AIATSIS

AUSTRALIAN INSTITUTE OF ABORIGINAL AND TORRES STRAIT ISLANDER STUDIES

Managing Information in Native Title (MINT)

SURVEY AND WORKSHOP REPORT

Pamela Faye McGrath, Ludger Dinkler and Alexandra Andriolo

NATIVE TITLE RESEARCH UNIT

November 2015

First published in 2015 by the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS)

Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS)
GPO Box 553, Canberra ACT 2601
Phone: (61 2) 6246 1111
Fax: (61 2) 6261 4285
Email: research@aiatsis.gov.au
Web:www.aiatsis.gov.au

ISBN 978-1-922102-42-3 (ebook)
ISBN 978-1-922102-41-6 (print)

Cataloguing-in-publication details are available from the National Library of Australia, www.trove.nla.gov.au.

Contents

Tables

Figures

Acknowledgments

AIATSIS would like to thank everyone who participated in the Managing Information in Native Title (MINT) workshop for making the time to complete the survey and to travel to Canberra to attend the workshop. The collective experience and skill of participants and the insights and the ideas they shared during the workshop form the basis of this report. The Native Title Research Unit (NTRU) would like to particularly thank all the presenters at the workshop for their invaluable contributions to the workshop and this report. Their knowledge and experience provided valuable context and stimulated discussions throughout the two days.

The NTRU acknowledges the work of Alexandra Andriolo for her management of workshop logistics. Our gratitude also goes to Lisa Strelein and Mary Anne Jebb for their assistance in facilitating and chairing sessions, to the workshop scribes Donna Bagnara and Pauline McGuire for providing us with excellent notes of the workshop sessions, and to the AIATSIS communication and engagement team for recording the presentations and helping to finalise the layout and typesetting of this report. And finally, our thanks go to the workshop participants who reviewed and commented on a draft of this report.

The NTRU hopes that this survey and workshop report will help to raise awareness of the difficulties native title organisations face as they strive to look after the vast amount of what workshop delegates rightly stressed is not just information, but cultural information, collated and collected in their pursuit of native title. We look forward to continuing to work with native title holders and their representatives and advocates in coming years to develop and help implement some of the solutions identified during the workshop.

Acronyms and abbreviations

AIATSIS	Australian Institute of Aboriginal and Torres Strait Islander Studies
CD	compact disc
CDNTS	Central Desert Native Title Services
DAMS	Digital Asset Management System
DPI	dots per inch
EDRMS	Electronic Document and Records Management System
FAQ	frequently asked questions
FOI	freedom of information
GIS	Geographic Information System
GUI	Graphical User Interface
HR	human resources
IRCA	Indigenous Remote Communications Association
IT	information technology
MFD	Multifunction Device
MINT	Managing Information in Native Title
NAA	National Archives of Australia
NAP	Normal Administrative Practice
NTRB	Native Title Representative Body
NTRB/SP	Native Title Representative Body and Service Provider
NTRU	Native Title Research Unit
NTSP	Native Title Service Provider
NTSV	Native Title Services Victoria
NWAC	Nyangumarta Warrarn Aboriginal Corporation
PBC	Prescribed Body Corporate
RNA	Retain National Archive
RNTBC	Registered Native Title Body Corporate
TSI	Torres Strait Islander
YMAC	Yamatji Marlpa Aboriginal Corporation

Executive summary

The Native Title Research Unit (NTRU) at the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) has embarked on a three-year project about managing information in native title (MINT). The MINT project has been initiated in response to concerns raised by numerous native title organisations and traditional owner groups regarding the management of the large amount of information they have accumulated in the process of securing and managing their native title rights.

In more than 20 years since the introduction of the *Native Title Act 1993* (Cth), many hundreds of claims have been lodged and more than 139 Prescribed Bodies Corporate (PBCs) have been established around the country. The information holdings of native title groups, PBCs and the Native Title Representative Bodies and Service Providers (NTRB/SPs) that assist them are typically large and contain many thousands of items that are culturally or legally sensitive, technologically complex to manage and physically fragile. These include items such as research reports, genealogies, court documents, maps, photographs, audio and film recordings, field notes and minutes of meetings.

Managing and securing native title material is a complex task, and not just because of the collective size and diversity of formats. Cultural complexities and sensitivities are embedded in the information itself, and the collection of a single organisation may be physically dispersed among multiple sites in many different places. Appropriate storage facilities are needed, as are staff with relevant experience and capabilities, to deal with the wide spectrum of media and document types such organisations hold.

The scale and complexity of the practical, cultural, legal and conceptual issues involved in managing native title information, however, contrast with the very limited resources and expertise available to deal with them on a local, regional or national level.

With these issues in mind, in March 2015 the NTRU convened a two-day MINT workshop for community leaders and practitioners. The objective was to provide an opportunity for people who are responsible for managing and using native title information to share stories of their successes and discuss possible solutions to many of the challenges.

Prior to the workshop the NTRU designed and distributed a short survey (Appendix A) to participants about the information management practices of their organisations. The findings of this survey, discussed in Part I of this report, provide background information about the size, scope and vulnerabilities of the information holdings of native title organisations and their relative capacity to manage them.

The workshop, which was held in the Mabo Room at AIATSIS, was attended by 38 delegates from 27 PBCs, NTRB/SPs and national agencies from around the country. For two days this group of leaders, managers, lawyers, researchers and archivists listened, talked and debated the resources that are needed most and how they might be secured. This report reflects their collective knowledge and experience.

Survey findings and workshop outcomes

Responses to the pre-workshop survey were received from 21 organisations that collectively represent more than 320 native title groups, making this the largest such survey of its kind ever undertaken. The results of the survey highlight some of the key information management strengths of native title organisations, but also point to concerning vulnerabilities that are placing significant and unique information and materials at risk of loss or damage.

The workshop provided the first national forum specifically dedicated to managing native title information. Its findings reinforced the urgency of dealing with information challenges that are exacerbated by the growing volume of information, rapid technological change, and increasing requests for access to information by an expanding PBC sector and native title groups.

The workshop and survey offered a great deal of learning about the most significant factors currently impacting the capacity of native title organisations to manage, secure and provide appropriate access to their holdings of native title information. These factors are summarised below and discussed in more detail in the body of the report.

Size, scope and vulnerability of holdings

- The information holdings of native title organisations are large and diverse. NTRB/SPs have larger holdings than PBCs.
- The increasing numbers of native title groups that are moving into the post-determination phase of their native title journeys bring different information management challenges for NTRB/SPs and PBCs.
- Audio-visual materials are most at risk. Most native title organisations are struggling to find the resources they need to organise and digitise their unique and valuable collections of films, photographs and audio recordings.
- Materials held by PBCs are at greatest perceived risk of loss or damage.

Systems and infrastructure

- The availability of basic administrative infrastructure is a problem for a few organisations. Two of the seven PBCs that participated in the survey did not have access to an office or a computer.
- Physical storage space is an issue. Almost half of all survey participants reported that they have insufficient physical storage space for their information holdings.
- Digital storage space is an issue. Close to half of participating PBCs, a quarter of NTRB/SPs and one of the national agencies reported that they have insufficient digital storage for their holdings. This problem is likely to grow in coming years as the amount of digital material being created increases.
- Information management systems are not widely used. Only half of the PBCs surveyed reported having an electronic filing system or Digital Asset Management System (DAMS) in place and only one-third of PBCs and NTRB/SPs have a collections management plan.
- Digitisation of physical assets is limited, which places fragile items at risk. A significant proportion of all organisations surveyed reported that they do not currently have a digitisation program in place.
- Many organisations do not have policies and procedures that cover the entire lifespan of information and materials, including storage and access.
- It is currently very difficult for native title organisations to share information and knowledge protocols and policies.
- Individuals with responsibility for information and knowledge management do not necessarily know where to go for assistance with developing sound policies or protocols.
- Other infrastructure and technology challenges include:
    - infrastructure that is unsuited to the size of information holdings or the environmental conditions in which they are kept
    - slow, unreliable or non-existent internet and mobile phone services
    - software that is not user friendly or culturally appropriate
    - technological obsolescence
    - incompatible programs used in different areas of an organisation
    - data security issues associated with cloud storage.

Human resources

- Native title organisations do not have enough specialist staff to assist with information and knowledge management. Less than 2.4 per cent of the reported workforces of participating organisations have skills in information management or archiving.
- The shortage of dedicated information management staff, and the problem of retaining them, is particularly acute for organisations located in remote regions.
- The contributions of volunteers to the work of native title organisations, in particular PBCs, are not well recognised. A culture shift is needed to recognise the time, skills and knowledge they bring to their organisations.
- There are not enough short training courses relevant to information management and, where available, these are often not seen as a high priority for training of PBC and NTRB/SP staff.

Funding and resourcing

- Money and resources to support information management activities are difficult to secure. Only 30 per cent of participants report having ever received an extraordinary grant or external funding to support information management.
- Chronic under-resourcing impacts significantly on information management capacity, and native title organisations require substantially more funding for training, staffing, infrastructure and information technology than is currently available.
- These problems are compounded by a lack of recognition within native title organisations themselves of the need to resource information management capabilities.

Legal advice

- Legal advice about the ownership and management of native title materials is often sought retrospectively after materials have been collected or created.
- The obligations of native title organisations to protect information, under the *Privacy Act 1988* (Cth), and their responsibilities to provide traditional owners with access to their native title materials are sometimes difficult to reconcile.
- What Australian law prescribes in relation to the ownership of materials is at times in tension with the expectations and obligations of Aboriginal or Torres Strait Islander law.
- The cultural or moral ownership of information contained in native title materials is not easily identified and is not always taken into consideration.

- There is very little publically available advice that native title organisations can access to help them navigate complex legal issues around the management of ownership, copyright, privacy and intellectual property.

Protocols and policies for the return of materials

- Returning native title material held by NTRB/SPs and national agencies to native title groups is a complex and difficult enterprise. Only one-quarter of NTRB/SPs and neither of the two participating national agencies currently have protocols or policies in place to guide the return of materials.
- There is a perception among PBCs that returning materials to native title groups is not prioritised by NTRB/SPs or national agencies.
- NTRB/SPs have limited resources and often face difficult decisions about how to allocate them. At times this means having to choose between assisting another group to get its native title rights recognised or facilitating the return of materials to groups that already have a determination.
- The process of identifying and preparing materials to be returned and negotiating with native title groups how this will happen is time consuming and resource intensive.
- Many PBCs do not currently have adequate physical and digital storage to enable them to receive native title materials and keep them safe.
- There are very few resources—guidelines, legal advice, protocols and so on—available to help native title organisations work through the challenges of returning materials to native title holders.

Priority needs

- All native title organisations urgently need dedicated funding for information management.
- What PBCs need most, right now, to secure vulnerable native title materials are technical and legal advice, protocols and skilled people.
- What NTRB/SPs need most, right now, to secure their holdings of native title materials and facilitate their return to native title groups are protocols, technology and infrastructure, and skilled people.
- National agencies need protocols, more than anything else.
- There is an urgent need for continuous and increased digitisation of some information assets, in particular audio-visual assets, in order to prevent their loss due to physical degradation.

- There is a need for a national voice to lobby government and other stakeholders about the challenges Aboriginal and Torres Strait Islander organisations experience in relation to information management issues.
- Specifically, native title organisations need assistance with:
    - accessing funding opportunities
    - developing protocols and policies for the return of materials
    - archiving and collection management
    - establishing information management systems such as DAMS, Electronic Document and Records Management Systems (EDRMS), and Geographic Information System (GIS) databases
    - legal advice on document ownership and copyright
    - setting up cultural centres and keeping places
    - increasing their physical and digital storage capacities.

Addressing challenges

It is telling that many information management issues raised in 2008 by Grace Koch in the *Future of connection material held by Native Title Representative Bodies: final report* have not been resolved. Rather, as many of the findings of the MINT pre-workshop survey and MINT workshop demonstrate, they remain issues for NTRB/SPs and PBCs today.

The gaps in skills, technology and advice illustrated by the MINT project highlight just how vulnerable many collections of native title materials are. Few organisations have the resources they need to document, organise, digitise and otherwise preserve their many and diverse holdings. Without the appropriate skills and technology, fragile formats such as analogue film, photographic prints and slides, and audio recordings are at particular risk of loss through physical degradation or environmental damage. In the absence of adequate resources to maintain and update computer systems, digital documents of all kinds are also vulnerable to loss through technological redundancy.

Long-term security is not the only issue: the need for protocols to assist NTRB/SPs and national agencies to return materials to PBCs is urgent. Ultimately, collections of native title material only realise their full value when they can be accessed and used by those who want and need them most. The aspirations of PBCs to bring such collections home are hampered by complex legal and cultural constraints that all parties, regardless of their roles within the native title system, struggle to navigate.

In response to the challenges and needs detailed above, workshop delegates discussed ways by which they can address and overcome some of those challenges at a number of levels. One of the most pressing actions identified is the need to lobby for increased funding and dedicated positions to manage the information holdings of native title organisations. There was also acknowledgment that in many

organisations information management does not receive the priority it deserves and that organisational attitudes towards information management issues need to be addressed at the local level. There was general agreement that the responsibility of managing native title information increasingly lies with the growing number of PBCs and that their involvement and say in how to manage this information needs to grow accordingly.

With these broader issues in mind, the following solutions were identified as among the most achievable and important to act upon in the near future.

Get the most out of what is already there

- Share existing specialist advice, knowledge, templates, protocols and relevant staff between native title organisations.
- Share existing best practice and legal advice about risks associated with managing cultural materials with and among PBCs.
- Increase the inter-operability of information management systems and procedures.
- Utilise external expertise, either through existing volunteer networks or collecting institutions and archives.

Improve the future together

- Establish a centralised online hub that collates and hosts resources on information management-related issues.
- Establish a regular national forum and scope a peak body of NTRB/SPs and PBCs to increase information exchange, collaboration and awareness and to undertake targeted lobbying for increased resourcing of information management activities.
- Jointly develop templates, protocols, procedures and so on that work, support and enable PBCs to look after native title information and make it available to future generations.
- Co-locate local and regional infrastructure to support practical information and knowledge management activities.
- Integrate information management training into organisations' inductions and increase in-house availability of relevant web-based training.
- Establish service provision agreements between NTRB/SPs and PBCs in order to help ensure PBC independence and a sense of control over information assets.

- Explore ways to integrate Aboriginal and Torres Strait Islander law in copyright provisions of contracts.

Equipped with the insights gained from the survey and the workshop, native title organisations are acutely aware of the scale and urgency of some information management challenges and are keen not to lose the momentum gained. They expressed a strong interest in continuing regular discussions and collaboratively working towards the above solutions.

Recognising the longstanding work of AIATSIS as a clearinghouse on native title matters, delegates asked the NTRU at AIATSIS to undertake steps to enable and support the information management of native title organisations. While some of the following steps are to be initiated by AIATSIS, they all require the active participation, input and collaboration of native title organisations to succeed.

Steps to enable and support information management

- Establish an information management network for practitioners.
- Establish a MINT website to provide information management resources.
- Establish a safe platform to exchange relevant information management policies, protocols, advice etc.
- Distribute this report widely to key stakeholders to raise awareness of issues and strengthen the case for increased information management funding.
- Collaborate with native title organisations and other groups with relevant expertise to develop shared standards for information management.
- In collaboration with native title organisations, scope the creation of a native title organisation information management peak body to pursue alternative funding and more targeted lobbying.
- Link with national and international organisations involved in information management for expert advice and support, as well as for lobbying purposes.

It is AIATSIS' ambition to continue to work with native title holders and their organisations towards ensuring that valuable native title information and material is safe and its potential can be realised and enjoyed by future generations.

This MINT survey and workshop report represents the beginning of what AIATSIS and our PBC, NTRB/SP and government partners hope will be an enduring and productive project that will ultimately make a real difference in the capacity of Aboriginal and Torres Strait Islander organisations to secure their collections of native title information for use by future generations. At the request of delegates, it is available on the AIATSIS website and will be distributed widely to key agencies in the

hope that it can be used to advocate for greater attention and funding for the important issue of managing native title information.

PART I: Findings of the MINT pre-workshop survey

In preparation for the MINT workshop, held at AIATSIS in Canberra on 16–17 March 2015, the NTRU developed a short survey (Appendix A) for participating organisations about their current information and knowledge holdings and information management needs.

Aims of the survey

The survey was designed to gather background information about the size and perceived vulnerabilities of the information collections of participating native title organisations and the circumstances in which they are managed. The survey included questions about:

- the location and age of participating organisations and number of people they employ
- the size of different kinds of information holdings; for example, court documents, maps, audio-visual materials, reports and genealogies
- how well organised these holdings are
- perceived levels of security and risk.

The intention of the survey was not to measure exactly how much information organisations hold or exactly how well organised they are, but to get an indication of the scale and scope of holdings in relation to the perceived capacity of organisations to manage them. The survey relied on self-assessment. A small PBC with no employees may find that a collection of two hundred photographs is ‘a lot’ to manage, whereas a large NTRB/SP might consider the same number of photographs to be only ‘a little’.

The survey also sought information about the existing infrastructure, systems, human resourcing, policies and extraordinary funding that organisations currently have in place to support information and knowledge management. Questions focused on relevant indicators such as:

- access to an office and computer
- sufficient physical and electronic storage space
- the number of employees with expertise in information management and archiving
- the development and use of collections management plans, electronic filing systems and digitisation programs

- the receipt of grants and special funding
- the existence of protocols or procedures to assist with providing access to and returning materials to individuals and other organisations
- the availability of advice about knowledge management issues.

Finally, the survey solicited information about the kinds of resources that native title organisations feel they need most to assist with the management of information assets.

Response rate

Twenty-three people from 21 of the 27 organisations participating in the MINT workshop responded to the survey, which represents a 75 per cent response rate. These included:

- eight responses from seven PBCs
- 13 responses from 12 NTRB/SPs
- two responses from two national agencies (the National Native Title Tribunal and the Federal Court of Australia) that work with native title groups.

The two national agencies were invited to participate because their experiences provide comparative insight into the information and knowledge management experiences of larger and better-resourced organisations. The National Native Title Tribunal and the Federal Court engage with most, if not all, native title groups that pursue recognition of their native title rights. As a result of their various activities and responsibilities (for example, case management, legal research, mediation, litigation, claim mapping), these organisations collect and manage a very large number and diversity of items that are held across multiple locations. They have unique information management environments and challenges as a result of their extensive responsibilities, but they may also share some similarities with smaller organisations.

Responses to the survey were received from PBCs and NTRB/SPs located in all states and territories except South Australia (the Australian Capital Territory and Tasmania were not represented among PBCs because none exist in those jurisdictions) (Table 1). Two Northern Territory NTRB/SPs responded, but no Northern Territory PBCs. Participants from a Torres Strait Islander (TSI) organisation also responded.

Table 1: Responding organisations by jurisdiction

	NSW/ ACT	VIC/ TAS	QLD	QLD (TSI)	WA	SA	NT	National
PBCs	1	1	2	0	3	0	0	
NTRB/SPs	1	1	3	1	4	0	2	
National agencies								2

The 21 organisations that responded to the survey collectively work with more than 320 separate native title groups. Most of the PBCs represent, assist or engage with only one native title group. The numbers of groups that NTRB/SPs reported they work with are much larger, ranging between nine and 58. The two national agencies engage with many hundreds of groups from all across the country.

Key findings

Size and age of organisations

The ages of the organisations surveyed varied considerably, as did their sizes (measured in terms of number of people they employ).

PBCs were predominantly among the youngest and smallest organisations. Among the oldest and largest were NTRB/SPs and the two national agencies (categorised as 'Other'; Figures 1 and 2). Three PBCs had been established within the past two years, and four NTRB/SPs were more than 30 years old. However, one of the oldest and largest participating organisations was a PBC (34 years old, 150+ employees).

Figure 1: Age of organisations (years)

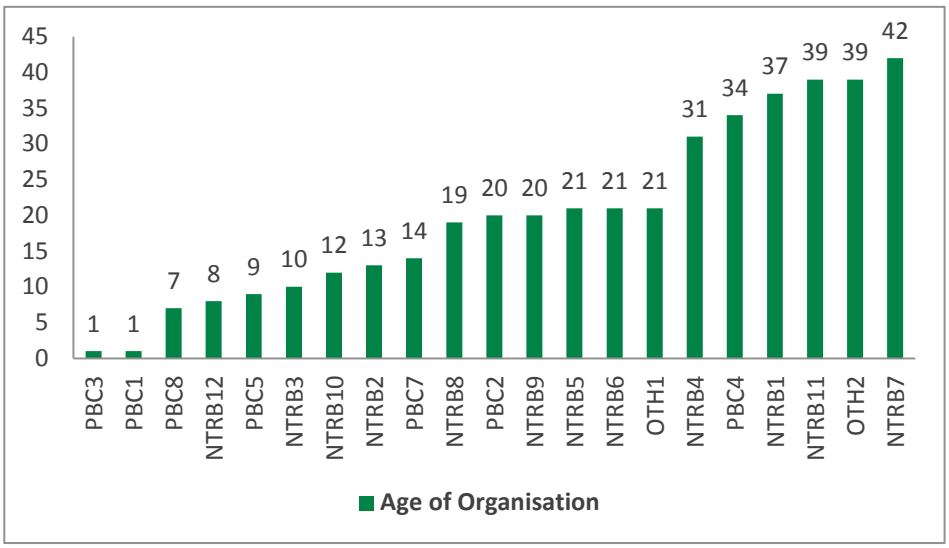
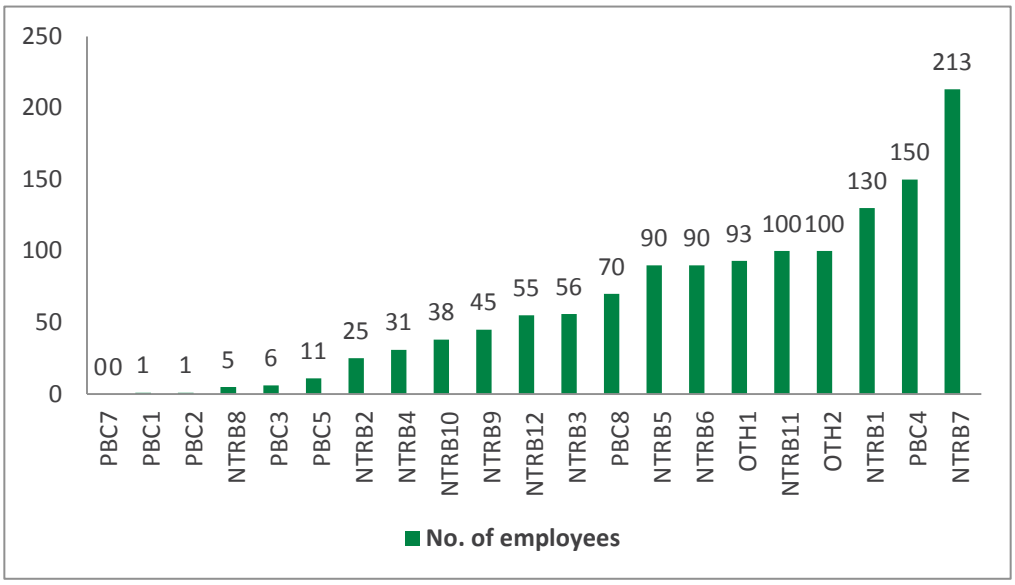


Figure 2: Number of estimated employees



Between them, the 21 organisations reported an estimated total of more than 1310 employees.

Together the seven PBCs reported an estimated total of more than 239 employees. The 12 NTRB/SPs reported an estimated total of more than 878 employees. Between them, the two national agencies have more than 193 employees. Five organisations (four PBCs and one NTRB/SP) reported six or fewer employees; one PBC reported no employees.

One respondent reported that, as is the case with her own PBC, many of the 24 native title groups in her region have no employees and are run by volunteers. Others have a part-time coordinator, about a dozen employ more than five full-time staff, and two have more than 15 employees.

Scale of holdings

Respondents were asked to indicate in very general terms (‘a lot’, ‘some’, ‘a little’, ‘none’, ‘not sure’) the amount of different kinds of materials they hold. The categories offered were hard copy documents; digital documents; membership records; research field notes; research reports; genealogies; hard copy and digital photographs; hard copy and digital film recordings; audio recordings; court documents; GIS database maps; hard copy maps; heritage survey reports; land management data; and ‘other’. The ‘other’ category provided an opportunity for respondents to identify additional types of holdings. Archival collections, heritage clearance requests, and administrative and correspondence files were all nominated as other types of materials that native title organisations own and manage. (As holdings in the ‘other’ category were insignificant, they have not been included in Figures 3 and 4.)

Figure 3: Size of PBC information holdings, by type

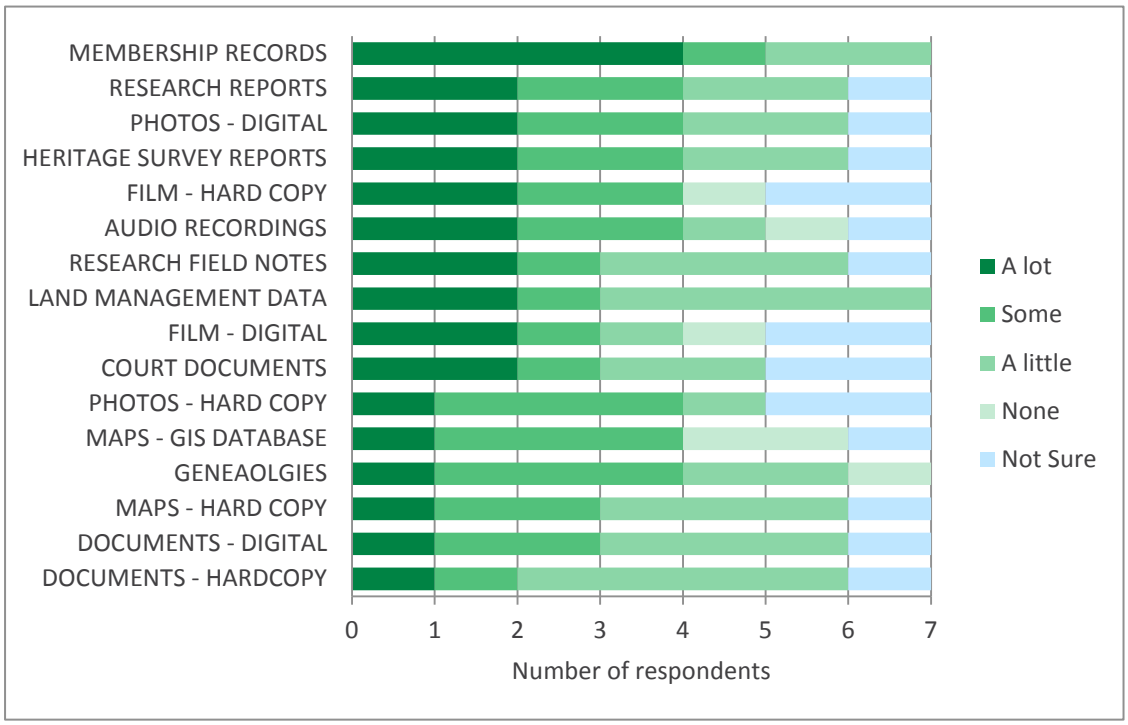
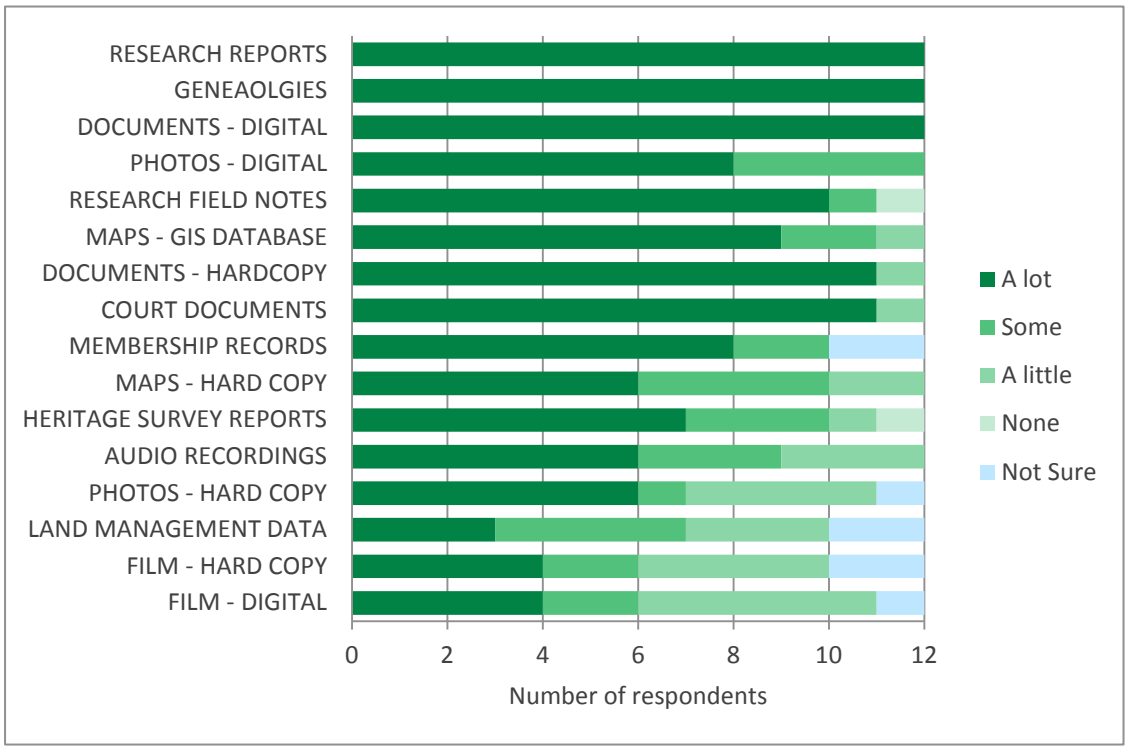


Figure 4: Size of NTRB/SP information holdings, by type



The list of options of material types provided was not exhaustive, but tried to target the most likely types of information holdings in terms of both purpose and format. As already noted, the intention was to get an indication of the perceived scale of the holdings in relation to capacity, rather than the actual number of items held.

