

## Access denied: the fight to unlock a WA museum's vast archive

*A vault full of precious indigenous cultural knowledge has been kept under lock and key in a Perth Museum for decades. Why?*



*Catherine Berndt, left, recording stories with her friend Mondalmi (to right of microphone) and other women on Goulburn Island, Western Arnhem Land, in 1964.*

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By Victoria Laurie

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Tucked away in the Berndt Museum archives at the University of Western Australia, in a fire-proof vault, lie 87,500 pages of fragile field notes written in pencil on wartime pads of paper. Somewhere inside those pages are recorded the words and wisdom of Ngadjuri elder Barney Waria. He befriended an eager young anthropologist, Ronald Berndt, who sat listening to the tribal man and his friends over many conversations in an Adelaide park between 1939 and 1944.

During their talks, sometimes over a meal at the home of Ronald and his wife Catherine, a fellow anthropologist, Waria told the story of his Ngadjuri people and their country northeast of the state's capital. Waria gave generously – typical of one-way academic transactions of the era – and Berndt made meticulous notes that he alone kept.

Over subsequent years, hundreds of other Indigenous people across northern and central Australia also furnished priceless ethnographic knowledge to Ronald and Catherine Berndt. The prolific scholar couple turned them into more than 50 books, including their classic tome *The World of the First Australians*.

Yet to this day, Waria's Ngadjuri people have been denied access to this vast archive of field notes, the couple's stepping stone to international fame. When they died – Ronald of cancer in 1990 and Catherine of heart problems four years later – they both left wills that embargoed access to their field note archive for 30 years. It commenced from the day of Catherine's death in May 1994, meaning the field notes will remain in the vault until 2024.



*Vince Copley.*

The lifting of the embargo will be too late for Vince Copley, Barney Waria's only surviving grandson, who died in January this year aged 85. He had repeatedly asked to see the Berndt field notes relating to his grandfather's Ngadjuri lore and culture. "I want to read my grandfather's stories," Copley explained in 2018. "This would mean so much to me and my family. I want to tell my children about their ancestors and our culture." Copley also had a deeply personal motive. "I am hoping the Berndt notebooks will tell me about my father," he said. "He died when I was just two."

Much earlier, in 2007, Copley had travelled west to Perth to make his first plea to the Berndt Museum for access to the Ngadjuri material. He got the same formal response as dozens of others. Access was denied due to "the intent expressed within Paragraph 6.1(a) of the Will of Catherine Berndt to impose a 30-year embargo on access to the field notes... From the perspective of understanding and interpreting the Will, there is no ambiguity to that embargo."

"It was hard to learn that," Copley later recalled. "We could see the notebooks [kept] in a corner of the room."

The Berndts' fame rested on field study trips they made to dozens of Aboriginal communities between 1939 and 1985. They had travelled from coast to inland desert and back – from Elcho Island to Roebourne, Yirrkala to Alice Springs, Darwin to Balgo. Wherever they went, the couple's scholarly interest was rewarded with generosity by elders. Among treasures they amassed were sacred feathered dilly bags, an inscribed Bardi pearl shell, a 100-year-old sedge basket, and landmark bark paintings and paper drawings by Yolngu artists (now listed on the UNESCO Memory of the World Register). Ronald and Catherine took photographs that captured their privileged access to Aboriginal life, such as an image of children on a raft drifting down a river in Arnhem Land. Each image was carefully inscribed with notes and names.



*Catherine and Ronald Berndt in 1987.*

The couple settled in Perth in 1956 and, at the University of Western Australia, became Australian pioneers in teaching anthropology. Twenty years later they established the Berndt Museum; each day, the ageing couple would arrive on campus to catalogue their lifetime's collection which included more than 12,000 artworks, 35,000 photos and audiovisual recordings. Some items were accessible to selected applicants; the controversial fieldwork notebooks were not.

“The archival materials were like their children, and reflected their great love of Aboriginal culture,” says John Stanton, a Berndt doctoral student and later close friend who served as the museum's director for more than 30 years. “It's one of the greatest collections of Aboriginal cultural materials in Australia,” says Stanton, who retired in 2013. “And the field notes are among the most important ethnographic archives in the world, in scope and nature. It should be accessible and should have been for the past 20 years. But I have no control over it, or the university. The terms of the will are cast iron.”

