

# Return of Materials

Returning cultural information to the appropriate party/ies is a critical part of the native title process. The *Native Title Act 1993* (Cth) outlines how representative bodies, like YMAC, are required to deal with these materials (under section 203FCA).

To effectively perform this function, YMAC has developed options for returning such materials, including a best practice process.

This approach is used as a basis for engagement (or re-engagement) with Traditional Owners and Prescribed Bodies Corporate (PBCs)<sup>1</sup> in a culturally appropriate way.

Over the many years of native title research work for each group, a large quantity of research material will have been collected by YMAC anthropologists and consultants. This includes:

- photographs,
- field notes,
- audio and video of interviews/fieldtrips,
- maps,
- ethnographic and historical documents, and
- the Connection Report (and other reports created for native title purposes).

YMAC has developed a number of different 'models' to return these materials to the relevant PBC, which consider the various factors for how this information can be most appropriately returned, including:

- cultural sensitivities (e.g. family information and gender restricted information),
- legal issues,
- ethical constraints,
- confidentiality, and
- copyright and policies from relevant institutions.

YMAC's best practice model includes comprehensive workshopping with the PBC of all the relevant materials with a committee, Elders and family representatives, as appropriate. Following this process, YMAC can then help the PBC to develop a policy about looking after and accessing the materials in a culturally appropriate way.

Our Research Team welcome the opportunity to discuss options and YMAC's return of materials models with PBCs. Please call our Perth office for more information.

<sup>1</sup> Note, for simplicity, YMAC uses the term "PBC" in most publications to refer to both Prescribed Bodies Corporate (PBCs) and Registered Native Title Bodies Corporate (RNTBCs). This is in line with terminology that is regularly used in the native title sector.



## Individual Returns of Materials

The separate process of 'Personal Returns' can be done at any time. This is when you apply to receive copies of the interviews, photos, videos and/or other materials that a person (either for yourself, or as the next of kin for a person who has passed) has provided through the course of native title research.

To start a Personal Return process, or to learn more, please speak with one of YMAC's Research Team in our Perth office.

## Partnering with the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS)

YMAC is a project partner with AIATSIS for its 'Returning Native Title Materials' project.

YMAC's Research Team was invited to work with AIATSIS as our organisation has been recognised as a sector leader in this emerging field.

To learn more about YMAC's return of materials work with AIATSIS, including a case study, visit AIATSIS's website: [aiatsis.gov.au](http://aiatsis.gov.au).

Current at June 2023. Please note, information in this fact sheet is provided by YMAC in good faith on an "as is" basis; it does not constitute any form of legal advice. YMAC believes this information to be accurate and current at the date of publication, however, inadvertent errors can occur and the applicable laws, rules, policies and regulations often change. YMAC will not be liable for any loss or damage whatsoever suffered as a result of reliance upon this information, or through directly or indirectly applying it.



### Carnarvon

4 Francis Street  
Carnarvon WA 6701  
PO Box 1424  
Carnarvon WA 6701  
T: 08 9965 6222  
(open Tues, Wed,  
Thurs)

### Broome

Shop 2/24  
Clementson Street  
Broome WA 6725  
PO Box 2059  
Broome WA 6725

### Hedland

8 Manganese Street  
Wedgefield WA 6721  
PO Box 2252 South  
Hedland  
WA 6722  
T: 08 9160 3800

### Perth

Level 8,  
12 The Esplanade  
Perth WA 6000  
PO Box 3072  
249 Hay Street East  
Perth WA 6892  
T: 08 9268 7000

### Geraldton

144 Flores Road  
Webborton WA 6530  
PO Box 2119  
Geraldton WA 6531  
T: 08 9965 6222