Digitisation of Indigenous Cultural Objects: An Investigation into the Policy and Protocols for Digitised Indigenous Knowledge in selected Cultural Heritage Organisations in Australia and New Zealand.

By

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Table of contents

ACKNOWLEDGEMENTS **2**

TABLE OF CONTENTS **3**

ABSTRACT **7**

I. INTRODUCTION **8**

BACKGROUND TO THE RESEARCH PROBLEM 9

STATEMENT OF PURPOSE 11

MAIN RESEARCH QUESTION 11

RESEARCH SUB-QUESTIONS 11

DECLARATION OF THE GAP IN KNOWLEDGE 12

STATEMENT OF LIMITATIONS 13

Cultural Limitation *13*

Resource and Format Limitation *13*

Time Constraints *13*

ETHICAL CONSIDERATIONS AND PERSONAL BIAS 14

DEFINITIONS 14

RESEARCH PROJECT STRUCTURE 16

II. THEORETICAL FRAMEWORK **18**

INTERPRETIVIST PARADIGM 18

EMPATHIC IDENTIFICATION WITHIN THE INTERPRETIVIST PARADIGM 18

HERMENEUTIC CIRCLE 19

DISCUSSION OF REASONING 20

Positivism *20*

Post-positivism *21*

LIMITATIONS OF THE INTERPRETIVIST PARADIGM 21

III. LITERATURE REVIEW **22**

MAIN CONCEPTS OF LITERATURE REVIEW 22
LAW AND POLICY 22
Copyright, Intellectual Property and the 'soft-side' of copyright *22*
National law *22*
Special Interest Groups and forums on indigenous cultural information *23*
International policy *25*
SOCIETAL INFLUENCES 26
The Cultural Interface: Western Cultural heritage institutions - historical, political and philosophical influences and Indigenous research *26*
Political and historical influences *28*
Philosophical influences *29*
De-colonising Methodology *30*
SUMMARY OF CHAPTER 31
IV. RESEARCH METHODOLOGY 33
QUALITATIVE RESEARCH 33
GROUNDED THEORY 33
DATA COLLECTION METHODOLOGY 34
SAMPLING 35
TIMELINE OF RESEARCH PROJECT 35
V. DATA COLLECTION, ANALYSIS AND INTERPRETATION 36
DATA COLLECTION METHODS 36
ISSUES IN DATA COLLECTION 38
DATA ANALYSIS AND CODING TECHNIQUES 38
Open coding *39*
Axial coding *40*
Selective coding *40*
Memo writing *41*
Coding summation *41*

VALIDITY 43
ANALYSIS AND INTERPRETATION OF FINDINGS 44
CULTURAL INFLUENCES 45
Consultation *45*
Organisational culture / beliefs *48*
Perceptions of the organisation as a socio-cultural agent for change *48*
STRUCTURAL INFLUENCES 49
Accessibility of policy *50*
Currency *52*
LEGISLATIVE INFLUENCES 52
Copyright *53*
Indigenous intellectual property rights *55*
VI. SUMMARY AND CONCLUSIONS 57
SUMMARY OF THE STUDY 57
DISCUSSION ABOUT FINDINGS 58
CONCLUSIONS ABOUT THE RESEARCH PROJECT 59
CONTRIBUTION OF THIS RESEARCH 60
Contribution to theory *60*
Implications for further research and practice *60*
LIMITATIONS OF THIS RESEARCH 61
BIBLIOGRAPHY 62
Australian statutes *70*
New Zealand statutes *70*
APPENDIX A 72
TEMPLATE OF EMAIL REQUEST FOR POLICY DOCUMENT INFORMATION 72
APPENDIX B 75
TEMPLATE OF DATA COLLECTION SPREADSHEET 75

APPENDIX C 76

GLOSSARY OF MĀORI TERMS AND CONCEPTS 76

APPENDIX D 77

AUSTRALIAN WEB PAGES HARVESTED FOR DATA 77

NEW ZEALAND WEB PAGES HARVESTED FOR DATA 79

APPENDIX E 82

SAMPLE OF DATA FROM WEB PAGE HARVEST 82

Raw Data 82

Coded Data 83

Abstract

This research project investigates the digital collections from selected heritage organisations, exploring how/if the rights of indigenous peoples are being protected by policy and protocol documents on the World Wide Web. It purposively surveys selected heritage collections across Australia and New Zealand and explores digital collection policies at local and national level, investigating the extent of international pressure, socio-cultural influences, and legislative constraints. This research project uses qualitative methodology in an interpretive way, using the hermeneutic circle and method for the collation for data and analysis. The major theoretical finding of this research project is that many cultural heritage organisations attempt to bridge the gap between Anglo-American development of legislation and indigenous intellectual property rights by the inclusion of specific policy measures becoming in effect socio-cultural agents for change.

Keywords: Indigenous knowledge, policy, protocol, digitisation, cultural heritage organisation

I. Introduction

This research project explores how/if digitisation policies and protocols are created to enhance the relationship between cultural heritage organisations and Indigenous communities by investigating and analysing current practice.

This first chapter sets the scene for this research project and presents the background to the research problem, statement of purpose, main research question and four research sub questions. In the following sections of this chapter, the declaration of the gap in knowledge, the statement of limitations, ethical considerations and definitions are all stated to provide the context for which the research project lies. Finally, the structure of the research project is stated so that each chapter has a clear purpose and flow.

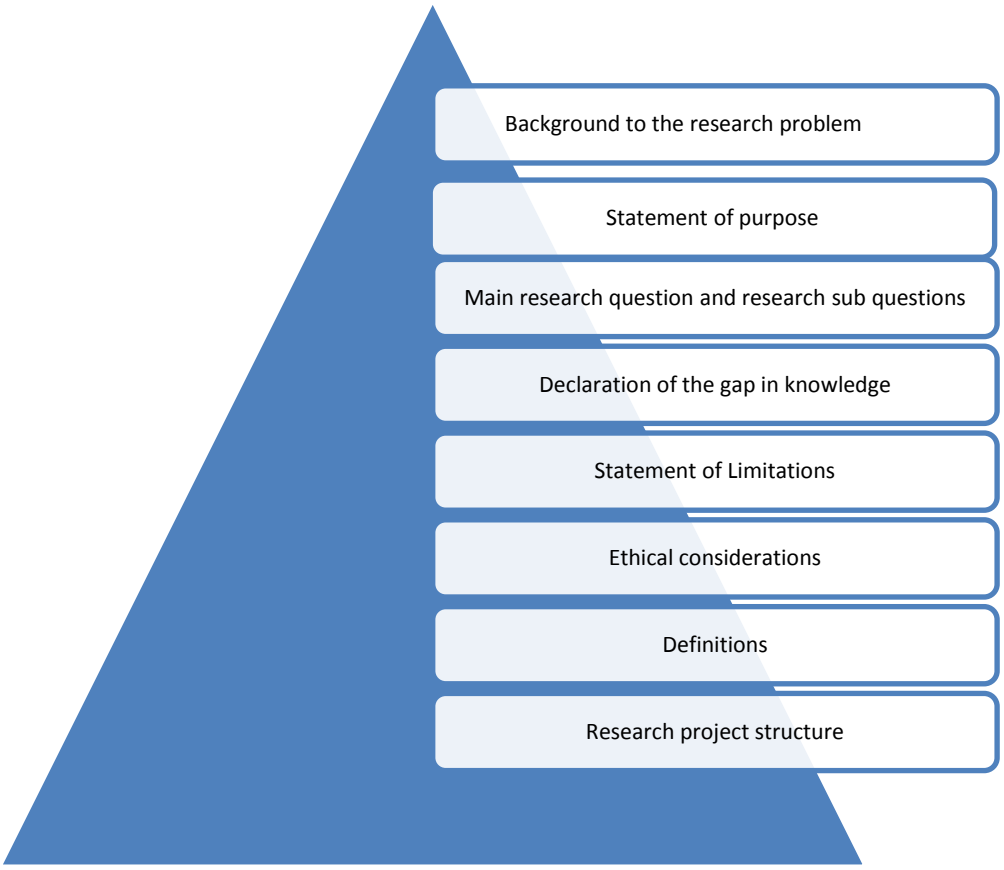


Figure 1: Structure of Introduction

Background to the research problem

More and more cultural heritage institutions in the western world are exploring digitisation as a means of preservation and/or improving access and knowledge of their collections (McDonald, 2006)**.** As a number of these institutions hold substantial collections of indigenous cultural knowledge such as Australia, New Zealand, North America, Latin America and northern parts of Europe, it is essential that these institutions build digital collections in consultation with indigenous communities, putting in place internationally acceptable guidelines, policies and practices. Some researchers in fact view that heritage organisations have evolved not only to exist within a context but transform into their own cultural context (Macdonald, 1996), some describing the digitised item as a "sociotechnical artifact" (Dalbello, 2005, p.392). In this way, cultural heritage organisations can be seen as a social reflection of the de-colonising methodologies which are prevalent in recent literature on Indigenous issues, particularly by researchers in New Zealand and Australia (Nakata 2002; Smith, 1999; Wareham, 2001). This research project explores these socio-cultural influences and issues involved with the digitisation of indigenous cultural knowledge as portrayed through policy documents, copyright information, and/or protocols displayed on the World Wide Web.

This research project investigates the current climate of how digital collections are being created, and how/if the rights of indigenous peoples are being protected and in what ways. It purposively surveys selected heritage collections across the Australia and New Zealand and explores digital collection policies at local and national level, and the extent of international

influences such as the World Intellectual Property Office and other International organisations.

