion of the situation in 1993–94 must take its meaning from this broader context. Even the interpretation of the phrase used to define the scope and limits of the project—‘research of interest to Aboriginal and Torres Strait Islander people’—arises from the whole series of developments leading up to and beyond the situation in the two years under investigation. Without some understanding of these developments, it now seems almost a truism to observe that any research in this field must be negotiated with and involve Indigenous people. At the same time, the findings of Stage 1—that so much research continues to be carried out without reference to Indigenous people in fields such as the biological and earth sciences—indicate that what may have become a truism in the social sciences remains a novelty in many other disciplines.

The introductory chapters to this report demonstrate that the involvement of Indigenous people in social sciences research was not always so; that it has emerged out of a long and often painful history of scientific objectification of Indigenous people as the ‘other’, an observation that, in its own way, is also almost a truism. Chapters 3 and 4 of the report set out some of the background to this earlier research and chart some of the major changes that have taken place to change this situation, mainly in the past 25 years. One source of these changes has been within the academy itself. Another has been the growing involvement of Indigenous people in both critiquing academic approaches and engaging with them. A third and related factor has been the shift in social and political relations, both nationally and internationally, to an emphasis on human rights.

Some of the changes within the academy, especially in relation to shifts within and between relevant disciplines, are summarised in Chapter 3. They include, but are not confined to, the challenge to anthropological pre-eminence by the disciplines of law and, especially, of history as alternative discourses and bases of both analysis and action. Within anthropology, a critical shift in practice through involvement in the development and implementation of land rights and heritage legislation and, more recently, of native title, has taken the discipline beyond the objectifying analyses of
earlier decades and the reflexive theorising of the eighties into a practical and theoretical engagement with Indigenous, as well as academic, priorities and representations. The same shift, through similar processes, has taken place for archaeology and linguistics. The change in historiography has somewhat different intellectual antecedents, responding from the seventies to an emergent discourse of agency and of minorities as social actors that repositioned Indigenous people as actors in the post-colonisation continent.

The presence in Indigenous issues of law as an academic discipline is also related to the development of land rights and native title matters, but arises as well out of international and human rights law. These provide the basis for the present recognition, referred to in Chapter 4, of Indigenous cultural and intellectual property rights—a recognition that is fundamental both to the increasing demand by Indigenous people and organisations to have some control over research, and to the requirement for researchers to negotiate with them for access to knowledge and place. The development of codes of ethics and of protocols for researchers is witness to the impact of the legal recognition of Indigenous ownership of their cultural and intellectual property. They also reflect the awareness, inherent in this recognition, that ownership is collective and that, therefore, consent must be collective; and lead to the questions arising from this project and addressed by it about definitions of ‘community’ (as constituting collective ownership), of representativeness (in terms of who has the authority to give appropriate consent), and of who should, or may, carry out research (Chapter 5).

Stage 1: Key Issues

There is a further analytical distinction that arises from this research: that is, between research that relates directly to Indigenous cultures, societies, heritage, histories—which can be covered by the term Indigenous studies—and research into other areas, such as land, marine, and resource management, in which Indigenous people have a strong interest but which do not fit so readily under the rubric of Indigenous studies. Stage 1 of the project attempted to address these distinctions by providing four different categories for research ‘of interest to Aboriginal and Torres Strait Islander people’; but discussions related to the project make clear that Indigenous scholars are increasingly looking beyond research that pertains narrowly to Indigenous studies towards the relationships between such research and broader areas of intellectual exploration, for example, the relationships between geomorphology and linguistics. Such expansion of interest is demonstrated by the newly established Indigenous Higher Education Centres.

At the same time, Stage 1 also demonstrated that, while many institutions have some level of research related to Indigenous studies, in 1993 there was
a concentration of ARC funding (around 70 per cent) in merely six universities. The study indicated that this was related to the presence of particular departments or communities of scholars specialising in the field and, for that reason, able to foster and supervise PhD research as well as undertake research themselves. To that extent, some concentration seems likely to continue. Stage 2, however, suggests that the institutional basis for researchers—at least when it is in Australia—is not a primary factor in either the choice of research topic or the ways in which a researcher is likely to approach a project. The conditions arising from working in fields that involve Indigenous issues seem of themselves to create a community of scholars that transcends institutional and funding boundaries.

In one sense then, there is some indication that the focus for funding needs to be less on research ‘of interest to Aboriginal and Torres Strait Islander people’ and more on adequate support for scholars, both Indigenous and non-Indigenous, in undertaking research that has been negotiated with appropriate community members or representatives.

It became clear as a result of Stage 1, and was reinforced in Stage 2, that the capacity to monitor the extent and sources of funding, as well as the extent, sources and kinds of research being undertaken, requires an ongoing maintenance and regular updating of the information collated in the database for 1993 and 1994. Already that information is out of date and can serve only as a guide rather than an accurate survey of current research. Such maintenance of a regularly updated database will require both the commitment of resources by the ARC and also an ARC requirement of standardised reporting by relevant institutions.

Stage 2: Key Issues

Stage 2 demonstrates unequivocally that negotiation is the key concept for research with or about Indigenous people. The research itself, if it is to succeed, must become relational. This is true, whatever the topic, and requires that all research projects be socially situated while maintaining the highest academic standards.

Conception and Execution of Projects

There are, as discussed in the report, a number of corollaries to this requirement. Some have implications less for the level of funding than for the ways in which it might be provided and allocated. One is that research be staged, with significant attention (and therefore funding support) being given to an essential preliminary stage of discussions with the relevant community, communities or organisations. All those consulted in Stage 2
made absolutely clear that one of the most important aspects for this kind of research is time. Because the context of research, if not the research itself, is relational, researchers must be prepared to take time. This means that institutions and funding bodies must also be prepared to allow time to be taken—an approach that is at odds with present trends towards speedy and easily measurable outcomes.

The consultations with Indigenous organisations also suggest that research is more likely to be readily welcomed when it is carried out at the request of such organisations or communities. This is amply demonstrated by the research undertaken over recent years in areas such as land and native title claims, health, land and resource management, and education. Such research, however, is not always recognised by the academy, nor does it often meet the benchmarks now set by virtually all academic institutions. This is so despite the often very high quality of the research. The resulting tension for researchers is between maintaining their standing within the academic community, on the one hand, and carrying out research seen as useful by Indigenous communities, on the other. The latter research often results in reports or discussion papers rather than scholarly publications—a situation that may advantage the Indigenous community but not necessarily the researcher as scholar. Yet such research will only continue to be of use to Indigenous communities if the highest scholarly standards are maintained.

The ARC needs, therefore, to develop more flexible benchmarking to measure scholarly output in a way that encourages researchers to continue their work with Indigenous communities rather than feel disadvantaged by it in terms of academic advancement. The ARC should also consider the possibility of allowing established Indigenous organisations, under certain circumstances and conditions, to act as host institutions for ARC-funded scholars, as well as being eligible as industry partners in collaborative research schemes. One of the other possibilities raised during the project was that the collaborative research centre schemes should be expanded to allow partnerships between communities (through their councils or other local mechanisms) and research institutions.

Involvement of Aboriginal and Torres Strait Islander People in Research

In many instances, researchers will be required to work with protocols that have already been developed. Where this is not so, it is important that such protocols be prepared in consultation with the relevant community or organisations and carefully implemented. The establishment of protocols is, however, only the beginning. All those consulted in Stage 2 stressed the importance of ongoing discussion with the community about the research and regular feedback throughout the project. This report suggests the
desirability of establishing local advisory committees as one way in which this continuing feedback and, where necessary, further negotiation could take place.

Researchers and their institutions need to be aware that all these approaches take place in an environment in which the demands on Indigenous communities for consultation about everything—from garbage collection to Commonwealth legislation—are punishingly high. Negotiation must therefore be negotiated (Chapter 13). Again, time is an essential element—along with patience and a willingness to tolerate delay and even marginalisation. Researchers need to prove their usefulness. One way is to maintain a long-term relationship with a community. Stage 2 again demonstrates that many do so, across a whole range of disciplines and traditional as well as more applied areas of academic interest. A related way to prove their usefulness is to build into the research project a training component for members of local communities. Participation then allows development of knowledge and skills of benefit not only to the individuals involved but to their communities.

Research Outcomes

The issue of the intrusiveness of research is related to the question of the ways in which research results are used (Chapter 13). The consultations with Indigenous organisations undertaken in Stage 2 identified this aspect of research as very important and related it directly to the recognition of Indigenous cultural and intellectual property rights. It was seen as a central part of the establishment of a research project that researchers negotiate with the community at the outset on the question of rights over research results and how they should be treated. The contracts and protocols discussed in Chapter 4 address this matter directly—and sometimes contentiously; in many instances, further and particular negotiations will need to take place. At the same time, organisations saw a role for a national institution, such as the ARC, in developing a national plan of action to address standards to be established for researchers in such matters. Such a project might be undertaken in collaboration with the Australian Institute of Aboriginal and Torres Strait Islander Studies.

The intellectual issue is, once again, the relationship between practice and theory. Each must inform the other, and, by doing so, extend the conceptual limits of the disciplines concerned.
Gaps, Discrepancies and Anomalies

As the consultancy developed it became apparent that the process of identifying research gaps and priorities was a product of who was consulted, their position in relation to the research process and the particular time at which the investigation was conducted. For example, an Aboriginal Land Council identified the need for social impact assessments before the commercial exploitation of Aboriginal land. An Aboriginal community service organisation identified the need for better demographic research on which to plan the provision of services. A researcher commented on the recent trend to focus on funding research into economically related projects which reflected the current non-Indigenous perspective of economic rationalism: political and academic trends are not necessarily consistent with Indigenous concerns and priorities. Although a number of gaps in the research record were identified in the body of this report, the diverse range of perspectives represented as a result of the broad consultation process carried out did not enable the compilation of a comprehensive and truly representative list of research gaps and priorities. Instead, we have proposed a process by which such a list could be established on a regular basis.

