

“For the children ...”: Aboriginal Australia, cultural access, and archival obligation

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Abstract

For whom are archival documents created and conserved? Who is obliged to care for them and provide access to their content, and for how long? The state, libraries, museums and galleries, researchers, interlocutors, genealogists, family heritage organisations? Or does material collected long ago and then archived belong personally, socially, emotionally, culturally, and intellectually to the people from whom the original material was collected and, eventually, to their descendants? In a colonised nation, additional ethical and epistemological questions arise: Are archives protected and accessed for the colonised or the colonisers, or both? How are differences regarding archival creation, protection, and access distinguished, and in whose interest? Is it for future generations? What happens when archives are accessed and read by family members and/or researchers, and what happens when they are not? A focus on two interrelated stories – firstly an experiential account narrated by Brenda L Croft about constructive archival management and access, and secondly a contrasting example relating how the Berndt Field Note Archive continues to be restricted from entitled claimants – facilitates a return to three interrelated questions: for whom are archives created and conserved, who is obliged to care for, and authorise access to, them, and to whom do they belong?

Keywords: cultural ethics, Australian museums, Gurindji, Indigenous autoethnography, provenance



Introduction¹

It's an important thing for us, to see the things in the [Berndt] museum in WA. We want to know or we want to see ... things we haven't seen for a long time.

(Gus George, video interview, Karungkarni Art and Culture Aboriginal Corporation, Kalkaringi, March 2016)

Archives matter – most of us know that – but the question of to whom they most matter interweaves the discussion that follows by contextualising and identifying distinctive and overlapping voices. Drawing attention to the personal, cultural, political, and ethical issues that evolve when the matters of archival ownership and access arise, we interpolate the impact on personal experience and dignity by recounting Brenda L Croft's story when she undertook an archival search and gaining access became a reality. Croft's story emerged within, and can be distinguished from, a contrasting example where the opposite occurred and archival access was denied. We conclude by showing, through these examples, why certain archives were not created with inbuilt obligations to future generations, and outline how an opportunity was lost when a significant change could have resulted in a productive outcome for all. Considered, too, is how and why archival access denial has resulted in both insult and obstruction, most especially for subsequent generations of Australian First Nations families, such as Gurindji families of Northern Australia. Presented also are thoughts for future generations of Indigenous and non-Indigenous families and researchers whose intentions for their own research are likely to matter far more to the people with whom they worked, rather than to themselves. Brenda L Croft's opening story, relating the profound immediacy of successfully searching for family through the archives, draws readers into the deep archival well that is explored.

Drawing from an archival well, and (re)finding loved ones

Brenda L Croft

For as long as I can remember, I have always been drawn to the archives, initially those closest to home, the personal archives of my family, and in more recent decades, those in, and of, the 'public' domain – designated official documents and material.

1 At the heart of this chapter are those to whom content most matters. Thank you in particular to Gurindji Elders who respectfully endeavoured to gain access to the Berndt Field Note Archive and to organise a visit to the Berndt Museum in 2016. Particular thanks to Gus George, Violet Wadrill Nanaku, and Ronnie Wavehill Wirrpnga, and to Penny Smith at the Karungkarni Art and Culture Aboriginal Corporation in Kalkaringi, Northern Territory. We are grateful to Erika Charola for transcription and James Marshall for film documentation. Sincere thanks also to Ali Abdullah-Highfold, Shane Agius, and Lea Gardam at the South Australian Museum for all their assistance. We have also benefited from independent legal advice, and wish to thank the *Language Documentation & Conservation* editorial team, and two reviewers, for their thoughtful and constructive feedback on our original chapter.

Both types, private and public, house profound histories – filed away in folders and boxes containing letters, notebooks, microfiche, photographs, negatives, transparencies, audio tapes, film, miscellaneous documents, and ephemera, all dependent on the knowledge holders sharing their recollections, providing the methods and means with which to decode their contents.

My mother, Dorothy, inspired the archivist in me, organising regular family slide nights, adding captions to books, papers, photographs, and slides, filing away letters, cards, and notices that held resonance for her, which she felt would hold significance for someone in our family down the track.

She was also determined to create a personal archive for my father, Joe, whose past seemed a blank beyond a certain point in his early childhood. A member of the Stolen Generations, he professed not to remember anything before the age of seven years.

This included any memory of his mother, Bessie, from whom he had been removed at the age of five in 1931, where they were interred at Kahlin Compound in Darwin. He was sent south to government-run children’s homes in the Katherine and Central Australian regions, before being sent to boarding school in Queensland in 1940.

It was there that my father assumed Bessie had died, when correspondence she sent to him during his time at All Souls Anglican School in Charters Towers, central Queensland (1940–1943), c/- Native Patrol Officer, Bill Harney Senior, ceased during World War II. Harney had kept an eye on my father, not only in his role as a native patrol officer but also because of his own connections with Charters Towers, having been born there in 1895.

How was my father to know that following the Japanese bombing of Darwin in 1942, all women and children had been evacuated to southern states? How could he not assume his mother was dead?