Stanton claims he urged the couple to impose only a 10-year embargo on the field notes, “but Ronald settled on 30 years and Catherine wouldn't change it”, he says. “The two key reasons they insisted on the embargo were that they regarded all Australian

governments as inherently antagonistic to Aboriginal interests; they didn't want their field notes used against Aboriginal people. The second reason was they didn't want their work misinterpreted by other academics."

As the Berndts' literary executor and co-trustee of Catherine's will, Stanton remains fiercely loyal to his mentors, insisting "they shouldn't be judged by the standards of another era". But he says he felt sad when he turned away Vince Copley, the gentle visitor from the Ngadjuri people. "We sat down and I tried to explain my hands were tied by the terms of the bequest. My advice to him was to get a Supreme Court writ, which seems like an extraordinary thing to have to do."



*Brenda L. Croft in her office in Canberra.*

Another view is that Ronald and Catherine Berndt have betrayed the very people whose cultural material made their careers – and that the University of Western Australia is complicit in accepting the terms of a philanthropic bequest once loosely valued at \$63 million.

Dr Brenda L. Croft is Professor of Indigenous Art History and Curatorship at the Australian National University in Canberra, and has a distinguished career as an art curator and First Nations' archivist. She says the recent death of Vince Copley before he could access the field notes relating to his people left her furious. Croft called him "uncle", since Copley – as a young boy – had been placed in the same Alice Springs boys' home as her father Joe Croft and a young Charlie Perkins, later one of Australia's most prominent activists. "When I spoke to Uncle Vince before he died, there was a pain in his voice about not being able to access his grandfather's material," says Croft. "Now he has passed away and I am angry. We have acted in good faith at every stage."

Croft has direct kinship with the Gurindji people of the Northern Territory, who, like the Ngadjuri, have made numerous attempts to access their people's material in the Berndt archives. One such Gurindji elder was Ronnie Wavehill, who was eight when his people welcomed the young husband-and-wife anthropologists onto Wave Hill

Station for several months in 1944. Often paid with flour, sugar and tobacco, the Gurindji gave them stories, artefacts, drawings and – importantly – unfettered access. At night on the station, Catherine watched women dance and recorded their traditional love songs; Ronald was privy to different stages of boys' initiation ceremonies.

The Gurindji would have to wait another 30 years after the couple's visit before prime minister Gough Whitlam poured the sands of traditional ownership into the hands of Gurindji leader Vincent Lingiari. But 80 years on, the Gurindji are still waiting to access the extensive archive material that the Berndts collected. Ronnie Wavehill described his frustration in 2016: "Some people like me are not too good now," he said. "Whatever information is in that book... we don't want to wait too long, couple of years, six years, 10 years... I don't think we'll live that bloody long."



*Ronnie Wavehill.*

Wavehill died in 2020; seven other Gurindji elders recorded a video message and sent it to UWA in 2016 asking for access. Three have since died. "I wonder if anyone even viewed the video," says Croft bitterly. "We've lost so many Gurindji elders as this farce continues. And they are not the only ones seeking access to their materials. The bottom line is it's our intellectual property, it's our cultural heritage."

There had been a glimmer of hope when, in 2015, Croft received a research grant from the Berndt Research Foundation, a fund endowed under the will. She sought permission to bring a small group of Gurindji elders down to Perth to view the field notes pertaining only to their people. She had a support letter from Sandy Toussaint, a co-trustee with Stanton of Catherine Berndt's estate and Stanton's successor for a brief time as director of the Berndt Museum.

Croft had argued that living descendants could bring the Berndt field notes to life, adding cultural knowledge to its content that nobody else could know. "We've accessed

sensitive materials in the South Australian Museum without any issues,” she says. “It can be done in such a positive way.”

As part of her research, Croft organised for Gurindji elders to view images of selected Berndt objects including Gurindji drawings and dilly bags. The elders provided comments that, duly recorded in detailed notes, were donated to the Berndt Museum. It was an act of reciprocity “that creates something bigger together”, explains Croft. “And it’s a way to put those broken pieces back together in our communities.” But the Gurindji elders’ visit to view the field notes never took place. “For reasons unknown to me still, the firm date we’d made was cancelled,” says Croft. “I was told no future dates would be suitable.”

Members of the Berndt Research Foundation committee that had supported Croft’s research grant, including John Stanton, did not support her or any other Gurindji requests to see the field notes. “It was sudden, abrupt, disturbing,” recalls Toussaint, a UWA anthropology scholar who wrote a letter of complaint to UWA’s deputy vice-chancellor. “The university has given no consideration to the problems associated with a legal document found wanting several decades after it had been so poorly designed,” she wrote.