How a respondent describes an organisation's holding will, of course, depend very much on the context in which that material is being managed. What seems like 'a lot' of material to one person may seem like not very much to another. Nevertheless, the perceived size of an organisation's information holdings says a great deal about the management burden associated with those holdings and provides an indication of where information management capacity may need additional support.

The summary of responses about the perceived scale of PBC and NTRB/SP holdings (Figures 3 and 4) illustrates some significant differences between the holdings of PBCs and those of NTRB/SPs and national agencies. Unsurprisingly, given their relative youth, smaller size and smaller client base, PBCs indicated relatively fewer holdings across all information types than NTRB/SPs. Among the most significant holdings of PBCs are membership records, research reports, heritage survey reports and audio-visual materials. Their least significant holdings were general documents (both digital and hardcopy), GIS databases and maps, genealogies, hard copy photographs and land management data. PBCs also appear to have a much higher level of uncertainty about what they hold.

NTRB/SPs reported far larger holdings across all information types. All NTRB/SP respondents indicated that they hold 'a lot' of research reports, genealogies and digital documents. Their reported holdings of documents of various kinds (digital, hard copy, court documents) are also significant. Their smallest holdings are hard copy and digital films, but these are still relatively large and more than half of NTRB/SP respondents indicating that they hold 'a lot' or 'some' film format items.

Both national agencies hold many research reports and one holds many other kinds of research and audio-visual materials, as well as land management data and maps. Neither holds many membership records, heritage survey reports or film materials.

Administration of holdings

Respondents were asked to indicate how well organised they perceive their corporate holdings of native title materials, and how easy it is to find a particular document when they need it.

As with the question about the scale of holdings, the assessment of whether holdings are 'very organised' or only 'a little bit organised' is subjective, influenced by factors such as the position a person holds within an organisation and his or her knowledge of its corporate history. Nevertheless, analysis of how organised particular types of materials are perceived to be helps highlight the effectiveness of existing information

management systems and the types of information holdings that organisations are struggling most to manage.

Survey findings suggest that many native title organisations are successful in adequately organising most of their information holdings so that specific items can be found and used when needed. PBCs and NTRB/SPs indicated that they sometimes find it difficult to find a particular item when they are looking for it. A little under half of respondents indicated that they find it ‘easy’ or ‘very easy’ to find a particular document; just over half said that they find it ‘a bit difficult’ or ‘very difficult’.

While the overall levels of organisation for PBCs and NTRB/SPs are very similar, there are some significant differences between them in terms of how organised different types of native title information are perceived to be (Figures 5 and 6). There are also some significant differences among PBCs themselves, with some indicating they are very well organised across multiple types of holdings while others are not at all organised.

The most organised materials held by PBCs are membership records, genealogies, heritage survey reports and digital documents, with only two respondents indicating their holdings of these items are not well organised. The least organised items held by PBCs are audio-visual materials, and all PBC respondents (with the exception of those who indicated that they are unsure) reported that their holdings of audio recordings and digital films are only ‘a little bit’ or ‘not at all organised’. The GIS databases of two respondents are reportedly well organised, but several others are not. Photographs, court documents, research field notes and other audio-visual materials held by participating PBCs are also, for the most part, poorly organised.

NTRB/SPs indicated similar levels of organisation of native title materials as PBCs, but the types of information that they are best at organising are different. The vast majority of the NTRB/SPs indicated that their holdings of court documents, research reports and field notes are all ‘very’ or ‘pretty well’ organised. Their holdings of membership records, genealogies and documents (both hard copy and digital) also tend to be well organised. Like PBCs, however, NTRB/SPs appear to be struggling with many of their audio-visual holdings, in particular audio recordings and hard copy photographs and films.

Figure 5: Level of organisation of PBC information holdings, by type

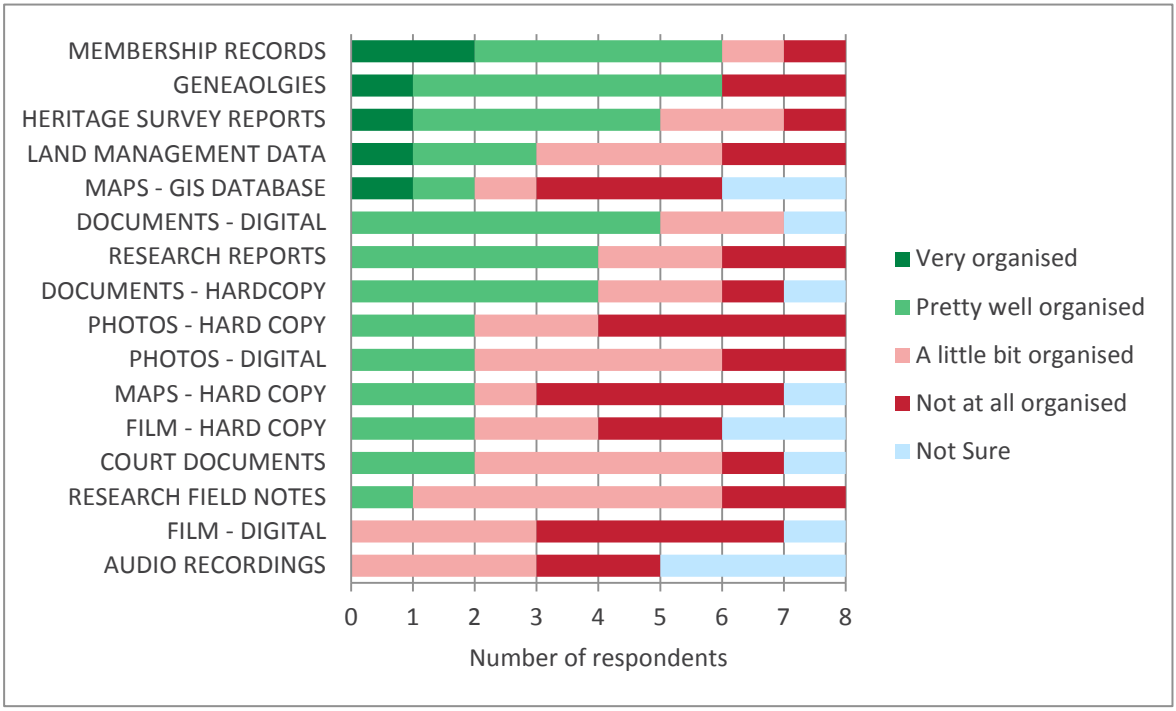
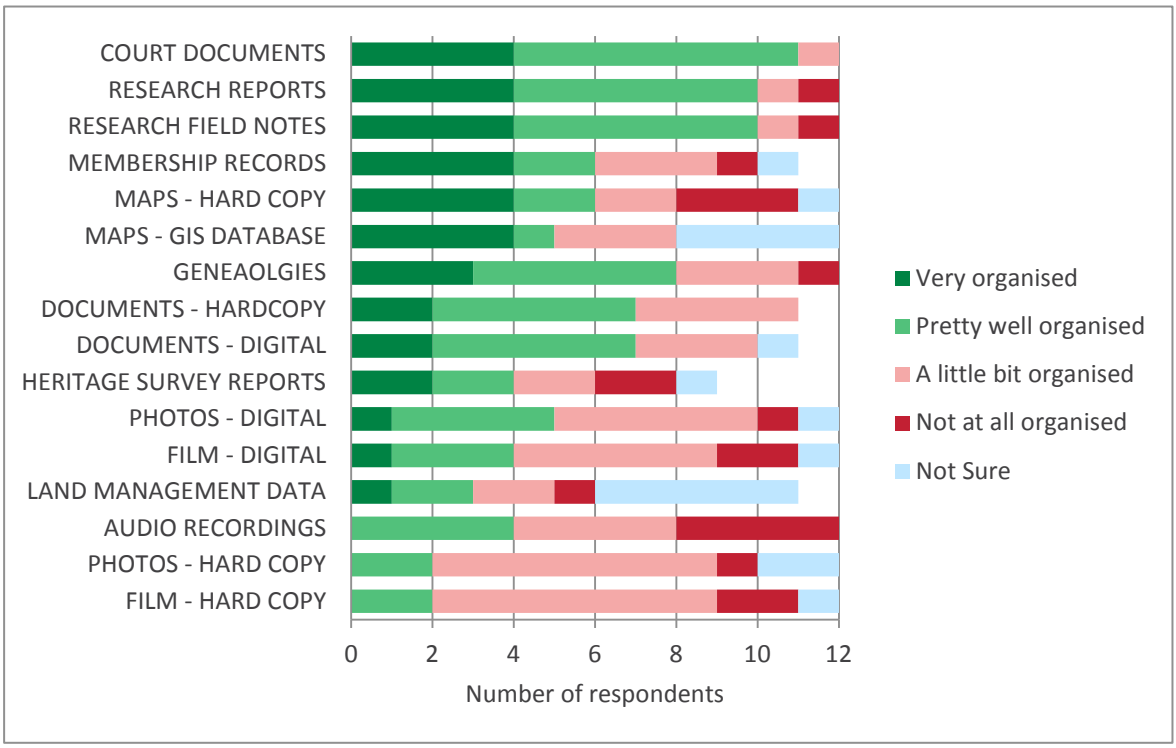


Figure 6: Level of organisation of NTRB/SP information holdings, by type



The reported size of the types of items appears to have little bearing on the extent to which they are reportedly well organised. One possible factor influencing levels of organisation of audio-visual materials, in particular, is the technological and administrative complexity of these kinds of holdings. The challenges around organising photographs, films and audio recordings are significant: viewing them may require special equipment; they may be poorly documented (that is, there is no information attached to them about who is in them, where they were taken etc.); and creating documentation for them is a time-consuming task that requires considerable familiarity with their subjects.

The poor level of organisation of audio-visual materials held by native title organisations points to a significant gap in information management capacity that urgently needs addressing. Audio-visual materials produced for native title claims and related activities will often be unique documents because they are difficult to copy. Further, because of the nature of the evidence required to support a native title claim, they are likely to contain significant information about the history, cultural practices, sites and families of elders and other individuals, some of whom may no longer be alive. As such, they are of immeasurable potential value for native title groups. But, as discussed in some detail during the MINT workshop, analogue audio-visual formats are particularly vulnerable to physical degradation and technological redundancy and, if not appropriately managed and digitised, are at high risk of loss or damage (see Part II).

Security of holdings

Respondents were asked to indicate how ‘safe’ they think the different kinds of native title materials they hold are. The purpose of this question was to get an indication of the relative urgency for addressing information management in relation to particular information types: the greater the level of perceived vulnerability, the more urgent the need for strategies to assist with managing and securing those particular assets.

As with the question of scale, the differences between the perceived security of native title information held by PBCs and NTRB/SPs are significant. PBCs report far higher levels of risk than their NTRB/SP counterparts; indeed, half of all PBC respondents indicated that all types of materials they hold are at ‘some’ or ‘high’ risk of loss or damage (Figure 7).

In comparison, the vast majority of NTRB/SPs reported relatively high levels of information safety across all information types. Only two NTRB/SPs indicated that any of their holdings were exposed to ‘some’ or ‘high’ levels of risk, and then only for two types: audio recordings and hard copy film (Figure 8). However, as with PBCs, the most vulnerable assets were identified as audio recordings and film holdings.

Figure 7: Perceived safety of PBC information holdings, by type

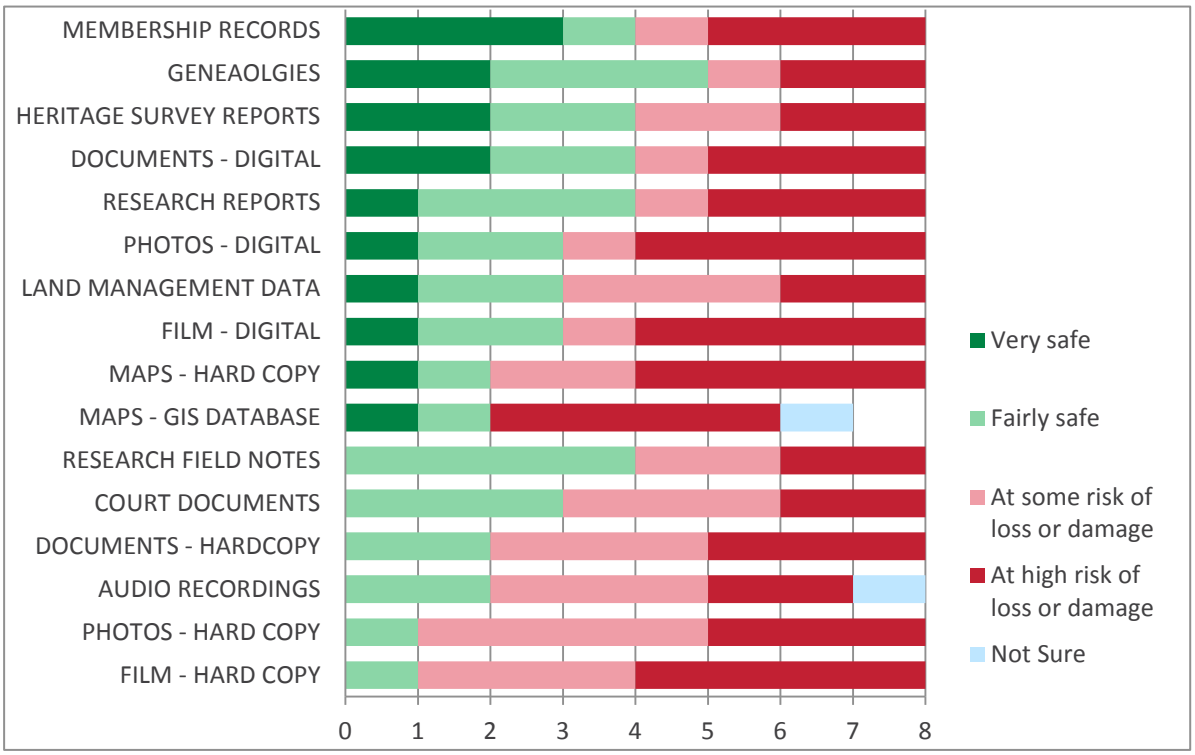
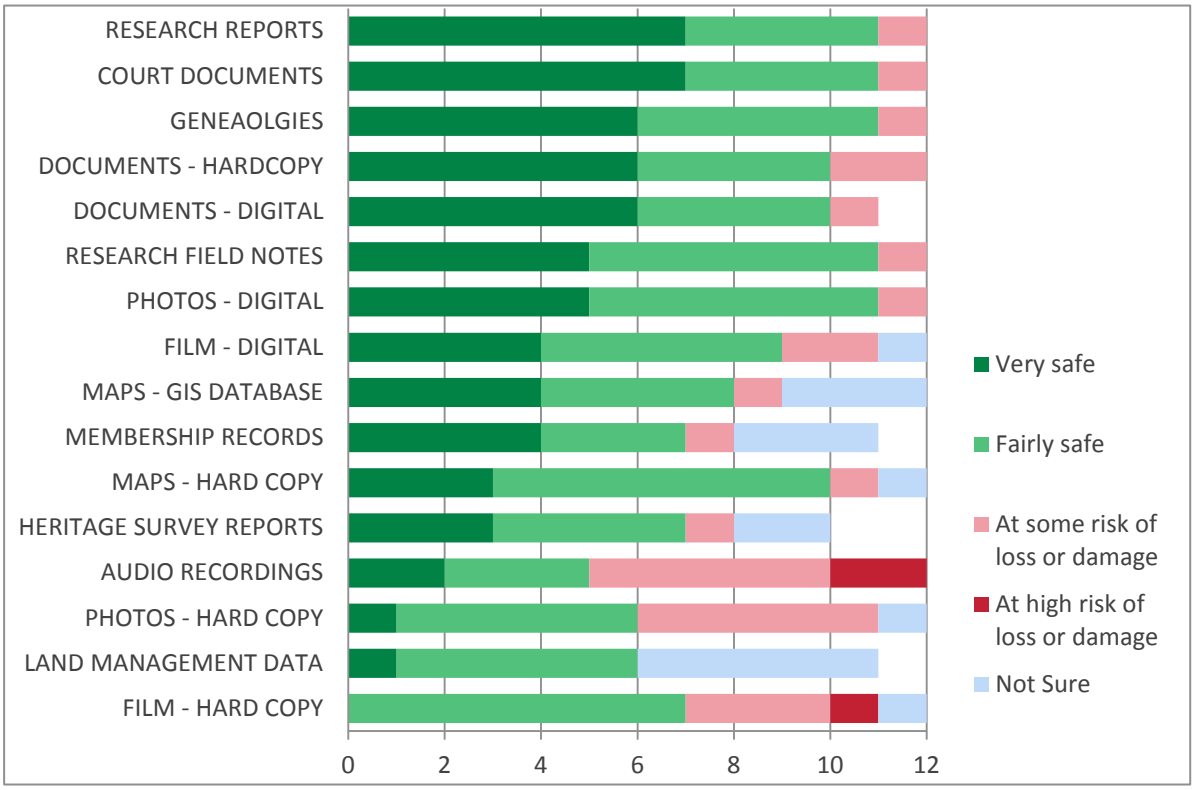


Figure 8: Perceived safety of NTRB/SP information holdings, by type



The two national agencies reported that most of their holdings are ‘very’ or ‘fairly’ safe. The only items among all their holdings that were identified as being at ‘high’ risk of loss or damage were research field notes. However, the vulnerabilities of audio-visual materials were highlighted, with audio recordings and hard copy photographs, along with genealogies and heritage survey reports, identified by one agency as being at ‘some’ risk.

There appears to be a correlation between the reported levels of organisation of particular types of items and their perceived safety: items that are most organised also tend to be reported as most secure. For PBCs this applies most notably for genealogies, research reports, membership records, digital documents and heritage survey reports. This also holds true for a number of items held by NTRB/SPs, including court documents, research reports, genealogies and digital reports.

Conversely, items that are disorganised tend to be those that are seen to be at most risk of loss or damage. This rather obvious point helps underscore the fact that securing the information holdings of native title organisations will necessarily require access to sufficient resources to organise items. Both PBCs and NTRB/SPs, for example, report that audio recordings are among the most poorly organised and the most vulnerable items that they hold.

There are likely multiple reasons for the apparent vulnerability of audio-visual holdings. Managing analogue films, photographs and audio recordings to protect them from environmental damage can be costly and complex, and their preservation and digitisation require highly specialised skills and technology.

Some respondents indicated that they are unsure about the levels of risk to which particular types of holdings are exposed. This was particularly the case for digital and geospatial holdings, such as land management data, maps and GIS databases, as well as for membership records. This lack of certainty may be the result of a lack of familiarity with records held in other areas of an organisation’s business.

Infrastructure

The survey sought information from respondents about various aspects of their organisational environment that potentially impact on their information management capacity, including access to an office and computer, and physical and digital storage space.

As Table 2 indicates, most but not all native title organisations represented in the survey have access to basic information management infrastructure, namely an office and a computer. The two organisations that do not are both PBCs that are less than one year old.

Table 2: Information and knowledge management infrastructure

	PBCs		NTRB/SPs		National agencies		Total	
	YES	NO	YES	NO	YES	NO	**YES**	**NO**
Access to an office and computer?	5 (71%)	2 (29%)	12 (100%)	0 (0%)	2 (100%)	0 (0%)	**19 (90%)**	**2 (10%)**
Sufficient physical storage space?	4 (57%)	3 (43%)	7 (58%)	5 (42%)	1 (50%)	1 (50%)	**12 (57%)**	**9 (43%)**
Sufficient digital storage space?	4 (57%)	3 (43%)	9 (75%)	3 (25%)	1 (50%)	1 (50%)	**14 (67%)**	**7 (33%)**

The fact that two PBCs do not have access to even the most basic administrative infrastructure reflects the increasingly acknowledged lack of corporate capacity within the PBC sector more broadly (see McGrath, Stacey and Wiseman 2013; Deloitte Access Economics 2014), and underscores the profound impact that a basic lack of corporate capacity has on an organisation's ability to manage and secure its information and knowledge holdings.

Access to sufficient physical and digital storage space is also a challenge for around one-third of organisations, regardless of whether they are PBCs, NTRB/SPs or national agencies. One national agency identified a lack of sufficient physical storage space, the other a lack of digital storage space.

The lack of digital storage space is set to continue in coming years as more and more 'born digital' items—that is, items that originate in a digital form such as photographs taken on a digital camera—are added to organisational holdings, and digitisation of hard copy audio-visual materials and paper-based items expand.

Systems

Respondents were asked about whether their organisations have information and knowledge management systems in place. Specifically, they were asked about the existence of electronic filing systems, collections management plans and digitisation programs. Between them, these three kinds of systems provide an organisation with the capacity to locate and manage a range of digital items, plan for their futures, and ensure that non-digital items are included and preserved.

It is important to note that the survey did not request detailed information about the specific types of systems used. Electronic filing systems, which can vary considerably in their complexity and scale, were included in the same question as more technologically sophisticated DAMS. The objective was to seek an indication of whether *any* system of *any* type that assists an organisation to manage electronic assets is currently in place. Future research on this issue might usefully make such a distinction.

Similarly, digitisation programs can vary in size, scope and quality. One organisation may have a program in place to digitise photographs but not film; another

organisation might digitise paper documents only. Some may use a small scanner to individually scan photographs to produce relatively low-resolution digital files, while others may have access to large and sophisticated scanning technology that allows them to process multiple prints or transparencies at high speed and to archival-quality resolution. While acknowledging the significance of such differences to understanding information management capacity, the purpose of the survey was to get an indication of whether organisations are managing to find the resources to at least begin digitising their holdings.

Responses to the survey indicate that all participating NTRB/SPs and half of the PBCs have some kind of electronic filing system or DAMS in place (Table 3). One PBC respondent indicated that he/she was unsure.

One NTRB respondent noted that the organisation in currently in the process of implementing Microsoft SharePoint, a web application framework and platform that integrates intranet, content management and document management processes.

Table 3: Information and knowledge management systems

	PBCs		NTRB/SPs		National agencies		Total responses (organisations)	
	YES	NO	YES	NO	YES	NO	**YES**	**NO**
Electronic filing system or DAMS in place?	3 (50%)	3 (50%)	12 (100%)	0 (0%)	2 (100%)	0 (0%)	**17 (85%)**	**3 (15%)**
Collections management plan in place?	2 (33%)	5 (67%)	4 (33%)	8 (67%)	2 (100%)	0 (0%)	**8 (38%)**	**13 (62%)**
Digitisation program in place?	3 (43%)	4 (57%)	7 (58%)	5 (42%)	1 (50%)	1 (50%)	**10 (50%)**	**10 (50%)**

Collection management plans are less widely used, with only one-third of PBCs and one-third of NTRB/SPs reporting that they currently have them in place. One NTRB/SP indicated that its collection management plan is currently under review; another noted that it has separate plans for different types of holdings and that it is currently working on developing an overall plan for the entire organisation.

Significantly, both national agencies indicated that they have both an electronic filing system, or DAMS, and a collections management plan in place.

In relation to digitisation of holdings, just under half of participating PBCs, just over half of NTRB/SPs and one national agency reported that they currently have some kind of digitisation program in place. One NTRB reported that it has had a digitisation program in place for ten years, and another indicated that it currently has one in place for documents and is gradually working towards establishing another for photographs and videos.

Human resourcing

Respondents were asked to indicate the number of employees with expertise in information management or archiving that their organisations currently employ. The objective was to gain greater understanding of the current in-house capacity of organisations to respond to current and emerging information and knowledge management challenges.

PBCs and NTRB/SPs indicated very similar levels of engagement of employees with expertise in information management and archiving. Around three-quarters of both PBCs and NTRBs/SPs have indicated they have at least one such employee (Table 4). Two PBCs and three NTRB/SPs indicated that they have no specialist staff in these areas.

Table 4: Organisations with employees with information management or archival expertise

	PBCs		NTRB/SPs		National agencies		Total responses (organisations)	
	YES	NO	YES	NO	YES	NO	**YES**	**NO**
Employees with expertise in information management or archiving?	5 (71%)	2 (29%)	9 (75%)	3 (25%)	2 (100%)	0 (0%)	**16 (76%)**	**5 (24%)**

Table 5: Number of employees with information management or archival expertise

	PBCs	NTRB/SPs	National agencies	Total responses (organisations)
Total reported number of employees with information management or archiving skills	6	21	5	**32**
Total of reported number all employees	>239	>878	>193	**>1,310**
Percentage of estimated workforce with expertise in information management or archiving	<2.5%	<2.4%	<2.6%	**<2.4%**

Thirty-two employees with such expertise were reported across 16 organisations (Table 4), with most organisations reporting only one or two such employees. This represents approximately 2.4 per cent of the total reported workforce of respondents (Table 5).

This figure of less than 2.4 per cent of employees with skills in information and knowledge management raises questions about whether current levels of in-house expertise are sufficient to meet the needs of native title organisations, given their large and diverse collections of materials.

One PBC respondent noted that the single information management expert currently employed by the PBC is simply ‘not enough’, while another from an NTRB/SP noted that the single employee currently working in an information management capacity has ‘limited experience’ and so the organisation secures expertise from external consultants.

The survey question about employment of expert staff was very general and did not distinguish between different kinds of information and knowledge management expertise. However, the range of skills and experience required to manage large and complex collections of the kind held by native title organisations is potentially very broad. An experienced archivist may know how to design and implement a collections management plan, but may have limited skills in the area of digitisation. Similarly, a highly skilled information technology officer may be able to establish an internet-based GIS database system, but may not know a great deal about assessing and documenting items held in a physical collection.

Given that many of the organisations that reported having employees with information management or archiving expertise indicated that they only have one such person, many are likely to be lacking crucial capabilities. However, the survey results do not indicate in which area the skills gap is located, and it would be useful for future research on this topic to make such a distinction.

Extraordinary funding

The organisations that participated in this survey are all Aboriginal or Torres Strait Islander corporations, non-government organisations or statutory bodies and rely heavily on government funding to support their day-to-day operations. In such circumstances, the large investments of financial and human capital that developing and implementing information management systems potentially require will not be readily available from within an organisation’s usual operating budget and external funding will be required.