The birth of an(other) archive

Sandy Toussaint

It was also in the 1940s Northern Territory that newly trained anthropologists Catherine and Ronald Berndt visited the Gurindji, a language group associated with Croft’s father’s family and community, at Jinparrak, or Wave Hill Station. At that time, specifically 1944, and with seemingly good intentions on all sides, Gurindji women, men, and children acknowledged the young married couple on their traditional lands and welcomed them into their homes and lives. Conversations began, and interviews and ethnographic descriptions were recorded in notebooks. Richly woven dilly bags became the property of the Berndts, a point we develop further below. With Catherine and Ronald as interlocutors, language learning apparently commenced. It is likely that they required assistance with translations. During a two-month research time frame, cultural and linguistic material was collected, becoming information that years later informed reports and a book about the poor conditions Gurindji pastoral workers were living in, a matter that became publicly known and nationally recognised through the Equal Wages Pastoral Award in the late 1960s (Berndt & Berndt 1987). The recognition of traditional land ownership in 1976 through the *Aboriginal Land Rights (Northern Territory) Act 1976* was also a factor that drove efforts to obtain improved living conditions and rights in land for Aboriginal families, including for the Gurindji.

Gurindji men and women (and associated Malngin, Mudburra, Bilinarra, Ngarinyman, Warlpiri, and others) continued to struggle for improved working conditions and the return of their traditional lands. But the cultural and linguistic artefacts and material information recorded by Catherine and Ronald at Wave Hill, as well as at other parts of the Northern Territory (especially Yirrkala in northeast Arnhem Land and Birrindudu on the border of Western Australia and the Northern Territory),² remained in their notebooks to be later stored at the University of Western Australia's Berndt Museum of Anthropology. The notebooks eventually became known as the Berndt Field Note Archive.

Ronald Berndt passed away in 1990. Catherine Berndt died four years later. A 30-year embargo, commencing from the point of Catherine's death in May 1994, was placed on the release of their fieldnotes, meaning that none of the cultural information they had collected would be available to the families with whom they had worked until 2024. In the case of Gurindji families, this meant that the cultural information imparted to the Berndts in 1944 would not be available in response to access requests from their descendants for at least 80 years (Toussaint 2017).

Other Indigenous families have also been disaffected by the embargo but are increasingly making their concerns publicly felt. Smith, Jackson, Gray & Copley (2018), for instance, write about the embargo's impact on the Ngadjuri group of South Australia. Also in 2018, the Federal Court of Australia in the matter of *Mumbin v Northern Territory of Australia*, Griffiths J issued orders to the University of Western Australia (UWA) to provide non-party discovery documents in the Berndt Museum Collection relevant to the Katherine (Jawoyn/Dagoman) Native Title claims (FCA 2018).

The Berndt Field Note Archive was not only restricted from Gurindji and other Indigenous groups; it was also restricted from non-Aboriginal scholars working on behalf of Aboriginal people to undertake research for native title claims, such as the Kalkaringi Claim, begun in 2000 by the Central Land Council for the township where many Gurindji live. Language documentation and analysis, oral history studies, material culture research, and family inquiries indicate further reasons for which access to archival material is sought. In such a restrictive process, the Berndt Field Notes were effectively 'owned' by the Berndt Museum and decidedly kept from the descendants of the 1944 families: clearly the Berndts and later museum management did not feel obliged to make available fieldnote content to the families of the people from whom the original information had been collected.

Returning, in uneven parallel, to a more collaborative and productive, albeit emotionally anguished, archival encounter, we continue with Croft's telling story.

2 A quantity of brown paper drawings was also collected by the Berndts at Birrindudu, a small community that remains a pastoral station on the northern border of Western Australia and the Northern Territory. While collected in 1944 and/or possibly early 1945, the collection of Birrindudu artworks was not formally accessioned into the Berndt Museum's Collection until 2012 (Toussaint 2015a).

No words necessary

Croft continues ...

In an audio interview from the National Library of Australia archives that historian Peter Read conducted with my father in 1989 as research for his biography on renowned Eastern Arrernte/Kalkadoon activist Charles Perkins, my father described himself as an orphan, an assumption he had made following the cessation of letters from his mother in 1942.

He had continued thinking he had no family until he married my mother in 1962. Following their marriage in Sydney they moved to Perth, remaining there until 1968, when my parents made the decision to return to the eastern states.

In order to apply for employment my father needed a birth certificate, which he did not have, so he wrote to Harry Giese, Director of Social Welfare, Welfare Branch, NT Administration. Giese's response included news that his mother was alive. Taken aback by this revelation, my father resumed contact through letters, although he was not reunited with my grandmother until May 1974.

My family travelled to Darwin to be with her when it was clear that she was terminally ill. Prior to this, on 13 February of that year, my father wrote to Giese seeking his assistance to bring my grandmother to Brisbane Hospital for treatment, which was close to where we lived just over the border in NSW.

It is with thanks to a colleague, Luke Scholes, that this information became known to me. Luke came across my father's correspondence in February 2015 while conducting research in Harry Giese's files in the National Archives of Australia NT Archives Centre (NAA NTAC) in Milner, Darwin.

When Luke sent digital copies of my father's letter to me via email I immediately recognised the typewriter font. My mother had typed the letter on her Facit typewriter, which was then signed by my father in his beautiful Copperplate script. There is something visceral, almost physical, in the recognition of the mark making of loved ones no longer here.

Viewing the letter felt like being sucked down a time tunnel, transported to the moment when the paper was in the typewriter, the keys clacking under my mother's swift fingers, as my father dictated his concerned words. Recognition of the font also brought the memory of learning to type on that machine in our kitchen in Canberra four decades ago.

Giese's reply on 1 March 1974 states that he does not think that my grandmother will agree to leave her home at Retta Dixon to go into hospital. This was the impetus for my parents selling their newsagency in order to fund our trip to Darwin two months later.

This recollection brings to mind another memory, that of me sitting in the viewing room at the NAA NTAC at Milner on 5–6 November 2014. I am the lone occupant and the document I am reading is the Timber Creek Police Book NTRS 2771/P1, Police Book (PB) 256, 1926–1928.