Toussaint says she had a close friendship with Catherine Berndt and visited the elderly widow regularly. When she was asked to become a co-trustee of Catherine’s will she says she didn’t know of the 30-year embargo. “Had I known then I would have queried it. We could have installed a waiver process giving controlled access,” she says.

In a letter published in the Griffith Review last year, Toussaint penned a series of questions to her late friend Catherine. “Was there no way, if a blanket embargo was to be imposed, that it could have been shortened?” she wrote. “Wouldn’t that approach have reflected the thoughtful rigour and care you so often applied to your own work?” And: “If you and Ron intended the field notes to be kept for safekeeping throughout a long embargo, I wonder for whom that safekeeping was? In the present, it cannot be regarded as being for Aboriginal people themselves.”

Other Indigenous groups and associated researchers have sought access to their - cultural material in the Berndt notebooks: Birrindudu, a Northern Territory community the Berndts visited; a group of Yolgnu people from East Arnhem Land; and desert elders from the remote community of Warburton. “Lodged carefully and respectfully, their requests did not ask for repatriation, but for viewing and recording access only,” says Toussaint. All were refused – except one, although it required a writ. In 1998, a Federal Court order was issued in the Hindmarsh Island Bridge case, after which an anthropologist was allowed to view (under strict supervision) relevant field notes at the Berndt Museum.

Kate Auty, a lawyer and professorial fellow at the University of Melbourne, has worked extensively on Indigenous issues, including as legal adviser to Pat Dodson on the Royal Commission into Aboriginal Deaths in Custody. She says that if a test case were to be launched over issues of cultural property in the Berndt archive, “the argument could be that the material was taken... without the informed consent of Indigenous people”.

“If the intention was to protect Catherine and Ronald, that points up the utter iniquity of the situation for these elderly Aboriginal people for whom this cultural material is critically important,” says Auty. “Self-evidently both the Berndts are dead – what is to be gained or lost?”

Stanton says at one time it was suggested that the state attorney-general could seek to vary the condition of the will. “But the university’s legal advice has been that it’s extremely unlikely the state government would move on this issue, even if it was pursued by the trustees of the estate.”

He concedes that the blanket denial is unpalatable. “It’s very frustrating and embarrassing to me personally. People still come to me and I forward the emails to the university.” But he is unrepentant about rejecting Croft’s request to access Gurindji material. “It was basically clear to the Berndt Foundation committee, which I sit on, that she wanted to get access to the field notes. She was told why that could not be done.”

For Stanton it is entirely a legal matter. “It’s not a matter of morals or ethics,” he insists. And he says Toussaint is wrong to criticise the Berndt embargo so harshly. The two co-trustees barely speak to each other these days.



*John Stanton in 2003.*

Meanwhile, even Stanton has become deeply critical of UWA’s handling of the Berndt Museum, which currently lacks a director and has few staff. Two years ago, incoming vice-chancellor Amit Chakma ordered that responsibility for the museum archives be handed over to the School of Indigenous Studies, and the discipline of anthropology largely abolished. Chakma described the moves as necessary to address the university’s \$70 million structural deficit in the wake of Covid-19. Stanton believes it may contravene the wishes, and the will, of the Berndts. And he fears that, when the embargo eventually lifts in 2024, the university will be poorly equipped to deal with the flood of requests for access.

In a letter of condolence sent in January, Chakma informed a colleague of Ngadjuri elder Vince Copley: “We understand that this has become a very time-sensitive issue. The Berndt Museum has been working with the Literary Executor and Trustees to resolve this and provide access to the digitised field notes for Aboriginal communities ahead of the embargo date. We hope that in light of this recent work, we will have a pathway forward this year.” Both Stanton and Toussaint, as literary executor and co-trustee, say they have seen no evidence of such “recent work” and deny they have been involved.

In response to a series of questions, UWA issued a two-sentence statement saying it is “committed to providing access to the requested materials, as soon as possible”. But it was “a highly sensitive issue that requires careful consideration by the University in accordance with legal advice”.

Says Croft: “I don’t care what the embargo is – it’s something that should be easily remedied. It’s wilfully bloody-minded not to do it. As far as I’m concerned, this is a 21st century rendition of paternalism and control. We know that vital material is here in Perth, yet it feels like a fortress.”

*Victoria Laurie is a senior reporter and feature writer in the Perth bureau of The Australian newspaper.*