

Deepening Histories of Place

Clearance Form 5

DEED FOR CULTURAL CLEARANCE OF ARCHIVAL MATERIAL

GIVEN BY: [Insert name of COMMUNITY] (“**the Community**”)

TO: [insert name of RESEARCHER] (“**the Researcher**”) and “**the Project Partners**”

THE PROJECT: ‘Deepening Histories of Place’ (“**the Project**”)

- 1) I understand that the Researcher and the Project Partners wish to use the Archival Material for a research project called ‘Deepening Histories of Place: Exploring Indigenous Landscapes of National and International Significance’ (the Project). The Project will bring together research on three important Australian landscapes: Sydney and the Blue Mountains, Central Australia and Australia’s Red Centre, and Arnhem Land and Kakadu. It involves seven Project Partners: Australian National University; Director of National Parks; NSW Office of Environment and Heritage; National Film and Sound Archive; University of Sydney; Ronin Films; Northern Territory Department of Lands, Planning and Environment; Australian Institute of Aboriginal and Torres Strait Islander Studies.
- 2) I understand that the Researcher and Project Partners are committed to best practice principles with respect to Indigenous peoples’ intellectual and cultural property (ICIP), which is reflected in the Project Indigenous Cultural and Intellectual Property Protocols which guide the use of these materials in the Project.
- 3) The Archival Material is: [Insert the name and/or a description of the materials, including any title or reference number given to the material in an archival record]
 - Film Footage:
 - Sound recordings:
 - Photographs:
 - Cultural objects:
 - Other:

This document forms part of a set of ICIP Protocols and associated forms. They were developed by Terri Janke and Company for the National Film and Sound Archive of Australia for use by the ARC Linkage Project *Deepening Histories of Place* (ANU) 2013. The documents are published exclusively for information purposes and do not constitute any form of advice



Details of where the Archival Materials are held:

- I am an authorised representative of the Community and am voluntarily entering into this agreement on behalf of the Community. (An authorised representative can be a person appointed by an organisation which represents the Community, a Community elder or any person with the authority to speak on behalf of the Community and to enter into an agreement on behalf of the Community. It is the Researcher's role to identify the appropriate authorised representative).
- I understand that the Archival Material might be made available and visible to a large number of people on the internet and in published materials and archives.
- I give consent on behalf of the Community for the use of the Archival Material in accordance with this Deed.
- I understand that this is not a licensing agreement and does not address copyright issues but seeks consent from Indigenous people for their Indigenous cultural and intellectual property for the purposes listed.
- I am over 18 years of age.

- a) I give the Researcher permission to:
- i. Edit and adapt the Archival Material (subject to my approval of the final version) for the Project;
 - ii. Copy, publish and communicate the Archival Materials in a student paper (Thesis) and journal articles and conference papers (Research Reports);
 - iii. Make copies of the Archival Material in the Thesis and Research Reports available to the public, including online;
 - iv. Ensure the safe and secure storage the Archival Material during the life of the Project;
 - v. When the project is finished, offer a copy of the Archival Material as part of the Project to the National Film and Sound Archive and/or the Australian Institute of Aboriginal and Torres Strait Islander Studies for long term safe keeping.
- b) I give the Australian National University permission to upload and communicate the Recordings on to the Project website;
- c) I give the National Film and Sound Archive permission to store a copy of all or some of the Archival Material in their archives. I understand that it may choose not to store any of the Recordings;
- d) I give the Australian Institute of Aboriginal and Torres Strait Islander Studies permission to store a copy of all or some of the Archival Material in their archives. I understand that may choose not to store any of the Recordings. and
- e) I give the Partner Organisations permission to use a copy of the Archival Material as part of the Project for promotion of the Project.