In order to understand more about the extent to which native title organisations receive extraordinary financial support to develop their information and knowledge

management capabilities, we surveyed participants about their organisations' success with securing funding or special grants for related activities.

Results indicate that only six of the 20 organisations (30 per cent) that responded to this question have ever received a grant or other form of extraordinary funding to assist with information management activities (Table 6). PBCs have had somewhat more success than NTRB/SPs, with three of the seven participating PBCs indicating they have at some point secured external grants.

Table 6: Reported history of government grant or funding to assist with information management activities

	PBCs		NTRB/SPs		National agencies		Total	
	YES	NO	YES	NO	YES	NO	**YES**	**NO**
Receipt of grant or funding from government to assist with information management issues?	3 (43%)	4 (57%)	3 (25%)	9 (75%)	–	1	**6 (30%)**	**14 (70%)**

Discussions about financial resourcing during the MINT workshop suggest that among the reasons why native title organisations struggle to secure additional funding to assist with information management are both a lack of funding opportunities and a lack of capacity to pursue such opportunities when they arise (see Part II).

Policies and protocols

Native title organisations, especially NTRB/SPs, typically create and hold a large number of different kinds of items (for example, affidavits, reports, maps, minutes of meetings etc.) on behalf of many different groups. Many of these contain unique personal, cultural, legal or corporate information. Some kinds of items, such as oral history recordings, may contain information derived from a single individual; others, such as field notes and photographs from a large research field trip or minutes of a meeting, contain information relating to multiple people. Many traditional owners, their families and PBCs consider such materials to be a very significant and valuable part of their cultural heritage and seek to find ways to bring them home.

However, as the results of this survey and the proceedings of the MINT workshop emphatically illustrate, facilitating the return of materials to native title holders and their corporations is a complex proposition that all native title organisations struggle with, regardless of whether they are PBCs, NTRB/SPs or national agencies.

The complexities of returning materials to native title groups are multidimensional and arise from intersecting cultural, legal and administrative obligations that constrain the circumstances in which such materials can be accessed or copied. The moral

rights and cultural obligations of individual traditional owners in relation to information about family and country compete with corporate obligations to protect confidentiality, privacy and legal professional privilege. At times they might also collide with the wishes of other members of the native title group to which individuals belong. The legal ownership or copyright of items in the collections of NTRB/SPs or national agencies such as the National Native Title Tribunal is not always clear (see Part II, Presentation 8: Later use and control of evidence given in native title hearings), and developing and implementing a collaborative and sustainable plan for repatriation of native title materials can be time consuming and costly (see Part II, Presentation 7: Returning research materials in partnership with traditional owners).

In addition to the materials held by NTRB/SPs, other documents that native title groups might like returned may be held in far away and inaccessible repositories that have their own sets of rules about access and copying. All PBC respondents to the survey reported that information relevant to their native title is held by other organisations, including courts, legal and research consultants, mining companies, Commonwealth and state government departments, museums and archives such as AIATSIS. Other scenarios for cross-holdings of materials include NTRB/SPs holding information relevant to other NTRB/SPs, and PBCs holding information relevant to other PBCs.

All these factors complicate efforts to facilitate access to and return of materials from NTRB/SPs and other organisations to traditional owner groups and their PBCs. The difficulty is compounded by the lack of financial and human resources available to assist with necessary tasks, such as convening meetings of the native title holders to decide on the scope of the materials to be returned and then identifying, documenting and copying those items.

In order to gain some indication of the extent to which native title organisations are managing to navigate some of these challenges, the survey asked about the existence of policies or protocols to facilitate access for individuals and for organisations or groups. The distinction is important because the needs and legal rights of individuals may differ considerably from those of corporations or groups, as does the capacity of an NTRB/SP or PBC to respond to them.

The results of the survey suggest that the task of returning materials to individual community members is proving to be easier than providing them to corporations (Table 7).

Three-quarters of NTRB/SPs and both national agencies have ‘return of materials’ policies or protocols in place to facilitate access for individual community members. But when it comes to facilitating access for organisations, the figures are reversed: only a quarter of participating NTRB/SPs and neither of the national agencies have relevant policies or protocols in place (although one national agency indicated that it is currently developing a return of materials policy for corporations).

Table 7: Policies and protocols for facilitating external access to and return of information holdings

	PBCs		NTRB/SPs		National agencies		Total responses (organisations)	
	YES	NO	YES	NO	YES	NO	**YES**	**NO**
'Return of materials' policy or protocol in place to facilitate access to native title information for **individual community members**?	1 (14%)	6 (86%)	9 (75%)	3 (25%)	2 (100%)	0 (0%)	**12 (57%)**	**9 (43%)**
'Return of materials' policy or protocol in place to facilitate the return of native title information to **native title groups**?	1 (17%)	5 (83%)	3 (25%)	9 (75%)	0 (0%)	2 (100%)	**4 (20%)**	**16 (80%)**

There are likely a number of reasons for the low rate of return of materials policies for organisations. The access requests of individuals are likely to be smaller in both size and scope than those of organisations; a single individual may only seek part of a family genealogy or a copy of a video interview with a now-deceased elder. Requests from organisations, in particular from PBCs in the post-determination phase, will likely be larger and more extensive as they seek the return of many different kinds of items—reports, photographs, legal documents, corporate records and the like—that might be relevant to their cultural heritage and necessary to achieving a range of social and economic aspirations.

Priority needs

In addition to soliciting information about current infrastructure, systems, resources, and policies and protocols of native title organisations, the survey asked respondents what they think their organisations need most urgently in order to secure and utilise the different kinds of information and knowledge materials they hold.

Six categories were listed that covered most of the different kinds of assistance that may be required: technology and infrastructure, skilled people, protocols, technical or legal advice, training and return of materials. (The potential category of ‘financial resources’ was not included as the objective was to get a better indication of the more specific information management needs of organisations.) Respondents were asked to tick as many options as they liked.

Over all, survey respondents indicated that the resources they need most (apart from more money) are skilled people, protocols, and technology and infrastructure, and that these are needed most urgently for the management of audio-visual, research materials and reports, and general documents held in a range of different formats.

However, PBCs indicated relatively higher levels of need proportionally and there are significant differences between the needs of PBCs and those of NTRB/SPs.

The top three reported priority needs for PBCs are:

- technical/legal advice
- protocols
- skilled people.

There is some cross-over with the top three priority needs for NTRB/SPs, which are:

- protocols
- technology/infrastructure
- skilled people.

Both national agencies indicated that their only area of pressing need right now is in protocols.

Notably, PBCs indicated proportionally higher levels of need in relation to the return of materials across a number of different item types, emphasising the significance of materials held by other organisations to their information and knowledge aspirations. NTRB/SPs and national agencies, located on the other side of the central information relationship of native title, reported higher levels of need for protocols to assist them to provide PBCs with the materials they want repatriated.

There are notable differences in reported needs around technical and legal advice, with NTRB/SPs indicating relatively low levels of need in this area and PBCs indicating very high levels. Training, legal or technical advice and the return of materials were identified as lower priority needs across all types of holdings.

There are also significant differences between the types of materials with which PBCs and NTRB/SPs would like assistance to manage. Most PBCs indicated that they need most help with managing films, photographs, genealogies and other research materials, and that the help they need is across the spectrum of assistance kinds (Figure 9). NTRB/SPs also indicated that audio-visual materials are an area of priority need but, unlike PBCs, they also indicated significant levels of need in relation to the management of documents, both digital and paper (Figure 10).

Figure 9: PBC-reported areas of greatest information and knowledge management need, by item type

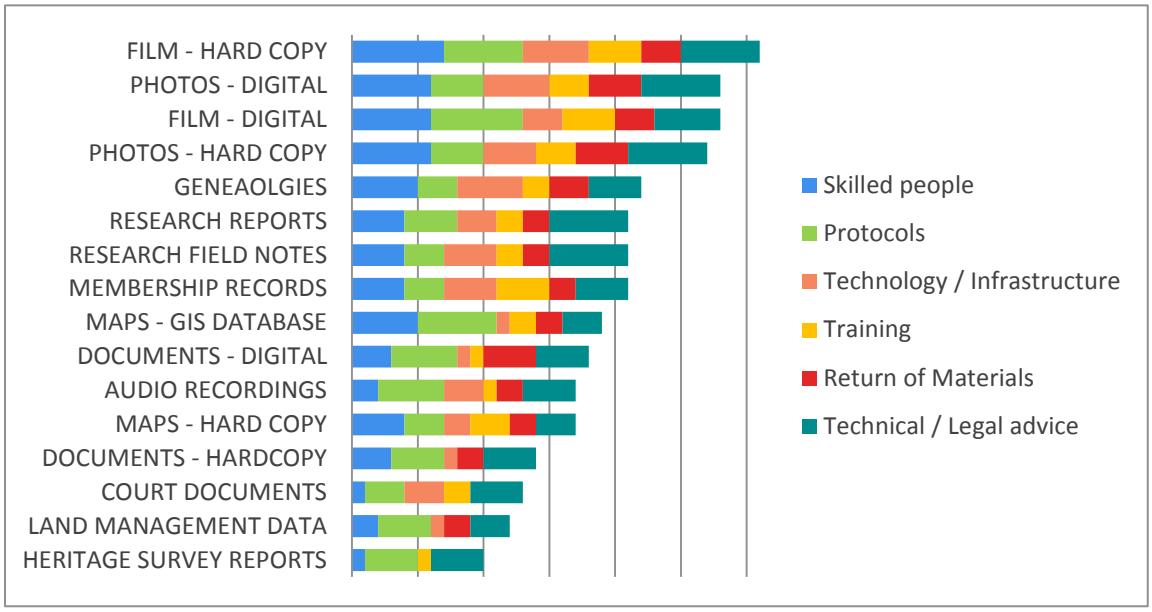
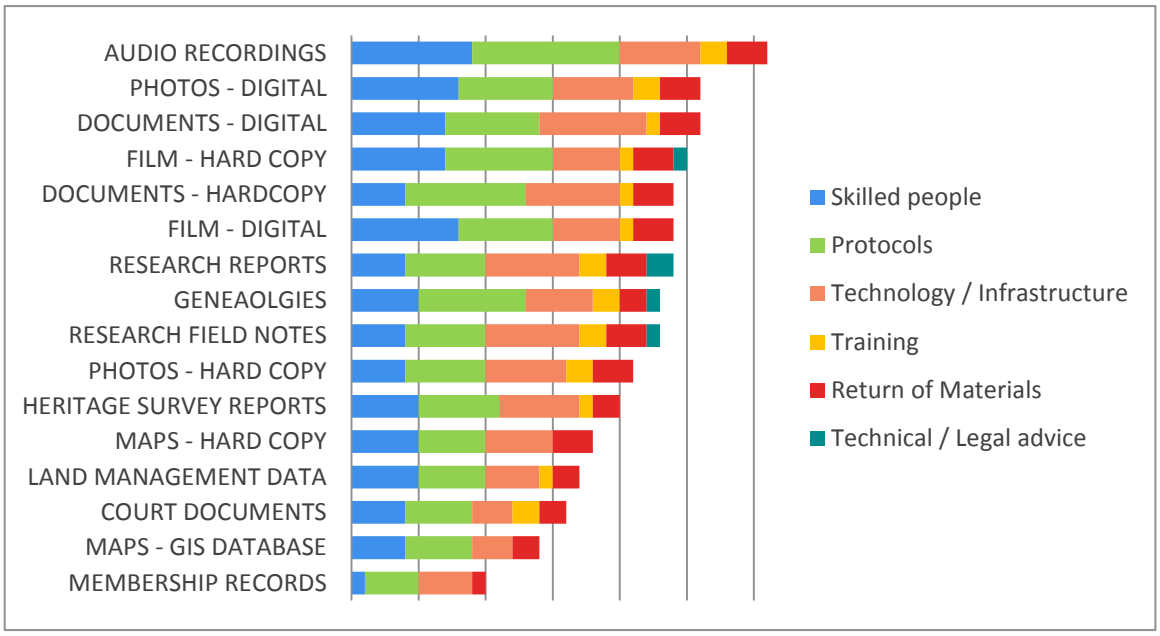


Figure 10: NTRB/SP-reported areas of greatest information and knowledge management need, by item type



Eight respondents indicated no needs in the area of membership records, and five indicated no needs in the area of GIS databases and land management data. It is unclear whether this is because these organisations have no holdings of these types, or because they have holdings of this type but do not currently require assistance to manage them.

Nevertheless, all respondents indicated that their organisations require assistance of some kind with the management of most listed information types. Further, the level of

reported need was relatively significant for even the lowest priority materials such as heritage survey reports, court documents, membership records and land management data.

In addition to the kinds of assistance listed in the survey question, respondents from four PBCs indicated that they also currently require help with copyright, documentation of oral histories, establishment of cultural centres, organisation of files (both digital and hard copy) and management of cultural heritage clearance requests.

Finally, the survey asked respondents if they know where to go for assistance or advice about managing native title information. As it stands, many do not and PBCs, in particular, feel they need better access to specialist technical and legal advice on the management of the collections of native title information.

Conclusions

The results of this timely survey of the information and knowledge management practices of native title organisations point to major areas of need within the system. Between them, the PBCs and NTRB/SPs that participated represent, assist or otherwise engage with more than 320 native title groups across the country, and their experiences and needs, as reported here, provide a reliable indication of the information management challenges facing other native title organisations.

Key findings include:

- the information and knowledge holdings of NTRB/SPs are large, multifaceted and moderately well organised
- the information and knowledge holdings of PBCs are smaller than those of NTRB/SPs, but just as diverse; their collections tend to be less well organised and more vulnerable to loss or damage
- audio-visual materials, including analogue and digital films and photographs and audio recordings, are perceived to be at high risk of loss or damage
- facilitating the return of information to native title holders is a leading priority for PBCs and NTRB/SPs, and while many have protocols in place to assist with providing access to individual community members, returning materials to groups and corporations is proving to be a more difficult task
- skilled people, infrastructure and technology, advice and protocols are needed most right now by native title organisations to improve their overall information management capabilities and address both the issue of information security and access

- a lack of infrastructure for information management is a major challenge; some PBCs lack basic administrative facilities such as an office and a computer, and access to sufficient physical and digital storage space is a challenge for some of the largest and most established organisations
- establishing and maintaining information and knowledge management systems is also a major challenge; close to 50 per cent of the PBCs and NTRB/SPs that participated in this survey do not currently have an electronic filing system or DAMS in place, and although a number of organisations have digitisation programs underway, many do not, and vulnerable holdings of documents and audio-visual materials are at risk
- extraordinary funding to support information management initiatives is difficult to obtain; only six of the 21 participating organisations (30 per cent) have ever won a grant or received extraordinary funding to specially assist with information management issues.

Together with the outcomes of the MINT workshop (summarised in Part II of this report), the results of this survey point to significant gaps in skills, technologies, infrastructure, policies and resources that urgently need to be addressed if the unique and vulnerable aspects of the extraordinary collections of native title organisations are to be preserved and made accessible for future generations of traditional owners.

PART II: Report on the MINT workshop

On 16 and 17 March 2015 the NTRU convened the Managing Information in Native Title (MINT) workshop, a national forum for native title organisation employees and directors with an interest in information and knowledge management.

The overall objective of the workshop was simple: to bring people together to share experiences and work together to develop solutions to some of the common challenges of appropriate management, storage and use of information and material created in the context of native title.

Over two days, 38 delegates from 27 organisations around the country came together at AIATSIS to exchange experiences, dreams and success stories about the management of collections of native title materials. In the process much was learned about the challenges they face, and a number of ideas were developed about how AIATSIS and others can collaborate to provide much-needed assistance and advice.

Workshop participation was nationally representative and involved participants from many different PBCs and NTRB/SPs. Although not all native title organisations were represented at the workshop, the geographic and organisational spread of delegates was representative and their experiences reflect those of many others around the country. Eight organisations from Western Australia and eight from Queensland were represented, with four delegates from the Torres Strait. Delegates from three organisations in Victoria and New South Wales, and two from the Northern Territory also attended. The South Australia Native Title Service was the only South Australian organisation to attend. Representatives from the Federal Court of Australia and the National Native Title Tribunal also attended, along with a private barrister who works closely with native title organisations. A number of AIATSIS employees also participated in the workshop and contributed to discussions.

A list of participating organisations is provided in Appendix B.

The workshop was convened and facilitated by NTRU Senior Project Manager Ludger Dinkler and NTRU Research Fellow Pamela McGrath. Additional facilitation and chairing of sessions was provided by AIATSIS Director of Research Lisa Strelein and Research Fellow Mary Anne Jebb, and critical logistical and administrative assistance was provided by NTRU Research and Access Officer Alexandra Andriolo.

The workshop program included a number of presentations, but also utilised small group discussions based on key questions in order to draw out common concerns and encourage thinking around possible solutions.

Throughout the workshop many differences between the experiences and needs of PBCs and those of NTRB/SPs and national agencies were articulated, and this distinction is maintained in the reporting of workshop proceedings.

The report provides a summary of the proceedings of the MINT workshop and the contributions of delegates, and its format broadly follows the workshop program (Appendix C). The program was in part informed by the findings of the pre-workshop survey (Part I), which provided insight into the environments in which native title materials are currently being managed.

The workshop was structured to progress through a number of stages, from learning more about what people are currently doing and achieving to what they would like to be doing, what impedes their aspirations, and finally to developing ideas about local and shared solutions to some of the common challenges.

The presentations, which were held on the first day of the workshop, provided background information about some of the critical technical and legal issues around the management of native title information, as well as case studies of the information and knowledge management activities of three native title organisations.

The following section provides a synthesis of the main ideas, comments, issues and possibilities identified by participants during the MINT workshop. It also includes commentary and analysis by the authors in order to provide context and further draw out the implications of the discussions. The voices and views of participants are included, but the report does not attribute these to individuals; rather, it provides a summary of the key points.

It is important to note that during the workshop concerns were raised by some delegates about the setup of the venue. In an effort to maximise the number of people who could participate, organisers had arranged tables in angled rows, which inadvertently resulted in some people sitting with their backs to others and causing considerable offence to some of the senior men. AIATSIS facilitators acknowledged this problem and will ensure seating arrangements for future workshop are more carefully considered.

Day 1 proceedings

Welcome and workshop overview

AIATSIS Principal Russell Taylor opened the workshop with an acknowledgment of country and by welcoming delegates to the workshop. He introduced AIATSIS staff members and their roles and invited Ludger Dinkler to provide a brief overview of the workshop program and objectives.

Workshop objective:

- *to bring people together in order to share experiences and work together to develop solutions to some of the common challenges of appropriate management, storage and use of information and material created in the context of native title.*

A poster listing examples of the kinds of information held by native title organisations was exhibited on the walls of the venue. It was by no means exhaustive, but aimed to illustrate and remind delegates of the wide range of different materials to be considered during discussions. Materials included on the list, which delegates were invited to add to throughout the workshop, were:

- audio/video/film recordings
- photographs
- maps
- genealogies
- land management data
- membership records
- court documents
- connection reports
- survey reports
- research reports
- research field notes
- other documents and reports
- restricted materials (male and female)
- personal histories
- GIS data
- site recording forms
- library (published works)
- archival records (e.g. police files, cemetery records, etc.)
- linguistic materials.

Introducing information management successes and aspirations

Following the welcome and overview of workshop objectives, delegates were invited to introduce themselves and talk briefly about their information management successes and aspirations or dreams.

Using a facilitation tool called 'Talking Paper'[1], delegates were encouraged to introduce themselves to someone in the room they did not know and ask the following questions:

- what is your organisation's greatest information management success?
- what is your greatest information management dream?

Delegates then took turns to briefly introduce themselves to the entire group and place a short summary of their key successes and aspirations on wall posters, including a note as to whether they were from a PBC, NTRB/SP or national agency (Figure 11).

The contributions of delegates covered a wide spectrum of successes and aspirations. Their commonalities emphasised the enormous possibilities of information and knowledge management for organisations, regardless of size, location or purpose. Their differences, on the other hand, served as a reminder of the very different circumstances, responsibilities and missions of PBCs and NTRB/SPs.

Information management successes

Some of the successes identified by delegates from NTRB/SPs, national agencies and PBCs were similar, but there were also remarkable differences that underscore the differences in the reasons why different organisations have collections of native title information and their responsibilities towards it.

The custodial role of NTRB/SPs and national agencies and their sense of responsibility towards native title information was emphasised in their responses, which frequently celebrated the creation of well-functioning systems and databases for the administration and digitisation of materials (Figures 12 and 13). Many are also proud of the success they have had to date in returning native title materials to traditional owners.

PBCs, on the other hand, celebrate achieving rights and control over their country and their information as among their greatest successes (Figure 14). Having information returned, and successfully managing it and making it available to the community, was also mentioned by a number of PBC delegates. One PBC delegate

1. The Talking Paper method was developed by Julia Wolfson, Principal of Turning Forward, a global consulting, development and research practice. For more information, see Turning Forward n.d.

stated good governance of the organisation as an important information management success.

Figure 11: ‘Successes’ and ‘dreams’ wall posters

Figure 12: NTRB/SP information management successes

- **Information systems:**
  - ‘good information management systems that work to manage data well = easier research’
  - ‘implementing a better filing system’
  - ‘collation of historical claim material and production of overviews’
  - ‘older research information is secure and organised’
  - ‘successful long-term management of anthropological and administrative records’
- **Digitisation projects:**
  - ‘digitising our library’
  - ‘managing genealogical information’
  - ‘digitisation of old film’
- **Archives and databases:**
  - ‘comprehensive database for our legal and research material’
  - ‘interactive database of historical images on light table at permanent community exhibit’
  - ‘archives—a system to access historical records’
  - ‘local and cultural heritage database’
- **Returning materials:**
  - ‘providing access to materials for native title claims’
  - ‘return of native title research workshops’
  - ‘return of research materials policy’
- **Holding and receiving information:**
  - ‘the collection over many years of Indigenous knowledge and cultural heritage to process native title claims successfully’

Figure 13: National agency information management successes (including AIATSIS)

- **Information systems:**
  - ‘undertaking a basic review of what we have’
  - ‘capacity to safe-keep cultural heritage and support claims’
  - ‘achieving clarity on restricted status of materials’
- **Returning material:**
  - ‘to see digital copies of collections repatriated to communities’
  - ‘helping people manage information, training etc. in organisations’
- **Governance:**
  - ‘thinking issues through legally’

Figure 14: PBC information management successes

- **Archives and databases:**
  - ‘digital archive for community access’
  - ‘local and cultural heritage database’
  - ‘building a visual index (map) of heritage surveys’
- **Returning material:**
  - ‘working with [NTRB] to return [PBC] materials’
- **Getting back country and cultural information:**
  - ‘return to country’
  - ‘reserve transfer’
  - ‘consent determination and ‘Indigenous land use agreement’
  - ‘Indigenous protected areas management plan accepted; [tourism] permit system in place; marine park’
- **Holding and receiving information:**
  - ‘data and record collection’
  - ‘gathering native title information and other information’
- **Governance:**
  - ‘governance of PBC’

Information management aspirations

As with information management successes, there are some significant differences between the aspirations of PBCs and those of NTRB/SPs and national agencies. The clearest shared ambition, albeit from two different perspectives, is to see native title information and materials returned to traditional owner groups. PBCs urgently want their information back, and NTRB/SPs are very keen to find ways to make this happen and to keep the information they hold safe in the meantime.

The importance of the custodial responsibilities of NTRB/SPs and national agencies was again highlighted in the responses of delegates, many of whom articulated a desire to be better organised in order to add value to the materials that they hold (Figures 15 and 16). The significant advisory and support functions of representative bodies were also emphasised, with NTRB/SP delegates articulating aspirations, such as developing protocols and clarifying ownership of information, that ultimately serve to help PBCs achieve their aspirations.

Some delegates from NTRB/SPs also articulated aspirations to organise and make materials available on a regional or national scale, where appropriate, so that others can also use and learn from native title research materials. This focus on building regional and national collections reflects the fact that most NTRB/SPs and all national agencies hold a large amount of information relevant to many different Aboriginal and Torres Strait Islander peoples as a result of the particular roles they play within the native title system.

The aspirations of delegates from PBCs (Figure 17) were, by contrast, overwhelmingly about achieving local ‘information autonomy’; that is, they articulated a desire to own and be in control of their people’s native title information, and to be empowered to pass that information onto future generations of their families.

Unlike NTRB/SPs, PBCs generally did not express ambitions to be better organised, or to have better guidelines and protocols in place. Although establishing better information management systems and infrastructure are significant considerations, in terms of information autonomy they are of secondary concern to achieving legal ownership, possession and control of information. In keeping with their aspirations for information autonomy, they dream of establishing local keeping places and interpretative centres for their immediate community members, as opposed to creating national or regional databases.

Figure 15: NTRB/SP information management aspirations

- **Returning information to community:**
    - ‘have materials available to those it is relevant to’
    - ‘return of research materials to traditional owners’
    - ‘policy development and case by case access agreements’
    - ‘sort through legal impediments to return of materials’
    - ‘assist PBCs with their information management and research’
    - ‘developing protocols for effective access by traditional owners to their connection materials’
- **Adding value and getting organised:**
    - ‘records in useable formats that create value’
    - ‘overcoming the challenges of disappearing formats’
    - ‘accessing the wealth of information/data we hold’
    - ‘having all information catalogued and easily accessible to authorised staff’
    - ‘comprehensive research database’
    - ‘having the time to do things properly’
- **Guidelines and protocols:**
    - ‘develop access guidelines and protocols’
    - ‘clarifying what corporate/collective ownership means in relation to privacy and confidentiality’
    - ‘preventing raids on information via discovery in legal action’
    - ‘changing the Privacy Act to remove government ownership of material’
- **National/regional keeping places:**
    - ‘a culturally safe, nationally accessible database’
    - ‘improved regional catalogue material’
    - ‘a local or state-wide database with appropriate secure access’

Figure 16: National agency information management aspirations (including AIATSIS)

- **Returning information to community:**
  - ‘security arrangement and access of native title material to all relevant people’
  - ‘do something with [court] transcripts’
  - ‘support for aspirations of native title groups for sustainable access/use of info[rmation]’
  - ‘getting mining heritage information back to communities’
- **Adding value and getting organised:**
  - ‘the successful implementation of a DAMS/EDRMS’
- **National/regional keeping places:**
  - ‘regional availability of Indigenous Land and Sea Management geospatial data’
- **Increase digitisation:**
  - ‘funding to support digitisation of collection so they are available for research and community’
- **Guidelines and protocols:**
  - ‘achieving clarity on ongoing access terms’
  - ‘clearer guidelines for access conditions for [archive] material’

Figure 17: PBC information management aspirations

- **Information autonomy:**
    - ‘the return of native title materials’
    - ‘getting the info[rmation] out of our rep[resentative] bodies’
    - ‘establishing an interpretative centre’
    - ‘small groups having their own and regional connected regional information database’
    - ‘PBCs being able to access and control their native title research for themselves’
    - ‘holding native title information under our own control’
    - ‘own and manage PBC information’
    - ‘depots…empowerment…ownership of jobs…role models…working on country’
    - ‘running our own affairs’
    - ‘resources for maintenance and sustainability’
    - ‘get governments to acknowledge that Traditional Owners own information, not just applicants or PBCs’
- **Cultural transmission/education:**
    - ‘education…year 12 graduation’

Presentations

Following the introductory session, presentations by information and knowledge management specialists and legal experts, and representatives from native title organisations explored different aspects of the responsibilities and challenges of managing collections of native title materials.

A summary of each presentation is provided.

Presentation 1: Results from the MINT pre-workshop survey

Pamela McGrath, AIATSIS

The first presentation by NTRU Research Fellow Pamela McGrath informed delegates of the outcomes of the pre-workshop survey that many of them had completed. The findings of the survey are reported in detail in Part I of this report.

Pamela reviewed the objectives of the survey and highlighted key findings about how much information organisations hold, how organised and secure it is perceived to be, and what organisations feel they need the most to help address some of their biggest information challenges.