The book is so fragile that the brittle pages partially disintegrate in my hands as I turn them, no matter how careful I am. Am I the first person to open this book of matter-of-fact horrors in nearly 90 years? Turning to pages 35–36, I read:

Yearly report on Aboriginals, 1st July 1927: ... The following half-castes were sent to Darwin Half-Caste Home ...,³ Joe (Quadroon), & his half-caste mother named Bessie ... Report by JK Hemmings.

The black Indian ink script of the policeman in charge at Timber Creek on 1 July 1927 is the inverse reflection of my father's signature at the end of his poignant request to Giese nearly 46 years later. Echoes rebound down the four decades hence, growing fainter with each reverberation.

This is the earliest record I have found of my father and grandmother. The breath leaves my body, like a sucker-punch to the stomach. I stand up and start pacing. I've rung someone, I can't recall who, but I'm talking gibberish. I don't realise that tears are streaming down my face, but the staff do, having been watching me through the glass walls of the room.

One staff member enters quietly, walks to where I am again sitting reading the page over and over, places a box of tissues beside me with unspoken compassion, then silently leaves the room, no words necessary.

The museum, the university, and the Gurindji request

My name's Ronnie Wavehill Jangala, I'm full Gurindji ... we want to look at that – what's it, paper, in the book ... if they've got it from Aboriginal people in the early days ... I was only a little boy at the time ... I saw those two *kartiya* [a reference to non-Aboriginal people, such as Ronald and Catherine Berndt] ... they took them, talking man-to-man ... sometimes it's secret ... if they've got it in a book, let somebody read it to me, some of it's for men's business, secret – women can't hear it, kids can't hear that information, you know ... sometimes it's alright [open], sometimes it's ceremony way ... if somebody gets that book, and reads it to me, read it, sometimes it's alright, sometimes I'll say, "No, don't share it out, it's secret business," when it's in a book, it's like that, that's all I can say ...⁴

(Ronnie Wavehill Wirrpnga, video interview, Karungkarni Art and Culture Aboriginal Corporation, Kalkaringi, March 2016).

Toussaint continues ...

The discipline of anthropology began at UWA in the mid-1950s, whereas the Anthropology Research Museum, later known as the Berndt Museum of Anthropology, was established

3 Name redacted at the request of the Northern Territory Police, Fire and Emergency Services, 8 May 2017.

4 Transcription by Erika Charola, 20 May 2016.

20 years later in 1976.⁵ The Berndt Field Note Archive is stored at the museum and its governance comes within the purview of the museum director or associate director. Records show that the Berndt Museum, and the later RM and CH Berndt Research Foundation established as part of the Berndt Bequest to the university, have received a number of formal and informal access requests to review the Berndt Field Note Archive. These have mostly come from Indigenous groups and associated researchers. Requests have increased since the implementation of the federal government’s *Native Title Act 1993*, in response to the High Court’s momentous 1992 *Mabo* decision that rejected the fiction of *terra nullius*, and acknowledged Indigenous customary law in lands and waters.⁶ On all but one occasion a request to access the fieldnotes was denied by both the Berndt Museum and the University of Western Australia’s legal office, citing will conditions: it was argued that the fieldnotes were not to be released until 30 years after Catherine Berndt’s death.⁷ It remains unclear why Catherine and Ronald embargoed their fieldnotes for three decades, to begin after Catherine’s death.⁸ But it does not seem to have been for the benefit of the descendants of the Indigenous women, men, and children who so generously provided them with substantial cultural information and other materials when they visited their homes at Jinparrak in 1944.⁹

In 2016 the Gurindji¹⁰ decided to formally approach the Berndt Museum and the Berndt Foundation to gain access to the Berndt Field Note Archive and to the information contained in the fieldnotes it held, which had been collected from their forebears eight decades earlier.¹¹ Lodged carefully and respectfully, their request did not ask for repatriation, but for viewing

5 In a report titled ‘Berndt Museum and the American Museum of Natural History in New York’ to UWA’s deputy vice-chancellor and director of Development and Alumni, Toussaint (2015b) advised that the Berndts sold 130 artefacts they had collected in the 1940s–1950s. The artefacts were sold for the equivalent of A\$7000 in an arrangement made between the AMNH and UWA with the aim of assisting the establishment of anthropology at UWA. Toussaint, alarmed by documentation about the 1957–1958 sale, visited the AMNH in 2015 and later advised relevant organisations about the find. It was unclear whether any of the artefacts were from Wave Hill. This matter, like the embargo, remains unresolved.

6 AIATSIS has a wealth of information about the High Court’s 1992 *Mabo* decision and the *Native Title Act 1993*. (<https://aiatsis.gov.au/explore/articles/mabo-case>.)

7 On one occasion only was a request acquiesced and this was due solely to a 1998 Federal Court Order in the South Australian Hindmarsh Island Bridge Case listed as *Kartinyeri v Commonwealth*. A highly supervised visit was arranged for an anthropologist to view and interpret relevant fieldnotes at the Berndt Museum, without adverse outcomes for any party.

8 Certain progress has been made with regard to policies and legislation relating to repatriation, but with the focus consistently placed on the return of human remains and sacred objects. (<http://www.collectionslaw.com.au/1repatriation>.)

9 See, for instance, Toussaint (2017, 2018) and Tonkinson (2007) for further discussion of Catherine and Ronald’s life and research.

10 The renowned ‘From Little Things, Big Things Grow’ by Kev Carmody and Paul Kelly eloquently renders the Gurindji struggle. The first lands to be symbolically and actually returned to the Gurindji are also iconically connected to senior Traditional Owner Vincent Lingiari and the 1972–1975 Labor prime minister, Gough Whitlam.