The digitisation of indigenous cultural information presents an interesting dichotomy of cross-cultural relationships between an ideology from a liberal Western ideology which developed from the 19th century (Joyce, 1999), and an indigenous point of view; this intersection has been called by a leading researcher in the field, Martin Nakata as the “cultural interface” (Nakata, 2002, p.281). Some researchers contest that it is not a *hybridisation* of Western knowledge systems mixing with indigenous knowledge systems, (Brown, 2007) rather a natural evolution of *indigenous* appropriating convenient technological advances.

The history of how items came to be held in heritage organisations can itself be contentious, as the information was often appropriated in the colonisation period when indigenous people may have had limited control over what was collected and how it was interred and subsequently viewed (Sullivan, 2002). While in some Western eyes, an item may legally be owned by the organisation, there is research which suggests cultural heritage institutions are in the process of decolonising and are often integrating indigenous concerns into their procedures (Sullivan, 2002; Szeley & Weatherall, 1997; Wareham, 2001). These articles held in cultural heritage organisations are as varied as photographs, oral histories, films, geographic and genealogical information, and flora and fauna.

While there is a number of case studies of particular digitisation projects and also a number of international indigenous forums which outline the issues, the literature indicates a growing awareness for a need of consistent standards and protocols in digital collections (Nakata, 2002).

Statement of Purpose

This research project explores the digitisation landscape of New Zealand and Australia pertaining to indigenous objects (Aboriginal, Torres Strait Islander and Māori), investigating the socio-cultural influences in the development of policy, to assess the accessibility of policies on the world wide web, and finally through analysis of the data collected, to draw some conclusions on the current practices of cultural heritage organisations up to 2008.

Main Research Question

What are the fundamental characteristics of policies and protocols of cultural heritage organisations in Australia and New Zealand in relation to the digitisation of indigenous cultural knowledge?

Research sub-questions

Q1 Do heritage organisations in Australia and New Zealand structure digitisation policies that include reference to indigenous cultural knowledge? If so, how are these termed?

Q2 What are the socio-cultural issues that are involved in digitising Indigenous cultural knowledge between different cultural heritage organisations in Australia and New Zealand?

Q3 How accessible to the public are digitisation policies on the World Wide Web?

Q4 What protection exists for the cultural and intellectual property rights of indigenous people in Australia and New Zealand and is this reflected in organisational policy?

Declaration of the Gap in Knowledge

This research project probes the gap in the current literature on this topic which is predominately limited to: case studies (Faulkner & Lewincamp, 2003; Wu, 2006), individuals stating their perspective either as a developer of digitisation projects (Janke, 2006), an indigenous perspective (Nakata, 2002; Million, 2005) or from a macro level from a historical point of view which explores the societal influences over time (Joyce, 1999). This research project aims to investigate across different types of heritage organisations, which is another gap in the literature, as the majority of studies are based separately on museums, libraries, and archives not on cross-institutional study (further detailed discussion of this gap takes place in the literature review).

Statement of Limitations

Cultural Limitation

As a Pakeha New Zealander the author of this research project does not attempt to present an indigenous perspective, however it does hope to include the main issues that indigenous people have by consulting works by indigenous scholars, and exploring indigenous methodology in particular extensively reading the literature which uses a ‘de-colonising’ methodology. The project author acknowledges the limitation that this project will have in not surveying opinions from indigenous people on this topic, except for the available literature.

Resource and Format Limitation

This research project has limited resources for travel or phone interviews, therefore as the cheapest option, all correspondence and data collection methods was carried out by electronic methods, either by harvesting data by searching the World Wide Web or contacting organisations through email.

Time Constraints

As this research project takes place over 6-7 months, there is little time for a thorough census of the institutions involved in digitisation. Therefore, the research design will be directed in such a way as to induce a purposive yet manageable sample of the population for a study of this size.

Ethical Considerations and Personal Bias

As this research project is concerned with some issues which may be seen by some as politically and socially contentious, consideration of this involves careful assessment of both indigenous and Western scholarship, so that appropriate terminology and any personal bias is recognised. Personal bias of the author of this research project includes study of 'encounter history' as a major part of my Bachelor of Arts from Waikato University and a high level of personal interest in cultural history between indigenous people and particularly colonists of Australia, New Zealand and North America.

Definitions

It is important at this point to clarify the main terms to be used in this research project, as a lot of these are not standardised and could cause confusion. See also Appendix C for a glossary of basic Māori terms and concepts.

Empathic identification is defined in this research project as the epistemological stance of being able to analyse a person's motives or intentions to find an objective truth.

Hermeneutics is defined in its conservatism / objectivist viewpoint in this research project as the interpretation of text, which can uncover an objective truth.

Heritage Organisations is defined as a library, archive, art gallery or museum. (The terms ‘heritage organisations’ and ‘cultural heritage organisations’ are used interchangeably).

Indigenous cultural knowledge/information is defined as any object with reference to indigenous people such as photographs, text, and video or other audiovisual representations. It also includes artefacts and sacred objects in any format which have been created by indigenous people. (The terms ‘Information’ and ‘knowledge’ are used interchangeably).

Indigenous people In June 1989 the International Labour Organisation adopted convention 169; it defined Indigenous peoples as:

a. tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;
b. peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.

Interpretivism is defined as “a construction of multiple realities: individuals each perceive their reality through their own unique understanding and experience” (Pickard, 2007, p.295).

Qualitative research is defined as **“**empirical research in which the research explores a phenomenon using textual, descriptive narrative rather than numerical data” (Pickard, 2007, p.297).

Research project structure

This chapter follows a six-chapter structural framework as follows:

The first chapter introduces the background for the research project and poses the main research question and sub-questions, definitions of terms and the gap in knowledge.

The second chapter provides the theoretical framework for the research project, introducing the interpretivist paradigm and justification for choosing this particular framework.

The third chapter contains the literature review which places this study in the context of previous scholarship.

In the forth chapter the methodology of the research project, the means for collecting data and sampling techniques is elaborated and justified.

The fifth chapter illustrates the process of the data collection, analysis and interpretation of the original research.

The sixth chapter concludes this research project and provides a summary and conclusion.

II. Theoretical Framework

Interpretivist paradigm

This research project uses the interpretivist paradigm because its focus is to on trying to understand the *context* of the historical and cultural settings in a complex environment. This complex environment involves exploring society in relation to the development and presentation of policy and protocol at an organisational level. Thus, the epistemological stance for this study is not developed from the technological innovation of digitisation or the physical process itself, but the *societal influences* behind the decisions and practice of digitisation. In other words this research project believes that "what distinguishes human (social) action from the movement of physical objects is that the former is inherently meaningful" (Schwandt, 2000, p.191).

Empathic identification within the interpretivist paradigm

This research project author believes that the process of digitisation cannot be separated from its social context and the intentions and concerns of the individuals involved. To explore this context from an epistemological stance, this involves an attitude from the researcher of *empathic identification*. Empathic identification is "an act of psychological re-enactment – getting inside the head of an actor to understand what he or she is up to in terms of motives, beliefs, desires, thoughts, and so on" (Schwandt, 2000, p.192). In this way, the research project hopes to gain insight into the intentions of those involved in digitisation and this will hopefully lead to an objective view of what they mean.

Hermeneutic circle

This leads us to the study of the text (policy documents) itself, and the epistemological reasoning behind the analysis of text. In this research project the investigation of the text (or data) occurs at the organisational (policy document) level, as well as investigating the literature and international issues (societal level). Thus by adopting the hermeneutic circle as a method, not only the part, but the whole must be understood and constantly re-evaluated and re-visited to gain a valid understanding, as seen in the following diagram (Figure 1 is adapted from Wu, 2006, p.51).

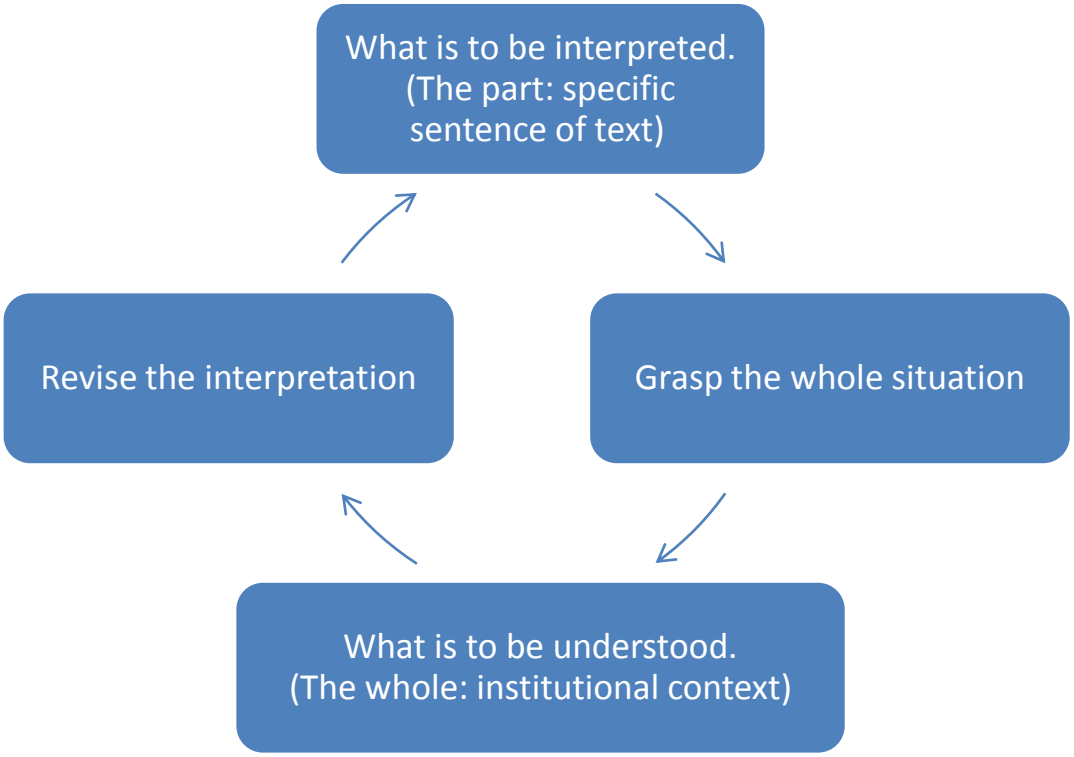


Figure II: The Hermeneutic Circle

This approach was adopted as it suited the interpretivist paradigm and took into consideration different levels of data. It should be clarified here that this understanding of hermeneutics is taken from the conservative point of view which believes that it is “possible for the interpreter to transcend or break out of her or his historical circumstances in order to reproduce the meaning or intention of the actor” (Schwandt, 2000, p.192).