Presentation 2: Issues arising from the *Future of connection material* report

Grace Koch, AIATSIS

During her time working as the NTRU Native Title Research and Access Officer, Grace Koch became acutely aware of many of the emerging challenges associated with looking after native title material. So, together with a number of NTRB/SPs, she undertook a three-year project (2005–08) to gain a better understanding of the kind of materials held by native title organisations and the ways they were managing them.

To ensure the lessons of history were not lost, the MINT team invited Grace (now retired from AIATSIS) to present a review of the findings from the 2008 report of the project (Appendix D).

The Future of Connection Material project found that by 2008 most NTRB/SPs had some form of information management system in place and had begun to digitise their holdings. Storage conditions for holdings varied between organisations, and some documents were in need of preservation. Access and use protocols were identified as being underdeveloped, and additional consultation was flagged as a first step towards furthering such protocols. The development of generic templates, tailored to specific circumstances, was raised as desirable.

Within the context of her presentation, Grace discussed and illustrated the communities of organisations and individuals who have interests in native title materials—the Indigenous community, applicants for the native title party,

government community, legal community, research community, and other interests in land and water management—and how information moves between these groups.

Grace also reviewed and updated the *Future of connection material* report's findings in relation to the future security of materials, highlighting a number of issues that continue to create challenges. Among these were that the volume of information to be managed and the requests for return or access to this information were rapidly increasing, and that organisational commitment to good information management was at times hampered by a lack of funding, the availability and retention of skilled staff, and the rate of technological change.

Key points

- A number of issues related to the management of native title information identified in the *The future of connection material held by Native Title Representative Bodies* (2008) report remain largely unresolved and are still high on the agenda of challenges needing to be addressed.
- The communities of organisations and individuals with interests in native title information have changed very little in the past ten years.
- There are a range of factors—some within our control, some not—that native title organisations need to respond to in order to ensure good collection management practices, including:
    - the increasing number of documents needing management and the increasing number of requests for copies of material
    - the amount of funding available for collection management
    - the availability of trained staff and proper support
    - changes in government
    - changes in government requirements for record keeping
    - rapid technology changes
    - global warming and other natural disasters.

Presentation 3: The fragility of audio-visual formats

Tom Eccles, AIATSIS

With audio and film materials identified by many native title organisations in the pre-workshop survey as being particularly challenging formats to manage, the MINT team invited Tom Eccles (AIATSIS technical manager and moving image archivist) to speak about preserving audio-visual materials.

Tom's presentation (Appendix E) covered many topics and offered practical advice about things to consider when dealing with fragile film and video recordings, including:

- the physical qualities of video and film formats
- storage considerations
- how to test for acid and 'vinegar syndrome'
- digitisation standards and cloud storage
- things to think about when setting up a digitisation program.

Tom also provided information about where to go for additional information on these issues, and more.

Key points

- Film and video material is particularly prone to physical degradation; audio tape less so.
- Establishing robust digitisation programs as early as possible is the best way to counteract the risk of film material degrading. Adequate storage and regular assessment is advisable.
- Plan for technological change. Files created today will probably need to be migrated to another file format in the next few years.
- Metadata: decide what data you need to capture about your audio-visual materials. Technical data is useful to ensure the file can be quality checked and played back in the future. Content data is important to catalogue the file and link it to the correct subject headings.
- Digital born assets: many collection items on file and disc are no longer playable without specialised software and hardware.

Presentation 4: Managing information as records

Melany Laycock, AIATSIS

Information comes in numerous forms, like the content of documents, tables and emails, or as information about physical objects (metadata). Not all of this information needs to be captured, but public service and private organisations have agreed on certain standards and capture those as records. Knowing what to keep and for how long is a crucial task for organisations of all kinds.

Melany Laycock, AIATSIS Project Officer for Collections Infrastructure, was invited to present to workshop delegates on different elements of records management, including the definition of a record, its storage, and Digital Asset Management Systems (DAMS) and Electronic Document and Records Management Systems (EDRMS).

Melany also highlighted some of the efficiency gains organisations can achieve through systematically organising their records. She reviewed key steps involved in developing an information management plan, including assessment of the types of information and records held and how these are stored, used and managed. Such an information analysis provides the basis for more adequately assessing information management needs.

More information about the issues Melany discussed is available in Appendix F. For the purpose of this report, Melany has also provided advice about implementing an EDRMS (Appendix G).

Key points

- A record is any information created or received by an agency that provides evidence about the business decisions the agency has made, and who made them.
- Records can be in any format, including physical, digital or other formats, and can be emails, databases, information in business systems, text messages, photographs, moving images, audio and social media sites.
- A widely used categorisation of records differentiates between three record types: long-term records, medium-term records and low-value records.
- The length of time a record has to be kept correlates with its relevance to the running of an organisation and the organisation's legal obligations.
- Introducing and maintaining an information management system such as an EDRMS or DAMS is beneficial to ensuring long-term safety and access to native title information.

Presentation 5: The information management journey of Gunditj Mirring

Damein Bell, Gunditj Mirring Traditional Owners Aboriginal Corporation

To learn more about how native title groups are getting on with the task of managing their information and knowledge holdings, we invited representatives from three organisations from across the country to present at the workshop.

Damein Bell, Chief Executive Officer of Gunditj Mirring Traditional Owners Aboriginal Corporation Registered Native Title Body Corporate (RNTBC), spoke first. Gunditj Mirring was established in 2005 by Gunditjmara traditional owners to progress their rights and interests in native title, cultural heritage and caring for their traditional lands, which are located in the far south-western corner of Victoria.

After providing historical and geographical background information on the Gunditjmara claim, which was determined in 2007, Damein spoke about the strategies that Gunditj Mirring has implemented in relation to its precious holdings of native title information and cultural knowledge (see Appendix H). He shared information about the organisation's operating structure, its service agreement with the local Native Title Service Provider (NTSP), Native Title Services Victoria (NTSV), and its use of Microsoft OneNote software to assist with record management.

Damein also spoke about the Gunditj Mirring Indigenous Ecological Knowledge Partnership Project, an initiative to research, discover and record traditional and contemporary Gunditjmara land management practices and ecological knowledge for use in contemporary and future planning. The four-year project is a partnership between the Gunditj Mirring and the Glenelg Hopkins Catchment Management Authority. The project is supported through funding from the Australian Government Caring for Our Country program and began in 2009.

Through an agreement with Gunditj Mirring, NTSV continues to provide administrative, legal and policy support to Gunditj Mirring, which has allowed the PBC to focus its efforts on producing a series of literature reviews and a number of small publications as part of its partnership project.

Additionally, Gunditj Mirring has invested in the development of a Cultural Information Management System. This database, which was developed with the assistance of private company Environment Systems Solutions, has allowed Gunditj Mirring to capture and organise a great deal of information about family and country, ranger work and associated reports.

Finally, Damein shared the preliminary designs for the proposed new Gunditj Mirring cultural centre, soon to be built near the Gunditjmara heartland of Lake Condah.

Key points

- Service agreements are one way that PBCs and NTRB/SPs can establish clear processes for how native title information is to be managed, shared and returned.
- You do not need a DAMS or EDRMS to get started with organising information. Simple software packages such as Microsoft OneNote can be a great tool for setting up a filing system and keeping track of information holdings.
- Partnerships with government, universities or other organisations can be an effective way of securing resources and advice to support a wide range of information or knowledge management projects.
- Ecological knowledge is also native title knowledge, and funding proposals to land management initiatives such as Caring for Our Country can legitimately focus on building information management capacity of native title organisations.

Presentation 6: The CDNTS Cultural Geography Database

Claire Greer, Central Desert Native Title Services (CDNTS)

The second case study of native title information management practices was presented by Claire Greer, Cultural Information Coordinator with CDNTS, an NTSP that was established in 2007. Claire introduced her organisation's Cultural Geography Database, which is used to collate cultural information gathered in the course of claim research, heritage surveys and land management activities with many different groups (Appendix I).

The CDNTS Cultural Geography Database uses the same software platform as Gunditj Mirring's Cultural Information Management System (discussed above) and serves as a repository for indexed information sourced from numerous different media, including geo-referenced information. CDNTS has been working with the database developer Environment Systems Solutions since 2012 on this particular version of the database. The current system is the third version, which over the past ten years has continually had to evolve in response to changing needs and technologies.

CDNTS knows that its Cultural Geography Database has a lot of potential, much of which it has begun to realise. It has, for instance, tailored the database to allow for information access to be restricted according to cultural and legal privileges to regulate access, for example, to gender-specific or legally privileged information.

Development and maintenance challenges include the availability of in-house expertise, the reliance on external consultants, staff continuity, and a lack of time and resources.

At the moment only a few research staff members have access to the database. One of the biggest difficulties with expanding its potential use concerns the fact that the CDNTS service area covers nearly one-third of Western Australia and includes many remote regions. Meetings are costly and the governance capacities of groups differ widely. The combination of this widely dispersed and very remote client base and chronic underfunding has meant that CDNTS has not yet had the resources to engage communities in extensive discussion of the next steps towards providing access and returning material.

A number of constraints also limit use, including that access to many documents must be restricted because they are subject to legal professional privilege or cultural restrictions. Such issues need to be resolved before the database might be used beyond the CDNTS office.

Despite the challenges, CDNTS continues to allocate what resources it can to refining the system and entering relevant data. Community engagement is seen as the most important next step, and funding is being sought from a range of sources to help progress this. Claire and her colleagues hope that the system will realise its full potential within the next two to three years.

Key points

- Making native title information available to traditional owners is high on the agenda of both PBCs and NTRB/SPs.
- Public information can still be shared if cultural and legal access protocols have not yet been developed.
- Restricting access to sensitive information held on databases can be achieved by regulating log-ins.
- Protocols regulating access to native title information need to be both culturally and legally safe and thus require legal input, as well as extensive consultation with the information owners.
- Access rules for personal and private information need to be decided by information owners.
- Developing a database can take a long time and requires skilled staff and ongoing funding for maintenance and to control information entry and integrity.
- A dedicated and centralised (digital) native title information hub might be the most feasible and economical way to ensure long-term information safety.

Presentation 7: Returning research materials in partnership with traditional owners

Margaret Rose—Nyangumarta Warrarn Aboriginal Corporation (NWAC) and Yamatji Marlpa Aboriginal Corporation (YMAC)

Olivia Norris and Sanna Nalder—YMAC

The third case study of native title organisation information management looked at a collaborative project between two Western Australian organisations, NWAC RNTBC and YMAC Native Title Representative Body (NTRB), to develop a return of materials plan for the Nyangumarta people (Appendix J). The development and successful implementation of YMAC's Return of Research Materials Policy and how it was used to guide the return process with Nyangumarta and Ngarla people was also discussed.

Between them, the three presenters discussed the challenges, successes and progress their organisations have experienced in realising their shared ambition to see native title materials returned to the community. They emphasised the need for return of materials processes to be culturally appropriate and developed in consultation with traditional owners, and discussed some of the issues that need to be resolved when attempting to do so.

Costs for running consultation workshops are high and funding is limited. Also, the PBC does not necessarily have the storage space it needs to hold all the materials, the legal status of the material is often complicated to assess, and some information relates to individuals but some relates to groups of people. For example, the return of personal information such as native affairs records to individuals was comparatively easy, while the return of documents such as the connection report to a group proved more complex.

Simply explained, the process that YMAC followed involved five steps:

1. YMAC policy development
2. requests and initial contacts
3. workshops with elders and key families
4. identification of priority materials for return and developing return and access guidelines
5. process completion and acknowledgment of return.

The above steps were developed by YMAC in close consultation with YMAC Aboriginal staff and in partnership with the PBCs involved in the two workshops to date. The staff time and cost involved in managing the different elements of the process are huge. Data must be organised, which involves a claim anthropologist and a lawyer assessing what information can be returned and whether that information needs to be redacted, organising meetings and workshops with groups,

reproducing materials in different formats, and building local facilities and capacities for safe and appropriate storage and access.

The potential for the native title information that is returned by this process to be used in other ways is enormous. The list of possible projects includes development of a cultural centre, cultural training and learning, interactive databases, land and sea management, oral history and language projects, and multimedia publishing.

Key points

- Agreeing on future use, access to and return of native title information at the point of collection mitigates numerous issues associated with the return of cultural information to its owners.
- Returning already collected cultural information to traditional owners is high on the agenda of NTRB/SPs and PBCs.
- Extensive preparation and consultations are necessary prior to the return of native title materials in order to identify:
    - which information is to be returned to whom
    - where it will be stored
    - the conditions on which it will be accessed
    - whether the relevant NTRB/SP should retain a copy of the information.

Presentation 8: Later use and control of evidence given in native title hearings[2]

Angus Frith, Barrister

Barrister Angus Frith presented information about the complex issue of legal ownership of documents used to prepare for, and as evidence in, native title hearings and about who is responsible for them and how they can be used.

Angus highlighted the range of documents held by NTRB/SPs, including historical records, witness statements, connection reports, genealogies and minutes of meetings. These documents contain information collected from group members and public sources, some of which will be sensitive and confidential.

One focus of the presentation was on the tension between the legal ownership of documents and the information in them, and the practical issues to be addressed in using them in legal proceedings. Angus explained that the information used for native

2. AIATSIS advises readers that the information and opinion contained in this presentation do not constitute legal advice and should not be taken as such.

title litigation by a solicitor is contained in documents in what is called a ‘solicitor’s file’ and that this information can be subject to legal professional privilege.

Documents used as evidence in native title litigation held in a solicitor’s file belong to the solicitor’s client, the claim group. The use of these documents after a native title determination depends on instructions received from that client. However, the instructions (and the documents held on the solicitor’s file) received prior to a determination do not automatically transfer to the resulting PBC post-determination, as the PBC is a new legal entity, different to the claim group and the applicant that represents it.

Angus suggested that NTRB/SP solicitors should seek instructions from the applicant on behalf of the native title claim group prior to a determination of native title about issues such as:

- whether the client documents held in the solicitor’s file are to be given to the PBC or are to be held by the NTRB/SP solicitor
- if they are given to the PBC, whether the solicitor can keep copies of these files
- whether the solicitor can use documents in the file (or the copies) for work to be done for the PBC.

Finally, it was suggested that the NTRB/SP also needs to confidentially ask individuals whose information it holds whether that information can also be provided to the PBC.

Angus appealed to NTRB solicitors and native title applicants alike to prepare for the transition from predetermination applicant to post-determination PBC by considering the required instructions early on in the process.

At the centre of this discussion was the notion of conceptually and legally different clients of the solicitor pre- and post-determination, with the native title group being represented by the applicant and then by the PBC, and the need to address issues arising from this difference. During discussions that followed, questions were raised about whether the solicitor’s duty of care to the claim group would override the duty to return information to a PBC post-determination, particularly in cases where the PBC does not have adequate facilities and capacities to deal with that information. While there was some understanding that the native title holding group was the consistent link binding the pre- and post-determination groups, concerns were raised that this understanding is not necessarily shared by all parties involved in native title proceedings.

Delegates agreed that while some issues raised in the discussion remained unresolved, there was a need to work on a template describing the legal instructions required to facilitate the transfer and use of information from native title applicant to PBC.

Key points

- Information used by NTRBs for native title litigation is:
    - contained in documents compiled or created by or on the instructions of a NTRB solicitor
    - contained in documents that make up a solicitor's file, which technically is in the possession of the solicitor
    - potentially subject to legal professional privilege, which means it can be kept confidential from the state and other parties in the litigation.
- After a native title determination, some documents on the NTRB solicitor's file will still be subject to legal professional privilege, which can continue indefinitely.
- The privilege might also continue if the documents are transferred from a NTRB solicitor to the PBC.
- Seeking instructions on the management of native title information held by NTRB/SPs and their solicitors prior to a determination of native title can assist with the return of materials to PBCs later on.
- A template listing the relevant instructions to be sought prior to determination would be useful for native title organisations.

Presentation 9: The challenges of managing documents related to native title hearings

Ian Irving, Federal Court of Australia

The final presentation was by Federal Court Deputy Registrar Ian Irving, who spoke about some of the challenges his organisation is facing around the management, preservation and repatriation of native title information held on closed files (Appendix K). The Court is currently in the process of establishing a policy about how its rules around accessing closed files can be applied in relation to closed native title files.

Before detailing how this policy is emerging, Ian looked at the kind of documents that are usually included on a court file; namely, the application, the outlines of the legal arguments, all evidence presented including the reports of experts, legal submissions and administrative material.

Ian explained how, with the large and ever increasing number of such files and an archives freeze that prevents the Federal Court from destroying any of its records pertaining to Aboriginal people and Torres Strait Islanders (see discussion at Presentation 4), the matter of physical storage has become a major issue. The National Archives of Australia has agreed in principal to house the files, but will only do so once an agreement regulating the access to the files is in place. Part of such a

policy is likely to be an audit of all Court files on closure to determine which documents can be publicly accessed and which ones can only be accessed with the approval of the filing party or not at all.

The issues are complicated by the fact that the Federal Court, like many other organisations, has limited resources to undertake sufficient auditing and/or redacting of closed files and the documents they contains. Further, many filing parties no longer exist, or confidentiality orders placed on documents have no end date, making consultation with the traditional owner group in question a difficult task.

Ian emphasised that, in developing a policy about the management of closed native title files, the Court must always aim to enhance public confidence in the administration of justice. That is, the grounds on which decisions have been made must wherever possible be open to public scrutiny. But it also takes into consideration the principles of privacy and practicality that sometimes compete with each other.

The process that the Federal Court is currently developing is likely to involve the following steps:

- an audit of each file, on closure, to identify restricted or confidential documents, and documents relied on in open court
- the granting of a standing order permission to inspect documents on closed files where they are not subject to a confidentiality or restricted access order
- the refusal of access for confidential or restricted documents
- no access to documents filed by a party but never relied upon in open court.

In the discussion following the presentation, delegates mentioned that the Federal Court also holds photographic and other material that is not part of Court files. Ian advised that, while that is true, the Court is currently focusing on access to materials held on Court files and has no capacity to deal with access other than to Court files.

Another point raised during the discussion was the cost and availability of case transcripts. These are not owned by the Court but, rather, by the private company that provides the transcription service, and copies of the transcripts must be purchased directly from it. The Court itself will not automatically purchase a transcript of a case, but impecunious parties who need a transcript can ask the Court to make a ruling to the effect that the transcript of their case should be made available to them while the case is still active. While prices for transcripts vary according to the number of words spoken during a hearing, all workshop attendants with experience in this area agreed that the cost of transcripts made it hard for unfunded and underfunded native title organisations to purchase them.

Key points

- Even large organisations struggle with the task of managing native title information.
- If the Federal Court's project is a success, it may soon be easier for native title groups to access information held on closed native title files.
- Transcripts of native title proceedings can be historically and culturally significant documents. These are not, however, available directly from the Federal Court but must be purchased from transcription service providers. Auscript provides transcriptions of hearings held in Federal Court buildings, while Transcript Australia provides transcriptions of on country hearings (for more information, see Auscript n.d and Transcript Australia n.d.).

Issues and ideas raised by participants

The presentations held during Day 1 of the workshop sparked considerable discussion among delegates and a number of important issues and ideas were raised. These are summarised below.

National repository for native title Information

One idea raised during workshop discussions was the creation of a national repository for native title information. Although AIATSIS may be an obvious home for such a project, the delegates emphasised that it would have to be a community-driven and guided initiative. A lot of work would need to be done in order to agree on the processes and protocols by which information would be accessed, and these would likely need to go beyond the cultural and ethics protocols currently in place for accessing the AIATSIS collections and archives.

Land management data

During discussions it became clear that land management data was a particularly poorly understood category of information. This may well be because a clear definition of what data might be categorised data as such was not included in either the survey instrument or during the course of the workshop. Delegates agreed on the value of native title information for living and working on country, but either had not put too much thought into the kinds of information this involves or were uncertain how to best integrate land management-related data with native title information and vice versa. This integration was flagged as an important issue requiring further work, since NTRB/SPs and PBCs might want to utilise the same information for different purposes.

Commercial information preservation and management services

During discussions delegates raised the possibility of AIATSIS providing commercial information preservation and management services to native title organisations. While AIATSIS currently offers occasional technical advice to depositors, it is not currently funded to provide such a service. This may be possible in the future, however, depending on ongoing funding arrangements.

Information on DAMS/EDRMS

During discussions delegates suggested that, as part of its ongoing MINT project, the NTRU should work towards providing a list of reliable sources on information management systems and advice about the best way to go about purchasing them. (Aspects of this advice are provided in this report, courtesy of Melany Laycock, in Appendix G).

Licensing of AIATSIS' new DAMS/EDRMS

Similarly, acknowledging the unique position of AIATSIS as the trusted host of the largest collection of Aboriginal and Torres Strait Islander materials in the world, delegates asked AIATSIS to put some thought into the development of a licensed version of the EDRMS/DAMS it is currently developing for use by NTRB/SPs and PBCs.

Sharing GIS database technology

Usage of cultural databases is spreading among native title organisations, with three organisations represented at the workshop sharing the same software. The discussion also sparked strong interest in the potential of tailored cultural databases for native title information management and led to a proposal to convene a session at the National Native Title Conference in June 2015 on using cultural databases to protect and manage native title information for traditional owners.[3] However, with direct funding for database projects difficult to secure and likely to remain so in the foreseeable future, traditional owner groups need to be creative in trying to fit important activities within the framework of other funded projects or funding avenues.

Legal advice

The need for legal clarification about the ownership of information and materials provided in the context of native title was raised as a significant issue that requires

3. A session titled 'Managing information in native title' was held at the National Native Title Conference, Port Douglas, Queensland on 16 June 2015, 1.00 pm – 3.00 pm. The session brought together native title practitioners and PBC members to discuss their experiences of appropriately managing, storing and sharing information from Victoria, South Australia and Queensland. Representatives at the session called for the formation of a peak national body of PBC members interested in information management to focus on developing guidelines as well as funding opportunities and infrastructure suitable for information management within PBCs.

further urgent work. Delegates noted that the question of information ownership needs to be decided before outsourcing data management or utilising external storage or database systems to provide for cases such as, for example, the bankruptcy of the service or database provider.

Return of materials

Delegates agreed that a number of problems associated with return of information might be mitigated by agreeing on future usage and storage at the point of collecting information, which should be standard ethical research practice. One important aspect of these discussions might be a consideration of whether it would be desirable or necessary for the current holder to retain a copy of the information and material returned, or not. Delegates said that while some groups want all their information material back as soon as possible, others are willing to leave it with the current holders, often an NTRB/SP, until such time as they are ready to look after it on their own.

While not all potential future uses or issues can be foreseen, there was agreement that early consideration of the long-term management of information will help to ensure that information collected now will be easier to manage in the future.

Day 2 proceedings

Identifying information management challenges and developing and prioritising shared solutions

Armed with their visions for the future and inspired by the discussions and presentations of Day 1, the second day of the workshop challenged participants to identify some of the major obstacles preventing their organisations from achieving their native title information management aspirations and to work together to identify practical and achievable solutions to overcome them.

Over the course of two sessions, participants were asked to consider and respond to the following questions:

- what are the most significant factors standing in the way of your organisation achieving its information management objectives?
- how can we work together to address the information management challenges we all share?

Broad categories around which information management challenges and solutions might usefully be framed had already been established in the context of the pre-workshop survey. Those categories were briefly discussed at the start of Day 2 and altered where required, resulting in the following list:

- funding/resourcing
- training
- protocols/processes
- skilled people
- legal advice and copyright
- return of cultural information
- infrastructure
- technology.

A wall poster was created for each potential need. Working in small groups and across all categories, delegates were asked to identify their organisations' main challenges (in orange) and solutions (in pink) and to post their responses on the relevant wall poster.

Contributions to each workshop poster are summarised below.

Figure 18: Example of ‘Challenges and solutions’ wall poster

Funding and resourcing

Delegates emphasised that the importance of information and knowledge management activities is not always valued or well understood by others in their organisations and is therefore not appropriately prioritised when it comes to allocation of funds. NTRB/SP delegates, in particular, reported that such activities are not perceived as core business and are rarely funded from operational budgets. Instead, they rely on securing external funding to build much of the infrastructure and capacity required.

Identifying grant options for information management activities and then locating the necessary expertise to prepare and write grants were identified by delegates from both PBCs and NTRB/SPs as significant challenges. They also often struggle to understand grant conditions and application requirements, and when applications are unsuccessful it can be difficult to secure feedback.

Funding and resourcing

Key challenges

- There is a lack of recognition within native title organisations of the need for resourcing to build better information management capabilities.
- NTRB/SPs and PBCs do not have enough support to enable them to identify and apply for targeted grants for information management activities.
- The challenges of under-resourcing are exacerbated by chronic underfunding of PBCs more generally.

Potential solutions

- Raise in-house awareness of the relevance of information management to corporate goals.
- Establish agreed standards and interoperability of information management systems and engage in regional collaboration to minimise costs.
- Encourage co-investment between PBCs and corporate partners to develop share technologies and systems.
- Establish service provision agreements between NTRB/SPs and PBCs to help ensure PBC independence and a sense of control over information assets.
- Create a peak body of PBCs and NTRB/SPs to undertake wider and more targeted lobbying for increased resourcing of information management activities.

Delegates clearly identified a need for increased funding as one of the main solutions to the chronic funding woes of native title organisations. They also identified other possible steps that can broadly be categorised as cost-savings measures and measures addressing the funding process itself.

Achieving standardisation and interoperability of information management systems was seen as a major savings potential; for example, through the sharing of software, as well as information technology (IT) advice and specialist knowledge, among organisations.

Another suggested cost-saving measure is to maximise economies of scale through regional collaboration between native title organisations to develop suitable protocols and policies, or co-investing in appropriate technologies. Both PBCs and NTRB/SPs stressed that utilising representative bodies as a hub to assist and facilitate where required does not take away from the independence of PBCs. This was brought out clearly in the case of Gunditj Mirring, which has entered into a service agreement with NTSV. NTSV alleviates some of the burdens of running the PBC by providing legal and policy support, freeing up traditional owners to pursue other projects.

Delegates also suggested that establishing a peak body would enable native title organisations to undertake more targeted lobbying for increased resourcing of information and knowledge management activities. Such a group could potentially identify options and work across the whole of government, and also approach alternative funding sources such as philanthropic organisations. As an example, one delegate's organisation received funding from a major bank for its digitisation program. Commercialisation was flagged as another avenue to potentially provide funding, but was not discussed in detail during the workshop.

Training and skilled people

Insufficient short and targeted training courses for records and archival management and information and data management was listed as a major challenge that significantly influences the availability of staff with information management skills. Compounding this problem is the fact that many NTRB/SPs reportedly fail to prioritise information management training for their existing staff.

Delegates also identified the need for more cultural training of staff working at PBCs and NTRB/SPs. Basic cultural competency was identified as crucial if employees are to appropriately manage native title materials, in turn providing for increased job satisfaction and the possibility of higher retention rates for skilled staff. Increased staff retention would also help to justify the time, effort and funding to train new staff. Remote native title organisations, in particular, identified the issue of access to and retention of skilled staff as a major challenge.

The lack of availability of staff skilled in information management, combined with under-prioritising the need for information management, often leads to no dedicated positions being created. Information management is added on to workloads without allocating the additional staff time needed to do the job.

Another factor raised was that many people involved with running PBCs (for example, as corporate directors or administrators) work on a voluntary basis, often while maintaining a full-time job elsewhere. Although they work for little monetary reward, such individuals often provide important cultural leadership, corporate governance, or technical and administrative assistance that is crucial to the effective management of the organisation's native title materials. Delegates identified the need for a change in attitude towards PBC volunteers so that their efforts, skills and knowledge are recognised and, where possible, appropriately remunerated.

Training and people

Key challenges

- The contributions of volunteers to the work of native title organisations, in particular PBCs, are not well recognised. A culture shift is needed to recognise the time, skills and knowledge they bring to their organisations.
- There are currently not enough dedicated information management staff members working at native title organisations, but the need is set to increase with the rising volume of information being produced and digitised.
- There are not enough short training courses relevant to information management and, where available, they are often not seen as a high priority for training of PBC and NTRB/SP staff.
- Finding and retaining skilled staff, particularly in remote regions, is very difficult.