11 The Berndt Museum and Berndt Foundation were both approached because of Brenda L Croft’s successful application for a scholarship to the foundation, which listed research related to the museum as one of its aims.

and recording access only. It was accompanied by a compelling audiovisual film with senior Gurindji Traditional Owners explaining their profound concerns for their need to obtain access, combined with a support letter from the Karungkarni Art and Culture Aboriginal Corporation (2016), and another from the co-trustee of the Catherine Berndt Estate, Sandy Toussaint.¹²

The access request was initiated through artist, curator, and practice-led researcher Brenda L Croft, who had been competitively selected from a range of applicants for a research grant from the university's Berndt Research Foundation (funds for which were provided in Catherine Berndt's will and bequest to assist anthropological, archaeological, and linguistic research in Aboriginal Australia). Curiously, the Berndt Foundation Committee, while supporting Croft's application for an \$8000 research grant to undertake research toward a doctorate and an accompanying exhibition, did not support her or any combined Gurindji requests for access to the 1944 fieldnotes. Only one foundation committee member cogently advocated for Gurindji access.¹³

Further, a long-planned and agreed visit that Croft organised as part of her Berndt Postgraduate Award to view objects and material in the collection with Gurindji community members in 2016 was cancelled at short notice. The reason given, that proposed museum renovations would prevent access, was not followed with any suggested alternative date. Croft indicated that she considered her originally approved award aims were being deliberately eroded, which also affected the award outcomes.

The relationship between Croft, on behalf of the Gurindji community and the Karungkarni Art Centre, and the Berndt Museum initially began in 2015, at which point it had been both positive and encouraging. Close liaison around Croft's intended aims and outcomes, and the museum's realisation that the collection also held a series of crayon drawings, along with a number of vibrant dilly bags the Berndts collected so long ago at Wave Hill, was both exciting and revelatory. There was a great deal of communication back and forth via email between the Berndt Museum, Croft, Meakins, and McConvell, the latter providing much needed background. Digitised copies of the drawings were sent from the museum and McConvell showed them to, and discussed them with, senior men in the Jinparrak Community during preparations for the planned 50th anniversary commemoration of the 1960s Gurindji Walk-Off from Wave Hill Station. The invaluable information McConvell collated was then provided back to the Berndt Museum. McConvell also collated who could access which drawings according to the cultural information provided. Here was a clear example of two-way collaborative access that was

12 In 1993, Catherine Berndt, and Catherine's physician brother, asked Toussaint to become an estate trustee. Following Catherine's death in 1994, her brother asked Toussaint to become co-trustee (personal correspondence, Sandy Toussaint, CH Berndt Estate File). John Stanton, director of the Berndt Museum for 30 years, was co-trustee and the Berndt's literary executor.

13 In a 2016 letter to Sandy Toussaint, who supported Gurindji access and managed the Berndt Museum between October 2013 and December 2015, UWA's deputy vice-chancellor advised her that "UWA's decision is based on the intent expressed within Paragraph 6.1(a) of the Will of Catherine Berndt to impose a 30-year embargo on access to the field notes. That will be lifted in 2024. From the perspective of understanding and interpreting the Will, there is no ambiguity to that embargo. I understand that this view is in fact shared by your Co-Trustee in the estate, Dr John Stanton" (Reference F82517). Some opine that Stanton was a 'protégé' of the Berndts (see Smith et al 2018). There is no evidence to support this claim.

of prospective mutual benefit to both parties. Despite the potential embedded in a possible collaboration, it became obvious in 2016 that circumstances had changed, and museum access was denied to Croft and a planned Gurindji Elders visit thwarted. The silence from the Berndt Foundation was deafening; museum emails to Croft and others caused confusion and were unnecessarily bruising.

The denial of access to all Gurindji material held in the collection – not just the 1940s fieldnotes – short term or long term, impacted everyone involved, but to Croft, in particular, it felt like a resounding slap in the face: communication completely shut down. Surely the community’s written and audiovisual requests, with accompanying support material, to access deeply significant cultural knowledge in the archived fieldnotes could be addressed with positive and mutually beneficial outcomes?

It is possible that the Berndts were cautious about revealing their fieldnotes in case this generated criticism from other anthropologists and/or Indigenous groups, perhaps because of the contested role some anthropologists played in the 20th century. But 30 years? While it is known that certain archives need to be restricted because of gender and ritual sensitivities, most museum and gallery staff in the 21st century follow clear guidelines to protect restricted, gender-specific material. Interestingly, these rely heavily on significant Indigenous traditional protocols; this highlights how the Berndt Museum has lost an additional opportunity to involve senior Gurindji women and men and their associate researchers in the language and culture of a decision-making process relating to the Field Note Archive.

Archival and museum access denied to Gurindji

Linguist Felicity Meakins, who was working with the Gurindji community alongside linguist and anthropologist Patrick McConvell at the time of the request, has a long history of interaction with local families. They further help to contextualise and explain the difficult consequences of denied access, not only to the archived fieldnotes, but also to the material items Catherine and Ronald collected that the Berndt Museum retains, and the effect on the local community and broader, interrelated research interests.