Permission for Additional Use of the Recordings

- 5) I understand that the Researcher and Partner Organisations intend to use some of the Recordings (subject to my approval) to create additional, publically available, products (**Downloadable Landscape History** and an associated **Downloadable Landscape History Booklet**). The Downloadable Landscape History is a multi-media history that will include recordings of participants and landscapes as well as historical maps, films and photographs. It will be available on the World Wide Web for downloading onto a portable viewer like a phone so it can be viewed and listened to in the landscape being talked about. It will be available free of charge. The Downloadable Landscape History Booklet is contains some images and words from the digital version of the Downloadable Landscape History. It will be available from the web for printing or viewing on a portable viewer free of charge.

Access to the Downloadable Landscape History or Booklet will be conditional. Users will need to agree not to publish or reproduce part or all of the Downloadable Landscape History or the Booklet for commercial purposes or use them in a way that disrespects or diminishes the content.

I give permission for the Researcher or Partner Organisations to use the Recordings of me to create the Downloadable Landscape History and the associated Landscape History Booklet.

- YES
- NO
- Return for separate approval

Cultural respect

- 6) I have been given the opportunity to review the Archival Material and agree that it is acceptable for wider dissemination, and is not restricted material.
- 7) The Researcher and the Project Partners will respect the cultural integrity of the Archival Material by discussing the use and reproduction of the Archival Material with me, and seeking my guidance.
- 8) I give consent for its use and reproduction in the Project on the following conditions relating to display and interpretation: (CONDITIONS TO BE AGREED WITH THE REPRESENTATIVE)
- 9) I understand and agree that my Community will be given an opportunity to view a final draft of the use of the Archival Material in the research Project before it is finalised. At that stage, the Community may ask the Researcher to make any edits including editing any images or names appearing in the Project of persons (including me) who have passed away since the time of recording. This may involve removing the person's image from the film, blurring the person's image, or removing the person's name from the Project, to be decided by the Researcher in consultation with me and/or the Community. I may also make such other reasonable requests regarding the presentation of the Project which the Researcher will endeavour to comply with.

Credit

10) I and my Community will be acknowledged according to the information I have given in this form.

EXECUTED AS A DEED:

SIGNED by me in the presence of:

..... Name of witness

Participant's Signature

.....
Witness Signature

.....
Date

SIGNED by the Researcher in the presence of:

..... Name of witness

Representative's Signature

.....
Witness Signature

.....
Date

COMMUNITY REPRESENTATIVE DETAILS

Name of Community Representative:

Community Name:

Community Organisation:

Postal Address:

Telephone/email:

RESEARCHER DETAILS

Name:

Title: [eg: PhD Student]

Partner Organisation:

Postal Address:

Telephone/email:

Indigenous Cultural and Intellectual Property Material (ICIP Material)

Indigenous Cultural and Intellectual Property Material means material which is the subject of Indigenous cultural and intellectual property rights (ICIP Rights). ICIP Rights refer to the rights of Indigenous peoples to their cultural heritage. Heritage comprises all objects, sites, and knowledge, the nature or use of which has been transmitted or continues to be transmitted from generation to generation, and which is regarded as pertaining to a particular Indigenous group or its territory. The heritage of Indigenous people is a living heritage, and includes:

- a) Literary, performing, musical and artistic works (including songs, music, dances, stories, ceremonies, symbols, languages and designs);
- b) Scientific, agricultural, technical and ecological knowledge (including cultigens, medicines and phenotypes of flora and fauna);
- c) All items of moveable cultural property;
- d) Human tissues and remains;
- e) Immovable cultural property (including sacred and historically significant sites and burial grounds);
- f) Documentation of Indigenous peoples’ heritage in archives, film, photographs, videotape, audiotape of all forms of media;

Please identify any ICIP provided or shown by you, associated cultural protocols and name and contact details of the ICIP rights holders in the space provided below.

Other Material

Other Material includes personal photographs, papers, memorabilia, footage or musical works provided by you to the Researcher for use in the Film for the purposes in clause 4. You should only provide this material to the Researcher if you created the material or inherited the material and have the rights to deal with the material.

Please identify any Other Material provided by you and details of the rights holders (if not you) in the space provided below.

ICIP Material, associated protocols and details of rights holders:

Other Material and details of rights holders: