

25/5/97

Graeme Smith.

Is writing a book re nationalism
& multi-culturalism. One section
on folk movement. is broad draft
on hand.

Is on Research Fellowship this year.

Next yr?

Target is to complete 1st draft of
the whole ms by end of '97.
with final copy pos by mid
1998.

We to read material & he, to digest
& then contact me.

28/12/97. Apologised for not-
replying. He is to advise me if he
does not want it now.

30 McCracken Ave
Northcote 3070
03 9481 0288 (H)
29 Oct 1996

*La Trobe Uni 03-9479-2295
Bundoora, Vic 3083*

Dear Peter Hamilton,

You may recall that about a month ago I rang you out of the blue to introduce myself and my work on the history of the folk revival to you. This interest is part of a larger project on which I am working as a post-doctoral fellow at LaTrobe University. I am enclosing ~~here~~ a copy of my research proposal so that you can see where my interest in Wattle fits.

I have read the entry on Wattle recordings by Edgar Waters which appears in The Oxford Companion to Australian Folklore and would like some additional information.

1. About sales. Do you have sales figures, or approximations of sales figures of the early 78s of the Bushwhackers? Do the records mentioned in the article make up a complete listing of these early releases?

2. On the motivations in setting up Wattle. You mentioned the importance of cultural nationalism over the phone. Where did this upsurge of interest come from? Was the left isolated in its interest in Australian culture?

3. How important were Folkways and Topic as models and inspiration?

4. How did you see Wattle in relation to Peter Mann's Score label?

5. Did you make any films using Australian music, as is mentioned in Edgar's article?

I will ring you up to discuss these and other issues which might arise in a about a week. I would be grateful for any help you can give me.

Graeme Smith



LATROBE UNIVERSITY POSTDOCTORAL RESEARCH FELLOWSHIP

RESEARCH PROJECT

PROJECT DESCRIPTION AND AIMS

Folk, Country, Multicultural, Aboriginal: Music, Community and Nation

In the period since 1970 there have been intense debates about what it means to be Australian in the last part of the twentieth century and how such meanings relate to previous historical experience. These debates have been part of competing political and social visions of the relationship between individual, community and nation.

This project proposed here will describe and analyse the part played in these processes by the music genres of country music, Australian folk-movement music, Australian "multicultural" music and Aboriginal popular music. Before defining these genres more closely, I will comment on some recent parallel work in Australian socio-cultural commentary.

In *Making it National*, Graeme Turner takes an overview of the way in which Australian popular culture has been part of the new "nationing" of the 1980s. He points especially to the emerging new nationalism of the 1980s, arising out of the excesses and falls of the corporate raiders of the early eighties boom, and maps out the new more complex and diverse voices of the republican debate.

He looks with hope to the new voices of hybridity: of urban multicultural Australia that sees Heartbreak High and Death in Brunswick as the new Australian landscape; and in the musical field, to the awaited voice of Yothu Yindi. In a similar vein, David Carter, in an article "Future Pasts", identifies a number of discourses within which this "nationing" is being carried out, and he lists such formulations as:

- *a nation of immigrants
- *an ancient unique land
- *aboriginal australia
- *global australia
- *folk australia

These commentaries point to a lively interest in this area, but in both writers there is a significant and symptomatic absence, in their partly acknowledged difficulty in commenting on the continuities with traditional constructions of Australian nationalism and cultural self regard.

As Turner himself admits: "

"If the Australian legend has lost most of its credibility

with the critics and historians who once helped disseminate it, it still has its supporters within the wider community. Indeed, among the signs of the nationalism of the 1980s was a revival of rural-nationalist mythologies, reclaiming the experience of those in country towns or on the land as fundamental to our national character." (Turner 1994: 8-9)

Similary as David Carter goes through his typologies of discourses, and comes last to folk australia, he has little to say except to go over the familiar critique of invented traditions of populist histories. His image of folk-heritage australia is of bottomless reservoir of self-enclosed localism and public kitsch. Of his competing discourses, this is the one which for Carter induces the greatest disquiet (Carter 1994: 12-13).

This is the area within which the musics proposed to be studied operate, and they represent different ways in which Australians see society. Each genre defines itself against the mass music industry, and in distinctively claiming an "authentic" relationship to its audience enmeshes itself in ideas about society and culture. Country and city, Anglo-Australian and post-war migrant, unitary culture or multicultural federation, community or state, national identity or global incorporation are the issues of which these music genres speak. In doing so, they constantly invoke paradigms of nation and community.