Potential solutions

- Basic training in record management, technology usage and cultural training should be provided as part of general staff inductions.
- Short-term skills shortages can be alleviated by drawing on established volunteer networks or borrowing staff from other organisations.
- Information management training can be further developed utilising the expertise of staff at local, regional or national collecting institutions and archives.
- Cultural training for staff supports better management and understanding of information and can positively impact job satisfaction and staff retention.
- Draw on the expertise of professional societies such as the Australian Society of Archivists for assistance in developing training resources.
- Include a module on information and knowledge management in the AIATSIS PBC toolkit, currently in development.
- Web-based courses can be used to deliver training to remotely located staff.

The solutions suggested by delegates mostly addressed multiple aspects of the above issues. Delegates made clear that, as a first step, information and knowledge management training needs to be integrated into existing in-house or otherwise available professional development training. They agreed that this needs to be done in conjunction with encouraging a greater sense of the importance of information management among organisations' boards, senior managers and staff.

Such an increased understanding of the need for and value of information management could lead to greater sharing of existing resources and skills among native title organisations and provide the impetus for tapping into local or regional

skills and resources existing elsewhere. With information management skills being more highly valued, potential careers in the fields of IT, archiving and knowledge management might also become more attractive to younger people and provide more options for building a future career in their local communities.

Grace Koch suggested approaching national and international professional bodies for archivists and collecting institutions to collaborate in the development of relevant training units and modules. There was also a suggestion that an information management module could be added to the AIATSIS PBC toolkit, a 'how to' manual on running a compliant PBC, which is currently being developed in collaboration with the North Queensland Land Council.

Webinars and an increase in the development of other interactive web-based training opportunities were identified as one way to alleviate issues related to remoteness. This, of course, requires the availability of fast and reliable internet services in remote regions.

In addressing issues of skilled staff shortages, delegates mentioned that AIATSIS could well provide a focal point for groups to interact with each other and share their needs and skills, or collaborate with each other and/or AIATSIS to develop relevant information management systems, training and facilities to safely store and access information. Delegates emphasised that in addition to the relevant policies and practices that need to be developed, such collaboration would also need to be based on trust as it was not just about managing information, but cultural information.

Delegates also mentioned that in the short term some skills shortages might be addressed by using existing networks such as Indigenous Community Volunteers or other volunteer networks.

Protocols and processes

Delegates identified a lack of protocols and processes guiding the whole lifespan of information management, from collection to long-term storage and access. There are also very few examples available about what works and what does not. People do not necessarily know where to go for help, and there is a sense that many organisations are unnecessarily 're-inventing the wheel' as a result of corporate isolation.

While protocols and processes were clearly identified as being necessary for the whole cycle of information management, delegates agreed that if information was collected in an ethical and culturally appropriate manner in the first place, a number of long-term storage and access issues would probably never occur. All delegates also agreed that guidelines and processes should be designed with a degree of flexibility and realism so that they can be tailored to local or regional circumstances.

Protocols and processes

Key challenges

- Many organisations do not have policies and procedures that cover the entire lifespan of information and materials, including storage and access.
- It is currently very difficult for native title organisations to share information and knowledge protocols and policies.
- Individuals with responsibility for information and knowledge management do not necessarily know where to go for assistance to develop sound policies or protocols.

Potential solutions

- Establish a secure non-public forum/platform for the sharing of information and knowledge management protocols and processes between native title organisations.
- Create guidelines that are sufficiently flexible to allow tailoring to local or regional circumstances.
- Integrate protocols and processes that regulate long-term storage and access to information early on in the process of collecting native title information.
- Co-invest in the development of policy templates.

Sharing protocols and processes that work and knowledge on how to devise those was seen as a major factor in overcoming isolated development and unnecessary duplication. To that end, delegates were interested in AIATSIS developing and providing a platform for native title organisations to share information, documents and contacts with each other. They were also interested in the possibility of establishing networks with other organisations, such as the Indigenous Remote Communications Association, that are working on similar issues in other sectors. The Indigenous Remote Communications Association is currently working with a number of remote media centres and national collecting institutions, including AIATSIS, to establish guidelines for dealing with cultural information embedded in audio-visual materials.

Finally, delegates mentioned that they were also interested in commissioning policy templates on a share cost basis.

Legal advice and copyright issues

The challenges native title organisations face in relation to securing appropriate legal advice on information and knowledge management issues are profound. Frequently positioned on different sides of an information relationship and with very different responsibilities, PBCs and NTRB/SPs may find it difficult to work through the issues. Not only is legal advice costly to obtain, when other parties are involved it is also difficult to share.

The many different cultural and legal aspects to native title materials make it very difficult to unpack the rights and responsibilities of different parties. A key challenge identified by delegates is the relationship between the Privacy Act and the moral ownership of cultural information, and how this impacts on opportunities for returning it. Also discussed were issues of informed consent and the at times tense relationship between Aboriginal and Torres Strait Islander law and Australian law.

The legal constraints that limit how native title materials can be used and returned are a cause of considerable frustration for many PBCs, and a number of workshop delegates from PBCs expressed a strong desire for full control of their native title materials. Their frustration with the fact that NTRB/SPs continue to hold their information as trustees is considerable. For their part, NTRB/SPs expressed a strong desire to find ways to facilitate the return of native title materials but emphasised the range of legal and resourcing issues that make it difficult for them to do so as quickly as PBCs would like.

Among the solutions suggested to alleviate some of the legal constraints was the idea of obtaining individual and group consent and instructions early on in the claims management process, with a view to establishing clear expectations about how information will be managed post-determination.

Another suggestion to the problem of ownership of information was to work on a 'legislative fix' by updating the relevant sections of the *Native title (Prescribed Bodies Corporate) regulations 1999* and the *Australian solicitors' conduct rules* (Law Council of Australia 2011). In as far as there was an interest among delegates to pursue such legislative reform, one of the lawyers present suggested circulating a request among interested legal professionals to identify issues to be addressed, and convening a legal working group to recommend changes to relevant bodies.

Another suggestion was to incorporate the protection, ownership and copyrights of Aboriginal and Torres Strait Islander laws in service agreements and other relevant contracts.

Legal advice

Key challenges

- Legal advice on the ownership and management of native title materials often occurs retrospectively after materials have been collected or created.
- The obligations of native title organisations to protect information under the *Privacy Act 1988* (Cth), and their responsibilities to provide traditional owners with access to their native title materials, are sometimes difficult to reconcile.
- What Australian law prescribes in relation to the ownership of materials is at times in tension with the expectations and obligations of Aboriginal or Torres Strait Islander law.
- The cultural or moral ownership of information contained in native title materials is not easily identified and is not always taken into consideration.
- There is very little publically available advice that native title organisations can draw on to help them navigate complex legal issues around the management of ownership, copyright, privacy and intellectual property.

Potential solutions

- Where possible, lawyers should obtain individual and group consent regarding the use and disposal of information prior to a determination of native title, not retrospectively.
- Co-invest in legal advice, where appropriate.
- Aboriginal and Torres Strait Islander laws should be incorporated into service agreements and other contracts relevant to the management of knowledge and information.
- Establish a secure and non-public clearinghouse, or extend the user base of the existing NTRB Legal Precedents Database, to facilitate the sharing of legal advice about privacy, copyright, ownership of materials, and other information and knowledge management issues.

As in other areas, delegates agreed that, where possible, legal advice should be shared and working policy templates should be collated and made available, with AIATSIS acting as an information hub and clearinghouse for existing knowledge.

Return of cultural information

The desire of PBCs to achieve information autonomy through the return of native title materials was once again highlighted in discussions about the major challenges of managing native title information. NTRB/SPs also want to see this happen. But, as the following discussion highlights, facilitating the return of materials collected and created for the purposes of proving native title is not a straightforward proposition. Three of the most significant challenges are:

- identifying what information can be returned
- identifying what information is wanted by the group in question
- building the capacity of the group to receive and manage the information that is to be returned.

Delegates from NTRB/SPs explained how difficult it can be to find the time and resources to return materials to groups as it can be seen as a less urgent priority than doing research for an active claim.

PBCs, in particular, brought up the point that a simple solution to a number of issues can be to listen to communities regarding the information they want and what their capacity needs are. NTRB/SPs, on the other hand, stressed the need to provide appropriate advice to PBCs in regards to the risks involved in holding and managing particular information.

All delegates agreed that a stocktake of the information held and categorising information in the process was an important first step, but they conceded that such a stocktake was time and cost intensive.

Delegates suggested that any guidelines for the return of information might benefit from the input of pro bono legal practitioners, but also from organisations outside the native title sector with an interest in repatriation. The latter might even be approached to fund the community engagement processes necessary for a successful return program.

AIATSIS was again suggested as appropriate as a clearinghouse for existing policies and procedures relating to the return of native title information.

Return of cultural information

Key challenges

- There is a perception among PBCs that returning information and materials to native title groups is not prioritised by NTRB/SPs and national agencies.
- NTRB/SPs have limited resources and often face difficult decisions about how to allocate them. At times this means having to choose between assisting another group to get its native title rights recognised or facilitating return of materials to groups that already have a determination.
- Very few dedicated resources are available to help native title organisations work through the challenges of returning materials to native title holders.
- The process of identifying and collating materials to be returned and negotiating with native title groups how this will happen is time consuming and resource intensive.
- Many PBCs do not currently have adequate physical and digital storage to enable them to receive native title materials and keep them safe.

Possible solutions

- Return of material projects should ensure extensive community engagement as an essential first step and should be flexible enough to accommodate local and regional circumstances.
- NTRB/SPs should develop processes for return of materials that:
    - include a stocktake of information
    - reflect the wishes and capacities of native title groups
    - ensure informed decision making and risk assessment.
- Working with AIATSIS, develop a platform for the sharing of successful return of materials protocols and processes.
- Working with AIATSIS, develop guidelines to establish return of materials processes that include estimated costs and generic legal advice.
- Approach organisations interested in developing repatriation programs for funding.
- Approach non-NTRB/SP solicitors working in native title for pro bono legal assistance.

Infrastructure and technology

Access to appropriate and sufficient data and physical storage facilities was identified as one of the biggest infrastructure challenges facing native title organisations. Delegates raised concerns that their current facilities are not large enough and are not appropriate for the climate in which they are located.

Possible solutions for infrastructure issues concentrated on overcoming challenges that are often aggravated by physical isolation. They focused on the environmental appropriateness of storage facilities to account for climate and distance, and co-location in a regional hub was suggested as a potential alternative to smaller decentralised storage.

Infrastructure and technology

Key challenges

- Some infrastructure is not suited to the size of information holdings or the environmental conditions in which they are kept.
- Internet and mobile phone services can be slow, unreliable or non-existent.
- Software is not user friendly or culturally appropriate.
- The available technology is obsolete.
- Incompatible programs are used in different areas of the one organisation.
- Cloud storage can result in data insecurity.

Possible solutions

- Co-locate relevant staff and facilities in regional hubs to achieve space and cost savings.
- Design infrastructure that considers environmental conditions (climate, distance).
- Partner with telecommunication providers to develop user-friendly and culturally appropriate technology.
- Exchange information and ideas via social networks and social media and use the cloud—but always assess information safety, control and ownership conditions and associated risks.
- Develop shared standards and use compatible software to enable sharing of data and expertise between organisations.
- Utilise open access and not-for-profit platforms.

Much of the discussion centred around the potential of sharing resources and information via social networks, or establishing forums for sharing technological expertise. The benefits of large-scale collaboration include cost savings and the improved facilitation of sharing and exchange of data, software, technological support and potentially even expert staff.

Partnerships with telecommunication companies were considered as an additional avenue for securing access to and maintenance of internet and other services vital to information exchange. Utilising not-for-profit organisations for technical advice or to support the development of in-house technical expertise was seen as another opportunity.

Where to now? Next steps

The MINT workshop presented the first opportunity for native title organisations to come together and discuss information management-related issues on a national level. Unsurprisingly, given the size and complexity of the information holdings of native title organisations, there was a lot to discuss.

After identifying potential ways to address most of the challenges, delegates were asked to indicate which among the proposed solutions were the most important and realistic and should be pursued.

Among the highest priority solutions were:

- **PBCs** to be given a **stronger voice** in discussions and decision making about the management of native title materials
- Aboriginal and Torres Strait Islander law to be accommodated in copyright provisions of contracts
- **targeted lobbying** of both state and federal governments for **more resources** for information management
- **capital investment in co-location** of information management infrastructure on Aboriginal and Torres Strait Islander land
- joint commissioning of **legal advice** on some of the common issues
- the creation of a **clearinghouse** or **website** for policy templates and protocols
- the creation of **guidelines** to assist PBCs with their post-determination transition
- improved NTRB/SP **management of the risks associated with cultural materials**, and the provision of appropriate advice to PBCs about those risks

- the **sharing of information and knowledge management specialists** between organisations
- establishing **forums for sharing** experiences and information about these issues
- **training for staff and board members** of native title organisations in the area of digital file management.

Delegates spent the afternoon of Day 2 discussing how some of these prioritised solutions might realistically be achieved. Although many delegates were unable to commit their organisations to specific actions without first consulting colleagues, specific proposals were discussed and a number of practical 'next steps' were agreed. These are described in more detail below.

1. Establish an information management network to be hosted at AIATSIS

    - Convene and host an information management network for practitioners that is open to anyone working in the area within a native title organisation or relevant national agency.
    - Invite ideas for relevant streams/subgroups; for example, the return of information or specialised information management technology.

2. Establish a website for information management resources, hosted at AIATSIS

    - Develop a MINT project page on the AIATSIS website to host information, guidelines, examples of successful tools and relevant grey literature.

3. Establish an online clearinghouse; for example, protocols, policies and legal advice on information management issues

    - Develop an online database or other platform, based on the current NTRU Legal Precedents Database, where native title organisations can safely share examples of policies, protocols, contracts and legal advice about the management and return of native title information.
    - Such a database would need to be available to PBCs, as well as NTRB/SPs.

4. Distribute the MINT report to participants and stakeholders

    - AIATSIS to distribute this *MINT survey and workshop report* to native title networks and key agencies involved in native title to highlight the issues faced, raise awareness of the national and global value of native title information, and support the case for increased information management funding from different sources.

5. Scoping of peak body of native title organisations interested in native title information management

    - AIATSIS to work with native title organisations to scope the possibilities of creating a peak body to undertake targeted lobbying and explore possible alternative funding such as government grants or private charitable trusts.
    - Approach the National Native Title Council for potential leadership on these issues.

6. Network with other non-native title organisations involved in information management

    - AIATSIS and native title organisations to approach other national and international organisations concerned with information management issues (e.g. Australian Society of Archivist) to enlist their advice and support with addressing some of the key challenges.

7. Work at both a local and regional scale

    - Native title organisations to explore regional partnership opportunities in other areas such as mining or tourism that can be leveraged to help build information management capacity.

8. Develop shared standards information management

    - AIATSIS to collaborate with native title organisations and other organisations such as the Indigenous Remote Communications Association to develop common standards for the management, storage and digitisation of native title materials.
    - Develop a ‘traffic light approach’ to assessing information risk/vulnerability, which includes three stages (red, amber, green) of risk criticality and controllability such as amber meaning significant risk that can be managed with confidence.

9. Continue the conversation

    - As a first step to ensuring that these issues continue to be promoted and addressed, convene a session on managing native title information at the 2015 National Native Title Conference.

Many of the suggested actions involve AIATSIS and the NTRU team. At the time of the workshop the capacity of the NTRU to implement these ideas was unclear due to uncertainty about ongoing funding. Nevertheless, the NTRU team and AIATSIS senior management committed to, where possible, pursuing as many of these actions as possible as part of the 2015–16 NTRU business plan.

At the close of the workshop, delegates were asked to reflect on the actions they will take when they return to their organisations in order to make a start on improving their management of native title materials. Their responses reflect their determination to address these important issues, and the extent to which no one can do this alone.

Upon our return home we will:

…build understanding

…engage the [Chief Executive Officer]

…develop protocols and policies

…draft a pragmatic policy for Executive discussion

…understand the roles/values of each institution and take cohesive action

…celebrate local successes

…share roles and value PBCs in our region

…share our database and develop a demonstration model

…convene a database session at the native title conference

…encourage other PBC chairs to promote issues of information management

…draw from, participate in and contribute to networks

…contribute to the development of a framework

…share the report of the workshop with traditional owner networks

…working with our NTRB/SP, plan for PBC income to be used to achieve our dream of a keeping place

…meet with members to discuss the workshop

… get research officers to audit materials and communicate with universities

…establish a governance course and mentoring for young leaders.

Further reading/resources

Managing information

Publications

Davenport, Thomas H and Laurence Prusak 1997 *Information ecology: mastering the information and knowledge environment*, Oxford University Press, Oxford. Available at <http://dl.acm.org/citation.cfm?id=549584>.

Irving, Ian 2006 'Information held on Federal Court files', paper presented at the National Native Title Conference, 22 May, Darwin. <http://aiatsis.gov.au/sites/default/files/docs/presentations/information-held-on-federal-court-native-title-files.pdf> accessed 30 September 2015.

Koch, Grace 2005 *Report on survey of NTRBs April–May 2005,* Native Title Research Unit, AIATSIS, Canberra, <http://aiatsis.gov.au/sites/default/files/products/research_outputs/2005-report-on-survey-ntrbs.pdf> accessed 30 September 2015.

Koch, Grace 2008 *The future of connection material held by native title representative bodies: final report*, Native Title Research Report No 1/ 2008, <http://aiatsis.gov.au/sites/default/files/products/report_research_outputs/koch-2008-future-connection-material-final-report.pdf> accessed 30 September 2015.

Twomey, Justine 2007 'Legal and practical considerations in managing access to materials held by NTRBs and Land Councils', paper presented at the National Native Title Conference, Cairns, Qld, 1 June, <http://aiatsis.gov.au/publications/presentations/legal-and-practical-considerations-managing-access-materials-held-ntrbs-and-land-councils> accessed 30 September 2015.

Resources

National Archives of Australia 2015 'Electronic document and records management system', <www.naa.gov.au/records-management/agency/digital/EDRMS/index.aspx> accessed 30 September 2015.

NSW Government 2015 'FAQs about EDRMS', State Records, <www.records.nsw.gov.au/recordkeeping/advice/designing-implementing-and-managing-systems/faqs-about-edrms> accessed 30 September 2015.

WebDAM 2015 *What is Digital Asset Management,* <www.webdam.com/what-is-DAM-whitepaper/> accessed 30 September 2015.

Caring for information and material

Websites

The National Library of Australia's Preserving Access to Digital Information (PADI) website provides a gateway to a large array of international digital preservation resources. Available at <http://pandora.nla.gov.au/pan/10691/20110824-1153/www.nla.gov.au/padi/index.html>.

The website of the International Association of Sound and Audiovisual Archives (IASA) has some very good but very technical discussion papers on the topic of video and audio tape storage. It also contains some very good images of tape problems and what to look for when assessing your collection. Available at <www.iasa-web.org>.

The International Federation of Film Archives website offers valuable information on film and what to think about when approaching a film scanning project. Available at <www.fiafnet.org>.

The Image Permanence Institute mentions that the best way to determine the condition of your film collection is to use acid detection strips. The strips and instructions on how to use them are available on its website. Available at <www.imagepermanenceinstitute.org/>.

Collection management

Resources

National Archives of Australia n.d. 'Records management', <www.naa.gov.au/records-management/index.aspx> accessed 6 October 2015.

National Archives of Australia n.d. 'Records disposal freezes and retention notices', <www.naa.gov.au/records-management/agency/keep-destroy-transfer/freezes/index.aspx> accessed 6 October 2015.

Community archives

Publications

Flinn, Andrew 2007 'Community histories, community archives: some opportunities and challenges 1', *Journal of the Society of Archivists* 28(2):151–76, <www.tandfonline.com/doi/abs/10.1080/00379810701611936> accessed 6 October 2015.

Flinn, Andrew 2010 'Independent community archives and community-generated content: "writing, saving and sharing our histories"', *Convergence: The International Journal of Research into New Media Technologies* 16(February):38–51, <http://con.sagepub.com/content/16/1/39.short> accessed 6 October 2015.

Flinn, Andrew and Mary Stevens 2009 '"It is noh mistri, wi mekin histri": telling our own story: independent and community archives in the UK, challenging and subverting the mainstream' in Jeannette A Bastian and Ben Alexander (eds), *Community archives: the shaping of memory*, Facet, London, 1-25. <www.ucl.ac.uk/infostudies/teaching/programmes/arm/introductory-reading/flinn%20stevens-community-ch1.pdf> accessed 6 October 2015.

Flinn, Andrew, Mary Stevens and Elizabeth Shepherd 2009 'Whose memories, whose archives? Independent community archives, autonomy and the mainstream', *Archival Science* 9(1–2):71–86, <http://link.springer.com/article/10.1007/s10502-009-9105-2> accessed 6 October 2015.

Gilland, Anne and Andrew Flinn 2013 'Community archives: what are we really talking about?', CIRN Prato Community Informatics Conference 2013, Keynote, <http://ccnr.infotech.monash.edu/assets/docs/prato2013_papers/gilliland_flinn_keynote.pdf> accessed 6 October 2015.

Resources

Archives Association of British Columbia 1994 *A manual for small archives*, Archives Association of British Columbia, Vancouver, <http://aabc.ca/media/6069/manualforsmallarchives.pdf> accessed 6 October 2015.

Department of Arts and Museums 2015 'Donating community archives', Northern Territory Government <www.artsandmuseums.nt.gov.au/ntas/donating> accessed 6 October 2015.

The Harvard Project on American Indian Economic Development 2002 *Southwest Oregon Research Project*, <http://hpaied.org/sites/default/files/publications/Southwest%20Oregon%20Research%20Project.pdf> accessed 6 October 2015.

International Centre for Archives and Records Management Research 2013 'Community archives and identities: documenting and sustaining community heritage', <www.ucl.ac.uk/dis/icarus/projects/community-archives> accessed 6 October 2015.

National Archives of Australia 2007 *Keep it for the future!: how to set up small community archives*, National Archives of Australia, Belconnen, ACT, <http://shop.naa.gov.au/p/643028/keep-it-for-the-future.html> accessed 6 October 2015.

National Archives of Australia n.d. 'Community heritage grants', <www.naa.gov.au/about-us/partnerships/chg/index.aspx> accessed 6 October 2015.

National Library of Australia n.d. 'Community heritage grants', <www.nla.gov.au/awards-and-grants/chg> accessed 6 October 2015.

Websites

The Community Archive, Archives New Zealand, <http://thecommunityarchive.org.nz> accessed 6 October 2015.

Community Archives and Heritage Group (United Kingdom and Ireland), <www.communityarchives.org.uk> accessed 6 October 2015.

Community Sites, <www.communitysites.co.uk/category_id__58.aspx> accessed 6 October 2015.

Conservation OnLine, Foundation of the American Institute for Conservation of Historic and Artistic Works, <http://cool.conservation-us.org/> accessed 6 October 2015.

GIS management tools

Publications

Aronoff, Stan 1989 ‘Geographic information systems: a management perspective’, *Geocarto International* 4(4):58, <www.tandfonline.com/doi/abs/10.1080/10106048909354237?journalCode=tgei20> accessed 6 October 2015.

Website

Environmental Systems Solutions, <www.essolutions.com.au/> accessed 6 October 2015.

Resource

North Australian Indigenous Land and Sea Management Alliance (NAILSMA) n.d. ‘I-Tracker’, <www.nailsma.org.au/hub/programs/i-tracker> accessed 6 October 2015.

Appendix A: MINT survey instrument

MANAGING INFORMATION FOR NATIVE TITLE
PRE-WORKSHOP SURVEY

In order to help get ready for discussions at the Workshop, we have prepared the following short survey for participants to complete. Your responses will help us understand where everyone is at on their native title information journey and will help us shape the workshop content.

We will collate all the responses into a short report to be shared with participants on the first day of the workshop. Your individual responses will be kept confidential and no specific organisations or individuals will be identified in the survey report.

Please complete the survey and return it to Ludger Dinkler (ludger.dinkler@aiatsis.gov.au) by Friday 27 February 2015.

Many thanks!

NAME:

ORGANISATION:

DATE SURVEY COMPLETED:

1. What type of organisation do you work for/represent?	PBC/RNTBC ☐	NTRB/NTSP ☐	Government ☐	Other ☐
2. What state or territory is your organisation located in?	☐ ACT ☐ New South Wales ☐ Northern Territory ☐ QLD ☐ QLD - Torres Strait ☐ South Australia ☐ Tasmania ☐ Victoria ☐ Western Australia ☐ NATIONAL			
3. What year was your organisation established?				
4. How many employees does your organisation have?				
5. How many individual native title groups does your organisation assist, represent or engage with?				

6. How much of these different types of native title information does your organisation hold?	**A lot**	**Some**	**A little**	**None**	**Not sure**
Audio recordings	☐	☐	☐	☐	☐
Court documents	☐	☐	☐	☐	☐
Documents and Reports– hard copy	☐	☐	☐	☐	☐
Documents and Reports – digital	☐	☐	☐	☐	☐
Genealogies	☐	☐	☐	☐	☐
Heritage survey reports	☐	☐	☐	☐	☐
Land management data	☐	☐	☐	☐	☐
Maps - GIS database	☐	☐	☐	☐	☐
Maps - hard copy	☐	☐	☐	☐	☐
Membership records	☐	☐	☐	☐	☐
Photographs - digital	☐	☐	☐	☐	☐
Photographs - hard copy	☐	☐	☐	☐	☐
Research Reports	☐	☐	☐	☐	☐
Research Field notes	☐	☐	☐	☐	☐
Video or film - digital	☐	☐	☐	☐	☐
Video or film - hard copy	☐	☐	☐	☐	☐
Other – please specify:					
	☐	☐	☐	☐	☐

	☐	☐	☐	☐	☐
	☐	☐	☐	☐	☐

7. In your opinion, how well organised are your holdings of these different types of information?	**Very organised**	**Pretty well organised**	**A little bit organised**	**Not at all organised**	**Not sure**
Audio recordings	☐	☐	☐	☐	☐
Court documents	☐	☐	☐	☐	☐
Documents and Reports– hard copy	☐	☐	☐	☐	☐
Documents and Reports – digital	☐	☐	☐	☐	☐
Genealogies	☐	☐	☐	☐	☐
Heritage survey reports	☐	☐	☐	☐	☐
Land management data	☐	☐	☐	☐	☐
Maps - GIS database	☐	☐	☐	☐	☐
Maps - hard copy	☐	☐	☐	☐	☐
Membership records	☐	☐	☐	☐	☐
Photographs - digital	☐	☐	☐	☐	☐
Photographs - hard copy	☐	☐	☐	☐	☐
Research Reports	☐	☐	☐	☐	☐
Research Field notes	☐	☐	☐	☐	☐
Video or film - digital	☐	☐	☐	☐	☐

Video or film - hard copy	☐	☐	☐	☐	☐
Other – please specify:					
	☐	☐	☐	☐	☐
	☐	☐	☐	☐	☐
	☐	☐	☐	☐	☐

8. How easy is it to find a particular document in your organisation when you need it?	Very easy ☐	Easy ☐	A bit difficult ☐	Very difficult ☐	Not sure ☐

9. In your opinion, how safe are the different types of native title information your organisation holds?	**Very safe**	**Fairly safe**	**At some risk of loss or damage**	**At high risk of loss or damage**	**Not sure**
Audio recordings	☐	☐	☐	☐	☐
Court documents	☐	☐	☐	☐	☐
Documents and Reports– hard copy	☐	☐	☐	☐	☐
Documents and Reports – digital	☐	☐	☐	☐	☐
Genealogies	☐	☐	☐	☐	☐
Heritage survey reports	☐	☐	☐	☐	☐
Land management data	☐	☐	☐	☐	☐
Maps - GIS database	☐	☐	☐	☐	☐
Maps - hard copy	☐	☐	☐	☐	☐

Membership records	☐	☐	☐	☐	☐
Photographs - digital	☐	☐	☐	☐	☐
Photographs - hard copy	☐	☐	☐	☐	☐
Research Reports	☐	☐	☐	☐	☐
Research Field notes	☐	☐	☐	☐	☐
Video or film - digital	☐	☐	☐	☐	☐
Video or film - hard copy	☐	☐	☐	☐	☐
Other – please specify:					
	☐	☐	☐	☐	☐
	☐	☐	☐	☐	☐
	☐	☐	☐	☐	☐

10. What does your organisation need the most right now to better manage each type of information? (tick as many as you like)	**Technology and infrastruct-ure**	**Skilled people**	**Protocols**	**Technical or Legal Advice**	**Training**	**Return of materials from other organisations**
Audio recordings	☐	☐	☐	☐	☐	☐
Court documents	☐	☐	☐	☐	☐	☐
Documents and Reports– hard copy	☐	☐	☐	☐	☐	☐
Documents and Reports – digital	☐	☐	☐	☐	☐	☐
Genealogies	☐	☐	☐	☐	☐	☐

Heritage survey reports	☐	☐	☐	☐	☐	☐
Land management data	☐	☐	☐	☐	☐	☐
Maps - GIS database	☐	☐	☐	☐	☐	☐
Maps - hard copy	☐	☐	☐	☐	☐	☐
Membership records	☐	☐	☐	☐	☐	☐
Photographs - digital	☐	☐	☐	☐	☐	☐
Photographs - hard copy	☐	☐	☐	☐	☐	☐
Research Reports	☐	☐	☐	☐	☐	☐
Research Field notes	☐	☐	☐	☐	☐	☐
Video or film - digital	☐	☐	☐	☐	☐	☐
Video or film - hard copy	☐	☐	☐	☐	☐	☐
Other – please specify:						
	☐	☐	☐	☐	☐	☐
	☐	☐	☐	☐	☐	☐
	☐	☐	☐	☐	☐	☐

11. Does your organisation have a dedicated office and computer?	☐ NO ☐ YES
12. Does your organisation have enough physical storage space for all your different kinds of native title information?	☐ NO ☐ YES

13. Does your organisation have enough data storage capacity for all your digitised information?	☐ NO ☐ YES
14. Does your organisation have a digitisation program in place to convert analog (hard copy) documents, photos and video into in to digital formats?	☐ NO ☐ YES
15. Does your organisation have a computer-based filing system or data assets management system in place?	☐ NO ☐ YES
16. Does your organisation have employees with expertise in information management or archiving?	☐ NO ☐ YES – How Many?
17. Has your organisation ever received a grant or funding from government to specifically assist with information management issues?	☐ NO ☐ YES
18. Does your organisation have a collections management plan?	☐ NO ☐ YES
19. Is any of your native title information kept or held by other organisations?	☐ NO ☐ YES – Which organisations?