A consolidated list of the research gaps identified in other chapters of the report and classified under broad subject headings follows.

Anthropology

- the need to redress the imbalance between research on women’s roles and men’s roles, that is, more research needs to be conducted on the former, by women researchers;
- the need to address Christian influences on Indigenous cultures as against attention solely on pre-Christian culture;
- the need to copy relevant materials held in overseas collections, for deposit in Australian collections and return to communities;
- current understanding of Tiwi culture; and
- human remains identification.

Education

- quantitative research to identify the crisis in Indigenous education, particularly at the secondary level;
- register of scholarships suitable for Aboriginal and Torres Strait Islanders;
- the role supervision plays in the success of Indigenous postgraduate students;
• the nature of cultural differences impeding Indigenous postgraduate students;
• teaching and assessment methods appropriate for Aboriginal and Torres Strait Islanders;
• the degree of English language and literacy in Indigenous communities and homes; and
• horticultural tools and plant use especially for schools.

Economics

• the extent, causes and demography of poverty;
• the effects of socio-economic disadvantage on housing, health, employment, education and personal relationships;
• the expectations of international travellers visiting Aboriginal and Torres Strait Islander cultural venues; and
• Aboriginal artists’ biographies, community context, market structure, international tourists and export market.

Other

• Indigenous methods of wildlife management;
• social impact statements before commercialisation of Indigenous land;
• cultural and intellectual property, including pharmacological uses of plants and use of plants as food sources;
• accurate demographic studies of Indigenous populations;
• the relationship with land and native title in south-eastern Australia;
• Indigenous textiles;
• social history of identified regions;
• Aboriginal rights movement within identified regions;
• research implications of the Royal Commission into Aboriginal Deaths in Custody recommendations; and
• research implications of the National Inquiry into the Removal of Aboriginal and Torres Strait Islander Children from their Families recommendations.

Research gaps are identified through a variety of means: by researchers as a normal part of the scholarly process, through community processes, as a by-product of the preparation of native title claims, by committees responsible for awarding research grants during the process of sifting applications. The selection of research projects is an organic process which grows out of a changing framework of intellectual endeavour and changing ideas. It is
Summary and Outcomes

Recommendation 24

- The Australian Research Council should direct the attention of an applicant to guidelines on community consultation and other matters relevant to research of interest to Indigenous people. It should be the responsibility of the sponsoring research organisation to ensure that the guidelines on consultation have been observed prior to the release of funds to the researcher. (Chapter 11)

Recommendation 25

- The Australian Research Council should require Australian universities to develop agreed tertiary sector reporting standards and reporting deadlines for research, particularly research of interest to Aboriginal and Torres Strait Islander people, to include both research results and short descriptions or abstracts. (Chapter 1)

Recommendation 26

- The Australian Research Council should establish a standing committee to monitor research of interest to Aboriginal and Torres Strait Islander people. (Chapter 12)
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Appendix 1

Records of Indigenous Reference Group Meetings

Indigenous Reference Group Meeting, 2 September 1997

I. Agenda

1. Background of Project (Mary Edmunds)
2. Aims/Outcomes of Project (Mary Edmunds)
3. Progress and Interim Reports (Stephen Wild)
4. In depth evaluation of 16 projects:
   • Criteria for selection
   • Methods of evaluation
5. Workshop - Monday 10 November 1997
6. Timetable

II. Record

In Attendance

Indigenous Reference Group members: Ms Kerry Sculthorpe,
Ms Flo Grant, Ms Robyn Bancroft, Ms Kath Schilling.

AIATSIS Research staff: Dr Mary Edmunds, Dr Stephen Wild, Dr Graeme
Ward, Ms Dale Edwards, Mr Geoff Gray, Ms Brenda Hausla (record).

IRG members unable to attend: Dr Gordon Briscoe, Ms Lori Richardson,
Mr David Johnston.

Record of Proceedings

1. Dr Wild welcomed the Reference Group members and briefly outlined:
   • the aims of the project,
   • the role of the Reference Group, and
   • the role of the Steering Committee.

2. Dr Edmunds provided background to the project:
   • how the project came about,
   • Stage 1 of the project,
• AIATSIS tendering for and being awarded the contract for Stage 2 of the project, and
• aims and methods of Stage 2.

3. Dr Edmunds and Dr Wild provided details of the Progress and Interim Reports, and discussed:
• where the project is up to;
• the important next step of choosing 16 projects for more detailed evaluation;
• endorsing criteria for choosing the 16 projects;
• the four areas of interest approved by the ARC Steering Committee (Stage 1), as follows:
  (1) aspects of history, culture and lifestyle;
  (2) heritage, land and marine resources;
  (3) government policy and practices;
  (4) research likely to be of interest to Aboriginal and Torres Strait Islander people.

Dr Edmunds pointed out that results showed a concentration of research in some universities such as The Australian National University. Ms Sculthorpe asked what the commonalities of those universities are. Dr Edmunds indicated that some universities have a higher concentration of researchers in the area, or departments, or faculties with this particular focus.

Ms Grant enquired how universities were selected for funding. Dr Edmunds responded that individual researchers or research teams submitted proposals to the ARC.

4. Criteria for selection and evaluation of the 16 projects were discussed and the following criteria confirmed:
• region
• discipline
• level of funding
• length of funding
• length of project,
• single/multiple involvement
• institutional support
• Indigenous involvement.

5. Members of the Reference Group raised the following issues regarding research relating to Indigenous peoples and cultures:

(1) Research of interest to Aboriginal and Torres Strait Islander people. Are the Stage 1 definitions adequate and appropriate, in particular in relation to research likely to be of interest to Indigenous people?
(2) Community consultation/representation/permission.
The Reference Group discussed at some length the question of how to
define ‘community’ and therefore how to define ‘community
involvement/consent’. The Final Report will need to address this
question, using the 16 research projects as a basis and including the
issue of how researchers identify appropriate community contacts.

(3) Indigenous researchers.
Where a researcher is her/himself Indigenous, there is often an
expectation that s/he would have easier access to communities and
therefore need less time to carry out research. The experience of
Indigenous researchers is that this is not necessarily the case, and the
Final Report should keep this in mind in assessing the 16 projects.

(4) Research should reflect the diversity of Indigenous societies.
Research should not perpetuate the myth that most or ‘real’ Aboriginal
people live in the Top End. Members of the Reference Group will
contact Brenda Hauia if they wish to recommend particular projects for
further evaluation, giving their reasons for their selections.

6. Members were asked if they considered it appropriate to attend the
workshop for researchers who conducted the 16 projects, to be held on
Monday, 10 November 1997. After some discussion, it was decided that
Reference Group members would participate in the workshop in the
afternoon, leaving the morning session for the researchers.

7. The timetable for the completion of the project was outlined and
attending Reference Group members indicated that they should be able to
attend the meeting on Wednesday, 26 November 1997 to discuss the draft
Final Report.

Meeting closed at 12 noon.

Indigenous Reference Group meeting, 26 November

I. Agenda

1. Minutes of Reference Group meeting on 2 September 1997 (sent with
workshop notice).

2. Discussion of workshop (transcript enclosed).

3. Discussion of options and recommendations (to be tabled at meeting).
This item is the main purpose of the meeting. Options identified during
the various stages of the project will be discussed and your advice on
recommendations will be considered for inclusion in the Final Report.
II. Record

The venue changed from the Macintosh Room to the Family History Unit of the library due to the heat of the day. Notice of the change was posted in the Macintosh Room.

Mary Edmunds called the meeting to order 2:15 PM.


Mary presented the agenda for the meeting.

1). Minutes of the previous Reference Group meeting on 2 September were accepted.

2). The Group discussed the 10 November workshop, saying that the participation had been spirited, that they would have liked to attend the morning session but understood the researchers had needed a period to collect their thinking, and that the transcript had yielded a number of options for discussion prior to being included in the ARC report.

Stephen discussed the formulation of the list of options and reviewed the project to date. The options were based on the workshop, but included a substantial number from other areas of the project's key tasks particularly an analysis of the 16 research projects, consultations with Indigenous and research organisations and a few from Stage 1 of the project.

Mary questioned the term 'option', saying they would be the basis of recommendations.

David asked if all of the projects considered were ones that the affected communities were aware of. Jane Robbins' project had dealt with governmental agencies.

3). Mary presented a list of 44 options, each being read aloud and discussed. Stephen amended them to reflect the consensus of the table.

Mary thanked Kath Schilling for having offered the Family History Unit's facilities for the afternoon and adjourned the meeting at 5:00 PM.
Appendix 2

Select Bibliography of Research Ethics

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**URLs to search**

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Appendix 3

Sample Ethics Guidelines, Protocols, Contracts

Outline

A. Ethical Research (from AIATSIS Information for Applicants 1998)

B. Aboriginal and Torres Strait Islander Commission: Protocols for undertaking research relating to, involving and about Aboriginal and Torres Strait Islander peoples


D. Excerpt from a contract between Anangu Pitjantjatjara and [a researcher]

E. Contract used by J. Balme and W. Beck for fieldwork in northern New South Wales

A. Ethical Research (from AIATSIS Information for Applicants 1998)

AIATSIS supports high quality research that will benefit Aboriginal and Torres Strait Islander peoples, in accordance with international standards of human rights and scholarship.

*Ethical research involves a number of fundamental principles:*

- *informed consent to the research by the individuals/community with whom or where research is to be carried out or by their representatives;*

- *benefit to the local community as well as to the broader community of Aboriginal and Torres Strait Islander peoples;*

- *acknowledgment of ongoing Indigenous ownership of the cultural and intellectual property rights in the material on which the research is based;*
Appendix 2

- appropriate use of research results and/or publication of material as agreed with the community or community representatives.

The Institute implements these principles by requiring adherence by researchers to its ethical guidelines and by requiring clearance for proposed research projects by an institutional ethics committee, whether from another organisation or from the AIATSIS Research Ethics Committee.

Ethical guidelines

The Institute will not approve of the research activities of any individual/s that lead to, or in its opinion are likely to lead to, offending against the Aboriginal or Torres Strait Islander people living in the area.

The Institute further recognises that:

- neither it as a corporate body nor any worker that it supports has any undeniable right to be given access to information about Aboriginal or Torres Strait Islander life or culture;
- it is only with the co-operation of Aboriginal and Torres Strait Islander people that it is able to fulfil its aim of pursuing research into Aboriginal or Torres Strait Islander cultures and ensuring its documentation for future generations;
- it is the obligation of the intending researcher to convey to the Aboriginal or Torres Strait Islander people concerned the purpose of the work and to obtain their agreement to it;
- failure to respect Aboriginal or Torres Strait Islander custom can disrupt the life of the communities within which the Institute is sponsoring research or curtail the researcher’s work and hinder possible future research.

1. Preliminary requirements

Consultation with the Institute

Grantees must consult relevant Institute research staff prior to commencing their project. Advice as to relevant staff may be obtained from the Research Administrator. Grantees must also consult staff of the Institute’s Library to discuss their proposals for photography, sound recording and filming, and for advice regarding the form of documentation which must accompany such material lodged in the Institute.

Permits and legislation

All States and Territories have legislation controlling activity at (and sometimes access to) archaeological sites and permission is required to
excavate and/or to conduct surveys. Information is available from the Institute about the legislative situation and about the State and Territory authorities from whom guidance should be sought regarding regulations applying to research permits as well as the requirements for consultation with relevant Aboriginal or Torres Strait Islander communities and agencies.

Intending researchers should consult the Ethical Guidelines or Codes of Ethics adopted by relevant professional bodies and/or associations, for example:

- Australian Association of Consulting Archaeologists: Code of Ethics
- Australian Anthropological Society Code of Ethics: Consulting Work
- Social Research Association Ethical Guidelines
- Professional Ethics: Statements and Procedures of the American Anthropological Association
- The Aboriginal Languages Association: Resolutions
- National Health and Medical Research Council Guidelines on ethical matters in Aboriginal and Torres Strait Islander health research.

2. Informed consent

It is necessary to establish the groundwork for a research project. This requires:

- informing the appropriate organisations as soon as possible;
- discussing the proposed research program with the relevant Aboriginal or Torres Strait Islander people;
- informing them of their rights and their access to the results of the research; and
- before fieldwork, obtaining permission from the relevant individuals, communities, or organisations to visit the proposed locality and to conduct research.

The ensuing arrangements must be fully understood by and be acceptable to those people concerned. This may entail a preliminary visit to the proposed research area, including by scholars from overseas, in addition to making contact by writing.

Evidence of support and consent

The applicant must provide evidence, usually in writing, of relevant Aboriginal or Torres Strait Islander support for the project in circumstances where such support is relevant. This may be obtained from:

- the council (or similar governing body) of the local community in which the work is to be done or a relevant local organisation;
- the relevant Aboriginal or Torres Strait Islander community, local council or organisation in cases where a permit is required to enter
designated Aboriginal or Torres Strait Islander land to carry out the project;

- appropriate Aboriginal or Torres Strait Islander ‘umbrella’ organisations, where such organisations exist.

Evidence of Aboriginal or Torres Strait Islander support will not guarantee that the project will be funded, and applicants are asked to ensure that any organisation or community that is approached is aware of this. The evidence must be lodged with the Institute at the time of submitting the application or as soon as possible after that time.

In seeking relevant Aboriginal or Torres Strait Islander support applicants should be aware that those people relevant to the project may not always be equally represented on community councils, Land Councils and in umbrella organisations. For example, the owners of a particular area may live outside their traditional land, and women may be under-represented. In such cases, permission may also need to be sought from these individuals or, in the case of children, from parents or guardians, on the basis of personal explanation to them.

*Researchers using film, photography, audio and video recording must take special care to obtain the consent of those to be recorded.*

The researcher must explain the uses to which the films/photographs/audio and video recordings will be put and the conditions under which access to and use of them may be controlled. Particular attention should be paid to the problems of visual images and sound recordings of deceased persons and of areas of Aboriginal or Torres Strait Islander life to which public access is normally restricted. A thorough understanding of these matters must be acquired prior to beginning the research, and intending researchers are strongly urged to discuss them with relevant Institute staff.

*Conflict and changes in support and consent*

An individual (or his/her parents or guardians) must be free at any time to withdraw from the project, and the investigator must discontinue or modify the research if it becomes apparent that continuation may cause conflict. Should there be an overall lack of support for or acceptance of the project, the investigator must discontinue the research until such time as the issues causing this lack of support or acceptance are resolved.

*Changing location of research*

Significant changes to a research project, including a change in the research location, must be approved by the Institute prior to the change or changes being made. In general, researchers are urged to maintain regular contact with the Institute through relevant staff members for the duration of the
project in order to minimise problems for the researcher and for the
Institute’s relations with communities.

Research results and return of results to communities

All information regarding the procedures, use of results and aim of the
research must be given in an appropriate manner to the relevant community
council/organisation and to individuals involved in the research project, and
no procedures should be added to or fundamentally altered after consent has
been obtained. Any changes which are thought necessary because of
unforeseen problems or change of interest must be the subject of advice to
and consent from the council/organisation and individuals concerned in the
same way as with the initial project.

Privacy

Researchers are expected to observe the normal proprieties in respect of
personal privacy of individuals, and practices such as concealment
techniques should normally be avoided. If practices such as concealment
techniques appear necessary for the research, they must be fully explained,
understood and agreed to in advance by the people involved with the
research before they are implemented.

3. Involvement of and benefits to the community

The research project should actively include, as far as possible, members
of a community where the research is being carried out as collaborators
or co-researchers.

Adequate financial compensation must be paid to Aboriginal or Torres Strait
Islander co-workers, assistants and subjects of the research where time is
required to be spent outside normal personal and community activities.
Institute rates of pay will normally apply although, in some instances,
current rates of pay should be ascertained by the researcher locally prior to
making an application. The manner of payment may be flexible, in some
cases payment may be made in part as a lump sum to the community if that
is what the community desires.

In normal circumstances the Institute will not pay subjects of research for
providing information which is for the purpose of preparing a land claim,
native title claim, or similar purpose of direct benefit to the community or
individuals concerned and which has been requested by the community or
the individuals.

Researchers are alerted to the dangers of creating circumstances where
exploitation of an economic, cultural or sexual nature can occur.
Researchers should avoid entering with the subjects into private economic
arrangements, unauthorised negotiations for cultural visits and exchanges, and relationships of a sexual nature during the period of the research. Researchers are in a position of privilege and trust and should conduct themselves accordingly.

4. Ownership of cultural and intellectual property rights

Under present arrangements, a research project supported by the Institute may be seen as a joint project, that is, between a researcher and an Indigenous community. This involves two distinct areas:

- background intellectual property—that is, what one party owns before going into the project and brings to it. This remains the intellectual property of that party;
- foreground intellectual property—that is, the results of the joint project. This may be jointly owned by the parties concerned, or ownership allocated by prior agreement.

This means that the cultural and intellectual property rights in the material on which the research is based remain with the Indigenous owners. The grantee is the owner of the copyright in the research results where these are used for research purposes and not for profit. The Institute holds a non-exclusive, royalty-free, perpetual licence to use the research material for the purposes set out in the Grant Agreement.

5. Appropriate use of research results

*It is Institute policy that, when the work has been completed and analysed, the community and individuals in whose domain the research was carried out should be informed of the results in a clear and comprehensible manner, and that copies of material collected during the course of the research should be returned to the community.*

While the Institute will facilitate this requirement in every way possible, it is ultimately the responsibility of the researcher to ensure that the community and individuals involved in the research have ready and continuing access to these data. Means by which this may be achieved should be considered by the researcher during the course of the project.

*Institute collections*

*Deposit of materials*

The Institute has the world's largest collection of both print and non-print materials relevant to Aboriginal and/or Torres Strait Islander culture and history. This is, in part, a result of Institute-funded researchers who have deposited their materials with the Institute for safekeeping. The Institute holds many hundreds of books and manuscripts, and thousands of tapes,
films and photographs which are generally available for use by other researchers, subject to access conditions. The collections are of particular value to Aboriginal and Torres Strait Islander people who wish to research their own history, languages or cultures. The collections are also of immense value to other researchers who visit the Institute from all over the world to conduct their research.

It is only by making materials available for deposit that researchers can ensure that their work is available for future generations. Because some materials are sensitive, the Institute has devised special conditions and controls over access and reproduction of materials.

**Protection of materials, copying**

The Institute makes every attempt to ensure that materials deposited in its Library are used according to the wishes of the relevant Aboriginal or Torres Strait Islander people, and to ensure that their interests in the materials are safeguarded at all times.

In so far as the law allows, the Institute undertakes to protect the confidentiality of sensitive materials deposited in the archives according to the instructions of depositors. It is the responsibility of depositors to ensure that sensitive materials are identified and conditions of access and use are specified. The Institute reserves the right to impose more strict conditions if warranted.

The handling of materials deposited in the archives is supervised by qualified staff who are conscious of the sensitive nature of some material. Several copies of material may be made: a preservation copy, a copy for public use where appropriate, and if required a copy for the depositor and a copy for the originating community. In the case of audiotapes a security copy is made and deposited in another location for safekeeping. The materials are catalogued by professional staff, and access within the Institute is restricted to the public use copy and is controlled by the staff.