"Folk" and "Country" are well defined musical styles and social genres in Australia, and the third, "public ethnic music", has in the last fifteen years become a unified category within official ideologies of multiculturalism. Now Aboriginal popular musicians are being imagined as another way to a national sound. But the boundaries between these genres are blurred and contested.

I propose to research and write a book describing the way ideas of community and nation have been constructed within these genres of music since 1970. The significance of each music is not limited to enthusiasts. Diverse musical activists, from afficonados and practioners through to cultural policy directors, contribute to the creation of meanings for the music of each genre, and in more general circulation the meanings take on public significance. Recent ABC programming, for example, suggests that these musical genres have become part of an official national culture.

Musics do not merely reflect a socio-historical context or comfort users in their pre-formed ideas, but actively participate in shaping people's everyday understandings. The conflicts between the possible social meanings of these musics are part of wider social debate about how contemporary Australian experience is to be understood, debate which involves class, gender, ethnicity and region. The book will analyse and document this.

To do so, the study will move between historical and social analysis of the relevant musical and social institutions and detailed musical analysis of specific performances and recordings. The research will combine investigation of the key institutions which promote and present each music, interviews with activists and performers, and musical analysis in order to analyse the ways in which genre, performance, individual and audience have participated in cultural debates about the ideas of nation and community in Australia since 1970.

The work will contribute to understanding the ways in which these debates have been understood in popular experience and so assist contemporary Australians in thoughtfully and critically reflecting on the cultural transformations in which they are participating. It will also inform future public policy directed to popular music.

Cited works:

Carter, David

"Future Pasts" in *The Abundant Culture: Meaning and Significance in Everyday Australia* eds David Headon, Joy Hooton and Donald Horne. St Leonards, Allen and Unwin, 1994

Turner, Graeme

Making it National: Nationalism and Australian Popular Culture St Leonards, Allen and Unwin, 1994

WATERS, EDGAR (1925-), was born in Sydney. During the 1950s and 1960s he edited folksong recordings for Wattle (q.v.), and wrote notes on songs published in *Australian Tradition*. He completed a doctoral thesis on Australian folk song and popular verse at the Australian National University in 1962 and lectured in history at the University of Papua New Guinea for many years. He is presently a consultant to the National Library of Australia on folklore and oral history.

Wattle Recordings In the early 1950s Peter Hamilton, then an architect working in Sydney, decided that he wished to make films; amongst others, a series of short films using Australian folk songs. He could not find recordings of Australian folk songs that he could use as film soundtracks (the only recordings of Australian folk songs available at the time were on a long-play record of songs from the musical *Reedy River* (q.v.), and not all the songs on this recording were folk songs; some of those that could be considered folk songs had been 'reconstructed' in text or melody or both). Hamilton set up Wattle Recordings

to produce both films and sound recordings. He asked Edgar Waters to join him as record editor.

The first Wattle records were produced in the middle of the 1950s, at a time of considerable technical change in the production of gramophone records. Wattle published records in the old 78 rpm format, and in the newer 45 rpm and 33 rpm formats.

The first recordings published were of performances by the Bushwhackers, a group of Sydney collectors and performers including John Meredith (q.v.) and Alan Scott (q.v.). These were 78 rpm recordings. Each record was accompanied by a printed sheet, giving the words of the song and brief notes. Some of these recordings were surprisingly popular, being much played on country radio stations and the 'juke boxes' of country pubs. The Bushwhackers were the most important of the inventors of the 'bush band' tradition, and their Wattle recordings made them much the best known of the early bands of this kind. The popularity of these Wattle recordings thus had much to do with the spread of this new way of performing Australian folk songs, and helped establish the usual bush band repertoire: 'Click Go the Shears', 'The Drover's Dream', 'Nine Miles from Gundagai', and so on.

Wattle published recordings (mostly extended play or long play) of other performers of the 'folk song revival' of the 1950s: the Ramblers (most of whom were also members of the Bushwhackers), the Morcton Bay Bushwhackers, the Bandicoots (led by John Manifold (q.v.)), Bill Scott (q.v.) and Stan Arthur. They also published two long-playing records of performances of Australian songs by the distinguished English folksong scholar and singer A. L. Lloyd (q.v.). Lloyd had spent some time as a station hand in Australia, and had learnt some of his songs during that time.

Many of the songs of these performers were versions put together from various sources: a tune from one singer, most of the text from another, a verse or two from

a third. Some of these versions, originally cobbled together for performance on stage or in the recording studio, have also passed into the repertoire of the bush bands and other 'revival' singers. Some have even appeared in the printed collections as versions learned from uncontaminated oral tradition.