Felicity Meakins and Patrick McConvell

Although our attempts to access the Berndt Archive are turned down, we nonetheless rely on earlier communications from the museum that there were 21 crayon drawings and four dilly bags created by Gurindji people in the collection.¹⁴ As visual objects, they have some potential for the *Still in my mind: Gurindji experience, location and visibility* exhibition Brenda L Croft is curating. We also see this as another opportunity to develop a collaborative process with the Berndt Museum with a view to repatriate and enrich the Berndt collection. We envisage researchers who have the trust of relevant Indigenous communities acting as points of mediation between the museum and these communities. Due to the short length of time that Ronald and Catherine spent in so many and varied locations, we believe it is reasonable to assume that there is still a lot of work to be done to both uncover and understand the 1940s

14 See also Toussaint (2016), who discusses inquiries relating to, and display of, the dilly bags.

collected objects and documented knowledge. The process we outline aims to resuscitate the Berndt collection in a culturally appropriate manner.

We receive what little metadata is available from the museum for the crayon drawings. The digitised images of the drawings that staff had previously sent include a few pencil annotations only, but these assist in clarifying the content and function of the drawings. It is not known whether the annotations are made by Catherine or Ronald. The arrival of the scans immediately engenders unease with Patrick McConvell as they include stick figures of spirit beings drawn by senior men. It is unclear how 'open' these drawings really are, despite the fact that they are apparently listed as 'open', or non-restricted, in the Berndt Museum's database. We consider whether it is likely that some of the crayon drawings depict acts of sorcery designed to cause harm through the very process of drawing them. There are examples of sorcery drawings in the rocky gorges close to Daguragu, where the Gurindji workers and their families had settled after they'd walked off Wave Hill Station. It becomes increasingly evident that access to the fieldnotes would give us a better sense of how to proceed with any possible knowledge repatriation, in addition to whether the drawings could be appropriately included as display objects in the *Still in my mind: Gurindji experience, location and visuality* exhibition.

Although the dilly bags are unlikely to belong to the realm of the secret and sacred, they are equally perplexing. The bags are made from modern fibres and dyes, and weaving is also not a practice among the Gurindji or their close neighbours. How did Gurindji women on Wave Hill Station come to be making string bags? The bags clearly have a story to tell, but it is likely to be one of broader regional connections between Aboriginal groups or perhaps some rapport between *kartiya* (non-Aboriginal) and *ngumpin* (Aboriginal) station women. While the dilly bags present somewhat of a mystery, the crayon drawings become a site of contestation.

Gurindji trust of outside researchers and museum staff becomes paramount in the discussion process. It is decided that Patrick McConvell, as a man with a longstanding connection to Gurindji people, is the best placed person to mediate between the archive and the community, to better understand the provenance and purpose of the crayon drawings. McConvell has also had prior experience with the problem of access to the Berndt fieldnotes when working with the Gurindji and others at Daguragu and Kalkaringi for the Central Land Council.¹⁵

We time the trip to coincide with the long-planned 50th anniversary celebration of the Wave Hill Walk-Off, the landmark event of 1966 that, as noted above, strongly aided the delivery of the equal wages to the pastoral industry and resulted in the establishment of the *Aboriginal Land Rights (Northern Territory) Act 1976*.

Patrick works with two senior men, Ronnie Wavehill and Robbie Peter. The fragility of knowledge is palpable. The age of this small group, all senior custodians of knowledge in their respective societies, adds an urgency to the task. We are reminded that knowledge is only as strong as the bodies that carry it. They gather around the drawings, trying to understand the minds of the men from 1944. Many other Gurindji men might have been able

15 McConvell notes that while he and the Gurindji community were denied access to any fieldnotes when working on the claim through the CLC, then museum director John Stanton suggested that he could have access to drawings the Berndts collected at Wave Hill. An arrangement was made to meet at Kalkaringi in the Northern Territory, but the meeting did not eventuate and McConvell heard nothing further from the museum.

to provide significantly more information, since they were adults at the time Ronald and Catherine undertook fieldwork. But they have since passed away. Ronnie Wavehill is one of the oldest culturally knowledgeable men, but he was born in 1936, so he was only eight at the time Catherine and Ronald undertook fieldwork. Robbie is also a knowledgeable Elder, but considerably younger than Ronnie. How much longer will Gurindji Elders and senior academics with connections to the community be able to make sense of the esoteric figures in the drawings, let alone the wealth of knowledge held in the fieldnotes? We report this information back to the Berndt Museum and Foundation in our application for access, and in the audiovisual film we send.

Four of the images are clearly identified by Ronnie and Robbie as depictions of men’s secret ceremonies and sacred objects. The remaining 17 images are deemed to be unrestricted and can be shown to the general public. A number of these are included in the *Still in my mind: Gurindji experience, location and visuality* exhibition. The provenance of the dilly bags is belatedly identified by Gurindji artists Ena Oscar and Kathy Wardill at the exhibition’s opening at UNSW Galleries in Sydney in May 2017. They remember Elsie Jalyawuk Nangala used to make them with a manager’s wife on neighbouring Vestey station of Limbunya.

The information about the crayon drawings and dilly bags is written up and sent to the Berndt Museum. Notwithstanding seeming opposition to fieldnote access and its painful implications, we are confident that with regard to the crayon drawings, we have successfully trialled a collaborative model of repatriation and enrichment. But we receive word later that year that the 30-year fieldnotes embargo will definitely hold until 2024, and that no access to the rest of the collection will be granted to Gurindji people and their research associates.