Copies of audio-visual materials (photographs, audio and video recordings) for use outside the Institute will be made on request under conditions which clearly guarantee that all efforts will be made to protect the interests of the individual/s providing the material and the rights of Aboriginal or Torres Strait Islander owners of the original material, and which do not violate the conditions of deposit specified by the depositor.

A copy of all publications resulting from Institute-sponsored research or Institute-sponsored publications may be given to the appropriate members of the community where the research was done on the advice of the research worker. In some instances such material may be deposited in a local museum or resource centre.
Publication of material

The grantee is encouraged to submit publishable material to Aboriginal Studies Press for consideration. If the Institute does not intend to publish, it will not, without stated and reasonable cause, withhold permission for the report or study to be published elsewhere and will inform the author, normally within a maximum of six months of the submission of the manuscript, of its intention to publish or otherwise.

*It is a requirement that grantees acknowledge Institute support in relation to material published, in whatever form, by non-Institute publishers.*

If the publication of data collected by a researcher is considered to be prejudicial to the interests of those among whom the work has been carried out, the Institute will direct to the author's attention any offending section.

Public use of audio-visual materials

The publication of audio-visual materials (photographic illustrations, films, video and audio recordings) requires the informed consent of the individuals concerned. 'Informed consent' implies that the Aborigines or Torres Strait Islanders concerned fully understand the extent of the potential distribution and have the opportunity to decide whether they wish to include a warning relevant to screenings in Aboriginal or Torres Strait Islander communities. As a general principle, the showing of a film or video should be carefully discussed with a group of senior Aborigines or Torres Strait Islanders from the community before any screening is contemplated. In the case of audio-recordings in particular, and in some cases other audio-visual publications, royalties or lump sum payments may be paid to those with rights over the material.

Restricted material

No restricted material shall be distributed without the people who provided the material clearly understanding and consenting to its use.

It is the researcher's responsibility to identify what is restricted material. However, Institute staff will carry out their own inquiries if it is believed that material not so identified may be restricted.

In the case of specific problems related to a researcher's involvement in matters which may impinge upon restricted knowledge or topics, the Institute will, wherever possible, either advise the researcher or refer the researcher to an appropriate authority. The Institute will seek to provide upon request similar assistance to any other researcher/s or group/s not sponsored by the Institute, but it cannot assume responsibility for such research.
The Institute may withdraw financial support from any research worker if it considers that its policy on restricted material has been violated.

Films, video and audio recordings containing restricted material should be shown or played only to:

- Aboriginal or Torres Strait Islander persons who would within their own culture normally be privy to the material shown or played;
- other persons, or persons within special categories, authorised by the Aboriginal or Torres Strait Islander owners with rights in the restricted material to see the films or recordings.

Within Aboriginal or Torres Strait Islander communities, films, video and audio recordings containing restricted material should never be shown or played, except upon the explicit request of senior Aboriginal or Torres Strait Islander people who would have been permitted to witness the actual events or other material portrayed. Showings or playings of this kind should only be undertaken by persons with extensive knowledge of the society and community, in order to be able to judge accurately the legitimacy of the request. The viewing or hearing of restricted material by the wrong persons, even if inadvertent, can result in deep offence, emotional stress and lasting social hardship for the individuals concerned.

No material known or thought to be restricted in presentation in its original context should be publicly displayed if there is any likelihood of its display causing offence to Aboriginal or Torres Strait Islander people. It is the duty of those considering such displays to determine whether there is such a possibility.

On request, the Institute will offer advice to any individual or group, whenever possible, on the likelihood of offence to Aborigines of publication, distribution or display of material by virtue of its possible secret/sacred nature. For this purpose, the Institute will consult the relevant Aboriginal or Torres Strait Islander individuals or groups if appropriate, as determined by the Principal. However neither the Institute nor the Indigenous people consulted can assume responsibility for the offensiveness or otherwise of the dissemination or display of the material.
B. Aboriginal and Torres Strait Islander Commission: Protocols for undertaking research relating to, involving and about Aboriginal and Torres Strait Islander peoples

BACKGROUND

1. It has often been said that Aboriginal and Torres Strait Islander peoples are ‘the most researched people in the world’. Historically, much of the research concerning Indigenous peoples has been carried out by non-Indigenous researchers and has not benefited Indigenous people greatly, but benefited the careers of the researchers. This document sets out some protocols for research commissioned by the Aboriginal and Torres Strait Islander Commission (ATSIC) which involves direct contact with Indigenous peoples, communities and their culture/heritage.

2. The Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) has played a leading role in promoting ethical research. Other Indigenous peoples and their representatives support the use of research ethics. For example, the United Nations (UN) Working Group on Indigenous Populations called on the federal government, ATSIC and Indigenous organisations to better protect Aboriginal and Torres Strait Islander peoples’ cultural and intellectual property rights. The research protocols in this document reflect the spirit of AIATSIS, the UN Working Group and many of those agencies referred to in the suggested further reading section at the end of this document.

3. Within Australia, numerous government and other agencies have recognised the importance of developing ethics for research involving Aboriginal and Torres Strait Islander peoples. For example, the Royal Commission into Aboriginal Deaths in Custody (RCIADIC) recommended that:

   Where research is commissioned or funded, a condition of the research being undertaken should be the active involvement of Aboriginal people in the area which is the subject of the research, the communication of research findings across a wide cross-section of the local Aboriginal community in an easily understandable form, and the formulation of proposals for further action by the Aboriginal community and local Aboriginal organisations. (Recommendation no. 320)

4. This document should be used as a ‘stand alone’ document where approved ethics or protocols do not exist. Where approved protocols exist in professional areas such as, for example, health, anthropology, archaeology, this document should complement those existing ones. In
the health area, the National Health and Medical Research Council’s *Guidelines on Ethical Matters in Aboriginal and Torres Strait Islander Health Research* was approved by the 111th Session of the National Health and Medical Research Council, Brisbane, June 1991. Other documents include the Australian Archaeological Association’s *World Archaeological Congress First Code of Ethics*, and the Foundation for Ethnobiology’s *A Covenant on Intellectual and Cultural Property Rights—a basic code of ethics and conduct for equitable partnerships between responsible corporations, scientists or institutions, and Indigenous groups*.

**PURPOSE**

5. The Aboriginal and Torres Strait Islander Commission (ATSIC) embraces the need to develop a broad code of practice for research commissioned, or performed, by ATSIC that involves direct contact with Indigenous peoples, communities and their culture/heritage. The protocols are intended as ethical guidelines for research and have no legal effect unless they form part of a contract (see 11–16 below). These protocols should be included with the specifications for consultancies to enable those tendering to build the requirements into their proposals.

6. The document is set out in the following way:
   - Guiding principles
   - Research protocols
     - Research manager
     - Developing a research project
     - Conduct and obligations of researchers
     - Consent
     - Consultation
     - Fieldwork preparation
   - Ownership and publication of the data
   - Appendices and further reading

7. Where ATSIC is generating a research project, these protocols must be observed and incorporated into all levels of a proposal including the contract. Researchers must adhere to the protocols.

8. This document seeks to achieve ‘best practice’ and will be regularly reviewed to improve it.

**GUIDING PRINCIPLES**

9. The following guiding principles derive from ATSIC’s acceptance of the fundamental principle of Aboriginal and Torres Strait Islander peoples’ right to self-determination, self-management and respect for the maintenance and continuance of culture and heritage.
• Any person who trespasses on Indigenous land risks endangering not only themselves, but also the traditional land owners who have the obligation to protect the sacredness and integrity of their country.

• Aboriginal and Torres Strait Islander peoples have distinctive languages, customs, spirituality, perspectives and understandings, deriving from their cultures and histories. Research that has Indigenous experience as its subject matter must reflect those perspectives and understandings.

• Research cannot be undertaken if it conflicts with the rights, wishes or freedom of the people to be researched.

• Much of Aboriginal and Torres Strait Islander peoples’ knowledge is transmitted orally and should be respected and considered along with documented and other knowledge sources.

• The tangible and intangible items to be considered as constituting the heritage of a particular Indigenous people must be decided by the people themselves.

• All researchers must respect the rights of Indigenous people’s privacy, cultural integrity and control of their own heritage.

• Heritage protection, intellectual property rights, and ownership of cultural material should not be considered to be lost by those individuals and communities who are able to demonstrate a traditional claim to that cultural heritage.

10. There is a legal responsibility to comply with the provisions of the Privacy Act 1988. Under the Information Privacy Principles (IPPs) all personal information collected by the researcher must be gathered for a lawful purpose that is directly related to a function or activity of the collector and the collection of the information must be directly related to that purpose (IPP 1). Personal information must not be collected by “unlawful or unfair means” (IPP 2).

11. The onus is on the researchers and the instigators of the research to explain the reasons for the research, the use of the research findings and the potential benefits to the immediate participants and/or the broader Indigenous community. Mediation should be considered if conflict is involved.

RESEARCH PROTOCOLS

12. These protocols encompass the above principles and apply to the conduct and obligations of researchers, the research project, the research manager, the negotiation of consent, consultation, and the preparation for fieldwork.
Research manager

13. ATSIC should designate a research manager for a research project. The research manager has responsibility for being involved in the various stages of developing a particular consultancy/research project and monitor the researcher’s observance of these protocols.

14. A research manager can be the same person as the ‘project manager’ in the ATSIC Standard Form Consultancy Contract. The research manager (‘project manager’) may form, and be part of, a committee overseeing a particular project’s terms of reference and progress. Where research is being undertaken by ATSIC officers, including the research manager/designated officer, the protocols apply likewise.

15. The research manager must decide whether these protocols apply to a particular project and should be added to the contractual arrangement. The research manager must negotiate with the individuals, the community and organisations involved in a project.

16. Where the protocols do not apply, or are inappropriate, i.e. where there is no direct contact with Indigenous peoples, communities and their culture/heritage, the research manager does not need to include adherence to the protocols in the contract.