In 1957 Wattle published the first collection of songs and dance tunes really recorded from bush oral tradition, as *Australian Traditional Singers and Musicians*. These were performances originally recorded in the field by John Meredith (most of the material used was rerecorded for Wattle in Sydney). The performers included Sally Sloane (q.v.) and 'Duke' Tritton. The record was accompanied by a booklet giving extensive notes on the songs and the singers. In 1960 Wattle published another collection of field recordings, this time of songs and dance tunes from Victoria. The performers included Simon MacDonald (q.v.), who was perhaps — always excepting Sally Sloane — the finest singer in the bush tradition ever recorded in Australia. The recordings were made by members of the Folk Lore Society of Victoria, including Norm and Pat O'Connor, Bob Michel and Maryjean Officer. Very full notes, with transcriptions of the song tunes, were bound up with the record cover.

Wattle published two of the earliest long-play records of Aboriginal tribal music. One was called *Arnhem Land Popular Classics*, at the insistence of the American anthropologist Lamont West, who made the field recordings. The other was called *The Art of the Didgeridoo*. One side of this record consisted of field recordings made in Arnhem Land, the other of demonstrations of didgeridoo technique by the white musicologist Trevor Jones. Wattle also published a collection of field recordings

made in what was then the Trust Territory of New Guinea (now the northern half of the independent state of Papua New Guinea). Most of these recordings were made by Ray Sheridan, a Territory health worker and amateur musicologist. All these recordings, in the usual Wattle style,

were accompanied by booklets of notes.

Wattle has not published any record since *The Land Where the Crow Flies Backwards* in 1963. This was a collection of songs by a notable Aboriginal singer and song writer, Dougie Young. The field recordings had been made under difficult conditions by the anthropologist Jeremy Beckett. Beckett's original recordings of Dougie Young are held by the Australian Institute of Aboriginal and Torres Strait Islander Studies. Most of the other Wattle material, including master tapes of published records, have been deposited by Peter Hamilton with the National Library of Australia.

Few of the recordings published by Wattle did more than cover their costs of production. The production of Wattle records, nevertheless, took up most of Peter Hamilton's time for several years. He did, during these years, manage to produce a number of short films based around Australian folk songs which are now lodged with the National Film and Sound Archive. No Wattle material is at present available for sale.

Edgar Waters

The Oxford Companion
to Australian Folklore

WATERS, EDGAR (1923-), was born in Sydney. During the 1950s and 1960s he edited folksong recordings for Wattle (q.v.) and wrote notes on songs published in *Australian Traditions*. He completed a doctoral thesis on Australian folk song and popular verse at the Australian National University in 1962 and lectured in history at the University of Papua New Guinea for many years. He is presently a consultant to the National Library of Australia on folklore and oral history.

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Wattle published recordings (mostly extended play or long play) of other performers of the 'folk song revival' of the 1950s: the Ramblers (most of whom were also members of the Bushwhackers), the Moreton Bay Bushwhackers, the Bushcoats (led by John Meredith (q.v.), Bill Scott (q.v.) and Stan Ashby). They also published two long-playing records of performances of Australian songs by the distinguished English folksong scholar and singer A. L. Lloyd (q.v.). Lloyd had for some time been a station hand in Australia and had learnt some of his songs during that time.

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In 1955 Wattle published the first collection of songs and dance tunes actually recorded from bush oral tradition, as *Australian Traditional Songs and Dances*. These were performances originally recorded in the field by John Meredith (most of the material used was referred to for Wattle in Sydney). The performers included Sally Sirois (q.v.) and 'Duke' Tritton. The record was accompanied by a booklet giving extensive notes on the songs and the singers. In 1960 Wattle published another collection of field recordings: this time of songs and dance tunes from Victoria. The performers included Simon MacDonald (q.v.), who was perhaps — always excepting Sally Sirois — the finest singer in the bush tradition ever recorded in Australia. The recordings were made by members of the Folk Lore Society of Victoria, including Norm and Pat O'Connor, Bob Michel and Maryjean Officer. Very full notes, with transcriptions of the song texts, were bound up with the record cover.

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Intellectual Property Rights as Knowledge?

European Discourses and the Recognition of Indigenous Rights

Michael Davis*

To Edw
Greene Smith

The western concept of intellectual property is based on the notion that ideas can be owned, and that individuals have distinct rights to their ideas as property. But is 'intellectual property' an appropriate term to describe the rights and interests in property, and the way knowledge is organised and managed in Indigenous societies?