What of the effect of the passing of time on the cultural value of the collection, of the knowledge and information recorded by Ronald and Catherine Berndt that dates back to 1944? Their visit was brief, but some important publications resulted from it, such as the co-authored *End of an era* (1987), and *Women’s changing ceremonies in Northern Australia* (1950) by Catherine Berndt, drawn from her Master of Arts thesis on women’s secret love songs, which unfortunately put these songs into the public domain (as was not uncommon practice at the time). It is likely that these publications contain only a fraction of the knowledge senior Gurindji men and women gave to the Berndts, and no doubt only the portion that the Berndts, as young, inexperienced anthropologists at the time, could make sense of when they visited Wave Hill Station. In 2024, when the embargo is lifted, Ronnie Wavehill will be 88 years old. Senior ceremony woman Topsy Dodd will be 90. The ongoing tragedy is that neither is likely to be alive by then. If they are, and live long enough to see the embargo lifted, it may not be possible for them to fully recall and recount their cultural expertise with younger generations and researchers to elucidate meaning from the fieldnotes. A more probable scenario is that younger generations will be wary of the fieldnote and crayon drawing contents, particularly the extent to which the knowledge should be publicly available. A further outcome is that a permanent embargo will be placed on the fieldnotes, but this time it will be Gurindji-imposed.

When archival access evolves into another sort of grief

Croft continues ...

My anticipation was embodied as I wrote to the Archives Section at the South Australian Museum (SAM) on 28 May 2014, requesting copies of the images of my grandmother. I had already been liaising with SAM's Archives Section in relation to Norman B Tindale's Aboriginal Languages map, when I came across the reference to Bessie.

Finally, I'd be able to see an image of her when she was a young woman, before her face was distorted by illness, to see if my father resembled her, if I looked like her. I submitted the required indemnity form outlining my relationship.

Two days later Ali Abdullah-Highfold, Family and Community History consultant, rang to advise me that the images were part of medical records. In my excitement to see images of Bessie, I didn't really take his warning on board.

When the digital images arrived via email I opened them and was taken aback to see a partial photograph of my grandmother's face from the bridge of her nose down to her neck, with her eyes out of frame (Figure 1). The second image was of my grandmother's misshapen, 'boomerang' legs, and that was when the truth hit home.

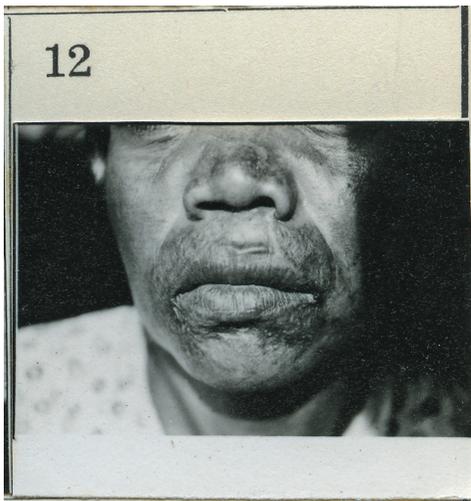


Figure 1. Cecil J Hackett, Proof number 11-12 Annotated 'Bessie Croft Chinese/native'. H/C. AA122/15/1/5/12, Hackett Collection, South Australian Museum Archives

She was the medical research subject of the photographer and doctoral researcher CJ Hackett (1905-1995). Subjected to abject debasement, dehumanised, stripped of dignity, savaged by and through the lens. My eyes burned with anger, my heart ached for her, for me not being able to see her face in full. My hope had been to see my father and myself reflected in her face, but that was denied me.

The image of her truncated face was etched into my mind. I was torn between fury with Hackett and bittersweet appreciation that he had bothered to note her name, the date, and the place where the photograph was taken - Kahlin Compound, 17 May 1934 - and most

intriguingly, her racial classification – half-caste/Chinese. The latter ethnicity was news to me, and either my grandmother provided this information to Hackett, or he surmised it from her mixed-race appearance.

Following this experiential encounter, arrangements were made to visit and view the SAM archives in early September 2014 with Felicity Meakins, following a field research trip we had undertaken to Wave Hill. Felicity was viewing material in the archives as part of her research for *Yijarni: True stories from Gurindji Country*, to which I was contributing photographs.

As I viewed Hackett’s fieldnotes and proof sheets relating to the images of my grandmother, I was struck by how less confrontational they appeared ‘in the flesh’. Proof sheet strips of 35 mm glued into a small exercise book did not have the overwhelming impact of a high-resolution scan of my grandmother’s sectioned face appearing full screen on my laptop.

I was also able to read Hackett’s hand-typed publication, ‘Another letter or a trip across Australia, 15 March to 6 September 1934, vol. 1 & 2’ (Cambridge, 1936), which read like a Boys’ Own Adventure journal of his travels through Central and Northern Australia, conducting medical research in Aboriginal communities, and in one disturbing instance, recording his gleeful grave-robbing of a recently deceased woman’s skeleton afflicted with ‘boomerang legs’, both via text and photography.

In comparison, Hackett’s thesis ‘Boomerang legs and yaws in Australian Aborigines with a description of bone lesions resulting from yaws’, which was submitted to the University of Adelaide in July 1935, was bloodless – ironical given its subject matter. A year later it was published as *Boomerang leg and yaws in Australian Aborigines* (Royal Society of Tropical Medicine and Hygiene, 1936).

I managed to secure copies of the latter two publications, but not copies of ‘Another letter ...’, nor, frustratingly, locate the negatives of his proof sheets in the South Australian Museum archives. Whether they were with the original deposit could not be ascertained.

Hackett’s degradation of my grandmother impelled the creation of a major artwork, *shut/mouth/scream* (2016b) (Figure 2), as a visual call and response to his disturbing image. I had a similar image taken of myself, using wet plate collodion processing onto tin, then scanned the image and overlaid both images with text.