Discussion of reasoning

In the following section two other major research paradigms are discussed in relation to why they were deemed unsuitable for this research project.

Positivism

As “positivism assumes the existence of an objective, independent and stable reality” (Pickard, 2007, p.8), this paradigm was deemed unsuitable because the belief in one reality does not take into account societal or cultural characteristics of individuals or the research project author’s relativist beliefs. These human characteristics and societal development are essential to the research questions development, for example using “How” and “what” questions, rather than proposing a hypothesis. Indeed, positivism starts out with a hypothesis which is tested for empirical verification (Pickard, 2007, p.9). The intended research project however, starts out with a broad question which is open to change and development within the process of the study.

Also, as positivism predominately uses quantitative research methods, it was deemed inappropriate as this research project deals with a conservative hermeneutic analysis of textual data not numerical data.

Post-positivism

Post-positivists also use hypothesis testing and its purpose remains (like the positivist), one of prediction, control and explanation (Pickard, 2007). To this research project, hypothesis testing is not the purpose of the study at all – it is the interpretivist human inquiry which is of fundamental interest.

Limitations of the Interpretivist paradigm

In all research paradigms there will be areas of weakness in relation to the interpretivist paradigm and its specific flaws to do with this research project at least one main area of concern emerges. Namely, that the researcher may misrepresent the creator of a policy document's intentions during the data analysis because by using hermeneutics to analyse text, the research may contain linguistic fallacy, which is, that the research may create meaning that may or may not have been intended by the original creator.

III. Literature Review

Main Concepts of Literature Review

The research in this area can be divided into two main areas: *Law and Policy*, and the *societal influences* such as the historical, political and philosophical contexts in cultural heritage institutions.

Law and Policy

Copyright, Intellectual Property and the 'soft-side' of copyright

This research project explores not only the western ideas of legal in terms of copyright and intellectual property, but also the 'soft-side' of copyright which includes the cultural expectations of the creators and users of intellectual property (Seadle, 2002). A fundamental issue in copyright law is that western law advocates protection for the *individual*, not for community owned information. However research in this area justly raises concerns of this ideological difference, and as such many indigenous/cultural groups are attempting to change laws, guidelines and policy at national and international levels to identify and rectify their concerns (Nakata, 2002; Sullivan, 2002).

National law

What is in the legal 'public domain' for one culture; can be *sacred* for another, but how do institutions synergise what is 'legal' to be digitised with what is ethical? This tricky grey area, is sometimes termed the 'soft-side' of copyright, and can be seen in historic legal test cases in the late 20th and early 21st

century and is also reflected the literature of this period. In legal cases around the world, the importance of correct use of indigenous information held within heritage institutions and its consequences if extrapolated to the digital context could be foreseen as devastating to a culture. For example in Australia in 1976 *Foster v Mountford* the Federal Australian Court granted an injunction in favour of members of the Pitjantjatjara council, an indigenous group, as it "was argued that the wide dissemination of this information could cause serious disruption to Pitjantjatjara culture and society should this material be revealed to women, children and uninitiated men" (Janke, 2005, p.101). If this anthropological work had been published thirty years later as an open access book on the World Wide Web, one can see the opportunity for harm and serious lack of control by indigenous people to secure important sacred knowledge.

Apart from court cases, several countries also use laws within their national law systems to protect indigenous cultural information such as the Republic of Panama (Janke, 2005) and Toi Iho, a registered trademark of authenticity for Māori art in New Zealand (Toi Iho, n.d.).

Special Interest Groups and forums on indigenous cultural information

In the 21st century there have been a number of international forums which have been important for discussing the digitisation of indigenous cultural information such as the 2001 meeting in Hilo, Hawaii on "Digital Collectives in Indigenous Cultures and Communities" (which sparked a special issue in D-Lib Magazine in 2002) and also Sofia 2006: "Globalization, Digitization,

Access, and Preservation of Cultural Heritage". There have also been a number of National level special interest groups which have instigated policy guidelines such as the *ATSILIRN protocols* (the Aboriginal and Torres Strait Islander Library and Information Resources Network Protocols), and *Proceedings*, the first international indigenous librarians' forum which endorsed the *Mataatua Declaration on Cultural and Intellectual Property Rights of Indigenous Peoples* in 2002 and the *National Digital Forum* in New Zealand.

Museums Australia have produced guiding documents and policies such as *Continuous Cultures Ongoing Responsibilities* in 2005 and in 2008 Museums Australia have been award a research grant to work on a paper entitled *Copyright and Cultural Institutions: Digitising collections in public museums, galleries and libraries* that will "will investigate copyright law in practice; namely, the digitisation practices in cultural institutions". This project focuses on Australian cultural institutions and should be a valuable overview of state differences and national level policies.

From these forums and documents, there arises an apparent affinity and collaboration between indigenous groups and organisations that foster development, share resources and provide suggestions to cultural heritage institutions on the relevant issues of indigenous people.

International policy

At an international level, there are many non-profit organisations of significance which have put forward policies to protect the rights of indigenous peoples and knowledge. These include the World Intellectual Property Organisation (WIPO), the international agency responsible for administering intellectual property, which has released a resource on *Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore Report.* Also important is the International Labour Organization (ILO), Convention No. 169 ratified in 1989 and the many protocols developed by the United Nations Educational, Scientific and Cultural Organization (UNESCO). Two recent key reports which were instigated by the WIPO have explored the Intellectual property rights in relation to cultural materials in the South Pacific (Talakai, 2007) and North America (Skrydstrup, 2006). These two reports are important in the context of the theoretical development of this research project as they are the first examples of the growing cross institutional surveys which are taking place.

Policy Analysis

While only two studies have been located thus far in the literature review which analyses cultural heritage policy and protocol (Talakai, 2007; Skrydstrup, 2006) (at least in terms of Intellectual property), the discipline of policy analysis is useful for developing a suitable theoretical framework to decipher the text of documents. Lejano (2006) is a key policy analysis text which develops and explains frameworks, such as using Qualitative,

Interpretivist and the Hermeneutic circle methodology especially in terms of sociological context (Lejano, 2006, p.105).

A recent discussion paper from the National and State Libraries Australasia *Digitisation of Indigenous Resources* (2008) contains a useful list of policy documents from libraries in Australia was completed during the course of this research project. Although this survey is quite basic, (it only lists the name of the digitisation project, a short description, institution and year of policy) it could lead to a more developed publication of specifically the state of policy in the National and state libraries in Australia.

Societal influences

The Cultural Interface: Western Cultural heritage institutions - historical, political and philosophical influences and Indigenous research

Country by country, the relationships between indigenous peoples and 'western' groups of society vary. However, the colonial nature of heritage institutions in North America, Australia, and New Zealand provide an interesting synergy of experience and development in the evolution and ideology of the heritage organisation. Indigenous knowledge has only recently received an elevation specifically in terms of scientific and medical knowledge in the western science realm (Nakata 2002; Reddy 2006). In the human sciences it has also been encouraged by the increased valuation of social and cultural diversity (Agrawal, 1995). This recent evolution of ideology is termed by some to be a process of 'de-colonisation' and relies on indigenous people retaking control of misappropriated items from the past. As such, some

scholars see digitisation as a compromise or step towards repatriation and a positive influence linking indigenous cultural information with indigenous communities (Smith, 1999). Indeed, Worcman (2002) who is the founder and director of the Museum of the Person, sees that the "creation of collaborative programs might result in projects that communities can use as tools of social development rather than projects serving only the academic community" (Worcman, 2002, Introduction, para. 5).

In the literature, there is a noticeable contrast in the research by European scholars and those of Australia, New Zealand and North America. Essentially it seems these differences surface because of these countries evolution as 'colonies', also a large portion of the research is written by indigenous people, and as some historians suggest; heritage institutions cannot be separated from their historical evolution (Hanlon, 1999). An example of this difference in theory is the article *"Sacred" or "sensitive" objects* (Derlon & Mauzé, (n.d) p.1) (in relation to the ECHO database), Derlon and Mauzé state that indigenous people are attempting to "reappropriate this notion" of the sacred anthropological item. This argument is quite euro-centric in its view and purports to elevate the evolution of western anthropological terminology above an indigenous view of "sacred". This is contrasted with local scholar's views in New Zealand and Australia who see indigenous ideas about sacred items as quite separate to anthropological theory (Anderson, 2005; Szekely & Weatherall, 1997). Hence, there is differing viewpoints based on geographic locations around the world which needs further investigation. Much of the scholarship is based on case studies such as Faulkner & Lewincamp (2003),

and Nakata, M., Byrne, A., & Nakata, V. (2005) and there is an obvious need to link, collate and consider these findings in a global context, or at least in part, by comparing Australian and New Zealand research.

Political and historical influences

There is *substantial* work in the area of the political and historical development of western heritage institutions; however I find the work of Patrick Joyce to be key in clarifying the understanding of this political and historical development. Joyce suggests that the idea of the 'public' space which was constituted by the 1850 Library Act, creating a political technology which was passed onto colonial archives in various progressions. For example, local colonial libraries had a large amount of "anthropologization" of indigenous communities which in-turn, helped colonial cultures identify and create their own unique self identity. However, this colonisation and appropriation of indigenous knowledge is not without its conflict and it is this conflict is at the centre of this research question. That is, the liberal democratic ideal that *information is for all and access should be open* versus the ideology from an indigenous point of view that *some* knowledge should be treated more protectively. Sullivan (2007) in his poem *Waka Rorohiko* confirms this:

> I heard it at Awataha Marae
> in te reo–waka rorohiko–
> 'computer waka', about a database
> containing whakapapa. Some tapu
> information, not for publication.
> A dilemma for the library culture

> of access for all, no matter who, how,
> why. A big Western principle stressing
> egalitarianism. My respects.
> However, Māori knowledge brings many
> together to share their passed down wisdom
> in person to verify their inheritance;
> without this unity our collective knowledge
> dissipates into cults of personality. (p. 5)

Other indigenous scholars such as Nakata investigate this ideological area when West-meets-indigenous which is immensely interesting and thought provoking area of information science.

Another international non-profit organisation which is relatively new but gaining adoption by some digitisation projects (especially for shared content see *Kete Horowhenua* and *New Zealand Electronic Text Centre*), is the Creative Commons Corporation's Licence. This 'one size fits all' agreement can be seen as a more globalised approach to copyright, crossing the boundaries of National laws, however the Australian copyright council in May 2006 states "the CC licenses are 'tone deaf' to the special concerns [Indigenous creators] may have about letting people use material that contains sacred, secret, or otherwise sensitive material."

Philosophical influences

The digitisation process raises issues about the nature of the digital product (Hoffman 2006; Russell, 2005). Does it have the same properties as the

original object? In several recent scholarly works, this issue is investigated, and important questions are raised such as “How do we digitize material taking into account its metaphysical as well as its digital life?” (Sullivan, 2002, Digitizing cultural material, para. 2). However, Deidre Brown (2007) suggests that technological advancement is quite separate from cultural values claiming that indigenous cultures have always been evolving and appropriating different technologies. However, other than this example, philosophical debates about the nature of a digitised object are surprisingly sparse, and would benefit from further investigation.

De-colonising Methodology

A significant influence on this research project is the literature of what is broadly defined as ‘de-colonising methodologies’ which appears in a wide range different academic disciplines, from cultural studies, historical methodology, anthropology, archaeology and ethnography. This methodology is developed by predominately indigenous scholars who have contributed greatly to this field of study (for example, Nakata 2002; Smith 1999; Wareham 2001). As the researcher of this research project does not think it appropriate for a Pakeha New Zealander to use this particular methodology, it will be avoided as a formal structure. However, by investigating the issues indigenous scholars raise, the research project does hope to provide insight on the cross-cultural issues which involve digitisation and see if they are adequately addressed, particularly in the policy documents of organisations (for example, Intellectual property rights). Thus is it in the context of other western scholars such as Janke (2005) who have written about cultural issues

between Western and Indigenous people that this research project takes place.

Repatriation

Repatriation of items (especially human remains) which have been held in cultural heritage organisations is an example of the socio-cultural influence these organisations have as active participants of social and political change. For example, the National Museum of Australia has been involved in repatriation since its inception in 1980. According to their web site (http://www.nma.gov.au/collections/repatriation) “more than 1000 individuals and over 360 secret and sacred objects have been unconditionally returned to Indigenous communities. Museum staff continue to work closely with Indigenous communities to return remains and artefacts to their ancestral custodians.” This indicates important socio-political influences in the behaviour of cultural heritage organisation regarding sacred and secret items of indigenous concern. Kelly, L. & Gordon, P. (2002) note that museums can make a difference in the reconciliation process and become a consequential influence on future practice and social change.

Summary of chapter

In this chapter the literature which has emerged in this area can be seen as coming from a large mixture of disciplines; from cultural studies, legal case law, historical, anthropological to information science. Predominately though, a trend has emerged that a large proportion of the work come from institutions themselves, who often self-fund papers and projects to better understand the

environment in which they digitise collections such as Faulkner & Lewincamp (2003), and Nakata, M., Byrne, A., & Nakata, V. (2005).

The specific gap in knowledge which this project desires to help populate is an investigation of both Australian *and* New Zealand cultural heritage organisations that provide access to indigenous cultural knowledge and the different protocols that are explicitly divulged on the World Wide Web. By studying this gap, it is hoped that a deeper understanding of the issues surrounding the digitisation of indigenous cultural knowledge is gained and the socio-cultural environment is revealed.

IV. Research Methodology

In this chapter the methodology of this research project, the means for collecting data and sampling techniques is elaborated and justified.

Qualitative Research

Emery and Cooper (1991) put forward the idea that the primary condition for selecting a research methodology was determining the nature of the research questions being posed. The fundamental nature of this project is the *exploration* of the topic, starting with a very broad research question and then allowing the data to influence the direction to new opportunities or ideas which may arise. In other words, it is the *journey* that constructs the methodology, being intrinsically *emergent* in design, so as not to limit the path of the researcher's inquiry (Creswell, 2003). In this way a *qualitative approach* was deemed the most suitable. However in the following section the multiple aspects of qualitative method are explored and expanded to link to the context of this study.

Grounded theory

Qualitative research is fundamentally *interpretive* and therefore suits the epistemological stance put forward in the second chapter of the proposal. (Creswell, 2003)

The discovery of data for this project is based on the *process* of 'grounded theory analysis', that is, the way in which the data will be gathered in a holistic sense (Pickard, 2007). This suits the 'hermeneutic circle' stance and method

of the collation of data and understanding, thus assuming that the research questions may evolve and change during the study.

For the practical research methods, this project has only one means of obtaining data; from policy documents employing analysis through coding which will be explored in Part V of this research proposal.

Data collection methodology

Data collection derives from two harvesting techniques, either from:

a) locating documents directly from the world wide web, and / or
b) requesting documents from the institution.

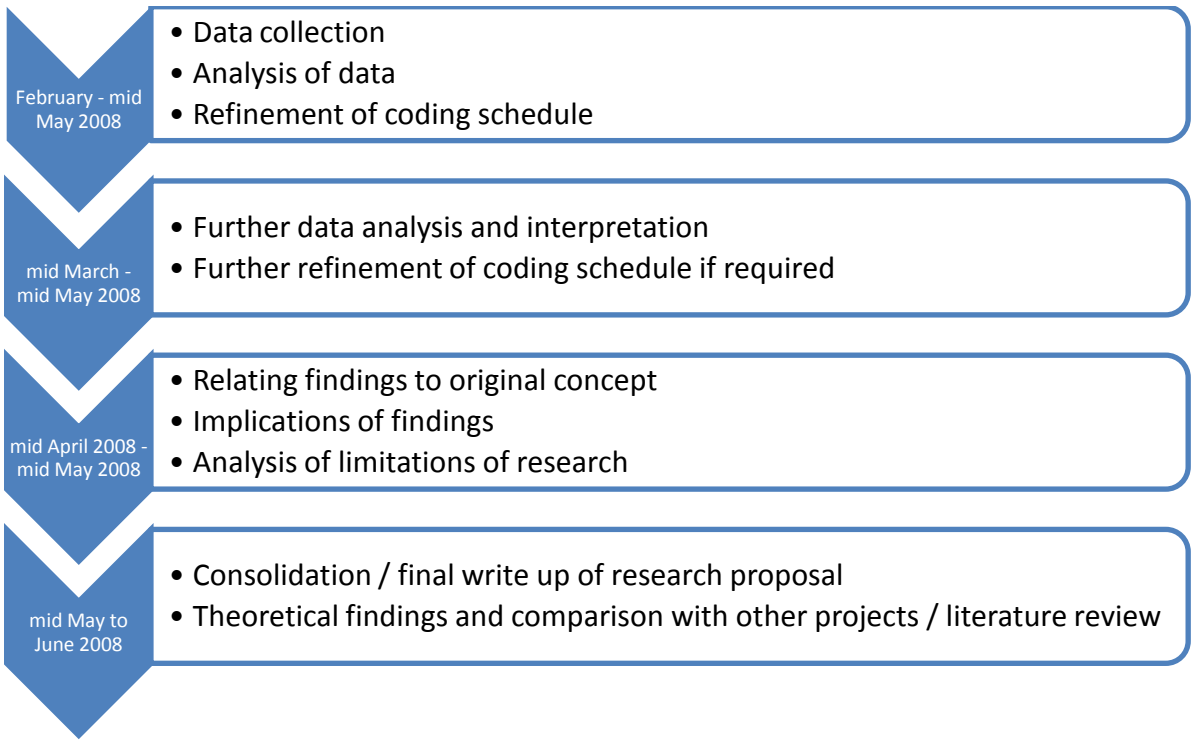
While harvesting policy and protocol information from the World Wide Web (the web) directly was seen as the easiest way to locate the data, institutions were also contacted by email to authenticate and locate policies which were harder to locate from the web (see template in Appendix A). This method of acquiring data did not require Human Ethics committee approval as this research project did not solicit ideas thoughts or opinions from institutions or individuals. The data collected was only that of publically available material, therefore no anonymity for organisations was deemed necessary for this research project. The next chapter describes the process of the data collection in detail.

Qualitative software for the analysis of data was not chosen as the sample size was not large enough to justify it. Also, the themes and close reading of the data was seen as an important process for interpretation and knowledge of the context of study.

Sampling

For this project *purposive sampling* will be used to ensure a cross-section of heritage institutions and to limit the size of the sample base to one which is realistic for the size of the project. Digitisation projects will be chosen from the National Digital Forum's registration of digitisation projects for New Zealand, and the National Library of Australia's digitisation project web page for Australia. To supplement this, the Talakai (2007) WIPO report was also harvested for digitisation project and policy link information.

Timeline of Research Project



V. Data collection, analysis and interpretation

The process of the data collection, analysis and interpretation are introduced in this chapter of the research project.

Data collection methods

As mentioned in the methodology section previously, this research project uses 'grounded theory analysis' as a research process, therefore the approach to data collection and analysis must be iterative (Creswell, 2003). The sampling technique is driven from this "bottom-up method" and is both *purposive and theoretical*, and thus *from the data itself* the creation of codes and categories will emerge (Creswell, 2003). This fits into the context of the study as it is intrinsically interpretivist and by using a method like grounded theory, this helps to unlock the evidence with the least influence from the protagonist (the researcher) as possible. The decision to use this process was based on reading other research projects from Information Science students in the field, such as Wu (2006). Wu's research project in particular helped clarify how an open research question could benefit someone who wasn't an expert in the field to have a unique insight and a less biased preconception – thus the discovery process itself is an essential part of the project design. The specific web pages which form the basis for data collection are the National Digital Forum register of digitisation initiatives (http://ndf.natlib.govt.nz/register/register.htm), and the also the Australian National Library registration of digitisation projects (http://www.nla.gov.au/libraries/digitisation/projects.html) and complimented by the WIPO study by Talakai (2007). Although these web pages are not

comprehensive, they provide a large enough sample of major and established digitisation projects in Australia and New Zealand to provide a suitable basis for analysis. Only digitisation projects that were seen to hold images relating to indigenous knowledge were included which led to a further selective sample (31 documents).

The data collection focused on the harvesting of publically available web documents in the form of formal policies, protocols, terms and conditions or guidelines. The *advantages* of selecting documents as a type of data are listed by Creswell (2003, p.187) as it:

- "[e]nables a researcher to obtain the language and words of participant
- Can be accessed at a time convenient to the researcher – an unobtrusive source of information
- Represents data that are thoughtful, in that participants have given attention to compiling
- As written evidence, it saves the researcher the time and expense of transcribing".

Creswell (2003, p.187) also lists some *disadvantages* of this type of data such as it:

- "May be protected information unavailable to public or private access
- Requires the researcher to search out the information in hard-to-find places
- Requires transcribing or optically scanning for computer entry

- Materials may be incomplete
- The documents may not be authentic or accurate".

An attempt was made to limit the effect these disadvantages would have on this research project by an attempt to authenticate the policies by contacting the organisations and also try to locate 'hidden' information which was not produced on the organisation's web sites by directly contacting the parties involved.

Issues in data collection

One of the major issues in the process of the data collection was the length of time it took to harvest the data. This was because the web pages sourced for the lists of digitisation projects were out of date with information that was maintained with varying accuracy.

The other issue was the lack of response from the email request for information which had not been anticipated. Of a total of 179 email requests, only seven replies were gained, making this an unviable way to triangulate the data. Thus the predominant means of data analysis and interpretation came from the manual harvesting of data.

Data Analysis and Coding Techniques

The process for coding the textual data of this research project was divided into the following parts: open coding, axial coding and then selective coding, this is defined as the "constant comparative method of analysis" (Pickard, 2007, p.242).

Thus the “purpose of coding in the constant comparative technique is to:

- build rather than test theory
- provide researcher with analytic tools for handling masses or raw data
- help analysts to consider alternative meanings of phenomena
- be systematic and creative simultaneously
- identify, develop, and relate the concepts that are the building blocks of theory.” (Strauss & Corbin, 1998, p.13)

This form of coding the data and constant comparison fits directly into the interpretivist epistemological idea of the hermeneutic circle (as mentioned in Chapter II), because it emphasises the need to understand the part (coding of specific text), whilst keeping in mind the whole “(the complex of intentions, beliefs, and desires or the text, institutional context, practice, form of life, language game, and so on)” (Schwandt, 2000, p.193).

Open coding

Firstly, the data was cut and pasted into a ‘word’ document for ease and stability for coding. *Open coding* refers to the part of the analysis that deals with the labelling and categorising of phenomena as indicated by the data at a reasonably broad and abstract level (Strauss & Corbin, 1998). This was an important first step to begin to identify the major themes of the data collected. The data was manually scanned by close reading and highlighted using different shades to identify relevant and intrinsically meaningful sections of the text. Similar sections were given the same highlighted shade and grouped by

the same label to form what is named categories (Strauss & Corbin, 1998). These first major categories were broadly identified as:

- Cultural influences
- Legislative influences
- Structural influences

Axial coding

The next step in the analysis process involved “relating categories to their subcategories, termed ‘axial’ because coding occurs around an axis of a category, linking categories at the level of properties and dimensions” (Strauss & Corbin, 1998, p.123). This meant sorting the raw data into further categories, but thinking about the validation of these categories additionally by “looking for verification of [the] categories and variations and contradictions in the data” (Pickard, 2007, p. 244). The design this took can be seen in the data tree following the selective coding description, including descriptions which links to the original data found.

Selective coding

Wu (2006, p.70) explains that selective coding “involves the integration of the categories that have been developed to form the initial theoretical framework”. In this research project, this involved identifying “core categories to which all other categories are linked as subcategories” (Pickard, 2007, p.244). This is a key moment in this research project as this discovers the studies “conceptual framework, which forms the basis of [the studies] emergent theory, our

working hypothesis generated from the data, by the data" (Pickard, 2007, p.244).

Memo writing

During the process of coding and reading the texts, memos were written down in a specific column of the *Collection of data spreadsheet* (see Appendix B). This helped identify any ideas or changing personal dialogue I had with the data I was collecting, and how this related to the context of the research project as a whole.

Coding summation

The following tree, which was developed for this research project, details the categories, themes and description which emerged during the analysis of the data.

Categories	Themes	Description
Cultural influences		
	▪ Consultation	
		▪ The description of consultation with indigenous communities
		▪ The description of consultation with other stakeholder groups
	▪ Organisational culture / beliefs	
		▪ The description of the organisational position towards the digitisation of indigenous cultural knowledge

- Perceptions of the organisation as a socio-cultural agent for change
    - The description of the organisation as an active participant in socio-cultural change
- Perceptions about use of digitised indigenous knowledge
    - The description of the organisations perceived responsibility for the use digitised indigenous knowledge
    - The description of use of images of deceased persons
    - The description of old captions or subject headings created by the organisation
    - The description of the use of portraits
    - The description of the use of secret or sacred information

Legislative influences

- Perceived influence and inclusion of legislation
    - The description of National, State and International level legislation within the document
    - The description of copyright and how this influences the digitisation policy
- Perceived influence regarding indigenous intellectual property rights
    - The description of indigenous intellectual property rights [not covered by copyright]

Structural influences

- Accessibility of policy
  - The description of the placement of policy or protocol information on the organisations web site
  - The description of restrictions placed through design of the organisations web site
- Currency
  - The description of the currency of policy or protocol information on the organisations web site
- Terminology (Characteristics)
  - The perception of the depth of material on the organisations web site
  - The description of the communication of policy and protocol information

Validity

A weakness in this research project is that the document data is based only one coding method which may lead to a one dimensional result. However, by using the Hermeneutic circle going from “context back to the text to seek a renewed, deeper interpretation” (Lejano, 2006, p.103), it is hoped that a certain logical validity will become apparent over the course of analysing many different policy documents. Rich, thick description is used to convey the results (Creswell, 2003, p.196), using quotes from the documents collected to

support the themes and coding decisions which will take the form of a descriptive narrative.

Analysis and interpretation of findings

In the previous section of this chapter, the description on *how* the data was collected and analysed following the structure for an interpretivist study has been explained. In the following section, the interpretation of data is presented in the form of a descriptive narrative with the use of quotes to validate the findings. This narrative reflects on the findings of this study in relation to the research questions based on the hermeneutic journey of understanding.

A traditional approach to analysing the data was taken instead of resorting to computer-aided software. This decision was based on the *size of the data collected* (under 100 pages of text) and also based on the *structure and simplicity of the documents collated* which was easily deconstructed by the use of highlighting key parts of the text. Instead of quantifying these results (for example, how many digitisation projects say theme x and how many times), this research project intends to report the themes that emerged from the data, what policy makers in cultural heritage organisations deem important in a purely qualitative manner.

The interpretation of the data will be separated in the three broad themes which emerged from the data; *cultural, legislative* and *structural influences*.

Cultural influences

In terms of the research questions, this category relates to sub-question two:

> **Q2** What are the socio-cultural issues that are involved in digitising Indigenous cultural knowledge between different cultural heritage organisations in Australia and New Zealand?

The question is the basis for attempting to investigate the *relationship* between policy makers (the cultural heritage institutions) and indigenous cultural knowledge/people.

During the coding of the data, four themes that related to cultural influences emerged, these being:

- Consultation
- Organisational culture / beliefs
- Perceptions of the organisation as a socio-cultural agent for change
- Perceptions about use of digitised indigenous knowledge.

Consultation

A common reoccurring theme across cultural heritage organisation policy and protocol documents' is the idea of *consultation*. This process of consultation occurs not only with indigenous groups, but with other stakeholder groups who may aid in the organisations understanding and treatment of digitised objects. Some of these groups were placed within the organisation itself such as the State Library of Queensland's *State Library's Indigenous Advisory Committee* and the *Torres Strait Islander Reference Group*. The Auckland Museum has a *Taumata-a-Iwi* (Maori Advisory group) and a *Maori values team*. These groups play an important part in representing the indigenous

point of view for policy creation and other indigenous issues at the museum guiding not only users of the collection, but the management of these artefacts as an evolving and continuing process. The Auckland Museum advises that "Taumata-a-Iwi acts in a trustee role in representing the interests of Maori and advising the Trust Board on matters of custodial policy and guardianship of taonga (Maori ancestral treasures) and any whakapakoko, uru moko and koiwi (indigenous human remains) held by the Museum". This trend of consultation is also emerging in international literature (as reported in the literature review), so we can see this theme relates to wider research outside of Australian and New Zealand, Worcman (2002) who is the founder and director of the Museum of the Person, sees that the "creation of collaborative programs might result in projects that communities can use as tools of social development rather than projects serving only the academic community" (Worcman, 2002, Introduction, para. 5).

