

Report on Breakout Session: The Future of Connection Material

Grace Koch, Native Title Research and Access Officer

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The session, which considered current practice for the treatment of connection material and other documents collected in the claim process, was held on 1 June from 1:30-3:00PM. Approximately 45-50 people attended the session.

Chair: Grace Koch
Speakers: Michael Bennett, NSWNTS
Bill Kruse, Ngaanyatjarra Council
Nick Smith, YMBB MAC

Questions raised by speakers included:

- When NTRB staff create their own databases of information, who owns it?
- What do the courts intend in relation to the native title reports that they hold?
- Is the advice that all material should be kept closed for 7 years correct?
- What material should Rep Bodies keep?
- How does the Privacy Act work with native title information?
- Need to explore intellectual property issues.
- How should material be disseminated to claimants?
- Dilemmas of where to lodge materials, generally what to use during the claims process

It was agreed that we have another session the following day in order to formulate a list of suggestions for further action. Ten people attended a meeting from 3:30-5:00 on 2 June and made these recommendations:

1. The Indigenous Facilitation and Mediation Project had issued a *Report on Native Title Representative Body Workshops: Directions, Priorities and Challenges*. Report No. 2 in this series had made two recommendations under "Managing Connection Materials" (p.24) **Recommendation 5**: There is a need to review the processes by which NTRBs collect, exchange and allow access to connections materials in order to develop best practice guidelines and policies. **Recommendation 6**: As part of this review process, IFaMP should identify strategies to coordinate a workshop to review and agree upon joint approaches between lawyers and researchers and the range of agencies involved for the use of connection materials. The conference group wanted to see the words "responsibility to claimants" appended to Recommendation 6. They also would like to see such a workshop convened in the near future.
2. Nick Smith and Mark Chambers agreed to provide GK with a listing of the types of materials generated by the Native Title process.
3. The group requested that preservation information for both print and audiovisual materials be distributed to each NTRB. GK can arrange this. In addition, it was suggested that a team of experts in records management, archival procedures, preservation and computer technology be sent to each NTRB to make recommendations for better management of materials.

4. The need for an ethics forum was discussed and suggestions need to be made for how such a body would function and would be constituted. GK agreed to do a listing of web sites on ethics documents.
5. Clarification was needed about Government ownership of material in regard to moral rights and privacy issues.
6. A list of funding agencies needs to be drawn up for projects dealing with improving arrangement and description of materials held by NTRBs. GK offered to help with this.
7. Participants would like to see an approach made to AIATSIS for funding help to establish storage facilities *in situ*.
8. The NLC believes that there is a real possibility of deregistration in the near future and would like to see AIATSIS or some other archive or storage facility approach them in order to make contingency plans as soon as possible.
9. The group would like to see AIATSIS approach consultants who had worked on native title claims, NTRBs in general and the Federal Court and governmental agencies for copies of reports and other material that they may hold on native title.

All participants want to explore what is *sensible* and what is *feasible* for ensuring the safety and preservation of records that they hold.

An interesting development in relation to Point 5 above arose. The funding agreements between DIMIA and NTRBs include a clause stating that all material generated were required to be passed on to DIMIA. NSWNTS had been successful in striking out that clause. NTSV will be seeking to do the same.

It was agreed that GK would discuss the above recommendations with relevant AIATSIS staff and would inform NTRB contacts about further developments.

Attendees at the second meeting:

Michael Bennett (NSWNTS)
Mark Chambers (Consultant Historian)
Gerard Finnigan (NTSVictoria)
Belinda Guest (NTSVictoria)
Grace Koch (AIATSIS)
Bill Kruse (Ngaanytjarra Council)
Pam McGrath (NTSV)
Michael Meegan (GoldfieldsLSC)
Jodi Neale (PilbaraNTS)
Nick Smith (PilbaraNTS)