This paper is concerned not with actual systems of knowledge and rights in Indigenous societies. Rather, it considers the ways in which western discourses about Indigenous peoples — especially in regard to intellectual property rights — have sought to define and describe comparable systems or concepts in Indigenous societies. The paper explores some of the recent history of policy-making in Indigenous affairs relating to intellectual property and customary law, and discusses the ways governments have attempted to accommodate Aboriginal and Torres Strait Islander systems of law and culture into western legal and political discourses. It is argued that western legal, political and academic discourses about Aboriginal and Torres Strait Islander peoples perpetuate the dispossession and marginalisation of these peoples through the use of terminology that is often inappropriate, and misrepresentative of Indigenous perspectives. Such terms and concepts often serve to legitimise the interests of the state while concurrently denying or misrepresenting the concepts and categories of the dispossessed Indigenous Other. Western discourses of 'science' for example, deny Indigenous peoples' claims to their artefacts and the remains of their deceased. Often in these discourses, Indigenous cultural objects, including human remains, are referred to as 'relics' and subject to claims by states in the interests of 'science' and 'prehistory', thus denying or obstructing Indigenous struggles for self-determination.¹ The use of language as an instrument of dispossession is also apparent in the history of policy making about Indigenous 'intellectual property'. Recognition of Indigenous rights requires the development of an appropriate language which allows the incorporation of Indigenous peoples' own discourses and concepts. It is suggested that a language more amenable to Indigenous perspectives would employ terms such as rights to 'knowledge' and 'culture' in place of 'intellectual property'.

The concept of intellectual property in western legal discourse denotes a specific set of laws designed to encourage creativity by protecting the creations or inventions of individuals. These laws include the Copyright Act 1968, the Patents Act 1990, the Trademarks Act 1955, the Designs Act 1906, the Plant Breeders Rights Act 1994, and common law areas of trade secrets and passing off. In order to achieve protection of individuals' creations under the Copyright Act, certain criteria must be met. These include the requirement that items are in some material form such as writing in order to attract copyright, and that for copyright to be acquired, an individual author must be identifiable, to satisfy

the requirement of 'originality'. The term of protection under copyright law is the author's life plus fifty years. The Copyright Act 1968 aims to protect the 'form of expression of ideas, creating a property right in such form of expression of ideas, or the way in which ideas are expressed in a literary, artistic, dramatic or musical form...'² As such, the Copyright Act protects the 'form of expression of ideas, but not ideas themselves'.³

The Copyright Act does not adequately protect the cultural products and expressions of Indigenous peoples, which are thought to be primarily communally owned, often cannot be attributable to an identifiable creator, in many cases are of far greater antiquity than is permissible within the scope of the Copyright Act, and many of which are not produced in material forms. Considerable exploitation occurs of the cultural products and expressions, and artistic works of Indigenous peoples, and there have been several cases brought by Indigenous artists under the Copyright Act.⁴ Not only is the Copyright Act inadequate for protecting Indigenous cultural products and expressions, but the use of the categories of 'copyright' and 'intellectual property' to define aspects of Indigenous cultures presupposes certain characteristics of Indigenous societies, and imposes a specific European technical legal framework on any discussions about Indigenous cultures.

Various reports over at least the last fifteen years have considered legislative and other ways to prevent exploitation of the cultural products and expressions of Aboriginal and Torres Strait Islander peoples. These reports have assumed certain generalised characteristics of Aboriginal and Torres Strait Islander societies, and have employed different kinds of terminology to describe their understandings of Indigenous societies. At the heart of these reports and their various findings is the problem of a lack of proper recognition in Australian law of the cultural rights of Indigenous peoples. Any serious recognition of Indigenous cultural rights must be based on an understanding of the nature of Indigenous cultures, and of the concepts and categories used by Indigenous peoples to define and describe their cultural systems. The challenge is to find ways of meaningfully integrating different cultural systems, and to develop a language that can accommodate different conceptual systems.⁵

Folklore

*Definitions of folklore are as many and varied as the versions of a well-known tale.*⁶

Folklore is a generic label used to describe a repertoire of activities and expressions in Indigenous societies that are often considered to belong to a category that is not strictly 'culture'. The difficulties in agreeing on what constitutes folklore are illustrated by one writer who states that 'while anthropologists regarded folklore as literature, scholars of literature defined it as culture'.⁷ Activities

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The views expressed in this paper represent my own, and not those of ATSIC.