Another technique employed by organisations (as seen previously in the literature review (Faulkner & Lewincamp 2003; Nakata, M., Byrne, A., & Nakata, V. 2005)) is to conduct a case study on a particular digitisation project to understand the issues involved. The New Zealand Electronic Text Centre created a report to investigate concerns and justify *policy decisions* for digitising certain sensitive material for a specific project, stating their intentions in the following quote:

> "We wished to better understand the sensitive issues around making publicly available online this work which, while recognised as a significant part of New Zealand's documentary heritage, contains Mātauranga that belongs to the wider Māori community and images of mokamokai and ancestral remains."

In this way, the depth of consultation reflects the varying relationships between cultural heritage organisations and indigenous communities. This relationship is based on a shared history of change; from a time of colonialism and appropriation to a ‘de-colonisation’ process where control over indigenous heritage items has shifted. This ‘de-colonisation’ methodology appears in the literature of predominately indigenous scholars who have contributed to this field of study (for example, Nakata 2002; Smith 1999; Wareham 2001).

Consultation was not a constant theme however, and was undertaken by varying degrees of importance depending on the organisation. There were a number of sites which had digitised indigenous objects which had no reference to consultation in their digitisation policy or protocol guidelines.

Through interpretation of the data there can be seen that there is an emerging standards scheme which is predominately being formed, particularly by museums in Australia and New Zealand. While there is no ‘best practice’ of consulting with the indigenous stakeholders either in Australia or New Zealand across organisational boundaries, there are some similarities/themes which include;

- statement of importance of involvement/meeting with community groups or expert individuals,
- providing an ongoing contact for concerned indigenous communities to discuss issues, and
- providing a network/knowledge of support for smaller organisations.

Organisational culture / beliefs

Policy and protocol documents proved to be an interesting window into the organisational culture of an institution. Indeed, the more financially supported organisations are becoming *resources in themselves* by advising smaller organisations which would not be able to invest the time or investigation into constructing a model for policy development in relation it indigenous artefacts. The Museum of New Zealand Te Papa Tongarewa (Te Papa) is an example of this by the amount of guidelines it produces and its community work to promote best practice. Te Papa's policy and protocol framework is comprehensive and a leading advocate for the digitisation and care of indigenous knowledge. This finding is supported by the depth of information on Te Papa's site and a corresponding study (Talakai, 2007).

Perceptions of the organisation as a socio-cultural agent for change

An interesting theme which emerged was the self-realisation of some organisations of being a socio-cultural agent for change. For example, on the National Museum of Australia's web page they promote their own work "[t]he Museum has been returning remains and objects since its inception in 1980 and is recognised nationally and internationally for its repatriation work" (http://www.nma.gov.au/collections/repatriation/). This shows that cultural heritage organisations are aware of their own influence on the historic development of colonial and indigenous relationships. This idea of the organisation as a socio-cultural agent for change is also elaborated in the section of the interpretation regarding the intellectual property rights of

indigenous people, where policy can be seen to bridge the legislative gap in the use of digitised knowledge (see p.55).

Perceptions about use of digitised indigenous knowledge

While the perceptions of use that emerged were varied, a reoccurring statement in policies emerged as viewing certain images as having “special significance” for indigenous groups. This led to protocol advice for the users of digitisation projects “to treat these images... with respect”, the term “respect” was very prevalent in the data and can be seen as setting the tone for the use of digitised material and a key socio-cultural indicator.

In some cases however, no mention about the use of digitised indigenous knowledge was mentioned on the digitisation’s projects web page. These results may correspond to the degree of sensitive material that had been digitised or was actually present in the cultural heritage organisations collection, but to determine the depth of each collection in this way is beyond the scope of this research project. A possible reason for the absence of any statements on the web site is that permission for the use of each item had been granted at a previous time, but this should be reflected on the web page to guide subsequent use.

Structural influences

Structural influences in the context of this study means the practical limitations that the format of displaying policy information on the web. This includes how the policy is accessed (accessibility of policy on the World Wide Web) and

when the policy was created (currency) and the characteristics which emerged. While this may have been an opportunity to use quantitative method or mixed methods for interpreting the data collected, the research project was more interested in displaying a deeper interpretation of the way in which the web pages were structured. This is indicated in the wording of sub-question one:

> **Q1** Do heritage organisations in Australia and New Zealand structure digitisation policies that include reference to indigenous cultural knowledge? If so, how are these termed?

This broad question firstly asks if references to indigenous cultural knowledge *exist* in digitisation policies on the World Wide Web, however it goes on to ask 'how are these termed?' This was done specifically at a very broad level to investigate the content of the digitisation policies themselves without restricting the analysis with any preconceived ideas.

Accessibility of policy

This part of the interpretation of data related to the analysis of research in relation to sub-question three:

> **Q3** How accessible to the public are digitisation policies on the World Wide Web?

The accessibility of policies on the web was explored during the point of harvesting of the data, for example whether the policy was available from the digitisation home page, if it was negotiated by a number of mouse clicks, if it was hosted on a 'sister site' or if it had to be requested directly from the organisation.

The description of restrictions placed through the actual design of the organisations web site was also investigated. In particular, galleries in New Zealand provided a ‘stop-point’ where the database itself was bridged by formal acceptance of the correct use of the site. In this way part of the agreement went beyond the typical acceptance of copyright use, in that the use of digitised indigenous images would be used with respect and special qualities of images would be maintained. The Auckland Art Gallery Toi o Tāmaki, for example, stated the following:

> “The Auckland Art Gallery Toi o Tāmaki is grateful to all the descendants who have given permission for images of their ancestors to appear on this website. These images have a special significance for Māori and we ask users to treat these images, and other portraits, with respect. Please view and store these images in study areas only. The presence of food and drink or display in inappropriate ways will denigrate their spiritual significance.”

Then visitors of the site had to click on a link which meant they accepted these conditions of use. The later statement in the policy from Toi o Tāmaki is particularly interesting in relation to the literature review is the philosophical idea that the digitised image maintains its ‘mana’ through its change in format (Sullivan, 2002, Digitizing cultural material, para. 2). This could be an interesting avenue for further research.

Currency

The description of the currency of policy or protocol information on the organisations web site was one where this research project failed to uncover any conclusive evidence. This was initially going to be covered by the research 'request for information' (see Appendix A) by questions C and F, namely:

- What date were these documents created (if known)?
- When will your policy documents be scheduled for updating (if known)?

However as the respondent level was so low, these limited findings could not add to any development of theory.

Legislative influences

The issue for protecting cultural heritage is multilayered and complex, especially in relation to exploring the legislation at National, State (within Australia) and International level.

In investigating the different perceptions about legislation that emerged from the data, it was important to relate the findings to the legislature in place. For example, the state of Victoria has some protections for the governing Aboriginal cultural heritage from the Aboriginal Heritage Act 2006 (Vic), which came into force on 28 May 2007. This legislation is significant in that it recognises Victorian Indigenous people as the "primary guardians, keepers and knowledge holders of Aboriginal cultural heritage" (Aboriginal Heritage Act 2006 (Vic), s 3(b)). This Act in section 132(1)(a) also establishes the Aboriginal Heritage Council which is an important advisory group for the

effective protection and management of Indigenous cultural heritage. This change in the statute law can be seen as an important shift in the balance in recognising the rights of indigenous people as a collective group.

When collecting data from the State Library of Victoria's copyright and policy information, no mention of the Aboriginal Heritage Act 2006 was found by this researcher, nor was any policy on the recognition of Indigenous people as "primary guardians". This may be seen in this specific case as simply an example of an organisation not being able to keep its policy documents up to date, or have obligations clearly stated on the World Wide Web, however it is not within the realms of this research project to investigate the reasons further.

International conventions were infrequently referred to in the data. This was a surprise as the literature often refers to protocols such as the *Mataatua Declaration on Cultural and Intellectual Property Rights of Indigenous Peoples* (2002) and the influence of the World Intellectual Property Organisation.

Copyright

The investigation of the differing levels of detail of copyright and how this was placed next to policy about indigenous cultural knowledge was an interesting theme which emerged in the data. The copyright acts in both Australia and New Zealand only address copyright in the terms of the individual and as such does not address indigenous ownership. However, the way in which cultural heritage organisations applied and divulged this information is a key finding in this research project. The statements followed a natural hierarchy from State

law (Australia only), to National law, to mentioning International conventions, and then to list third party rights. The State Library of New South Wales copyright statement is an example of the usual flow of information:

> © 2004. All rights reserved. Copyright in material contained within or comprising this website (including images, text, sound and video files, computer programs, databases and scripts) is administered by the State Library of New South Wales and is owned by the Library Council of New South Wales (the governing body of the State Library of New South Wales) or the State of New South Wales in accordance with the Copyright Act 1968 (Cth) and international copyright laws. Some material on this website may belong to third parties and is included on this website by arrangement.

After this segment the statement of consideration to indigenous digitised images was usually placed in the policy or protocol document. This was judged by this research project as being an important decision that policy creators had made, as this placement added to the authenticity and formalisation of the allowed usage of the web sites images.

An interesting unique case of using different copyright protocols on different digitisation projects within the one organisation was demonstrated by the New Zealand Electronic Text Centre (NZETC). This is a case of an organisation choosing carefully the appropriate copyright agreement to the appropriate collection. For example, for selections of its shared content the NZETC chose the Creative commons *Attribution-NonCommercial-ShareAlike 3.0 New Zealand* agreement so that it promoted a community of shared and open access. For other digitised collections it promoted a general policy which had copyright restrictions which strictly followed the New Zealand Copyright Act;

however for sensitive digital collections it was much more considered and consultative particularly for the "*Moko; or Maori tattooing" project* (2007).

Indigenous intellectual property rights

The next emergent theme relates to the analysis of research in relation to sub-question four, namely:

> **Q4** What protection exists for the cultural and intellectual property rights of indigenous people in Australia and New Zealand and is this reflected in organisational policy?

The theme that Indigenous intellectual property rights is insufficiently protected in the legislation was present in many of the institutions, especially those that were previously identified from the socio-cultural influence section as having an organisational culture which recognised the unique rights of Indigenous people in some way. This key paragraph from the State Library of Queensland *Protocols for Aboriginal and Torres Strait Islander collections* expresses this stance of the organisation allowing for the deemed inadequacies of the law.

> Much of the material in the State Library's collections, with the exception of material which is now in the public domain, remains subject to relevant copyright laws. In many cases the State Library is the owner of copyright, in others copyright is owned by the individuals or entities which created the particular work or material. However, the cultural and intellectual ownership rights of Aboriginal people and Torres Strait Islanders are, at the time of the development of these protocols, not enshrined in legislation, whereas copyright is well covered. The State Library recognises the lack

> of a legal underpinning for Indigenous cultural and intellectual rights but acknowledges the importance of these rights for Aboriginal people and Torres Strait Islanders.

This research project interpreted this to mean that cultural heritage organisations played an active role of being intermediaries between the law and indigenous concerns which were not recognised in the current legislation. In this way, cultural heritage organisations bridge the gap between Anglo-American development of legislation and indigenous intellectual property rights. This is the main theoretical finding of this research project.

A sample of the raw data is placed in Appendix E.

VI. Summary and conclusions

This chapter concludes this research project. The chapter is divided up into the following sections - as visually presented in the following table which has been adapted from Wu (2006, p. 180) for this research project.

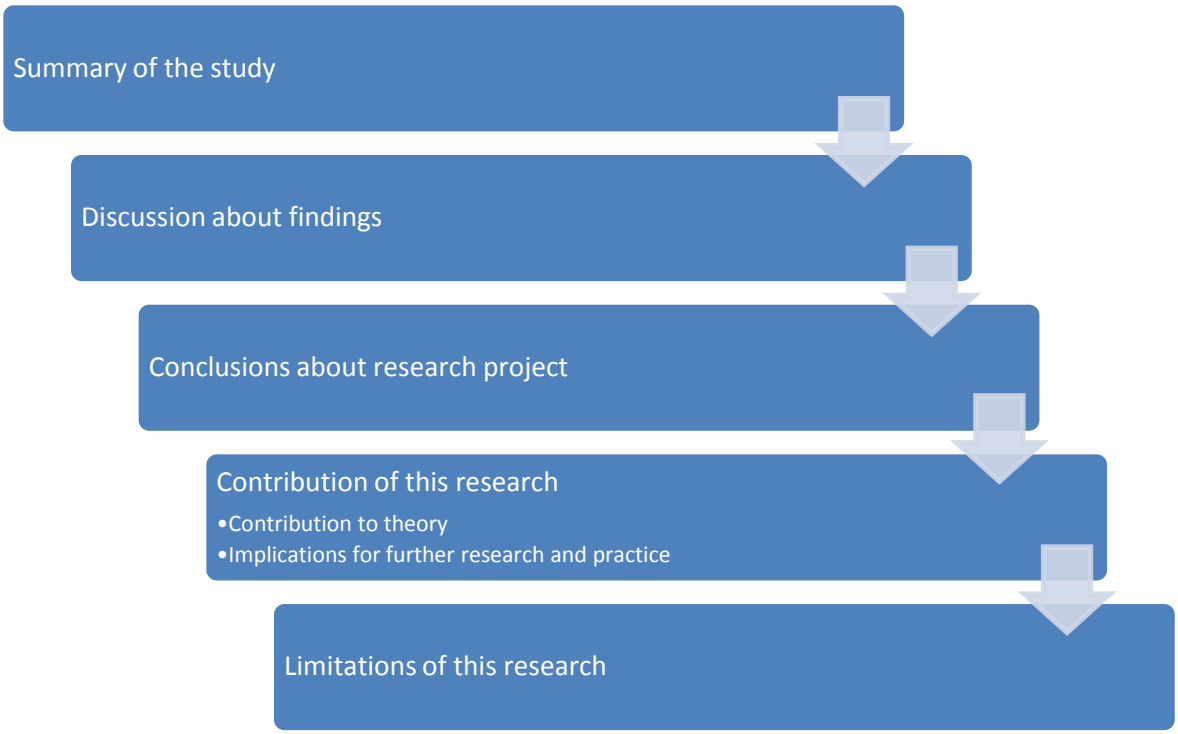


Figure III: Structure of Chapter VI

Summary of the study

This research project proved to be an interesting investigation into the current climate of policy and protocol development of cultural heritage institutions web site. It provided some key theoretical findings that included that cultural heritage organisations played an active role of being intermediaries between the law and indigenous concerns which were not recognised in the current legislation. It also added to the literature by presenting a study at the macro

level between two countries and across different types of organisations (libraries, galleries, museums and archives). The research study also presented interesting findings about the socio-cultural influences which emerged in the data and the degree in which the organisational culture of the institution played in the creation of policy and protocol information.

Discussion about findings

It is now time to reflect on whether this study answered its own need for information by returning to the main research question for this research problem:

> What are the fundamental characteristics of policies and protocols of cultural heritage organisations in Australia and New Zealand in relation to the digitisation of indigenous cultural knowledge?

The main categories which were illustrated in the previous chapter are the themes of Cultural, Legislative and Structural influences. These can be seen as the answer to the main research question as they outline the fundamental characteristics of the policies and protocols of cultural heritage organisations in Australia and New Zealand. These fundamental characteristics included that cultural heritage organisations play an active role of being intermediaries between the law and indigenous concerns which are not recognised in the current legislation. In this way, cultural heritage organisations attempt to actively bridge the gap between Anglo-American development of legislation and indigenous intellectual property rights. Another key finding is the extent *consultation* plays in validating the access to digitised indigenous knowledge.

Conclusions about the research project

The many complex issues that relate to integrating an institution which is heavily structured with Western ideology, law, history and protocols with one of social inclusion and collaboration with Indigenous communities seems one which cultural heritage institutions seem open to (as apparent by the many professionals in the area submitting research) and also the content in the policy documents which were analysed. The changes in the last ten years and rapid increase in research and literature on this subject, indicate not only the growing indigenous literary movement, but also recognition from non-indigenous scholars and professionals in this area, that this is an important issue.

The gap in the literature appears in the lack of synergy in the scholarship to investigate the 'big-picture' in digitisation as a global phenomenon across the different institutions such as libraries, archives and museums or investigate the notion of the digitised indigenous cultural object in any in-depth way. Most of the literature is based at the National level and is often based on case studies by those employed at individual institutions.

This research projects provides an objective and relevant addition to the literature as it provides insight and theoretical propositions on the state of policy and protocol relating to Indigenous cultural information in institutions in Australia and New Zealand in 2008.

Contribution of this research

The contribution of this research is described in two parts; the contribution to theory and the implications for further research and practice.

Contribution to theory

The theoretical contribution of this study is to explore digitisation of indigenous cultural heritage knowledge without the usual boundary of type of organisation. This was important to relate the evolving user relationship with traditional organisations with the analogous representation which is displayed on the World Wide Web. Another theoretical contribution was the inclusion of Australian and New Zealand organisations instead of building on the case study methodology or National study methodology.

Implications for further research and practice

The implications for further research in this emerging area are optimistic as digitisation projects mature and become more prolific and affordable to other community organisations. Further research areas which could stem from this study could be further cross-national studies, investigation of policy in the digitisation of indigenous cultural knowledge *by* indigenous people/groups and studies with larger funding and capabilities for surveying more institutions.

Recommendations for future policy development:

- Leading organisations to (or continue to) produce and promote guiding documents for the digitisation of Indigenous cultural information which are updated regularly

- Leading organisations to assist in training programs regarding the relevant copyright and intellectual property rights legislation in their State (Australia) or at a National level
- Consultation with Indigenous groups as essential part of policy creation
- Participation by cultural heritage organisations' during any amendment process to relevant legislation as agents of socio-cultural change

Limitations of this research

There are a number of limitations to this research project which emerged at various times throughout the study. The first major limitation was the inability to triangulate the data through the proposed method of soliciting information from the cultural heritage organisations. This was a disappointing result as the poor outcome from the email requests was not expected.

The limitations of a research project of this size and scope meant only a small sample size was viable for analysis; however this had implications on the interpretation and theoretical findings. Often the most interesting points in the research were unique occurrences in the data (such as the discussion from the NZETC to choose various layers of copyright within their policy documents).

Another limitation is the predominance of state or national level organisations in the analysis of policy documents. This occurred because many smaller organisations did not have any policy documents at all or were still working on the digitisation process. In this way, policy development can be seen as an emerging trend rather than an accepted trend at this stage.