17. As researchers/consultants in a particular project are chosen before the negotiations regarding consent are conducted, the research manager must assess the ability and willingness of the intended researchers/consultants to abide by the protocols.

Developing a research project

18. A research project should involve the individual or community from the formulation of the terms of reference, to the discussion of how to seek solutions, to the interpretation of findings.

Research methodologies can involve some or all of these approaches:
- collaborative, participation, action research
- abstract, desk-top, literature surveys, secondary sources
- sample surveys, questionnaires, a mixture of above, other methods.

20. Every research project is different. Research methodologies vary greatly and can have a high level of individual or community involvement, or have little or no direct contact. Each research proposal must be negotiated between the research manager and consultant before a contract is signed and reflect the degree of direct research to be undertaken.
21. These protocols apply particularly to the first method above, but it is the responsibility of the research manager to ascertain their applicability to other methodologies. In assessing research priorities and objectives, where research is community-based, the terms of reference should endeavour to make the research beneficial to the community. In assessing community benefits, regard must be given to the widest possible range of community interests, and the impact of the research at the local, regional or national level. This requires consultation and agreement with the particular community.

22. Whenever possible there should be a transfer of skills (training) to Aboriginal and Torres Strait Islander individuals.

23. Where the research project requires the expressing of views by individuals, the use of a researcher from that particular community may in some cases benefit, and in other cases, inhibit, the expression of views.

24. The culture and geography of the Aboriginal and Torres Strait Islander community must be considered when developing research methods.

25. In assessing the qualities of a researcher, the research manager is likely to be looking for the person/s who will:
   - be informed about relevant local, State, Territory and national laws, as well as customs and cultures;
   - participate in cross-cultural training should the research team have little or no experience in consulting or researching with Indigenous people;
   - understand and observe the protocols of communicating with Aboriginal and Torres Strait Islander individuals and communities;
   - be aware of community politics and remain unbiased and not become involved;
   - have undertaken background research and become informed about the community involved; respect decision-making processes of Indigenous societies;
   - treat fairly all persons participating in the research;
   - report fairly on community life—the range of views presented should not exclude viewpoints specific to age, gender and tribal background;
   - avoid creating circumstances where exploitation of an economic, political, cultural or sexual nature can occur;
   - be equipped to draw on a range of problem-solving strategies should conflicts arise during research, or refer conflicts to the ‘research manager’.
Consultation and negotiation

26. Consultation and negotiation with intended research subjects must precede consent and include a mix of customary leaders, and leadership of the community, Indigenous organisations, regional councils, local councils, etc. There is sometimes a tendency to rely on non-Indigenous sources (e.g. community advisers) at the expense of community members. Both sources should provide useful insight. Researchers/consultants must make the effort to abide by the agreed communication channels. Interpreters may be required.

27. The following should also be applied:
   - A contract must be drawn up between ATSIC and the researchers/consultants to protect both parties.
   - These protocols should be drawn on, as required, for each contract.
   - If agreement between local Indigenous people and the researcher cannot be achieved, the researcher should withdraw from the area and seek direction from the “research manager” about the next step. An independent mediator may be required.

Consent

28. Where the research involves individual and community members, and is collaborative, participatory or action research, the procedures must be negotiated by observing the following.

29. Researchers must:
   - Seek guidance about a community from local community–controlled councils or organisations, land councils, and other relevant sources as well as consulting relevant literature.
   - Advise individuals or groups intended to be studied of the purpose of the research and the level of confidentiality anticipated. Any arrangements for publicity and media involvement regarding the research outcomes must be negotiated in advance.
   - Establish whether formal permission is required to enter a community and then obtain it. The land tenure of an area may mean that formal permission is required. For example, in the Northern Territory a permit may be required from a land council. Other forms of permission must be pursued to enter land, whether a formal requirement or not, e.g. through the community council, local resource agency, customary leaders, etc.
   - Determine whether female researchers and/or interpreters are required to work with women, and males for men. (Remember, if “wrong” or insensitive questions are asked, interpreters may be refused an answer or may not be comfortable about asking the
question.) Ensure that informed consent has been obtained from appropriate individuals and community representatives. Ensure that women are included in the consent process.

- Where children are involved ensure that consent is obtained from parents, family or guardian. Individuals and communities should not be pressured into participating.
- Establish an advisory body (consisting of, e.g. customary leaders, regional councillors, local councillors) to assist with the methodology, conduct and evaluation of results.
- Inform the people being researched regularly about the progress of the research, a summary of the findings should be reported to the community or individuals as a whole (in an accessible form) before any publication of the data.
- Give proper accreditation or remuneration to Indigenous research assistants, individuals, communities and organisations for their participation in a research project.
- If the media contacts researchers for comments, once the work is in the public arena, then arrangements agreed with the community at the consent stage must be adhered to.

30. Where cultural knowledge or materials are to be involved in the research the following rules must apply:

- It must be presumed that everything within the traditional territory of a specific people has a traditional cultural and spiritual value and importance to those people.
- Traditional land ownership, and the relationship between Indigenous people and the land (which cannot be confined to written legal documents) must be acknowledged.
- Where cultural knowledge is sought, consent to use such material must be obtained, and payment should be made for the assistance given in obtaining that knowledge. This knowledge cannot be used to profit the researchers and other parties.

31. This last point is a particularly sensitive one. It recommends that a payment, or some other form of exchange, for peoples’ time in assisting could be made. Ownership of the cultural/traditional knowledge remains that of the Indigenous owners.

Fieldwork preparation

32. Those participants of the research project must conduct adequate consultation/negotiation before attempting any fieldwork, and obey any reasonable suggestions or requests. Communities differ greatly, information about different communities comes from doing background
research, making contact with appropriate groups and consulting widely. Appendix I lists some helpful hints.

OWNERSHIP AND PUBLICATION OF THE DATA

33. Where ATSIC is commissioning research, standard ATSIC contracts and conditions would normally apply and ATSIC would own the data produced for the study. ATSIC owns copyright of the raw data.

The research contract should also provide that:

- The researcher ensures that all records containing personal information are protected by such security safeguards 'as it is reasonable in the circumstances to take against loss, unauthorised access, use, modification or disclosure and against other misuse' (Privacy Act 1988—Commonwealth agencies are obliged to ensure that persons working on their behalf comply with the provisions of the Privacy Act). Information relating to records containing personal information will be accessible by third parties in certain circumstances (IPP 5). Individuals whose personal information is the subject of a record held by another agency are entitled to access to that record (IPP 6).

- The information must not be used except for a purpose for which it is relevant (IPP 9) and personal information must not be used for a purpose other than that for which it was compiled without the consent of the individual concerned (IPP 10).

- Data will not be used for any purpose other than that for which consent was gained unless further permission is negotiated.

- The return, storage or destruction of data is to be negotiated with the participating Aboriginal and Torres Strait Islander community before the data collection begins and again at the data collection phase.

34. Other matters which need to be covered in the research contract are as follows:

- If cultural or heritage material are the subject of the study, consent of the owners must be obtained, unless the owners are unknown and not, after strenuous effort, ascertainable.

- It must be acknowledged that where cultural, heritage and secret sacred information are involved Indigenous people will set the rules to what is catalogued and revealed to the public.

- Research reports, or parts thereof, shall not be published if it is apparent that the publication will violate the privacy of the individual, or make public secret and sacred information that could harm participating individuals, communities or organisations.

- Publication of inappropriate pictorial material must be avoided. If individuals are identified and pictorial material (of individuals) is to
be used, permission must be gained. The electronic manipulation and
distribution of text and images should be particularly considered
before using any material, particularly those of stories of the
Dreaming and ceremonial issues.

- Researchers using film, photography, audio and video recording
must take special care to obtain the consent of those recorded and
return any material borrowed. Special care must be taken with
respect to deceased persons.

ATSIC August 1997

APPENDIX ONE

Some of the considerations to take into account when visiting communities
(remembering that communities/traditions/customs vary greatly):

- Ensure you have negotiated and announced your arrival ahead of time.
- Be flexible about time (possible time losses and proposed time frame
changes should be factored into any submission involving extensive
community consultations.) Advise the community of everyone who will
be visiting. Approach agreed community leader/s when arriving.
Establish your credentials/ authenticity with the community. Be prepared
to wait for a meeting to start.
- Observe and respect community laws and rules, e.g. ‘dry areas’ or
alcohol bans.
- Do not visit during ceremonies, funerals, deaths, meetings, meals, sleep
times, shopping days.
- Do not approach small groups/houses until acknowledged and given
consent.
- Try to observe kin relationships.
- Are there any sensitive political situations within a community to be
aware of? If so, take a neutral position.
- Are you aware of the cultural responsibilities of individuals and the
community and aware of the sensitivities of ‘women’s business’ and
‘men’s business’?
- Avoid reference to deceased persons. Other people with the same name
might not be using it because a relative or other community member has
deceased.
- Many Aboriginal and Torres Strait Islander people will not look another
person directly in the eye—do not expect them to do so, try to avoid
staring at people.
- Give people time to absorb questions before answering. A ‘yes’ to you
could mean ‘I hear you’ to the person answering, not yes. Keep language
plain, avoid using big words, don’t talk down to people. Do not lose your
temper or raise your voice. If a person has a disability do not draw
attention to it, or ask about it.
• Be discreet with the information collected.
• Observe appropriate dress standards, e.g. in some areas- males: long trousers; females: below the knee skirts or dress. Always be neatly attired.
• Observe body language which may indicate the reaction of the individual more effectively than words.
• Do not be serious all the time, humour helps.
• Do not walk in front of traditional owners. When in doubt seek advice, always seek clarification of understanding.
• Rcspect opinions and views.
• Do not assume there is understanding of the purpose of the research. Conform to the established etiquette.
• Do not make promises you can’t keep.

The list is taken very much from the document “Jalinardi Ways”. (It is very important to acknowledge the diversity of Indigenous culture and society, e.g. from coastal, desert, remote, rural, islander, rain-forest, to urban communities and hints may not apply.)

SOME FURTHER READING


Aboriginal Research Centre, Ethics in Aboriginal Research, Faculty of Aboriginal / Islander Studies, University of South Australia, 1993.


Australian Archaeological Association, Code of Ethics of the Australian Archaeological Association (members’ obligations to Australian Aboriginal and Torres Strait Islander people).

Australian Archaeological Association, World Archaeological Congress First Code of Ethics.

Australian Institute of Aboriginal and Torres Strait Islander Studies, Research Grants-Information for Applicants.


Professor Peter Baume, ‘Opportunity and Benefit’, *Report of a Consultancy on Relations Between the Menzies School of Health Research and Aboriginal People*, DEET and Menzies School of Health Research, 1991.


Centre for Aboriginal and Torres Strait Islander Participation, Research and Development, *Consultation Paper—Guidelines on Research Ethics Regarding Aboriginal and Torres Strait Islander Cultural, Social, Intellectual and Spiritual Property*. James Cook University, 1995 (*Not for publication v/without permission of Professor Errol West, the Centre’s Director.*)


North Australia Research Unit, *Advice on Field Work in Northern Australia and on Research With Aboriginal & Torres Strait Islander People*, NARU, Darwin 1993.

Research Centre for Vocational Training and Education (RCVET.), *Culture Matters—Factors affecting the outcomes of participation in vocational education and training by Australian Indigenous Peoples*, University of Technology, Sydney (UTS), 1996.

Barbara Shaw, ‘Research in Aboriginal Communities: Processes’, *Address to the Community Services & Health Research Grants Workshop*, Northern Territory University, March 16, 1990.


John Thompson, Director, Collection Research, Documentation Promotion, Collections and Reader Services Division, National Library of Australia, ‘White Australia has a Black History’: *Sources for Aboriginal and Torres Strait Islander Studies in the National Library of Australia.*


* This list is not complete or exclusive but is a useful guide to some of the informed sources on these issues.*


CINCRM is committed to research activities which advance the processes of empowerment and self-determination for Aboriginal and Torres Strait Islander people, and which promote reconciliation between Indigenous Australians and the wider community. At its first meeting in April, the CINCRM Board of Management approved interim policies relating to:

- Research ethics;
- Research protocols;
- Intellectual and cultural property;
- Recruitment and professional development;
- Recognition of Indigenous scholars.

These policies have been developed using existing policies and best practice adopted by a range of organisations including Australian Institute of Aboriginal and Torres Strait Islander Studies, Batchelor College, Northern Territory University and other Australian universities. Revision may be undertaken prior to final endorsement by the Board.

The policies on research ethics and research protocols as provisionally approved by the Board are:
INTERIM ETHICS POLICY

1. Introduction

1.1 Ethical clearance of research proposals and other projects of the Centre for Indigenous Natural and Cultural Resource Management, hereafter referred to as the ‘Centre’, relates to those which involve living subjects, including animal species. This does not include archival research based on information in the public domain, unless this involves material likely to affect living individuals or statistical data from which the identity of an individual may be inferred. Research involving living subjects will require the approval of the relevant Northern Territory University or other committee, in accordance with the relevant institution’s policies.

1.2 The ethics policy of the Centre requires that all staff, students, grantees, members of research teams hosted by the Centre and Fellows, comply with Australian laws and relevant policies of the Northern Territory University relating to ethics in carrying out their work under the auspices of the Centre, whether in connection with research, publication, archives, copyright, intellectual and cultural property, privacy, confidentiality, access to restricted materials or places, and related matters. This policy especially requires that they take the utmost care to avoid any detriment—or risk of detriment—to any person or entity involved, however directly, in the Centre’s activities.

1.3 Research carried out under the auspices of the Centre should endeavour to secure the benefit of Aboriginal and Torres Strait Islander people. The Centre will not sponsor research which conflicts with the rights, wishes, beliefs or freedom of the individual people who are the subjects of the research. The Centre expects researchers to adhere to a code of behaviour which reflects credit on themselves, as well as on those institutions responsible for their training and research support.

1.4.1 This policy has been developed on the basis of existing research and ethics policies and requirements of the Northern Territory University, in particular its Human Ethics Committee, and the policies and discussion papers of other institutions which have played a key role in research and scholarship in Indigenous Australia, including the Australian Institute of Aboriginal and Torres Strait Islander Studies, Batchelor College, a key partner in the Centre, and the Menzies School of Health Research.

1.4.2 The Centre requires that researchers in the presentation of their project proposals must address issues of ethics and sensitivity of subjects and information, and provide adequate guarantees in relation to these issues. They must present written permission of those who may be the subject of
that research and/or the relevant people or bodies acting on their behalf. The guidance of research advisory committees and supervision committees will be of assistance to associates of the Centre in this regard.

2. Northern Territory University (NTU) Ethics Policy and Approval Required by NTU Ethics Committees

All researchers and students are required to comply with NTU ethics policy and to have the approval of the appropriate ethics committee for their research proposal before proceeding with their subjects. (See NTU Human Ethics Committee guidelines etc.). Dates of meetings of the committees are listed in the NTU Calendar. Assistance will be provided by Centre staff to researchers and students in submitting proposals and complying with the relevant guidelines.

3. Other Research & Educational Institutions: Their Ethics Policies and Requirements

Other research and educational institutions in northern Australia have research and ethics policies and requirements and, in particular circumstances, the researcher or student may be directed to their policies. Such institutions include some of the partners of the Centre, such as Batchelor College, the North Australian Research Unit of the Australian National University, Dhimurr Land Management Aboriginal Corporation and the Yothu Yindi Cultural Studies Institute. Other relevant institutions which have ethics policies and procedures include the Menzies School of Health Research of the Sydney University, which is based in Darwin, and Aboriginal and Torres Strait Islander communities and corporations.

4. Other Ethical Requirements

Legislation exists requiring permits to enter Aboriginal land to carry out excavations or to remove artefacts or samples in several jurisdictions—Commonwealth, Northern Territory and State. Prospective researchers must acquaint themselves with this legislation and comply with its requirements where relevant.

5. Special Requirements of the Centre

5.1 The special ethical requirements of the Centre, which are additional to the NTU policy, aim to avoid detriment—or risk of detriment—to any person involved, however indirectly, in the Centre’s activities.

5.2 They are set out below:

5.2.1 Evidence must be provided that the research proposal has received the informed consent of the appropriate Aboriginal or Torres Strait Islander
community or organisation. Normally this consent should be in writing and demonstrate that the following steps have been completed:

- a reasonable summary explanation of the research, its purposes and procedures;
- an estimate of the total amount of time required on the part of the subject/s;
- a description of any reasonably foreseeable risks or discomforts to the subject/s;
- a statement that participation is entirely voluntary, that the subject/s may choose not to participate at all, or may discontinue participation at any time;
- instructions on whom to contact with questions regarding the research;
- information about, and clarification of, the proposed use of the research;
- information about, and clarification of, ownership of the results of the research, consistent with the Centre’s policy on intellectual property rights.

5.2.2 The research proposal must address the issues of confidentiality, privacy and sensitivity of subjects and information, and provide a commitment to guarantee them to the legal and practical limits of which the researcher is capable.

5.2.3 The research proposal must address the issue of the involvement of the members of the Indigenous community where the research is being carried out, where they are acting as collaborators or co-researchers, in those cases where this is viable.

5.2.4 The researcher/s must provide a satisfactory explanation of how the research is likely to benefit either the host community or Aboriginal or Torres Strait Islander people in general.
5.2.5 The researcher/s must explain how they will make available the results of the research to the host Indigenous community in an appropriate form.

5.2.6 It will be the responsibility of the Director, or the Deputy Director if so directed, to ensure that there has been compliance with clauses 5.1 to 5.5 inclusive of this policy and other relevant ethics guidelines.

5.2.7 In the case of consultancies carried out by the Centre, either by staff or by consultants sub-contracted by the Centre, it will be the responsibility of the Director or the Deputy Director, if so directed, to ensure that the issue of consent and compliance with other relevant ethical guidelines is appropriately addressed.
INTERIM RESEARCH PROTOCOL

[This document draws significantly on protocols adopted by the Institute for Aboriginal and Torres Strait Islander Studies.]

The Centre for Indigenous Natural and Cultural Resource Management supports high-quality research that will benefit Aboriginal and Torres Strait Islander peoples, in accordance with international standards of human rights and scholarship.

Ethical research involves a number of fundamental principles:

- informed consent to the research by the individuals/community either where or with whom the research is to be carried out, or by their representatives;
- benefit to the local community, as well as to the broader community of Aboriginal and Torres Strait Islander peoples;
- acknowledgment of ongoing Indigenous ownership of the cultural and intellectual property rights in the material on which the research is based;
- appropriate use of research results and/or publication of material as agreed with the community or community representatives.

The Centre implements these principles by requiring the adherence of researchers to its ethical guidelines and by requiring clearance for proposed research projects by an institutional ethics committee, whether from another organisation or from the Centre itself.

Ethical Guidelines

The Centre will not approve research activities that lead to, or in its opinion are likely to lead to, offences against Aboriginal or Torres Strait Islander people living in the area. The Centre further recognises that:

- neither it, as a corporate body, nor any worker that it supports, has any undeniable right to be given access to information about Aboriginal or Torres Strait Islander life or culture;
- it is only with the cooperation of Aboriginal and Torres Strait Islander people that it is able to fulfill its aim of pursuing research into Aboriginal or Torres Strait Islander cultures and ensuring its documentation for future generations;
- it is the obligation of the intending researcher to convey to the Aboriginal or Torres Strait Islander people concerned the purpose of the work and to obtain their agreement to it;
failure to respect Aboriginal or Torres Strait Islander custom can disrupt the life of the communities within which the Centre is sponsoring research or curtail the researcher’s work and hinder possible future research.

1. Preliminary requirements

Researchers and postgraduate students must consult relevant Centre research staff prior to commencing their project. Researchers must also consult the Centre to discuss their proposals for photography, sound recording and filming. All research projects supported by the Centre will be drawn up in a project charter detailing research activities to be carried out prior to the commencement of the project.

All States and Territories have legislation controlling activity at (and sometimes access to) archaeological sites and permission is required to excavate and/or conduct surveys. Information is available from the Centre about such legislation and about the State and Territory authorities from whom guidance should be sought regarding regulations applying to research permits as well as requirements for consultation with relevant Aboriginal or Torres Strait Islander communities and agencies.

Intending researchers should also consult the ethical guidelines or codes of ethics adopted by relevant professional bodies and/or associations and their host organisations, for example:

- Australian Association of Consulting Archaeologists: Code of Ethics
- Australian Anthropological Society Code of Ethics: Consulting Work
- Social Research Association Ethical Guidelines
- Professional Ethics: Statements and Procedures of the American Anthropological Association
- The Aboriginal Languages Association: Resolutions
- National Health and Medical Research Council guidelines on ethical matters in Aboriginal and Torres Strait Islander health research
- NTU human and animal experimentation ethics policies.

2. Informed consent

It is necessary to establish the groundwork for a research project. This requires:

- informing the appropriate organisations as soon as possible;
- discussing the proposed research program with the relevant Aboriginal or Torres Strait Islander people and informing them of their rights and access to the results of the research;
- prior to fieldwork, obtaining permission from the relevant individuals, communities or organisations to visit the proposed locality and to conduct research.
Appendix 2

The ensuing arrangements must be fully understood by, and be acceptable to, those people concerned. This may entail a preliminary visit to the proposed research area, including by scholars from overseas, in addition to making contact by writing.

The applicant must provide evidence, usually in writing, of relevant Aboriginal or Torres Strait Islander support for the project in circumstances where such support is relevant. This may be obtained from:

- the council (or similar governing body) of the local community in which the work is to be done or a relevant local organisation;
- the relevant Aboriginal or Torres Strait Islander community, local council or organisation in cases where a permit is required to enter designated Aboriginal or Torres Strait Islander land to carry out the project;
- appropriate Aboriginal or Torres Strait Islander ‘umbrella’ organisations, where such organisations exist.

Evidence of Aboriginal or Torres Strait Islander support will not guarantee that the project will be funded, and applicants are asked to ensure that any organisation or community that is approached is aware of this. The evidence must be lodged with the Centre at the time the application is submitted, or as soon as possible after that time.

In seeking relevant Aboriginal or Torres Strait Islander support, researchers should be aware that those people relevant to the project may not always be equally represented on community councils, land councils and in umbrella organisations. For example, the owners of a particular area may live outside their traditional land, and women may be under-represented. In such cases, permission may also need to be sought from these individuals, or in the case of children, from parents or guardians, on the basis of a personal explanation to them.

Researchers using film, photography, audio and video recording must take special care to obtain the consent of those recorded. The researcher must explain the uses to which the films/photographs/audio and video recordings will be put and the conditions under which access to, and use of, them may be controlled.

Particular attention should be paid to the problems of visual images and sound recordings of deceased persons and of areas of Aboriginal or Torres Strait Islander life to which public access is normally restricted. A thorough understanding of these matters must be acquired prior to beginning the research, and intending researchers are strongly urged to discuss them with relevant Centre staff.
An individual (or his/her parents or guardians) must be free at any time to withdraw from the project, and the investigator must discontinue or modify the research if it becomes apparent that continuation may cause conflict. Should there be an overall lack of support for, or acceptance of the project, the investigator must discontinue the research until such time as the issues causing this lack of support or acceptance are resolved.

Significant changes to a research project, including a change in the research location, must be approved by the Centre prior to the change or changes being made. In general, researchers are urged to maintain regular contact with the Centre through relevant staff members for the duration of the project in order to minimise problems for the researcher and for the Centre in its relations with communities.

All information regarding the procedures, use of results and aims of the research must be given in an appropriate manner to the relevant community council/organisation and to individuals involved in the research project, and no procedures should be added to, or fundamentally altered, after consent has been obtained. Any changes which are thought necessary because of unforeseen problems or change of interest must be the subject of advice to, and consent from, the council organisation and individuals concerned, in the same ways as with the initial project.

Researchers are expected to observe the normal proprieties in respect of the personal privacy of individuals, and practices such as concealment techniques should normally be avoided. If such practices appear necessary for the research, they must be fully explained, understood and agreed to in advance by the people involved with the research before they are implemented.

3. Benefit to the community

As far as possible, the research project should actively include as collaborators or co–researchers, members of a community where the research is being carried out.

Adequate financial compensation must be paid to Aboriginal or Torres Strait Islander co–workers, assistants and subjects of the research where time is required to be spent outside normal personal and community activities. Centre rates of pay will normally apply, although, in some instances, current local rates of pay should be ascertained by the researcher prior to making an application. The manner of payment may be flexible; in some cases, payment may be made in part as a lump sum to the community if that is what the community desires. In normal circumstances, the Centre will not pay subjects of research for providing information which is for the purpose of preparing a land claim, a native title claim, or similar purpose of direct
benefit to the community or individuals concerned and which has been requested by the community or the individuals.

Researchers are alerted to the dangers of creating circumstances where exploitation of an economic, cultural or sexual nature can occur. Researchers should avoid entering with the subjects into private economic arrangements, unauthorised negotiations for cultural visits and exchanges, and relationships of a sexual nature during the period of the research. Researchers are in a position of privilege and trust, and should conduct themselves accordingly.

4. Ownership of cultural and intellectual property rights

A research project supported by CINCRM may be seen as a joint project, that is, one between a researcher and the Indigenous community. This involves two distinct areas:

- background intellectual property—that is, what one party owns before going into the project and brings to it. This remains the intellectual property of that party;
- foreground intellectual property—that is, the results of the joint project. This may be jointly owned by the parties concerned, or ownership allocated by prior agreement.

This means that the cultural and intellectual property rights in the material on which the research is based remain with the Indigenous owners. The grantee is the owner of the copyright in the research results where these are used for research purposes and not for profit. This may be jointly with the Indigenous participants.

The Centre holds a non-exclusive royalty free, perpetual licence to use the research material for the purposes set out in the project charter.

5. Appropriate use of research results

It is Centre policy that, when the work has been completed and analysed, the community and individuals in whose domain the research was carried out should be informed of the results in a clear and comprehensible manner, and that copies of material collected during the course of the research should be returned to the community. While the Centre will facilitate this requirement in every way possible, it is ultimately the responsibility of the researcher to ensure that the community and individuals involved in the research have ready and continuing access to these data. Means by which this may be achieved should be considered by the researcher during the course of the project.
6. Publication or broadcast

On the advice of the researcher, a copy of all publications resulting from Centre-sponsored research may be given to the appropriate members of the community where the research was conducted. In some instances, such material may be deposited in a local museum or resource centre.

The researcher is encouraged to submit publishable material to the Centre for consideration. If the Centre does not intend to publish, it will not, without stated and reasonable cause, withhold permission for the report or study to be published elsewhere and will inform the author normally within a maximum or six months of the submission of the manuscript of its intention to publish or otherwise. It is a requirement that researchers acknowledge Centre support in relation to material published, in whatever form, by non-Centre publishers.

The publication of audio-visual materials (photographic illustrations, films, video and audio recordings) requires the informed consent of the individuals concerned. ‘Informed consent’ implies that the Indigenous people concerned fully understand the extent of the potential distribution and have the opportunity to decide whether they wish to include a warning relevant to showing or playing them in Aboriginal or Torres Strait Islander communities. As a general principle, the showing of a film or video should be carefully discussed with a group of senior Aborigines or Torres Strait Islanders from the community before any screening is contemplated. In the case of audio recordings in particular, and in some cases other audio-visual publications, royalties or lump sum payments may be paid to those with rights over the material.

No restricted material shall be distributed without the people who provided the material clearly understanding and consenting to its use.

The onus is on the researcher to identify what is restricted material. However, Centre staff will carry out their own inquiries if it is believed that material not so identified may be restricted.

In the case of specific problems related to a researcher’s involvement in matters which may impinge upon restricted knowledge or topics, the Centre will, wherever possible, either advise the researcher or refer the researcher to an appropriate authority. The Centre will seek to provide upon request similar assistance to any other researcher/s or group/e not sponsored by the Centre, but it cannot assume responsibility for such research.

The Centre may withdraw financial support from any research worker if it considers that its policy on restricted material has been violated.
research, the Researcher agrees to be bound by the terms and conditions of this Agreement.

2. (a) In the completion of the research project the Researcher shall comply with any reasonable direction that may from time to time be given by the Executive of the Women’s Council.
   (b) The Researcher shall promote to the best of her ability, skill and knowledge the interests of AP and the Women’s Council in completing the research project.

3. (a) The Researcher shall not at any time whether during the term of this Agreement or at anytime thereafter divulge or utilise to the detriment or prejudice of AP or any related body corporate or community or any member of AP any confidential knowledge or information of AP or any related body corporate or community or member or AP obtained by the Researcher in the course of or prior to this research project.
   (b) During the continuance of this Agreement all data, notes, memoranda, reports (including electromagnetically stored material), photographic materials, maps, drawings and other graphic material and recordings and any copies thereof relating to any matter associated with the work undertaken pursuant to this Agreement ‘the Material’ shall be owned by AP, subject to paragraph 3(c) and cannot be used without the permission of AP.
   (c) Copyright in the thesis prepared by the Researcher as a result of the research project shall be jointly owned by AP and the Researcher and will not be published without the written permission of both parties subject to any agreement between the Researcher, the [University], and [the funding body].
   (d) The Researcher shall submit a draft of her research work to the Executive of the Women’s Council prior to its finalisation. She shall not submit her finished work to the University without the prior written consent of the Women’s Council and through the Women’s Council having fully consulted with the Aboriginal informants over the contents of the research work and in order to clearly identify any sensitive and/or restricted material and to determine the conditions of access to or any restrictions on the use of the material by herself, the University or any other person or body corporate.
   (e) The Researcher acknowledges that she shall make it a condition of the submission of her work to the University that the University shall be fully cognisant with any sensitive and/or restricted information contained in the thesis and shall place such restrictions on access and use of any of the material as shall be imposed by the Women’s Council in accordance with sub-paragraph 3(c) hereof.
(f) The Researcher shall not at any time without the prior written consent of the Women’s Council disclose the contents of any parts of the Material or do any other act or thing inconsistent with the rights of the Women’s Council therein.

4. The Women’s Council have the right to publish such research work but such publication shall not take place without the written consent of the Researcher. Such publication shall only take place with the clear acknowledgment by the Women’s Council of the Researcher as Researcher and author of such publication.

5. Without prejudice to any other right of action on the part of the Women’s Council for breach of any of the terms hereof, this Agreement may be terminated forthwith by the Women’s Council without prior notice to the Researcher if at anytime the Researcher:

(a) is in breach of any term of this Agreement;
(b) shall be guilty of any gross misconduct during the continuance of this Agreement and such matter shall be within the sole discretion of the Chairwoman of the Women’s Council;
(c) becomes of unsound mind or under the control of any committee or officer under any law relating to mental health;
(d) The Women’s Council may withhold it’s consent in accordance with sub-paragraph 3(c) where it feels that there are good and substantial reasons for doing so based on the wishes of the Aboriginal informants or where it feels that the best interests of the Women’s Council or the Pitjantjatjara people or of the informants may be jeopardised in any way by any information contained in part or the whole of the research work, or where it is not satisfied that the Consultant will place sufficient safeguards on access to and use of the material.

6. The Researcher shall comply with all statutory enactments, by-laws, and regulations in force for the time being while conducting the research project on the Pitjantjatjara lands.

7. In the event of termination in accordance with Clause 4 or in the event of any breach on the part of the Researcher of any of the terms of this Agreement (including a breach of Clause 3 whether during the conduct of the research project or at any time thereafter), the Researcher shall forthwith upon demand deliver up the Material to the Women’s Council, together with all copies thereof in the possession or under the control of the Researcher.

8. No variation of the terms and conditions of this Agreement shall be of any effect unless in writing and signed by each of the parties hereto.
This Agreement shall be governed and construed in accordance with the law of the State of South Australia of Australia.

10. Any dispute between the Women’s Council and the Researcher as to the construction and interpretation of this Agreement shall be referred to the arbitration of a person approved by each of the parties and in the absence of agreement a person appointed for the purpose by the Principal Legal Officer for the time being of the Pitjantjatjara Council Inc.

11. A reference in this Agreement to the Women’s Council shall include a reference to the Executive for the time being of the Women’s Council and/or any person appointed but the Chairwoman for the time being of the Women’s Council for the purposes of carrying out the duties and responsibilities under the Pitjantjatjara Land Rights Act. A reference in this Agreement to the Women’s Council shall include a reference to the Executive for the time being of the Women’s Council for the purposes of carrying out the duties and responsibilities of the Women’s Council under it’s Constitution.

12. The terms of this Agreement shall be a term of any permit issued to the Researcher pursuant to the provisions of the Pitjantjatjara Land Rights Act.

E. Contract used by J. Balme and W. Beck for fieldwork in northern New South Wales

ARC COLLABORATIVE PROJECT

INTELLECTUAL PROPERTY & CONFIDENTIALITY AGREEMENT

An Agreement dated .............................................. 199...

BETWEEN: Name of Institution/University

AND: Name of Aboriginal Corporation/Land Council

WHEREAS

A. {Institution} and Collaborator have been awarded a collaborative research grant by the Australian Research Council to conduct a research project titled {‘project title’} (‘the Project’).
B. The Project may lead to the exchange of Information between the parties and the creation of Information and Intellectual Property of commercial value.

C. Ownership and use of any Information or Intellectual Property connected with the Project shall be determined in accordance with the following terms and conditions.

IT IS AGREED

1. Interpretation

1.1 ‘Information’ means and includes all technical, proprietary, engineering and operational information, drawings, techniques, processes, know-how, methods of working, data and specifications, trade secrets and any other information disclosed or communicated;

1.2 ‘Intellectual Property’ means and includes all copyright including future copyright, trade marks, designs, patents registered and unregistered, plant breeders rights, trade secrets and know-how, semiconductor or circuit layouts, and all other intellectual property as defined in Article 2 of the convention of 1967 establishing the World Intellectual Property Organisation.

2. Confidential Information

2.1 All Information submitted by one party to the other, whether existing prior to the commencement of the Project or created in the course of the Project, shall be kept confidential and shall not be disclosed to any other third party without the prior written consent of the disclosing party (and if more than one, the disclosing parties).

2.2 No Information shall be regarded as confidential if it:
(a) is already in the public domain;
(b) becomes available to the public by any means other than breach of this Agreement by the receiving party;
(c) is received by a party from an independent third party who is lawfully in possession and has the power to disclose the Information.

2.3 The ownership of Information which exists prior to the commencement of the Project shall not be altered or transferred merely by virtue of its use in the Project.

2.4 Subject to Clause 3.2 each party shall be entitled to publish the results of the Project subject to obtaining the prior written consent of each other party, such consent not to be unreasonably withheld. Exception with
respect to Information owned by any other party, consent to publish shall not be required upon the expiration of 12 months from the date of first submission of the publication to each other party.

3. **Intellectual Property**

3.1 The ownership of Intellectual Property which exists prior to the commencement of the Project shall not be altered or transferred merely by virtue of its use in the Project.

3.2 Intellectual Property created or developed in the course of the Project, including tape recorded interviews and transcriptions of such interviews, will be jointly owned by {Aboriginal Corporation} and {Institution}.

3.3 Neither party will publish or disseminate the results of the Project or Intellectual Property created in the course of the Project without the written permission of the other party. Such permission is not to be unreasonably withheld.

4. **Other Obligations**

4.1 Each party shall ensure that all independent contractors engaged in the Project execute, prior to commencing work:

   a) an assignment to the parties of all Intellectual Property created or developed in the course of the Project;

   b) a confidentiality agreement with respect to the Information in which the independent contractor covenants to keep the Information confidential and not to disclose it to any other party and to only use the Information for the sole purpose of carrying out the work on the Project.

5. **Dispute Resolution**

5.1 Any dispute between the parties arising out of this Agreement shall first be referred for resolution to a meeting of the Managing Director and Vice-Chancellor or equivalent of each party.

5.2 If the dispute remains unresolved for a period of 60 days after the meeting referred to in clause 5.1 it shall be referred to mediation and/or arbitration by the Australian Commercial Disputes Centre conducted at Sydney. The decision of the arbitrator (if any) shall be binding and final on the parties.

6. **Notices**

6.1 The address for notices at {Institution} is

   Detail of Address, Phone & Fax
6.2 The address for notices at the Collaborator is:
Detail of Address, Phone & Fax

7. Termination

7.1 This Agreement shall commence on the date written above and continue until 31 December 2000, unless otherwise agreed in writing by the parties. The obligations contained in clauses 2 and 3 shall survive termination.

8. General

8.1 Any provisions of this Agreement which are held to be illegal or otherwise in conflict with any laws, statutes or regulations shall be deemed to be severed from the remainder of the Agreement and the validity of the remaining provisions shall not be affected.

8.2 This Agreement constitutes the entire agreement between parties.

8.3 This Agreement may be varied by the further written agreement of the parties.

8.4 This Agreement shall be construed and governed in accordance with the laws of New South Wales.

EXECUTED BY THE PARTIES ON THE DATE WRITTEN ABOVE

Signed for and on behalf of  
{Institution}

by: ____________________________  
)  Name: ____________________________
)  Title: ____________________________

Signed for and on behalf of  
{Aboriginal Corporation}

by: ____________________________  
)  Name: ____________________________
)  Title: ____________________________
[COVER LETTER]

This letter is just to confirm outcome of our discussions with you and {name} on {date}. We understand that the {name of land council} has no objection to our proposed excavation of the rock shelter on {name of station} near {town} provided that:

- We give some talks about archaeology and our work at {town} to the {Place} school children both at the {place} school and at the site;
- Employ some members of the {name of land council} at the site as archaeologist’s assistants;
- Give a talk at the site to members of the {name of land council} (perhaps in Aboriginal week);
- Should we uncover human skeletal remains at this site we will immediately stop excavating and contact the {name of land council} to get their advice on how to then proceed;
- Provide a plain English report to the {name of land council} on completion of our excavation.

If you agree to these conditions could you please sign the bottom of one copy of this letter and post it back to us in the enclosed stamped envelope. We are, of course, willing to be involved in other activities. If you can think of any other, or if you would like anything listed above changed, please don’t hesitate to tell us.

We were very pleased to meet you and {name} on {date} and are very excited that you are interested in our work. We have enclosed a copy of our research proposal in case anyone else at {place} would like to know of our plans. We will contact you again in early June about further arrangements. One thing that we would like to discuss then and which you may like to consider beforehand is the method of payment for the assistants. Either we can pay the {name of land council} and it can distribute the money to the workers or we can pay the workers direct.

We are looking forward to working with you - until {date}.

Best Wishes