the United Nations Secretary-General prepared for the UN Commission on Human Rights Sub-Commission on Prevention of Discrimination and Protection of Minorities. In that statement the category 'intellectual property' is said to comprise three sub-categories:

- folklore and crafts
- biodiversity
- Indigenous knowledge

These sub-categories require further definition or clarification in order to achieve a reasonable correspondence with Indigenous concepts. In general, international standards appear to favour more holistic definitions of Indigenous cultures. The Special Rapporteur of the Sub-Commission, Erica Irene-Daes, in her comprehensive 'study on the protection of the cultural and intellectual property of Indigenous peoples' asserts that from Indigenous peoples' perspectives, the distinctions between categories such as 'cultural property' and 'intellectual property' are artificial and inappropriate. Rather, Daes argues, Indigenous cultural heritage must be regarded as a holistic concept wherein all the various elements of Indigenous cultures are interwoven in a tightly integrated system. This integrated view of Indigenous intellectual property is also advocated in Indigenous standard setting documents such as the Mataatua Declaration on Cultural and Intellectual Property Rights of Indigenous Peoples, and the Julayinbul Statement on Indigenous Intellectual Property Rights.

One international standard that employs language that is, on the surface, less explicitly alienating of Indigenous perspectives, is the Convention on Biological Diversity, ratified by Australia in June 1993. This Convention uses the expression 'knowledge, innovations and practices of Indigenous and local communities embodying traditional lifestyles' in its provisions concerning conservation and sustainable use of biological diversity.²¹ Although the term 'traditional' arguably may connote a fossilised culture, terms such as 'knowledge' are less value laden than 'folklore', or even 'customary law', and therefore potentially more useful for discussing Indigenous concepts and categories.

Intellectual property and copyright

The most recent endeavour by governments to consider Aboriginal and Torres Strait Islander peoples' intellectual property rights is the 1994 Issues Paper *Stopping the Rip-Offs: Intellectual Property Protection for Aboriginal and Torres Strait Islander Peoples*. That Paper adopts the terms 'intellectual property', and 'arts and cultural expressions' to denote aspects of Indigenous cultures. The Issues Paper defines 'arts and cultural expressions' to 'encompass all forms of artistic expression which are based on custom and tradition derived from communities which are continually evolving'. Despite the apparent conceptual openness suggested by this statement, the paper is bound within a conceptual framework of 'copyright' in that its discussion is based on 'those aspects of the protection of arts and cultural expression that have a close connection with copyright law'. Using this logic, the paper precludes from its consideration 'other areas such as biodiversity and indigenous knowledge...[which]...are sometimes considered to be protected by intellectual property laws', since 'these areas often touch on aspects of intellectual property protection without involving property rights themselves'.²² The problem with this is that it precludes the possibility for consideration of different systems of property rights that may exist in Aboriginal and Torres Strait

Islander societies, and denies the potential for Indigenous rights and interests in biodiversity and knowledge as 'property rights'.

Concluding comments

The western legal system of intellectual property does not protect knowledge as such. Knowledge must be 'fixed' in material form, such as print, film, sound or visual recordings, and must be regarded as 'original' in order for it to be considered as 'intellectual property' within the meaning of the Copyright Act.

Aboriginal and Torres Strait Islander peoples are likely to have different understandings of what the western legal system constitutes as intellectual property, and different ways of organising and managing knowledge and objects within their societies.²³ Rather than consider to what extent the present Copyright Act and other existing intellectual property laws can be amended to provide for protection of Indigenous intellectual property, it would be more productive to consider the nature of cultural products and expressions and property systems in Indigenous societies, and the possibilities for developing closer congruence between these systems and the western intellectual property system.

The management of knowledge is essential to Indigenous peoples' rights and interests in medicinal substances, biological diversity, land and ecosystem management, and sacred sites and objects, as well as arts and other cultural expressions. The performative aspects of Indigenous cultures, such as language use, story, song, dance and ceremony, vital to Indigenous identity and cultural expression are often inadequately considered in discussions concerning intellectual property. Adequate recognition and protection of Aboriginal and Torres Strait Islander peoples' cultural products and expressions cannot be purely confined to copyright and related intellectual property law systems. The rights in cultural knowledge, expressions and manifestations for which Indigenous peoples seek recognition and protection encompass a wider field of concerns than can be considered within conventional intellectual property regimes.