My reworked image of my grandmother referenced Hackett’s notes – his racialised description of my grandmother and the date he took the photograph at Kahlin Compound; my image included my birthdate – exactly three decades after Hackett’s – my silent, visual howl, echoing over eight decades, giving my grandmother a voice, where she had so long been denied the chance to speak, my gift to her.

The relationship developed with the South Australian Museum since first accessing Hackett’s material has proved extremely positive for both of us. My work *shut/mouth/scream* has been included in the exhibitions *Defying Empire: 3rd National Indigenous Art Triennial*, at the National Gallery of Australia, touring nationally, and my practice-led doctoral research exhibition *Still in my mind: Gurindji experience, location and visibility*, also touring nationally. My reworked image of my grandmother has also been reproduced on the cover of *Visualising human rights* (2018).¹⁶

16 <https://uwap.uwa.edu.au/products/visualising-human-rights>; see also Lydon (2018).



Figure 2. Brenda L Croft, *shut/mouth/scream* (2016b)

The Adelaide venue for *Still in my mind: Gurindji experience, location and visibility* will be the South Australian Museum in October 2019 as part of the city-wide First Nations visual arts and cultural festival Tarnanthi. A public panel is being proposed, with the focus on the importance of First Nations individuals and communities being able to access First Nations material held in public archives.

Other Gurindji material held in the South Australian Museum archives included data cards and photographs collected at Inverway Station by Norman B Tindale in 1954 (see Figure 3), a decade after the Berndts visited Wave Hill Station. Some of the data cards were reproduced in the *Still in my mind: Gurindji experience, location and visibility* exhibition and *Mayarni-kari Yurrk: More stories from Gurindji Country*, and copies of the material have been repatriated to Karungkarni Art and Culture Aboriginal Corporation.

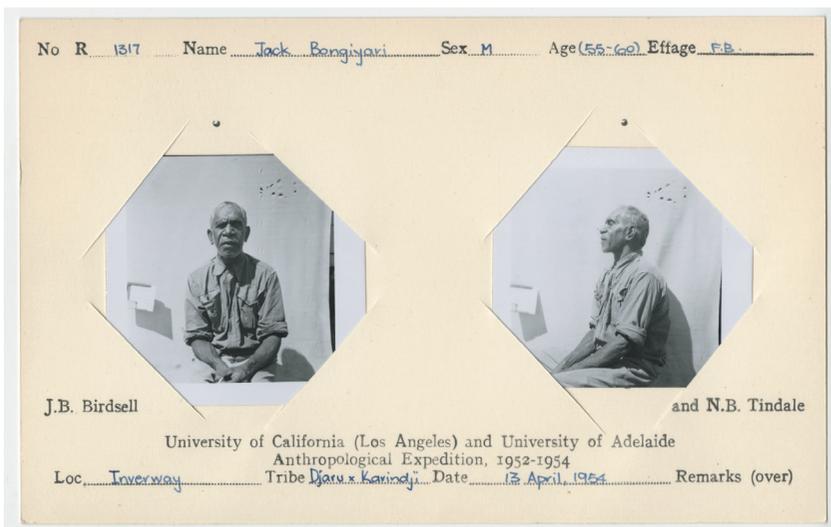


Figure 3. Joseph B Birdsell, AA346/4/22/1. 'Inverway Station data card. Image R1317 Old Limbunya, Jack Pingkiyarri Jurlama, 1954. R1317'. Board for Anthropological Research Collection, South Australian Museum Archives

It was stated at the outset that the Berndt Museum, along with the Lawrence Wilson Art Gallery, is part of the University of Western Australia’s Cultural Precinct. I had hoped that either or both institutions may have been possible venues for the Western Australian component of the *Still in my mind: Gurindji experience, location and visuality* touring exhibition. Initial inquiries received positive interest. At the same time that access to Gurindji 1940s fieldnotes was denied, and arrangements to visit the Berndt Museum were rescinded in 2016, so too interest in hosting the collaborative Gurindji exhibition lapsed.

The welcome and productive relationship that developed with the South Australian Museum, when compared to the shutdown of the relationship with the Berndt Museum, provides a stark contrasting example of how it is possible to generate a profoundly consequential two-way cultural exchange that creates something bigger together, as opposed to separately.

But we are not alone in our desire and despair about accessing First Nations’ cultural assets held in the Berndt Museum archives. As referred to above in the article by Smith et al. (2018) titled ‘Who owns a family’s story? Why it’s time to lift the Berndt fieldnotes embargo’,¹⁷ a mirror to my community’s struggle appeared. Clearly outlined is the anger and sense of injustice experienced, in particular, by Ngadjuri Elder and Adjunct Associate in Archaeology at Flinders University Vincent Copley.

For Copley, the denial of access to fieldnotes of his grandfather’s cultural knowledge that Ronald Berndt collected between 1939 and 1944, just before Ronald and Catherine Berndt undertook field research at Wave Hill, was highly distressing. Eighty-one-year-old Uncle Vince had been a friend of my late father, Joe, and his intense frustration and personal pain at being denied access to knowledge that is his birthright was unmistakable.

I was compelled to contact him, and during our telephone call we shared our exasperation at what seems a bloody-minded 21st century rendition of paternalism and control. For Uncle Vince – as with Gurindji Elder Ronnie Wavehill – six years felt like an eternity.

By the time the Berndt-imposed embargo is lifted – 2024 – it is unlikely that many, if any, of our Senior Custodians, who possess the required depth and breadth of classical Gurindji knowledge with which to decipher what is held in the Berndt archive from information collected 80 years ago, will still be here.

By that time what is held in the archives will be truly dead. It is too much to bear, it is much too late.

“For the children ...”