20. Does your organisation have a 'return of materials' policy or protocol to facilitate the return of native title information to native title groups?	☐ NO ☐ YES
21. Does your organisation have policy or protocol in place to provide community members with access to native title information?	☐ NO ☐ YES
22. Do you know where to go for advice and assistance with managing native title information?	☐ NO ☐ YES

THANK YOU!

Appendix B: Organisations participating in the MINT workshop

Organisation	Number of delegates	State/region
Federal Court of Australia	1	Commonwealth
National Native Title Tribunal	1	Commonwealth
Bandjalang PBC	1	NSW
Dunghutti Elders Council Aboriginal Corporation	2	NSW
NTSCorp	1	NSW
Central Land Council	3	NT
Northern Land Council	1	NT
Carpentaria Land Council Aboriginal Corporation	2	Qld
North Queensland Land Council	2	Qld
Queensland South Native Title Services	2	Qld
Mamu Aboriginal Corporation RNTBC/Rainforest Aboriginal Peoples' Alliance	1	Qld
South Australia Native Title Services	2	SA
Gur A Baradharaw Kod Torres Strait Sea and Land Council	1	TSI
Malu Lamar RNTBC	1	TSI
Mer Gedkem Le RNTBC	1	TSI
Torres Strait Regional Authority	1	TSI
Barrister	1	Vic.
Gunditj Mirring Traditional Owners Aboriginal Corporations RNTBC	1	Vic.
Native Title Services Victoria	2	Vic.
Central Desert Native Title Services	1	WA
Goldfields Land and Sea Council	2	WA
Kimberley Land Council	1	WA
Ngaanyatjarra Council (Aboriginal Corporation)	2	WA
Nyamba Buru Yawuru Ltd	1	WA
Nyangumarta Warrarn PBC	1	WA
Walalakoo PBC	1	WA
Yamatji Marlpa Aboriginal Corporation	2	WA
TOTAL number organisations/delegates	**27/38**	

Appendix C: The MINT workshop program

MANAGING INFORMATION IN NATIVE TITLE

AN AIATSIS WORKSHOP FOR NATIVE TITLE ORGANISATIONS

Monday 16–Tuesday 17 March 2015
AIATSIS, Mabo Room

DAY 1

Monday 16 March 2015

8:30–9:00	**Registration** **Arrival Tea and Coffee**	
9:00–9:10	**Welcome**	Russell Taylor Principal, AIATSIS
9:10–9:20	**Session 1** **Overview of workshop objectives**	 Ludger Dinkler
9:20–10:50	**Session 2** **Information management successes and aspirations** *Who are you and where are you from?* *What is your organisation's greatest information management success?* *What is your greatest information management dream?*	**Facilitator:** Pamela McGrath
10:50–11:15	Morning tea	
11:15–11:45	**Session 3** **The native title information landscape**	**Chair:** Ludger Dinkler Grace Koch and Pamela McGrath
11:45–12:45	**Session 4** *Guest Presentations* **The fragility of audio-visual formats** **Managing Information as Records**	**Chair:** Ludger Dinkler Tom Eccles (AIATSIS) Melany Laycock (AIATSIS)

12:45–1:30	Lunch	
1:30–3:00	**Session 5** *Guest Presentations*	**Chair:** Mary Anne Jebb
	The information management journey of Gunditj Mirring	Damein Bell (Gunditj Mirring AC)
	The CDNTS Cultural Geography Database	Claire Greer (CDNTS)
	Developing a process for return of materials	Margaret Rose (NWAC), Olivia Norris and Sanna Nalder (YMAC)
3:00–3:30	Afternoon tea	
3:30–4:30	**Session 6** *Guest Presentations*	**Chair:** Lisa Strelein
	Later use and control of evidence given in native title hearings	Angus Frith (Barrister)
	The challenges of managing documents related to native title hearings	Ian Irving (Federal Court of Australia)
4:30–4:45	**Session 7**	
	Day 1 Closing Comments	Ludger Dinkler
6:30	**CONFERENCE DINNER** Fellows Bar, University House	

DAY 2

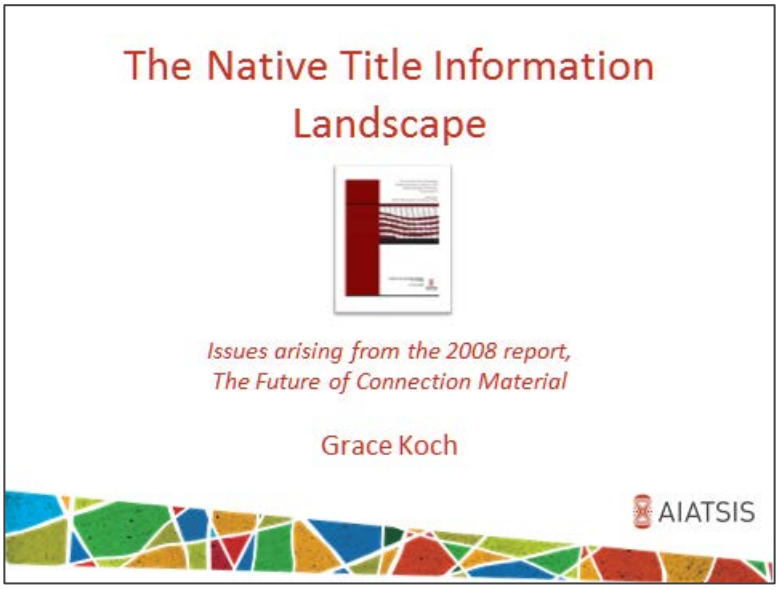
Tuesday 17 March 2015

8:45–9:00	**Arrival Tea and Coffee**	
9:00–9:10	**Session 8**	
	Introduction to Day 2	Ludger Dinkler
9:10–10:30	**Session 9** *Break out Groups* **Information management challenges** *What are the most significant factors standing in the way of your organisation achieving its information management objectives?*	**Facilitator:** Pamela McGrath
10:30–11:00	Morning tea	

11:00–12:30	**Session 10** *Break out Groups* **Developing and prioritising collective solutions** *How can we work together to address the information management challenges we all share?*	**Facilitator:** Ludger Dinkler
12:30–1:15	Lunch	
1:15–2:45	**Session 11** *All-of-workshop discussion* **Action planning for information management** *What steps can be taken to realise our priority solutions?* *Who needs to be involved? When?*	**Facilitators:** Pamela McGrath and Lisa Strelein
2:45–3:15	Afternoon tea	
3:15–3:45	**Session 12** **Workshop Close**	Ludger Dinkler and Pamela McGrath

Appendix D: Issues arising from the ‘Future of connection material report’

A PowerPoint presentation by Grace Koch to the Managing Information in Native Title Workshop, 16–17 March 2015

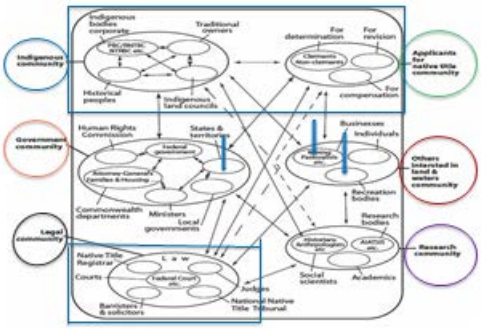


Successes and questions for NTRBs/NTSPs/NTRBCs

- Organisation:
  - All have some sort of information management system and most are digitising.
- Preservation/conservation
  - Storage conditions vary and unsure about the state of repairing damaged documents.
- Access and Use protocols
  - Some valuable work done but more consultation issues should be explored.
  - Should there be a template policy developed for general issues with room for special provisions?
- Future Security
  - Should original material stay on country?
  - What would happen if an organisation were to be deregistered?
  - Possible partnerships with collecting agencies, Indigenous Knowledge Centres, etc. or a purpose-built security repository?

AIATSIS

Communities of groups interested in Native Title and their interactions



https://www.humanrights.gov.au/publications/native-title-report-2007-chapter-1

AIATSIS

Events affecting collection management

- Amount of documents increasing at a great rate
- Increasing amount of requests for material by claimants and others
- Organisational commitment to good collection management
- Amount of funding available for collection management
- Availability of trained staff and proper support
- Changes in government
- Changes in government requirements for record keeping
- Rapid technology changes
- Global warming and other natural disasters

AIATSIS

Appendix E: The fragility of audio-visual formats

Summary of a presentation by Tom Eccles to the Managing Information in Native Title Workshop, 16–17 March 2015

Overview

A number of native title organisations have begun to create digital copies of items held in their collections. Ideally this should be done for all audio-visual materials before collection items are permanently damaged and lost forever. This can happen because of environmental conditions, disasters or physical decomposition of film and video carriers. The skills involved in identifying and preparing older analogue audio-visual material for duplication and scanning are fast disappearing. Getting the right training and equipment to play back some video formats is now difficult and getting harder. Here are some of the key points to consider when dealing with fragile film and video recordings.

What is a video made from?

Video tape comprises of a thin plastic backing made of polyester. Attached to this base layer is a binder or adhesive that sticks the metal oxide coating to the tape. It is the metal oxide particles that become magnetized and record the information.

Video tapes have been made in many different sizes since they were released onto the domestic market in the early 1970's, such as:

- EIAJ
- VHS
- Umatic
- betacam
- Hi8
- betacam
- DVCPro – HD (digital)

Each tape is different and requires a different playback machine but many of the problems associated with storing and re-playing video tapes are the same.

Over time, the metal oxide layer will absorb moisture causing it to swell. The layers of tape will eventually stick together making the tape unplayable. In some cases the tape will play but the image and sound may be missing information. To delay this problem happening for as long as possible, video tape should always be stored in a climate controlled room.

Heating the tape in a controlled oven at a low temperature for several hours (baking) can elevate the problem for a short time providing a window of opportunity to copy the tape and get a good result. Tape cleaning machines are also available for most of the tapes listed above and will greatly assist in the playback process.

Mould is another serious problem associated with warm or hot storage. The mould spores land on the video tape because there is something to eat. In doing this they can cause playback and replay problem with the tape. Mouldy tapes can be difficult to treat and usually involves taking the plastic cassette apart.

What is a film made from?

Motion picture film comprises of an acetate plastic backing with a layer of binder or adhesive and a layer of light sensitive emulsion on top of that. Most collections will have film made on small gauge film sizes. Recorded for research or historical purposes, many of these films have found their way into archives but you may have a film in your collection which is the only one in existence. Most films were shot on reversal film which means that the camera film is the print and original unique recording. Since the 1960's the most common gauge of film used are:

- 8mm
- 16mm

Film has even more problems associated with it than video when it comes to digitizing the content.

Machines to copy film are very expensive and require very specialized training to operate them. Getting them copied by a commercial organization would be the quickest option but the costs are high.

The long term survival of acetate film depends on the climatic conditions it is stored in. High temperature and humidity will significantly reduce the life of film. Decomposing acetate film will start to smell of vinegar. This type of decomposition has been called Vinegar Syndrome as a result. The acetate film base starts to decompose and releases acetic acid. Within the sealed container and in high humidity this quickly accelerates the breakdown of the film base and the film starts to self-destruct. The results of this type of decomposition are shrinkage, brittleness, buck and wave, loss of emulation and sticking of the layers to from a solid block of film. The information on film that has progressed to this stage is lost.

The best way to determine the condition of your film collection is to use Acid Detection strips. The strips and the instruction on how to use them are available from the website of the Image Permanence Institute:

- https://www.imagepermanenceinstitute.org/

Digitizing film to an archive standard is complicated and requires specialized equipment and skills. Technical information should be gathered before the process begins. Even if you are intending to outsource the film reels to be copied. Knowing the correct file type and associated metadata to make that record usable in your catalogue system is essential.

The FIAF web site offers some great information on film and what to think about when approaching a film scanning project:

- http://www.fiafnet.org/commissions/TC%20docs/Digital%20Complications%20v1%201.pdf

AIATSIS has been able to provide verbal support for digitizing projects including technical advice on digital file types and equipment to purchase for copying video and audio collections, setting up spread sheets to capture the data fields and assisting with cataloguing terms.

AIATSIS has been working closely with the Indigenous Remote Communications Association project, providing advice and support for the establishment of an organization that can assist remote communities with specific archiving requirements.

Storing information

The International Association of Sound and Audio-visual (IASA) formats have some very good but very technical discussion papers on the topic of video and audio tape storage. It also contains some very good images of tape problems and what to look for when assessing your collection:

- http://www.iasa-web.org/handling-storage-tc05

A good rule of thumb when it comes to storing audio-visual collections is that ‘if the temperature and humidity feel good for people to work in, it’s probably OK for film and video to be stored in’.

Most people like to work in a temperature range of 19 – 22°C and humidity of 45 per cent. This is not ideal for long term storage but it will give the audio-visual collection a chance to survive while you are working with them. For longer term storage start thinking about 15°C and 35 per cent humidity. This can be expensive to maintain in the long term but will double the life of the audio-visual collection.

File storage is a fast changing area. The introduction of Cloud storage will provide an opportunity to have secured backed up data available to anyone with internet access. However, large audio-visual files will not transfer very easily over the narrow bandwidth available to most people. The creation of low resolution copies is required to access audio-visual material. Large preservation files can be stored on LTO tape as used by IT departments. One LTO tape can hold up to three terabytes of data and

is only 10.5cm x 10.5cm in size. The relatively inexpensive cost of these tapes means that entire audio-visual collections can be stored on one shelf in a cool room.

Some things to think about when setting up a digital preservation project

- Plan for technological change: Files created today will probably need to be migrated to another file format in the next few years, as data storage becomes faster and cheaper requirements and expectations from clients will rise, cost will go down.
- Know what you want from the scanning project: Do you want large files for preservation that are graded and adjusted to meet higher archive standards for broadcasting in the future or do you want smaller files for clients to use quickly.
- Plan to spend some time cleaning the audio-visual material: Film stills, moving image and video will require cleaning to get the best scan copy. Decide how you want to clean and prepare the collections. Get training if required.
- Moving big files around: Film and video files at uncompressed file preservation standards are very large. Think in terms of 100 gigs per hour. Do you have the IT support to store and move files this big around?
- Metadata: Decide what data you need to capture about the film or video. Technical data is useful to ensure the file can be quality checked and played back in the future. Content data is important to catalogue the file and link it to the correct subject headings.
- Digital born assets: Many collection items on file and disc are no longer playable without specialised software and hard ware. If you have audio-visual material on CD-ROM of floppy disc how will you play it back?

More information

More information about the management and preservation of audio-visual materials are available at:

http://www.nfsa.gov.au/preservation/glossary/fragility

https://www.imagepermanenceinstitute.org/

http://www.irca.net.au/projects/archiving

http://www.unesco.org/webworld/ramp/html/r9704e/r9704e00.htm#Contents

http://www.amiatechreview.com/

http://www.iasa-web.org/

http://www.digitalpreservation.gov/formats/sustain/sustain.shtml

http://www.digitizationguidelines.gov/guidelines/MXF_app_spec.html

Google's study on hard drive failures. Pinheiro, Eduardo et al. "Failure Trends in a Large Disk Drive Population." Proceedings of the 5th USENIX Conference on File and Storage Technologies (FAST'07), February 2007

National Information Standards Organization (NISO). Guidelines for the Construction, Format, and Management of Monolingual Controlled Vocabulary. ANSI/NISO Z39.19-2005.

Appendix F: Managing information as records

Summary of a presentation by Melany Laycock to the Managing Information in Native Title Workshop, 16–17 March 2015

Overview

Information appears in many forms from content in documents and spreadsheets, to information in Wikis, Blogs, Twitter feeds, Facebook, and text messages. We also capture information about physical objects (metadata) such as paintings, moving image, audio and other items with cultural or historical significance.

Over the last number of years, many agencies both in the Government and private sectors have been focusing on how this information can be managed, accessed and searched, particularly in organisations where the focus is on providing information to the public. Recently this focus has also started looking at how we capture information in the non-traditional formats such as those posted on social media sites or via text messages, as well as capturing metadata around cultural and historical physical objects.

Not all information is classified as a record, so let's look at the definition of a record.

What is a record?

A record is any information created or received by the agency, provides evidence about the business decisions the agency has made, and who made them.

Records can be in any format including physical, digital or other formats, and can be

- emails
- spread sheets
- databases
- information in business systems
- text messages
- photographs
- moving image
- audio, and
- social media sites.

A formal record should be kept if it was written, sent or used in the course of your work, if you or someone else is required to act on the information, or if the information will be needed in the future.

Not all records need to be kept indefinitely. However, certain records do need to be kept long term. Retaining or destroying information is governed by the agency's Records Authority (legal instruments) or by State or Federal legislation. If an organisation has a records authority for their documentation, then this must be followed when deciding on whether to keep or destroy information.

There are three categories of records;

- **Long term or vital records** – these are the records that support the core business of the agency and which may have economic, financial, legal or historical consequences if destroyed. These records need to be retained by the agency.
- **Medium term records** – these are records that are usually administrative in nature or don't have any economic, financial, legal or historical value (for long term). These records usually need to be kept for 7–10 years and can be destroyed under an appropriate records authority.
- **Low value records** – these are records that are created on a day to day basis that have little or no value to the agency. They are things like draft documents, working notes, etc. These records can be destroyed if they have no value to the organisation.

While medium and low value records can usually be disposed of under appropriate records authorities, any records that are subject to a National Archives Freeze or Notice aren't able to be destroyed while the freeze/notice is in place. A freeze/notice is imposed by NAA when an issue is controversial or there is a Royal Commission enquiry that requires these records to be retained. It is an offence to destroy records subject to a freeze or notice.

A record disposal freeze is currently in place that affects the records you are likely to be dealing with, namely the *Records affecting the rights and entitlements of Aboriginal and Torres Strait Islander people* freeze. This order relates to records containing information about stolen wages, the payment or withholding of wages, and pensions and allowances, as well as records that contain information, policy or procedures about withholding wages, pensions or allowances from Aboriginal or Torres Strait Islander people between 1 January 1901 and 31 December 1989, or which contain information about affected individuals.

This extension applies to records created between 1 January 1901 and 31 December 1989. If agencies have inherited relevant records created prior to this period, they should also be included.

More information about this freeze can be accessed via the National Archives of Australia website:

- http://www.naa.gov.au/records-management/agency/keep-destroy-transfer/freezes/index.aspx

Storing Information

Records and information can be stored in a range of locations.

- On a paper file
- In an electronic document and records management system (EDRMS), or
- In business systems such as financial or HR systems.

Records should be stored with the appropriate security and access controls taking into account who should be able to see this information.

The focus of many agencies at the moment is to look at how records can be digitised and accessible in an electronic format. There are many benefits to digitising information or business records.

Benefits of Digitising—EDRMS/DAMs

EDRMS—The document management function allows the storing of electronic objects in a common system where everyone has access to save, store, edit and retrieve digital documents and information. The records management function provides an interface for managing physical files, but also a repository for electronic files. Files can be registered, viewed, searched and sentenced in both a physical and electronic capacity. An important part of an EDRMS is the metadata that is attached to all files and records which provides a range of information of what has happened to a record and is displayed through an audit trail.[4]

A DAMs allows you to manage pictures and audio visual material and usually has specific features where you can save an original audio visual object and the DAMs can create renditions of this material (smaller formats) for publishing on the web or elsewhere. Specific benefits include:

- Improving information management capability by
    - Providing a central system for management of digital information which is controlled (rather than in uncontrolled shared drives, email folders or network drives)

4. ‘Metadata’ is information about a record that allows it to be searched and accessed, and includes things like date created, author, type of document, version (technical metadata) and then other information that the person might enter like the name of the document or the subject.

- Enabling easier searching and retrieval of information through the use of naming and titling protocols
- Managing the electronic destruction of records which is supported by appropriate metadata
- Linking / relating documents and files
- Integrating the system/s with other business and collaborative systems to ensure all business information is captured appropriately

- Increasing business efficiency by

  - Reducing reliance on paper records
  - Saving costs through reduced physical storage costs over time
  - Enabling staff to view, read and share information from their desktops
  - Improving access to and retrieval of information that is stored in a central system
  - Reducing duplication of records by capturing information once
  - Facilitating sharing and reuse of information across work groups
  - Streamlining and automating work practices and business processes

- Reducing risk to the agency by

  - Ensuring information is reliable and the latest version is accessible
  - Providing greater security and access control features to reduce the risk of digital information being inappropriately accessed, altered or deleted
  - The use of audit trails to prove who had access to information and what they did with it
  - Being able to prove the integrity of information in legal proceedings
  - Enabling the potential for improvements in decision making through access to the latest, most comprehensive information
  - Being able to service Freedom of Information (FOI) requests and discover orders in a comprehensive and timely fashion
  - Complying with local, state or federal legislation and whole-of-government requirements for the management of information

Where to from here? Information management planning

- Information analysis

  - Identify the types of information you have, whether it is on paper files, in shared drives, on other media
  - Identify the formats of information, e.g. word documents, spreadsheets, emails, photographs, moving image, audio
  - Identify what needs to be kept indefinitely, what needs to be kept in the medium term, and what can be destroyed now. Refer to the appropriate records authority if known

- How is the information being stored?
- If records are being kept on paper files, has everything been printed and put on file? Is a copy being kept on a shared drive as well?
- If records are on paper files, can any of these files be closed (sentenced) and/or destroyed?
- Analyse the current information and records management practices and systems, by asking questions such as:
- Is records management being done in the agency, where it can be improved?
- How is correspondence or collection material being managed currently?
- What metadata needs to be captured in the future and how is this currently being captured?
- Can we digitise and how will we do this?
- Are we able to implement an EDRMS/DAMs or are there other options for accessing digitised information?
- What are the options?
- Do we have information that is sensitive or requires specific security, or that needs to be kept private and/or confidential?
- How do we ensure this information is only accessed by the appropriate people?

After your information has been analysed, a decision can be made on whether to manage the information in the same way as you are now with some improvements in records management processes, or whether a document management or records management system will be implemented. There is a lot to consider and develop – for more information refer to the NAA website for a good guide on implementing an EDRMS.

The AIATSIS experience of establishing DAMs/EDRMS

AIATSIS is in the process of assessing vendors with regards to implementing a Digital Asset Management System (DAMs) and Electronic Document Management System (EDRMS) for the institute.

We had 22 responses to a Request for Information, and at time of writing have viewed 11 presentations from vendors. The vendors were asked to address two common scenarios that occur in AIATSIS. The project team will now review what has been presented and identify a shorter list of vendors that we would like more information from or who will be asked to put in a formal tender. We will then begin the process of fully documenting our business processes, developing the metadata, and formulating a plan for implementing a product in the new financial year.

Useful links for advice on records and collection management

Records Management from NAA—http://www.naa.gov.au/records-management/index.aspx

Disposal Freezes & Notices (NAA)—http://www.naa.gov.au/records-management/agency/keep-destroy-transfer/freezes/index.aspx

Specific queries about records authorities or general records management enquiries can be directed to the NAA Agency Service Centre on 02 62123610.

Appendix G: Considerations for implementing an Electronic Document and Records Management System (EDRMS)

Melany Laycock

Overview

This document outlines some of the considerations for implementing an Electronic Document Record Management System (EDRMS).

Description

An EDRMS is a software application that manages a range of digital information and can combine both document management and records management functionality.

The document management function allows the storing of electronic objects in a common system where everyone has access to save, store, edit and retrieve digital documents and information. The records management function provides an interface for managing physical files, but also a repository for electronic files. Files can be registered, viewed, searched and sentenced in both a physical and electronic capacity. An important part of an EDRMS is the metadata that is attached to all files and records which provides a range of information of what has happened to a record and is displayed through an audit trail.

The benefits of implementing an EDRMS include:

- Improving information management capability by
    - Providing a central system for management of digital information which is controlled (rather than in uncontrolled shared drives, email folders or network drives)
    - Enabling easier searching and retrieval of information through the use of naming and titling protocols
    - Managing the electronic destruction of records which is supported by appropriate metadata
    - Linking/relating documents and files
    - Integrating the EDRMS with other business and collaborative systems to ensure all business information is captured appropriately
- Increasing business efficiency by
    - Reducing reliance on paper records
    - Saving costs through reduced physical storage costs over time
    - Enabling staff to view, read and share information from their desktops

- Improving access to and retrieval of information that is stored in a central system
- Reducing duplication of records by capturing information once
- Facilitating sharing and reuse of information across work groups
- Streamlining and automating work practices and business processes

- Reducing risk to the agency and Government by

  - Ensuring information is reliable and the latest version is accessible
  - Providing greater security and access control features to reduce the risk of digital information being inappropriately accessed, altered or deleted
  - The use of audit trails to prove who had access to information and what they did with it
  - Being able to prove the integrity of information in legal proceedings
  - Enabling the potential for improvements in decision making through access to the latest, most comprehensive information
  - Being able to service Freedom of Information (FOI) requests and discover orders in a comprehensive and timely fashion
  - Complying with legislation and whole-of-government requirements for the management of information

- An EDRMS can be used in a number of ways to manage digital records/information and paper files in an agency.

  - Moving a paper file system to a digital system
  - Replacing the use of uncontrolled shared drives, network drives, personal email folders for the storage of digital information
  - Supporting workflow systems for different processes, and business and collaborative systems

Costs and resources

Implementing an EDRMS is a major project, requiring a significant commitment of time, money and staff.

Resource considerations

Agency requirements

Initial analysis should include:

- Determining what the system will be required to do in the medium to long term
- Developing a well defined and documented business case
- Developing functional specifications and requirements

- Determining the degree of customisation or configuration required for the selected product
- Determining what metadata (other than standard) needs to be captured
- Information security required
- Stakeholder and end user needs—design and configuration of the system particularly the user interface; development of business rules; identifying training requirements; change management and communication strategies
- What stakeholders need to be included in the implementation and who will liaise with them
- Who will be involved in managing the change for end users
- Who will undertake to develop the business rules and procedures around operation of the system
- Who will configure the system to meet agency needs
- Who will develop the back-end IT hardware
- How will the system be tested prior to implementation and by whom
- Who will do the planning around implementation
- Who will provide initial and ongoing training, maintenance and support.

Time and staff resources

To successfully implement an EDRMS, a small project team should be established that will consider what needs to occur to implement the EDRMS into the organisation. All areas should be included in the initial discussions around an EDRMS, and business requirements of each work area documented.

A user group with representatives from each business area is a good way of identifying business requirements and allows staff to be involved in the overall implementation of an EDRMS. Each representative will be able to talk regularly with their sections and highlight any issues; these should obviously be resolved before implementation.

Information that can be gathered by business groups are:

- How areas currently manage their records in the paper environment. Is it appropriate to file the same way in a digital environment? For example, some areas may file project information on one paper file (instead of in all the separate functions and activities) and may want to do this in an electronic environment. Splitting up a project into multiple functions and activities may confuse staff and make it more difficult to find information.
- Should discrete functions such as Personnel, or Property Management (which generally don't have project information) retain all of the separate activities? This enables files to be sentenced under the correct retention schedules. What happens if there are a number of schedules that can be used? Will staff know which ones they are? In general all related documentation should be kept for the longest retention time.

- Consider that staff may be uncomfortable with using a system that doesn't make sense to them or is counter intuitive. Where possible, the use of functions and activities should be discussed with each of the areas, and they should be involved in developing those that are applicable to them. Any functionality that makes it harder to create or retrieve information or involves too complicated a process should be reviewed; it may be that functionality might need to be customised or configured in the EDRMS.
- Discuss the difference between the different types of records, e.g. short term low value records, medium term records, and long term records that must be retained as Territory or National Archives. Explanations need to be provided about why these records are important and why and how they need to be captured and stored.
- The types of electronic documents or objects that might need to be used
- Where documents should be stored – e.g. should it be a functional information structure or organisational?
- Files/documents that require specific security, access controls for users
- The volume of information that is likely to be produced by their area, and future growth
- Review and approval processes, and if implementing workflows is a good way to manage this
- Version controls—are all versions of a document required to be kept? An EDRMS is able to be configured to keep all versions or some versions. How many need to be kept? Is it okay to get rid of draft versions after something is finalised and/or published?
- Discuss the information stored in other systems such as finance or HR systems. For the most part these records will be out of scope for an EDRMS. The systems should be analysed to determine whether records are backed up and kept forever, and if it is applicable to apply disposal schedules to these records. In most cases, these are transactional systems and the main record should be kept in an EDRMS (data is usually processed in a HR or financial system from another document). (Business systems can be integrated but this is usually a large cost).
- Implementation of workflows—considerable time can be saved by setting up automatic workflows to handle some common processes. Processes for consideration could be correspondence tracking, freedom of information requests, flex sheets or travel.
- Navigation. How do you navigate through the system? If implementing a portal this isn't such an issue, but if using a Graphical User Interface (GUI), consider that if staff are used to navigating through a file path that an EDRMS doesn't necessarily work the same way. This is a consideration for file sizes too—staff may not want to have a thousand documents to wade through on one file, this is also where file titling becomes important.

Expertise required

Certain areas will need to be more involved in the implementation process, including:

- Records and information areas to set up records management processes;
- IT for work on technical architecture, systems integration, desktop rollout, network upgrades;
- IT security for discussion and implementation around information security, classifications and caveats required, eProtective markings in emails and documents, upgrading of system architecture if required
- Business analysts to analyse and map business processes, requirements and identify improvements

Training

A variety of training will need to be scheduled to support the rollout of an EDRMS.

- Records management training
    - Staff should be trained in basic records management procedures, including learning what a record is, the different types of records (e.g. low value, high value records, records that need to be retained), procedures for disposing of records, any record freezes in place that prevents destruction of records.
- EDRMS training
    - Different training for different groups of users (beginner, advanced, power users, refresher);
    - Different approaches to training (group training, 1–1 training);
    - Setting up of user accounts etc., in training system prior to training, ensure that the production system accounts are ready to go after training (can be done in the training course to get everyone logged in and ready to use the system when they go back to work);
    - Support after training (hand outs, FAQ's, someone they can call). There will also need to be ongoing training in place for new staff, and refresher training should be available to existing staff.

Information technology considerations

System configuration

- Will users have direct access to the EDRMS (GUI) or via a portal or other system;
- Consider use of portal for end users and the GUI for administrators/power users;
- What is the best user interface to adopt?

- What functionality should be enabled?
- Consider the metadata required to support business processes and if additional metadata is required for better retrieval of documents and audit—for example what metadata is required if a document or file has been destroyed and evidence of the document existing needs to be produced in a legal enquiry (particularly if using digital/electronic signatures in an EDRMS)?
- Ensure that the system works as expected prior to implementation through testing. The system should be able to handle multiple users accessing information at the same time without falling over. All other functionality should work as planned;
- Consider whether the EDRMS is able to automatically delete versions of a document if required. For example, some systems use corporate value to mark a document as a business document; if a document isn't given corporate value (e.g. a draft) should this version be deleted? Also consider that all business documents could be given corporate value if being stored in a business system, although this sometimes prevents earlier versions, or the whole document from being deleted (although an administrator should be able to do this);
- Does there need to be a limit on file sizes? For example, when a file gets to a certain size should it be closed and a new part created?
- Will there be file restrictions on emails when sending documents? For example, FOI requests are often large documents, in a digital environment consider if an email or CD can be sent to the recipient rather than the paper versions.

Migration from shared drives and legacy systems

- Migration from shared drives/legacy systems should be based on the needs of the business and any identified risks (for example you wouldn't migrate duplicate documents, or low value records into an EDRMS).

Other things to consider

- Are the systems to be superseded still fit for purpose and able to provide ongoing storage, access and security for legacy information and records?
- Is there content from a system that definitely should be migrated (e.g. system managing paper records)?
- Will all digital records and information on network shared drives and in personal emails be migrated? Who will do this? It may be that only records that are currently being used on a regular basis are migrated to an EDRMS, and other records are left on the shared drive (read only if applicable) but with the ability to migrate this information to the EDRMS if required;

- How easy is it to migrate data from other systems and shared drives into the EDRMS?
- Will the data need to be cleaned up (duplicates removed, documents/emails re-titled, extra metadata added) before migration? Who will be responsible for this? (e.g. it may be that the IT area removes the duplicates rather than individuals doing this themselves)
- Is metadata mapping required?
- User involvement—will users be required to clean up folders/records prior to migration?
- What type of access will be provided on shared drives after migration? For example, it may be that the shared drive/s are made read only after migration

If data or documents aren't going to be migrated into the EDRMS, then there should be appropriate procedures in place around how the other records should be managed. In going forward there needs to be a clear distinction between the previous processes/procedures and the new ones (e.g. draw a line in the sand).

Integration with other systems (if required)

Most agencies have transactional databases or finance/HR application systems that store business information and may need to be integrated with a corporate EDRMS.

These systems may be:

- workflow systems used for case management, project management or property management
- databases
- finance and HR applications
- collaborative workspaces such as SharePoint; and
- websites

If integration with an EDRMS is required then the following should be considered:

- What is the value of the records? How long do they need to be kept?
- How the records are kept in these systems—are they archived, backed up, retained forever? If they are medium value records, can they be sentenced and destroyed under an applicable retention schedule? How would this be recorded?
- What type of metadata needs to be stored or linked from these records? How will metadata be captured and re-used (rather than duplicated)?
- Do the records require special security or caveats and can this be applied to the current system or does it need to be applied through an EDRMS first?

- What are the risks associated with the information in the system if not stored in an EDRMS?
- What are the costs of integration in relation to the likely business benefits?
- Are the systems already adequate for their purpose?
- If integrating, who will be responsible for designing the flow of information between the systems?
- How will the data integrity be preserved in the integrated system?
- How will hard copy processing tools such as scanning be integrated? (For example a Multifunction Device (MFD) can scan to email or an EDRMS)

Financial considerations

Cost resources

Cost of system dependent on functionality rolled out, extent of customisation, complexity of configuration to meet business needs, work areas of agency to be included, extent of integration/interface with other systems.

Ongoing costs

There will be ongoing resource costs needed to support the EDRMS once it has been implemented.

- Possible licence fees.
- Hosting costs of production database dependent on size (if applicable)
- Upgrading of system, minor upgrades, storage—who is responsible for, and who pays?
- System support.

Risk assessment

Business continuity

Loss of digital records when relying on an EDRMS can disrupt business, particularly if the system is unavailable when information is required quickly. If records cannot be retrieved after the system fails corporate memory is lost as well as making agencies more vulnerable to greater risk. All of the risks should be outlined in a business continuity plan.

In planning for an EDRMS implementation, the following should be identified/developed:

- Determine what vital or high level records are essential for ongoing operations and how these will be retrieved or accessed in the event of a disaster;

- Undertake a risk analysis to determine the types of threats faced, the likelihood of disasters occurring, and the potential impact of the resulting loss of records;
- How frequently backups of the system will occur, and if information can be retrieved quickly from backup systems;
  Consider what the system will be required to do in the medium to long term. The system will need to grow with the amount of document storage or it might be appropriate to store in the cloud. Alerts should not be provided to administrators when the system is about to run out of space and fall over; storage space should be reviewed early. Who will be responsible for monitoring the space and upgrading when required. Who pays?
- Consider how EDRMS upgrades (both major and minor) or improved functionality will be implemented if or when required. Not having access to the current system for a couple of days may not suit the business of the agency; it is important that there are other solutions provided so staff can still access their documents when required;
- The likelihood of the hardware or software becoming obsolete over time, and how the records stored in the system will be retrieved or migrated, particularly high value records or Retain National Archives or Territory records. Also consider what happens if an agency cannot upgrade the system, what will happen if the vendor no longer supports the superseded version of the EDRMS;
- Consider the format of the records being saved in the EDRMS and make sure that records defined as Retain National Archives or Territory Records are able to be transferred to the NAA or state records office in a format that will be readable in the future (check their websites).

Social media

There are considerable risks around the use of social media for communication, particularly where there are privacy, confidentiality, security or copyright issues. If information is business related then careful consideration is required on if these records need to be kept, how long they are kept for, and how they are sentenced or destroyed when no longer required.

Change management

Implementing an EDRMS involves a lot of change within work areas. It requires the support of senior management to champion how business information will be managed across the agency. Unless the change is managed effectively, staff won't accept the system or the change being implemented. It is important to have change management and communication strategies in place. Staff with change management expertise should look at the impact of change in the agency in understanding records

management in the context of digital recordkeeping and the way information will be created, managed and accessed.

Communicate with all work areas to understand their business requirements and keep them involved through pre and post implementation

All business areas should be consulted during the process of implementing an EDRMS. A communication strategy should outline what communication will be sent out to all staff, and to the implementation or user groups. It is important that staff nominated into these roles have the support of their managers and senior executive to be involved in pre- and post- implementation, and to provide ongoing support to their areas after the system is actively being used.

Build trust in the system

It is important that staff have trust in the EDRMS being implemented. Staff who are not comfortable using digital environments for storing records will have concerns about how effective and reliable the system will be. Staff from other areas that have been involved in previous system implementations may have negative perceptions about digital environments. It is imperative that these concerns are considered and addressed as part of the change management strategy.

Staff concerns may include:

- How will information be accessed if the system goes down? Will it be lost? Can it be retrieved? How? Who will retrieve it? (For example, if it is going to take three days to retrieve an important business document then this is unlikely to meet business needs.)
- How will users find information/documents? Navigating in the system (via portal or GUI) needs to make sense; titling protocols will help with navigation. Telling staff that they will have to search through a long list of records on a file to find their document probably won't make sense to those who are used to navigating to their documents via a file path.
- Will sensitive records be adequately protected? The answer to this should always be yes, and in an electronic environment the proper security/protection of information is critical. Ensure staff understand how to apply the appropriate security classifications and caveats correctly in the system.
- Will using the system make work more difficult and time consuming?

Demonstrating the use of the system to staff during pre-implementation to show the benefits can address any concerns. It is also very important that the software that performs well in testing also performs well after implementation; if the system falls over when all staff start using it after implementation it is unlikely they will want to use it again.

Get the information framework right

The first part of assessing the information framework should be analysing the current information and records management practises and systems; doing this will also determine if the agency is ready to move to an EDRMS. Establishing a good records management culture prior to implementation will provide staff with the confidence in using an EDRMS in the future. It may be that other information management improvements need to be put in place prior to implementing a new system.

To get the information framework right, start by identifying how information is currently being stored. If a records management system is being used to track physical files, some staff may already be aware of how a functional system (function/activity) works. However, areas that don't have an EDRMS usually save information on shared drives by organisational structure rather than functionally. Staff may be unfamiliar with the functional structure so this will need to be considered moving forward. Most EDRMS systems rely on keyword searching to find documents, while shared networks rely on following a file path (even though the searching capability is there, it isn't used as much). The information structure should be set up in consultation with business areas and have some flexibility in how it is managed. It is also important to look at what can be automated in the system through auto populating of data gathered from forms; to the end user this takes away the need for them to fully understand the concept of functions and activities when saving their documents in the EDRMS.

Develop or update business rules and procedures to support the EDRMS

Policies, procedure and business rules will need to be developed or updated to support and guide the ongoing use of an EDRMS.

Particular issues that should be considered include:

- How will incoming and outgoing correspondence be managed? Will it be scanned and captured into the EDRMS or placed on paper files?
- If correspondence is put on paper files, can the originals be destroyed? Do the files need to be scanned at a certain DPI and quality checked? What is the legal instrument that allows these files to be destroyed? For example, National Archives of Australia have a General Records Authority 31 that allows documents to be destroyed after being scanned, providing they meet certain scanning specifications. (This applies to documents scanned on a daily basis (day to day scanning) and to records archived on physical files);
- Who will be responsible for scanning/capturing inward correspondence? Will everyone have a desk scanner? Will the scanners be configured according to any scanning specifications? Can MFD's be used (and configured) for scanning documents that are then stored in the EDRMS?

- Can digital/electronic signatures replace wet signatures on documents? What documents need to be kept in paper format with a wet signature (for example, it may be that signed copies of contracts, agreements, delegations, legal documents or personnel documents need to be kept in paper format with the original signature)? Can these documents be scanned and the originals destroyed?
- How will emails be managed in the system? Is it possible to automate the saving of emails? What metadata needs to be captured? Can titles be auto populated and words like the Re:/Fwd:/SEC Classification be removed from the title when saving an email in the EDRMS? Is there any way to bulk import emails, that works smoothly (e.g. doesn't take 10 minutes to save)? Who will be responsible for saving an email in the EDRMS if sent to multiple people (usually the To recipient, becomes an issue when there are multiple recipients)? How will Appendices be treated? (For example, you probably want to store the email and Appendix separately and have them linked, but you don't want to be able to store the email with the Appendix embedded as well as saving separately as this causes duplication);
- Will paper files continue to be used when an EDRMS is implemented?
- How will physical files be managed (both in use and those archived/put away)? The cost of back scanning boxes of paper files in most cases outweighs the benefit. Consider closing current physical files and maintaining future documentation in the EDRMS; provide links in the system to other files. If wanting to scan paper files to reduce physical storage costs, assess the legal instruments these will be destroyed under, and scanning specifications that need to be adhered. Any paper records that can legally be destroyed should be, any close to the destruction date should also be destroyed (rather than scanned into the EDRMS)—only new and current information should be scanned if there is a real need for this. Any Retain National Archive (RNA) files should be retained in physical storage until they can be transferred to NAA. NAA will only accept digital records from 2015. Some RNA records might need to be scanned to send to NAA (need to check). If digitisation of existing paper records isn't feasible, a strategy to phase out paper records will need to be considered—look at the period of time paper records can be added to existing paper files (e.g. until a part is completed or a particular date), or which files need to remain in paper format;
- Will there be storage space available for physical files (particularly RNA) when an EDRMS is implemented? How long will it be available for?
- How will permissions and security be managed in the system? See 'Security' section of this document for more information;
- What type of quality control will be in place for the system and for the records being created? What type of audits will be conducted? How often will audits be undertaken? What system audits will be done?

- What business rules will be superseded once there is an EDRMS in place? For example, print to file rules for documents or emails, printing documents with wet signatures (if applicable);
- Consider how FOI requests will be handled. For example, if documents are being created/stored in a digital environment, consider having software in place that allows these documents to be redacted/amended in the system rather than being printed, redacted, scanned and reprinted. Consider how you will get the information to the requestor—the best way would be via email or CD, however, some agencies restrict the size of emails that can be sent externally, or don't allow individuals to burn to CD;
- How will documents be shared, edited, accessed if staff don't have access to the EDRMS or are remote? A consideration here is ensuring that documents aren't duplicated.

Consider how information will be retrieved

- How will Normal Administrative Practice (NAP) be applied in the digital environment? Low value records should be removed from the system if created in error or duplicated—will the individual be able to do this? Consider what metadata may be lost when a document is deleted and what metadata is required (particularly if needing to produce the metadata as evidence in court proceedings). User permissions need to be carefully considered as you don't necessarily want all staff to be able to have the ability to delete records (particularly if you don't have the resources to audit what is being deleted). Also consider if the record is permanently removed from the back end of the EDRMS or if it is stored elsewhere for a certain time (if it has been removed in error it may need to be retrieved) and then permanently removed from the system;
- How will information be retrieved in searches? What about when restricting permissions—e.g. some systems allow staff to 'see' a record (e.g. can only see the title but nothing else) as opposed to read only (allows staff to open the document but not edit it. Read only permissions generally allow staff to save the document on shared drives). Access can also be restricted so that staff cannot see that a record exists; this however makes it difficult to identify records required for legal or Commission enquiries as all the information is not discoverable;
- Standard titling protocols across the agency should be implemented for files; some flexibility may need to be looked at for documents, but where possible establish a group of rules that must be used in titles;
- Ensure related records are linked, particularly when records are migrated to the EDRMS. Linking paper files to the electronic files is important. Consider also having a 'record type' of 'electronic'—this will help to distinguish the physical and electronic records;

- Use a thesaurus/business classification scheme based on the business activities of the agency rather than storing records in an organisational structure.

Consider how long information needs to be kept

- How long does information need to be kept? Minimum retention periods should be applied when records are created in the system (sentence on creation) and automated as much as possible;
- Ensure records are not retained for longer than legally required. Server space may become an issue, ensuring that records are destroyed when entitled to be, and removing NAP and duplicate records will mean that the server storage won't need to be updated constantly;
- identify which records need to retained for the longer term, and therefore need to be considered over time in terms of system upgrades.

Streamline processes for end users

The EDRMS should be configured to ensure end users find it easy to use and where possible, business processes should be streamlined.

- Look at integrating the EDRMS with other systems where possible (e.g. Outlook, G drive) so records can be captured seamlessly (portal);
- If integrating isn't possible, look at how records can be linked to shared or network drives so that all information is accessible;
- Auto-populate as many metadata fields as possible to make capturing a record less time consuming for end users (e.g. auto-populating of titles, storing the records in the correct file or container);
- Keep the security model simple—start from basis that all records are accessible to users, then add restrictions. Locking down files for certain functions or documents makes it more difficult to share information when needed, or for accessibility;
- Support the implementation and use of an EDRMS with documentation explaining the most common functions or processes. This can be put on the intranet in the form of an FAQ. Make sure that it is clear to users who they need to call when something goes wrong, and how long it will take to fix.

Control issues

Security

Appropriate security should be applied to records that require it and the EDRMS should be able to support those records that need to be secured. Not all types of records will be able to be stored on an EDRMS (records above restricted will need to

be safe handed as per normal procedures). Any systems should meet the legislated security requirements applicable to the agency.

- Records that are more highly classified than the network allows will need to be maintained on separate paper files;
- Establish a security model to govern how security classifications, caveats and other access controls will be managed in the EDRMS.

Privacy/confidentiality

When implementing an EDRMS, considerations around privacy will need to be reviewed. For example, it may be that some areas require the locking down of certain types of files, e.g. personnel files. This is a legitimate reason for restricting access and will usually adhere to agency legislation. However, this can also cause issues if the names of files need to be descriptive—titling a file as 'SMITH, John Discipline' or SMITH, John Inappropriate Conduct', will provide enough information for someone to use this information if so inclined. On the flip side, locking down files so they can't be seen at all means they are not 'discoverable' in searches—areas may be required to do their own searches for FOI or legal requests.

It is also important to ensure that staff have a good understanding about any security /privacy/confidentiality caveats they may want to use in an EDRMS, and that they know how to apply these restrictions to their records. If appropriate controls are not in place, the agency runs the risk of this information being open and accessible to everyone.

Permissions

Decisions will need to be made about who has administrator and power user permissions. This doesn't necessarily have to be only records management staff. Who has this responsibility will depend on the state of current records management practices, complexity of the file/information structure, business requirements and security/privacy issues.

Permission or delegation options to consider are:

- Delegating responsibility to all staff for creating files. This requires staff to have a fairly good understanding of records management including titling protocols and retention schedules. It also enables staff to lock down their documents (which if in an open structure where staff have access to all records) which can cause complications. It does require some extra training in other functionality available in an EDRMS, and there will need to be an administrator who can fix errors when they occur, and to do regular quality assurance. Also need to consider whether staff will be given the permissions to 'delete' or 'move' documents (files cannot usually be deleted);

- Delegating to a group of super or power users to create and name files for colleagues in individual work groups, and who could also act as a first point of contact for basic problems in the EDRMS;
- Retaining control over creating and naming of electronic files through records management staff. However, this is resource and time intensive.

Options for implementation

There are a number of options when implementing an EDRMS. The best option will depend on the size of the agency; the degree of system customisation required; how many business processes need to be rewritten or newly developed; the current state of records management; the business risks; how much data needs to be migrated; the ongoing use of old systems including management of paper files; the degree of change required; and whether the EDRMS needs to be accessed by all staff at time of implementation.

In the initial stages of implementation when meeting with business units, record plans should be established in each business area that details how they will use the system in their business area. Things like titling protocols for files and documents can be standardised across the agency, but there should be flexibility in this. Similarly with the information structure; it is no good imposing a structure that is counter intuitive and unlikely to be adopted if it doesn't meet a variety of business needs. Also consider how people want to store their information—in a share drive, multiple folders can be created which ends up in a ridiculously long file path; this is less likely to work in an EDRMS as it will still be difficult to find information if buried 17 folders deep. Consider having a function/activity/ subject set of folders under the file, and maybe one or two other folders. If it the reasons for these restrictions are explained, staff can generally manage to fit all of their records into a more restrictive structure by putting some information in the file and folder titles. Duplicate records should be removed prior to migrating content to an EDRMS—this becomes harder to remove in an electronic environment when everyone is using the system.

Whichever option is chosen, it is imperative that the system implementation is properly managed and is successful the first time round. Piloting of the system is recommended with as wide a group of people as possible and representatives should be taken from each work area. Targeting particular business or work groups to participate in a pilot can be a valuable way of obtaining champions for an EDRMS who may then be willing to take an ongoing role as a power user.

Piloting of the system prior to implementation will allow you to:

- Test functionality on individual platforms and in real life situations;
- Iron out any technical bugs, and fix them before rollout;
- Add any extra functionality that hadn't previously been considered;
- Make any important changes prior to rollout;

- Test the readiness of the agency for the EDRMS, and identify areas needing improvement.

The main options for rolling out an EDRMS are:

- Rolling out the EDRMS to everyone in the agency in one go;
- A phased approach, where the EDRMS is rolled out to different work areas or groups of staff over time;
- A combined approach, where limited functionality (e.g. integration with desktop applications) is delivered to everyone at the same time, and additional functionality (such as integration with email) is rolled out in a phased approach.
- Implementing an interim solution like cleaning up documents/records on a shared or network drive which mirrors the proposed structure in the EDRMS, and then migrating the information to the EDRMS when it is implemented.

Appendix H: The information management journey of Gunditj Mirring

A PowerPoint presentation by Damein Bell to the Managing Information in Native Title Workshop, 16–17 March 2015

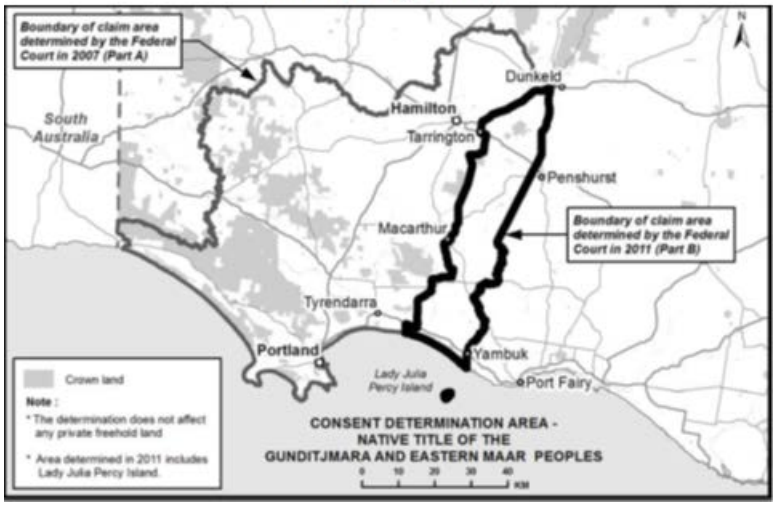
GUNDITJ MIRRING
Traditional Owners
Aboriginal Corporation
RNTBC

AIATSIS Workshop on
Managing Information in Native Title
March 2015

Gunditjmara

Gunditjmara

Gunditjmara

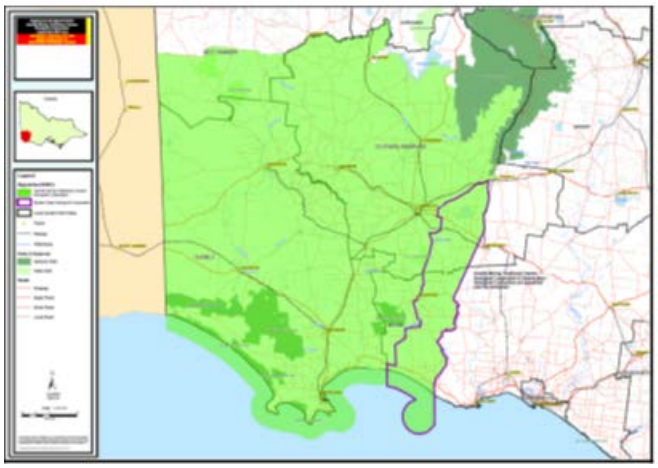


Gunditjmara

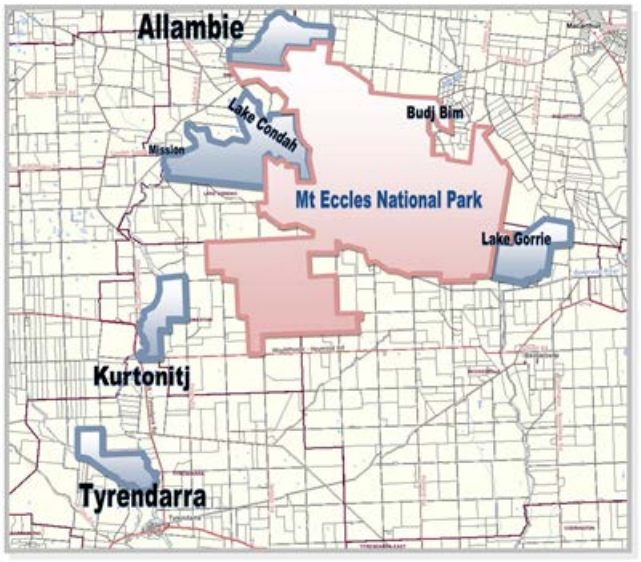
Lake Condah
Possum Skin
Cloak Design

- access to or enter and remain on the land and waters;
- camp on the land and waters landward of the high water mark of the sea;
- use and enjoy the land and waters;
- take the resources of the land and waters; and
- protect places and areas of importance on the land and waters.

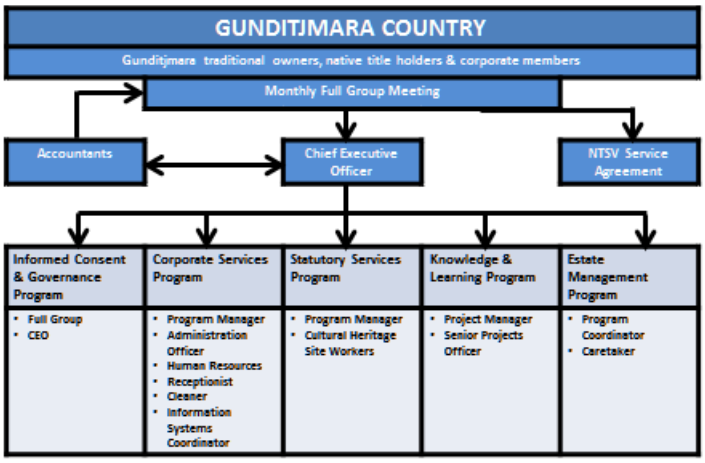
Gunditjmara



Registered Aboriginal Party Boundary Under *Aboriginal Heritage Act 2006 VIC*



Operating Structure



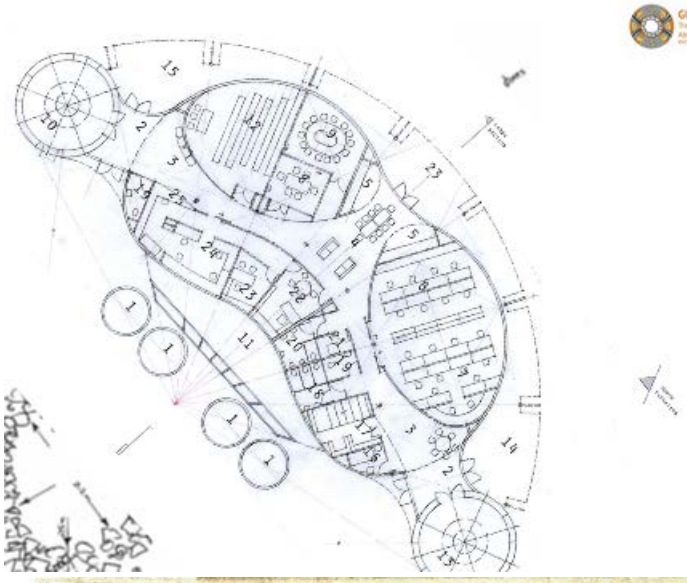
Managing Information

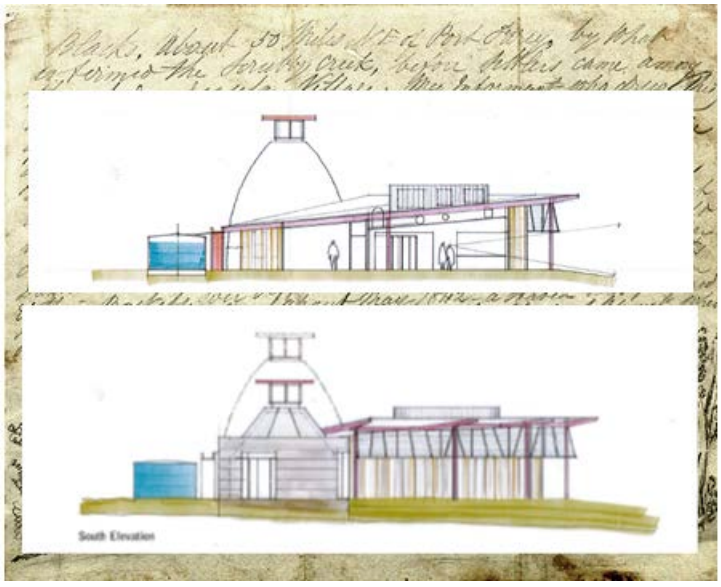
- 2005 Federal Court Early Evidence hearing on country.
- 2006 Connection Report by Anthropologist.
- Initiation offer by State of Victoria.
- Federal Court took over NNTT role in mediation.
- Anthropologists locked in private consultations.
- 30 March 2007 – Gunditjmara Native Title Consent Determination.
- 5 year funding agreement until new legislation.
- Traditional Owners Settlement Act 2010 VIC.
- Current Renegotiation Program with the State of Victoria.

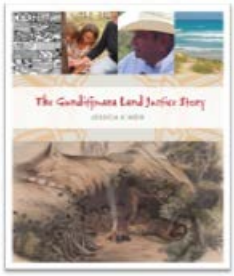
Managing Information

- Service Agreement with Native Title Services Victoria:
  - Future Act Notifications.
  - Traditional Owners Settlement Act 2010 Renegotiations.
  - Legal Advice.
  - Policy Support.
- One Note System – Governance & Administration Records:
  - Maintaining information systems.
- Gunditjmara Traditional Ecological Knowledge – Literature Review.

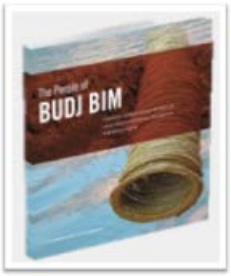

dev.essolutions.com.au
CULTURAL INFORMATION MANAGEMENT SYSTEM
GUNDITJ MIRRING
KNOWLEDGE
RANGER WORK
REPORTS
SETTINGS
HELP
Landscape
Collections
Media



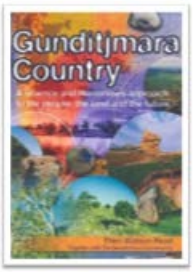

South Elevation



search
The Gunditjmara Land Justice Story



search
emPress Publishing

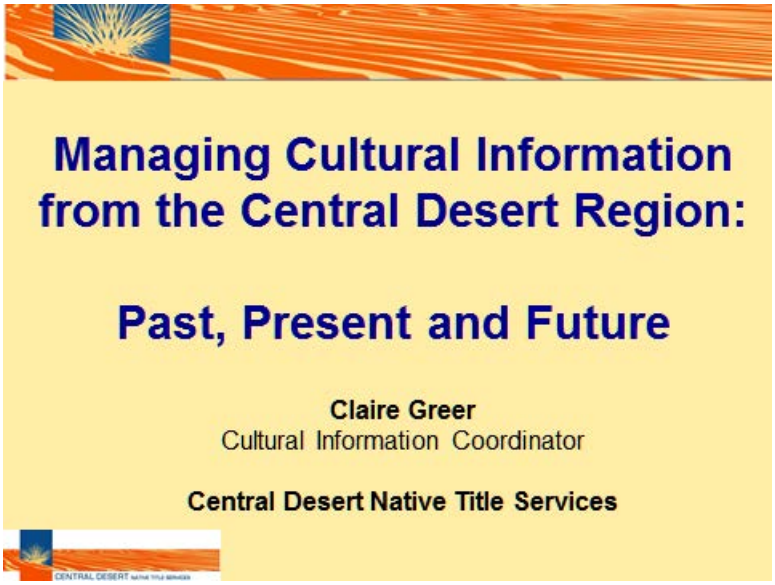


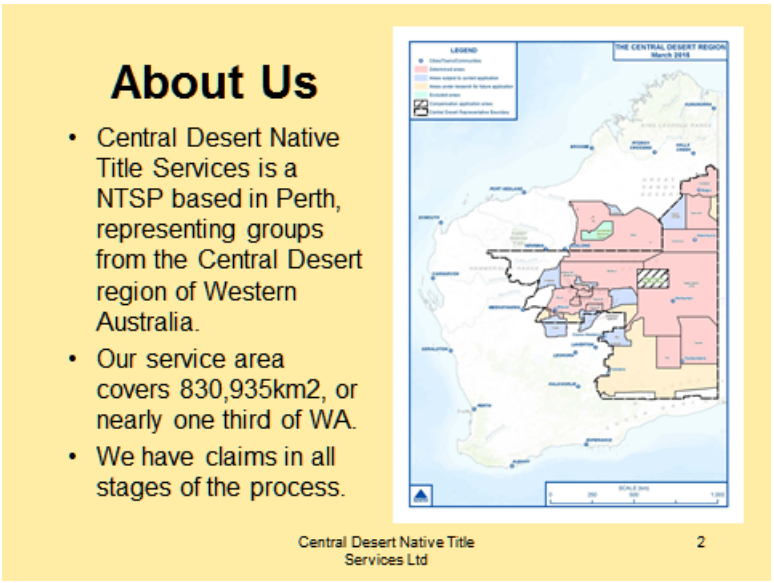
search
Hawker Brownlow Education

www.gunditjmirring.com

Appendix I: The CDNTS Cultural Geography Database

A PowerPoint presentation by Claire Greer to the Managing Information in Native Title Workshop, 16–17 March 2015





- Central Desert was established in 2007, assuming the native title functions from the Native Title Unit of Ngaanyatjarra Council (Aboriginal Corporation)
- We work with a diverse range of native title claim and determination groups, Prescribed Bodies Corporate, communities, and individuals.
- Our cultural information is gathered through claim research, heritage survey work, and land management activity.

Cultural Geography Database

- For more than a decade, Central Desert has been working toward a database for the management of cultural information.
- The database is an advanced index of all our holdings.
- It can hold documents, images, videos, sound files, and GIS data.

Project History

- We've been developing the current version of the Cultural Geography Database (CGD) with Environmental Systems Solutions (ESS) since 2012.
- This is the third evolution of the project, with each responding to changing needs and technologies. This version is far more adaptable than any previous.

Development and Maintenance Challenges

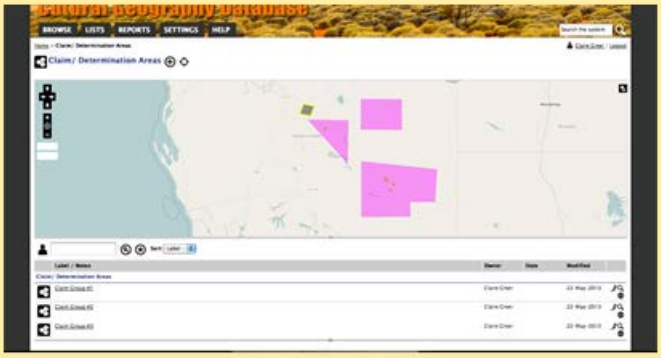
- In-house vs consultant IT specialists
- Funding availability
- Changing technology= opportunities and frustrations
- Staff continuity/ availability/ time constraints
- Wide range of older data= inconsistent GIS information, reliability

Legal and Cultural Constraints

- The CGD is a system used to organise and access information gathered through legal and cultural research.
- Both avenues include numerous constraints that must be considered at the foundation of all work.
- Ongoing conversation with both communities and legal staff re appropriate use.

Working with Legal Constraints

- Many documents are subject to legal privilege. Others may be confidential, or may be freely accessible in the public domain.
- Database storage needs to reflect the same constraints as any other filing system.



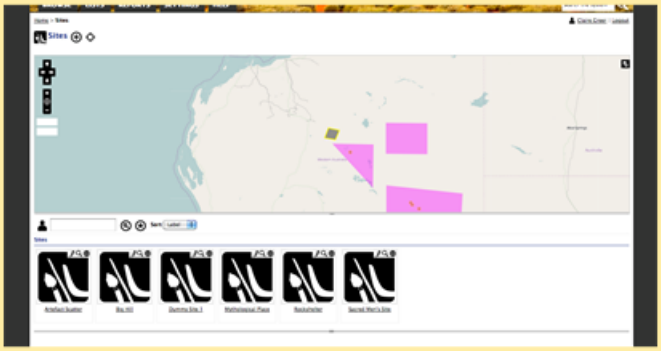
Cultural Constraints

- The system has the capacity to restrict any individual user to specific groups of information.
- The most basic example of these restrictions is Male and Female. Gender-restricted documents are not visible to anyone who does not have access to that data set.

- Communities will decide how they want to work with their own information, including restrictions.
- Limited to family groups? Claim groups?
- Considerations for initiation level? Seniority?
- Not our decision to make, but we have built the capacity to respond to what people may want eventually.

That's the future… but now?

- Currently the database is used by myself and several other research staff.
- We also have the original developers (ESS), our GIS officer, and our in-house IT specialist contributing at times.
- Entering existing and incoming data when time, money and staff availability allow.



Central Desert Native Title Services Ltd 18

The Potential

- Until all existing data has been entered, a search of the database will not produce comprehensive results.
- Once this data entry is complete, the potential exists for a very comprehensive research tool.
- The ability to return information to those who provided it is the long-term aspiration.

Central Desert Native Title Services Ltd 19

Central Desert Native Title Services Ltd 20

Where to next?

- We continue to use the staff resources we have to work toward the future potential of the system.
- Priority is being given to data entry.
- Funding is still being sought from a range of sources on an ongoing basis.
- Community engagement is the most important next step.
- Realistically, still 2-3 more years away from realising full potential.

Central Desert Native Title Services Ltd 21

Appendix J: Returning research materials in partnership with traditional owners

A PowerPoint presentation by Margaret Rose, Olivia Norris and Sanna Nalder to the Managing Information in Native Title Workshop, 16–17 March 2015

Knowledge Partnerships

Respectful and culturally appropriate approach, stemming from years of collaboration, experience and knowledge.

- Changing and growing needs in the communities.
- Extending our services -> ethical partnerships and collaborative projects to meet the needs and aspirations.
- Combining traditional cultural knowledge with the support of corporate and technical experience.

Native Title Research

Native title research results in a collection of oral history, cultural information, personal and traditional stories that is an impressive, one-of-a-kind record of Aboriginal history.

A valuable resource to Aboriginal families and communities. A rich source of linguistic, archaeological, anthropological, historical and traditional knowledge.

Returning Cultural Research

The return of research materials process needs to be conducted in a manner that is culturally appropriate and in consultation with the Traditional Owners.

The cultural information in the research materials is the property of the Traditional Owners.

YMAC confidentially stores and utilises the research materials during the legal process to achieve native title and heritage protection outcomes.

The Challenges

- Long-term storage options
- Costs & funding
- Legal implications
- Community information vs Individual information

The Process

The Outcomes

Tailored procedures and guidelines created collaboratively for each group

- Return of materials has commenced with the two groups.
- Positive feedback from Traditional Owners – confidence in the policy and process.
- Key learnings documented for future projects.
- Requests for more RoRM projects in the future, when resources allow.

The Potential

In addition to the strong traditional avenues of knowledge transmission, access to research materials lets PBCs manage their cultural resources and intellectual property.

cultural centres ('Keeping Places')
cultural training
intergenerational knowledge transfer
interactive databases
country management
oral-history projects
publications
multi-media projects
language projects

The Future

Creating Knowledge Partnerships into the future

- Work with PBCs to find further funding opportunities
- Continue providing and developing the RoRM service
- Work with external parties – long-term storage, databases
- Capacity building in the communities
- Share learnings with others

Discussion & Questions?

Contact Details

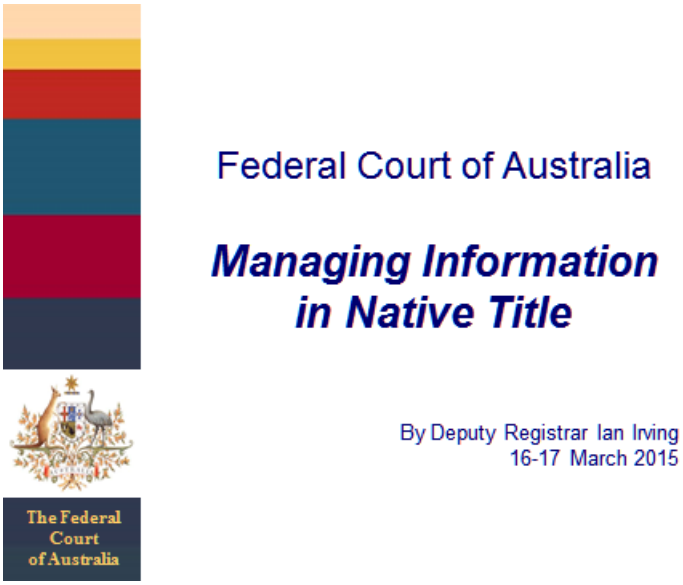
Level 2, 16 St Georges Tce Perth WA
PO Box 3072, 249 Hay St East Perth WA 6892

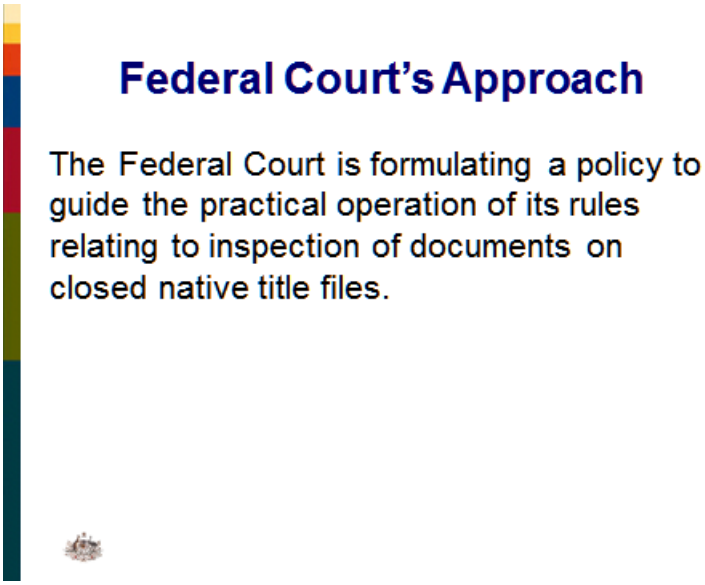
Phone: (08) 9268 7000
Fax: (08) 9225 4633

13

Appendix K: The challenges of managing documents related to native title hearings

A PowerPoint presentation by Ian Irving to the Managing Information in Native Title Workshop, 16–17 March 2015





Federal Court's Approach

- Extent of the Issue
- What principles inform the Court's response
- What direction we are heading in

Some Statistics – as at Feb 2015

	# Apps since 1994	# Current Applications	Litigated Determinations
Claimant	1735	322	32
Non-Claimant	337	18	4
Compensation	37	6	0
Revised NTDA	2	0	0
TOTAL	2111	346	36

The Court File

- What is the Court file?
  - Definition of Part A & Part B
- What is not part of the official Court record?
  - Transcript
  - NNTT mediation progress reports
  - Correspondence
  - Form 5s (notices that a person wants to be a party)

What sort of material is on Court files?

- The application
- Outlines of legal argument (pleadings)
- Evidence
  - Affidavits
  - Witness statements
  - Outlines of evidence
  - Tenure documentation
- Expert evidence
  - Expert reports – anthropology, history, linguistic, archaeology, genealogies
- Legal submissions
- Administrative notices e.g. the name and address of legal representatives

Examples of a Court File

Litigated Claimant Determination

Litigated Non-Claimant Determination

Archives freeze

- In 1996 National Archives Australia (NAA) implemented a freeze on the destruction of all records in its custody that could be of use to Indigenous people tracing their family and community connections
- In 2000 this freeze was extended to cover all records still in custody in selected government agencies including the Federal Court

What happens to Court files once they are closed?

- 2011 – terms of records authority agreed with NAA, i.e. what docs will be kept for storage with NAA
- Native title files treated differently from other court files – almost all documents are retained permanently
- NAA have told the Court they will not take the files until NAA and the Court have an agreement in place to cover how access to materials will be managed

Access policy

In developing a policy to guide the practical operation of the Court's rules on inspection of documents on closed native title files the Court aims to enhance **public confidence in the administration of justice**

In doing so the Court must have regard to three sometimes competing principles:

- Open justice
- Privacy
- Practicality

Open Justice

- Every court should be fully exposed to public and professional scrutiny and criticism because this is thought to:
  - Prevent abuses
  - Maintain public confidence in the integrity and independence of courts
  - Open courts (not in secret) are an essential character of a court

Open Justice

"The hearing of a case in public may be, and often is, no doubt, painful, humiliating, or deterrent both to parties and witnesses…but all is tolerated and endured, because it is felt that in public trial is to be found, on the whole, the best security for the pure, impartial and efficient administration of justice, the best means for winning for it public confidence and respect."

Lord Atkinson

Privacy

Federal Court is an agency for the purposes of the *Privacy Act 1988* (Cth) and so must not engage in any act of practice that breaches Australian privacy principles BUT this only applies to matters of an administrative nature, i.e. not Court files.

Practicality

- Limited resources available to audit Court files
- No ability to redact only part of documents
- Filing parties sometimes no longer exist
- Filing parties have no resources to respond to Court requests for information

Confidentiality

- Number of expert reports, witness statements etc that are the subject of formal confidentiality/restricted access orders of the Court
- Most orders do not have an end date

Federal Court Rules relating to access

- Rule 2.32 Federal Court Rules
  - Doesn't discriminate in terms of type of matter or whether the matter is active (open) or closed
  - Provides a list of document types that anyone can inspect
  - Provides a list of document types that non-parties can only inspect with the permission of the Court

Federal Court Rules relating to access

- General approach to deciding if permission should be granted is to look at:
  - Is the document covered by an confidentiality/restricted access order?
  - Has the document been relied on by a party in open Court?

Likely approach to archiving and access

- Audit of each file on closure to identify:
  - Documents covered by a confidentiality/restricted access order and its terms
  - Documents relied on by a party in open court
  - Documents never relied on by a party

Possible approach to access

- Standing permission granted to inspect documents on closed files that are:
  - Not subject to a confidentiality/restricted access order; AND
  - A document type that a non-party is entitled to inspect; or
  - A document that requires permission, where that document was relied on.

Possible approach to access

- No access to confidential/restricted access documents – requests for inspection to be referred back to the filing party.
- No access to documents filed but never relied on in open court.

Appendix L: Workshop evaluation report

To help us better understand the impact the Managing Information in Native Title workshop had, the NTRU developed a short feedback form for participants about the workshop.

The form was designed to provide an indication on how useful the workshop had been to the delegates and how future workshops on this topic could be improved. The evaluation form included the following questions:

- How useful has this workshop been for you?
    - In a few words, please explain why?
    - What was most useful?
    - What was least useful?
- Will the workshop influence the way your organisation deals with the management of native title information? If so how?
- How could this workshop be improved?
- What would you see as a priority for any future forum or workshop?

We received 18 feedback forms (some written individually and others on behalf of an organisation). As the feedback forms were anonymous, we are unable to provide a correct response rate. However, with 38 delegates from 27 organisations participating, we did receive the feedback of around or more than 50 per cent of the delegates.

How useful has this workshop been for you?

Of the 18 feedback forms, when asked how useful has this workshop been for you, all answers were 4 (quite useful) or 5 (very useful). There were 11 scores of 4, and 7 scores of 5, making the average score 4.4 out of 5.

The delegates liked the workshop for being a place to share and see what other people and organisations are doing with their native title information. One delegate commented that:

> It has been great to get an idea of what is happening around Australia in relation to information management. It has been a great opportunity to exchange information.

Another delegate said:

> It has been a wake-up call to hear how far along some organisations are already, as well as affirming to know that the questions that we hesitate to address are shared—and can be addressed.

What was most useful?

The sections of the workshop that delegates found most useful were the guest presentations by the PBCs, NTRBs, the Federal Court and the barrister on Day 1. The delegates liked hearing examples of how other organisations are dealing with their information management. They also found the sessions mapping the current challenges and developing solutions highly valuable.

One delegate said:

> [I liked]…hearing of the Yamatji, Central Desert and other projects (PBC projects, like Gunditj Mirring)—and having the networking and peer discussion opportunities. The talking papers worked well (well-conceived and structured, with sufficient variation in the approach).

What was least useful?

Fifty per cent of the feedback was that the whole workshop was useful. When asked what was least useful, some comments were 'none', 'it was all good', 'all information was useful'. The other 50 per cent of feedback was mixed and ranged from noting specific sessions that participants found least useful to wanting more information or time. The sessions that were mentioned as least useful were session 3, session 4 and session 11.

One feedback was that session 3 was least useful as there was 'not much more information than that was previously developed in 2008'. Two feedback forms noted that for some organisations the presentation on taking care of the audio-visual material in session 4 was least useful as it is 'not really the type of audio visual materials that we hold' and 'is not as big a priority for our NTRB but is very interesting anyway and good to gain an understanding of the challenge faced'.

One feedback on session 11 said, 'generally speaking, I think that the group was too large for the style of facilitation used—it was too cumbersome. Breaking into smaller groups would have been more effective.'

Of all the other feedback on what was least useful, some other comments were that 'talk were longer than necessary', 'not enough time for open discussion', 'some presentations only skimmed the surface—more in depth, specific information would have been better'.

Will the workshop influence the way your organisation deals with the management of native title information? If so how?

One hundred per cent of feedback indicated that what the delegates learnt at the workshop will influence the way their organisations deals with the management of their native title information. Feedback from two organisations said that although the workshop will influence their organisation, it requires the organisation to see this as a

priority. As these delegates said, this is an important topic but ‘it requires the organisation to acknowledge the concern’, ‘hopefully [changes can be made, we are] trying to raise importance of these issues in future planning’.

The feedback indicated that the workshop will influence their organisations’ policies and information storage and sharing. Delegates’ feedback highlighted the need for policies/guidelines on returning material to community, as well as developing a database for the storage of native title information.

How could this workshop be improved?

The feedback indicated that the workshop was well designed but could use a few more things to improve it. Fifty per cent of feedback did not indicate any suggestions for improvement.

The general feedback in this section indicated a desire for more focused or in-depth information. Thirty per cent of feedback suggested that ‘shorter more focused talks’ and ‘in-depth examples of exactly how processes were undertaken rather than superficial presentations’ would improve the workshop.

Fifteen per cent of feedback indicated that other groups of people should be involved. Some wanted greater participation by traditional owners to bring ‘traditional owners input into structure and programming’. Others wanted greater ‘inclusion and involvement of government agencies with an interest or include anthropologists, who generate much of the native title material to be returned’.

One delegate commented that the final session was poorly attended and highly important, but did not provide any suggestions about how to maximise the attendance rate at the final session.

What would you see as a priority for any future forum or workshop?

Delegates described that they are keen to see more work done on this important topic. They specifically mentioned pooling resources to ask legal advice on a shared matter, having a session on cultural databases for the National Native Title Conference in June, establishing and hosting an information management network, and having the workshop presentations and report available on the website.

Delegates also expressed a strong interest in more workshops/sessions in order to keep exchanging information and experiences, assist the work on creating shared policies, templates and protocols, and track the changes and advances of the implementation of the collective solutions identified in this first workshop.

References

Auscript n.d ‘Services’, <www.auscript.com/about/services> accessed 5 October 2015.

Deloitte Access Economics 2014, *Review of the roles and functions of native title organisations*, Department of the Prime Minister and Cabinet, Canberra, <www.deloitteaccesseconomics.com.au/uploads/File/DAE%20Review%20of%20Native%20Title%20Organisations%20-%20Final%20Report.pdf> accessed 10 December 2014.

Koch, Grace 2008 *Future of connection material held by native title representative bodies: final report*, AIATSIS, Canberra (Native Title Research Report No. 1), <http://aiatsis.gov.au/sites/default/files/products/report_research_outputs/koch-2008-future-connection-material-final-report.pdf> accessed 6 October 2015.

Law Council of Australia 2011 *Australian solicitors’ conduct rules*, Law Council of Australia, Braddon, ACT, <www.lawcouncil.asn.au/lawcouncil/images/LCA-PDF/a-z-docs/AustralianSolicitorsConductRules.pdf> accessed 6 October 2015.

McGrath, Pamela, Claire Stacey and Lara Wiseman 2013, ‘An overview of the Registered Native Title Bodies Corporate regime’, in T Bauman, L Strelein and J Weir (eds*), Living with native title: the experiences of registered native title corporations*, AIATSIS Research Publications, AIATSIS, Canberra, pp. 27–64.

Transcript Australia n.d ‘Welcome to the Transcript Australia website’, <http://transcriptaustralia.com/> accessed 5 October 2015.

Turning Forward n.d. ‘Talking Paper’, <http://turningforward.org/talking-paper/> accessed 5 October 2015.