Politico-legal discourses deny and delegitimise the concepts of the Indigenous Other. By imposing their own vocabularies, such discourses continuously efface or refute the narratives, concepts and cultural orders of Aboriginal and Torres Strait Islander peoples.²⁴ The critical challenge is to develop an appropriate language of rights that can be used as the basis for better integration of different systems: western legal discourses of intellectual property; and Indigenous systems of integrated rights and interests.

1 On the issue of reburial, see for example, Pemina Yellow Bird and Kathryn Milun, 'Interrupted journeys: The cultural politics of Indian reburial', In Angelika Bammer (ed), *Displacements: Cultural Identities in Question*, Bloomington, Indiana University Press, 1994, pp.3-24.

2 Colin Golvan, *An Introduction to Intellectual Property Law*, The Federation Press, NSW, 1992, p.1.

3 Ibid., p.2.

4 See Commonwealth of Australia, *Stopping the Rip-Offs: Intellectual Property Protection for Aboriginal and Torres Strait Islander Peoples*, October 1994, for a brief survey of some of these cases.

5 A valuable discussion of the integration of Indigenous and non-Indigenous systems of knowledge and innovation is contained in Rural Advancement Foundation International, *Conserving Indigenous Knowledge: Integrating Two Systems of Innovation*, 1994.

- 6 Dan Ben-Amos, *Folklore in Context: Essays*, South Asian Publishers, New Delhi, 1982, p.2.
- 7 Ibid., p.2.
- 8 Ibid., pp.4-5.
- 9 Kamal Puri, 'Cultural ownership and intellectual property rights post-Mabo: Putting ideas into action', *Intellectual Property Journal*, Vol.9 (1995), pp.294-347 (p.297).
- 10 Department of Home Affairs and Environment, *Report of the Working Party on the Protection of Aboriginal Folklore*, Canberra, December 1981.
- 11 Ibid., pp.3, 17 (citing the 1976 WIPO/UNESCO Tunis Model Copyright Law for Developing Countries).
- 12 Australian Law Reform Commission, *The Recognition of Aboriginal Customary Laws*, AGPS, Canberra, 1986.
- 13 See for example HA Amankwah, 'Post-Mabo: The prospect of the recognition of a regime of Customary (Indigenous) Law in Australia', *The University of Queensland Law Journal*, 18, 1 (1994), pp. 15-37.
- 14 Ibid., p.21 (citing Dundas 1915).
- 15 Australian Law Reform Commission, *The Recognition of Aboriginal Customary Law*, Vol. 1, p.32, citing Diane Bell.
- 16 James Crawford, 'Legal Pluralism and the Indigenous Peoples of Australia'. In Oliver Mendelsohn and Upendra Baxi (eds) *The Rights of Subordinated Peoples*, OUP, Delhi, 1994, pp.178-220. See also Oliver Mendelsohn and Upendra Baxi, 'Introduction', in Ibid., pp.13-14.
- 17 Blackburn, Mr Justice, *Milirrpum and Others v Nabalco Pty. Ltd.*, 1971, cited in Nancy M Williams, *The Yolngu and their Land: A system of land tenure and the fight for its recognition*, Australian Institute of Aboriginal Studies, Canberra, 1986, esp. pp.158-202.
- 18 HA Amankwah, op. cit., p.32
- 19 See especially S.223(1) concerning the definition of the concept of native title. The potential for the Mabo decision, and the Native Title Act for recognition of Aboriginal and Torres Strait Islander peoples' intellectual property rights is discussed by David Bennett, 'Native Title and Intellectual Property', Native Titles Research Unit Issues Paper No.10, Native Titles Research Unit, Australian Institute of Aboriginal and Torres Strait Islander Studies, April 1996, and by Kamal Puri, op.cit.
- 20 United Nations Working Groups on Indigenous Populations, 1995. Draft Declaration on the Rights of Indigenous Peoples, UN Commission on Human Rights, Geneva.
- 21 International Convention on Biological Diversity, Article 8(j).
- 22 *Stopping the Rip-Offs*, p.2.
- 23 For a useful discussion of Aboriginal knowledge as intellectual property, see for example Deborah Bird Rose, 'Whose confidentiality? Whose intellectual property?'. In Mary Edmunds, (ed.), *Claims to Knowledge, Claims to Country: Native Title, Native Title Claims and the Role of the Anthropologist*, Native Titles Research Unit, Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra, 1994, pp.1-11.
- 24 cf Dianne Otto, 'A question of law or politics? Indigenous claims to sovereignty in Australia', *Syracuse Journal of International Law and Commerce*, Vol 21, (Spring 1995), pp.65-103.