It’s important for this country [that] we teach our children culture. That’s why we want the important [information], for the children. We have to teach them, culture, law, everything.

(Violet Wadrill Nanaku, video interview, Karungkarni Art and Culture Aboriginal Corporation, Kalkaringi, March 2016)

17 Smith et al. (2018) (<https://theconversation.com/friday-essay-who-owns-a-familys-story-why-its-time-to-lift-the-berndt-field-notes-embargo-94652>)

Official archives, like academic institutions, vary in form, management and purpose. Archival collections in all their guises can also be places of contradiction for Indigenous Australians: women and men often feel desperate about what can seem foreboding metaphorical and literal doors, seeking knowledge and illumination of individual and collective histories, especially about family, and, where accessed, find the results tangible, precious, revealing. Those doors can sometimes seem impenetrable, however, or only open to a select few who have access to the language of the academy.

With regard to how the Gurindji request for access to the Berndt Field Note Archive and the Berndt Collection was ultimately handled, no consideration was given to the problems associated with a legal document found wanting several decades after it had been so poorly designed, and due consideration was not given to the Australian Indigenous groups most affected by its inequity. The high-level value of adding much-needed provenance was also sorely under-estimated, perhaps indicating a museum preference for the management of objects and collections.¹⁸

As we have described and analysed, generations of Indigenous women and men are still often personally, culturally, historically, and ethically excluded. Eager for discovery, seeking information about families, communities, language, and culture, Indigenous people search for what might be uncovered, while also being wary because that which might be revealed may lead to more pain and heartache for selves, families, and communities.

The Federal Court of Australia's orders to the University of Western Australia and the Berndt Museum in *Mumbin v Northern Territory of Australia* (2018 FCA 1646) referred to above add further depth and breadth to the myriad difficulties and implications of the Berndt embargo for Indigenous groups and associated researchers. The denial of archival access through instruments such as the embargo not only diverts access to the deep cultural heritage, knowledge, history, and expertise of First Nations groups, it also casts aside issues of collaboration and knowledge-strengthening, as so many senior people pass away each year. The high rates of Indigenous morbidity and mortality impact the Gurindji people as they do so many others. Opportunities to engender positive ways of enabling and facilitating access, developing relationships, reviving the original archives, and investing communities with power and pride are missed on so many critical, ethical, and subsequently important levels, despite the significance of the High Court of Australia's 1992 *Mabo* decision.

Via the interpolation of several interrelated stories, we have articulated through the unresolved Gurindji request and others in relation to the Berndt Museum that this archive was not created for the children of those from whom the material was originally collected. Ronald and Catherine Berndt, museum staff, and the university apparently felt little obligation to investigate fully, or find a legal, ethical, and culturally responsible means to advocate for, Gurindji requests for access. The Berndt Foundation Committee was also found wanting. The outcome has been a continuing grief through struggle, alongside resilience and greater confidence in Gurindji decision-making in the future, a confidence likely to inspire and hopefully empower other groups and researchers.

18 Toussaint (2017) also makes plain that universities in the future must consider whether they should accept collections tied to such unfair conditions, such as with the 30-year embargo accepted by UWA.

We have also shown that when family access to archives does occur, and archival and museum management is both positive and productive to applicants whose requests are underpinned by due cause, that it can and often does result in a generation of meaningful memories and connections, alongside the potential value of collaboration and expansion of the provenance of archival and other materials. While these experiences sometimes generate another layer of reflection and grief, they eventually find their way back to the loved ones of the persons to whom the intellectual and cultural copyright rightfully belongs. But these qualities are distant, suspended in light of dated and inequitable thinking and practice when an embargo such as that upheld by the Berndt Museum is reinforced in the face of a counter qualitative and rigorous argument about the value of provenance-adding, intertwined with attention to cultural ethics and human rights recognition in an increasingly enlightened nation.

For Croft, as family and community member, as well as scholar, artist, and applicant, the whole experience of receiving such varied archival access generated ongoing sorrow, grief, anger, frustration, illumination, and occasional joy. Both the struggle and the outcome also impacted upon Croft’s practice-led collaborative doctoral research and exhibition project. For Toussaint the specificity of the Berndt embargo resulted in an increasing disquiet, one shared by many of her peers, at a circumstance that put the profession before the Gurindji people’s substantive case for access. The process determined through the Berndt Museum, the Berndt Foundation, and by Toussaint’s co-trustee, and the university’s strategies that so discourteously and, on this occasion, so dismissively, discarded the request, also furthered her existing resolve to repatriate her own fieldwork materials, with Traditional Owner access and guidance. For Meakins and McConvell there was profound disappointment at the way in which the Berndt Museum and Foundation undermined the possibility of working collaboratively with Gurindji and associated researchers to add cultural and linguistic depth to the Wave Hill materials held in the museum collection. McConvell also tells how it was not the first time that he and the people among whom he conducted linguistic and cultural research had been denied access to the Berndt Museum.

The archives and access matter has become yet another chapter for Gurindji men, women, and children, including, and most especially, in the scenario we have described for Croft and her family. The experience adds to an already memorable, patient, and resilient Gurindji history. The words of Ronnie Wavehill best sum up a situation where so many people have been waiting for far too long ...

We don’t want to wait for too long. Some people [like] me are not too good now. We don’t want to keep it for another couple of years more ... whatever information is in that book ... we don’t want to wait, too long, couple of years, six years, ten years ... I don’t think we’ll live that bloody long, that many years ... not too good now ... that’s all I can say.

(Ronnie Wavehill Wirrpnga, video interview, Kalkaringi, March 2016)

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