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Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth)

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Australian Institute of Aboriginal and Torres Strait Islander Studies Act 1989

Copyright Act 1968 (Cth)

Copyright Amendment (Moral Rights) Bill 1999 (Cth)

Pitjantjatjarra Land Rights Act 1981 (SA)

Protection of Moveable Cultural Heritage Act 1987 (Cth)

South Australian Aboriginal Heritage Act 1988

Torres Strait Islander Cultural Heritage Act 2003 (Qld)

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Archives Act 1957

Archives Amendment Act 1988

Archives, Culture, and Heritage Reform Act 2000

New Zealand Copyright Act, 1994

Protected Objects Amendment Act 2006

Treaty of Waitangi Act 1975

Appendix A

Template of email request for policy document information

Dear Digitisation project developer,

[Please excuse cross postings, contact details were sourced from the Australian National Library registration of digitisation projects (http://www.nla.gov.au/libraries/digitisation/projects.html) and the National Digital Forum, New Zealand Register of Digitisation initiatives http://ndf.natlib.govt.nz/cgi-bin/rodi/report?r=projname at an individual project level]

My name is Kirsten Francis and I am a Master of Library and Information Studies (MLIS) student of Victoria University of Wellington, New Zealand. I am undertaking a study on the digitisation policies and protocols in place in cultural heritage organisations in Australia and New Zealand, in particular the policies which refer to Indigenous cultural knowledge. If you could please read and provide the information as requested at the end of this email, I would greatly appreciate it.

The key driver for this research project is the problem that digitised items which may be classed in the legal 'public domain' for one culture; can be deemed *sacred* by another culture. This research project will investigate the complex issues that relate to integrating 'Western' organisational policy creation with the concerns that surround the digitisation of Indigenous cultural knowledge, and how this is translated into either formal policy documents, or in less formal 'protocols' or 'guidelines'. Readers of this research project will hopefully be able to gauge the current climate of policy development in Australia and New Zealand which may help in the practical construction of future policy documents and also add to the literature in this area.

If you have any questions or concerns about this project, please contact myself or my supervisor Chern Li Liew Chernli.liew@vuw.ac.nz

Also, if you would like to receive a summary of my findings after the study is complete, please let me know.

Kindest regards,

Kirsten Francis

kirsten.d.francis@gmail.com

If you cannot open the attached file, please see the questions below:

A. Please attach a copy of any digitisation policy documents that your institution has created. If digitisation and/ or the treatment of indigenous cultural knowledge is referred to within other policy documents, please attach these as well.
   If your organisation does not have a formal policy document, but displays 'protocols' or guidelines for using digitised images on your web site, please provide the URL.

B. Are these documents available on the World Wide Web?
   (Please supply URL)

C. What date were these documents created (if known)?

D. Who created this document?
   (For example digitisation project team, manager or policy development team)

E. Did your organisation have any consultation with Indigenous communities whilst creating these policy documents?

F. When will your policy documents be scheduled for updating (if known)?

G. Does your organisation have any other protocol / guidelines relating to Indigenous cultural knowledge displayed on your digitisation web pages?
Yes (Please supply URL) / No

[H. If none of these requests for information applies to your organisation, please let me know.]

Please forward your replies by 'x date' to kirsten.d.francis@gmail.com

Appendix B

Template of data collection spreadsheet

The data collection was tabulated in an excel spreadsheet as represented in the following template.

Digitisation project title / description	
Organisation	
Type of organisation	
Contact	
Position	
Email	
URL of digitisation policy if applicable	
Copy of policy or protocol [cut and pasted into spreadsheet]	
Memo / Notes	

Appendix C

Glossary of Māori terms and concepts

Taonga	Māori treasures
Kaitiakitanga	Guardianship of treasures
Matauranga Māori	Māori knowledge systems
Mana taonga	Sacredness associated with the treasures

Appendix D

Australian web pages harvested for data

Australian Institute of Aboriginal and Torres Strait Islander Studies. (2005). *Disclaimer, privacy and copyright statement*. Retrieved 1 June, 2008, from http://www.aiatsis.gov.au/copyright

Australian Institute of Aboriginal and Torres Strait Islander Studies Audiovisual archives. (2005). *Access policy*. Retrieved 1 June, 2008, from http://www.aiatsis.gov.au/audiovisual_archives/audiovisual_archives_collection_management_policy_manual/access_policy

Australia National Museum. (n.d.). *Ethics statement.* Retrieved 1 June, 2008, from http://www.nma.gov.au/about_us/corporate_documents/ethics_statement/

Museums Australia. (n.d.) *Policies.* Retrieved 1 June, 2008, from http://www.museumsaustralia.org.au/site/page25.php

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National Archives of Australia. (n.d.). *Fact sheet 113 – Aboriginal and Torres Strait Islander people*. Retrieved 1 June, 2008, from http://www.naa.gov.au/about-us/publications/fact-sheets/fs113.aspx

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Northern Territory Government. (2006). *PictureNT*. Retrieved 1 June, 2008 from http://www.territorystories.nt.gov.au/handle/10070/4

Pacific and Regional Archive for Digital Sources in Endangered Cultures (PARADISEC). (n.d.). *Access and deposit policies*. Retrieved 1 June, 2008, from http://www.paradisec.org.au/home.html

State Library of New South Wales. (n.d). *Manuscripts, oral history and pictures*. Retrieved 1 June, 2008, from http://www.sl.nsw.gov.au/siteinfo/copyright.html

State Library of Queensland. (n.d.) *Protocols for Aboriginal and Torres Strait Islander collections*. Retrieved June 1, 2008, from http://www.slq.qld.gov.au/__data/assets/pdf_file/0006/64599/SLQ_-_Protocols_for_Indigenous_Collections.pdf

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University of Melbourne Archives. (n.d.). *Collection development policy*. Retrieved June 1, 2008, from http://www.lib.unimelb.edu.au/collections/archives/about/collectionpolicy.html

New Zealand web pages harvested for data

Alexander Turnbull Library. (n.d.). *Timeframes.* Retrieved June 1, 2008, from http://timeframes.natlib.govt.nz/

Auckland Art Gallery Toi o Tāmaki. (n.d.). *Terms and conditions of searching our collections*. Retrieved June 1, 2008, from http://collection.aucklandartgallery.govt.nz/collection/

Auckland Museum. (2008). *Maori culture*. Retrieved June 1, 2008, from http://www.aucklandmuseum.com/5/maori-culture

Christchurch Art Gallery Te Puna O Waiwhetu Collection Online. (n.d.). *Copyright policy*. Retrieved June 1, 2008, from http://www.christchurchartgallery.org.nz/GalleryOnline/AcceptConditions.asp?root=&node=&leaf=

Kete Horowhenua. (2008). *Topic: Terms and conditions*. Retrieved June 1, 2008, from http://horowhenua.kete.net.nz/about/topics/show/1344-terms-and-conditions

Museum of New Zealand Te Papa Tongarewa. (2004). *Copyright / Terms and conditions*. Retrieved June 1, 2008, from http://www.tepapa.govt.nz/TePapa/English/Copyright/

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New Zealand Electronic Text Centre. (n.d.). *Copyright and conditions of use*. Retrieved June 1, 2008, http://www.nzetc.org/tm/scholarly/tei-NZETC-About-copyright.html

New Zealand Electronic Text Centre. (2007). "*Moko; or Maori tattooing" project: A report on consultation*. Retrieved June 1, 2008, http://www.nzetc.org/tm/scholarly/tei-MokoDiscussionPaper.html

Macmillan Brown Library. (n.d.) *Digital library*. Retrieved June 1, 2008, from http://www.library.canterbury.ac.nz/mb/

University of Otago. (n.d.). *Library digital collections terms of use*. Retrieved June 1, 2008, from http://digital.otago.ac.nz

Appendix E

Sample of data from web page harvest

Australian Institute of Aboriginal and Torres Strait Islander Studies. (2005). *Disclaimer, Privacy and Copyright Statement*. Retrieved 1 June, 2008, from http://www.aiatsis.gov.au/copyright

Raw Data

Disclaimer, Privacy and Copyright Statement

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PLEASE READ THIS IMPORTANT INFORMATION

It is a condition of use of this website that users ensure that any disclosure of the information contained in this website is consistent with the views and sensitivities of relevant Aboriginal and Torres Strait Islander peoples. This includes:

Language

Users are warned that there may be words and descriptions which may be culturally sensitive and which might not normally be used in certain public or community contexts. Terms and annotations which reflect the author's attitude or that of the period in which the item was written may be considered inappropriate today in some circumstances.

Deceased Persons

Users of this website should be aware that, in some Aboriginal and Torres Strait Islander Communities, seeing images of deceased persons in photographs, film and books or hearing them in recordings etc may cause sadness or distress and in some cases, offend against strongly held cultural prohibitions.

Coded Data

Category	Theme	Description
Cultural influences		
	▪ Organisational culture / beliefs	
		▪ The description of the organisations perceived responsibility for the use digitised indigenous knowledge

Quote: "It is a condition of use of this website that users ensure that any disclosure of the information contained in this website is consistent with the views and sensitivities of relevant Aboriginal and Torres Strait Islander peoples"

- The description of use of images of deceased persons

Quote: "Users of this website should be aware that, in some Aboriginal and Torres Strait Islander Communities, seeing images of deceased persons in photographs, film and books or hearing them in recordings etc may cause sadness or distress and in some cases, offend against strongly held cultural prohibitions."

- The description of old captions or subject headings created by the organisation

Quote: "Terms and annotations which reflect the author's attitude or that of the period in which the item was written may be considered inappropriate today in some circumstances."

- The description of the use of secret or sacred information

Quote: "Users are warned that there may be words and descriptions which may be culturally sensitive and which might not normally be used in certain public or community contexts."

Legislative influences

- Perceived influence and inclusion of legislation
  - The description of copyright and how this influences the digitisation policy

Quote: "This work is copyright."

Memo: AIATIS have placed significant importance on consultation process. How has the culture of this organisation influenced the design of policy compared to other organisations?