

# Aboriginal and Torres Strait Islander secret/sacred and private material policy

POL-C-034

Version 2.0    23 May 2006

## Contents

1. Title .....	3
2. Introduction .....	3
3. Scope .....	3
4. Principles or guidelines .....	4
5. Definition of terms .....	5
6. Definition of responsibilities.....	6
7. References .....	6
8. Implementation.....	6

<b>ID</b>	POL-C-034
<b>Version</b>	2.0
<b>Version date</b>	23 May 2006
<b>Type</b>	Council approved
<b>Approval date</b>	4 May 2006
<b>File</b>	
<b>Availability</b>	Public & all staff
<b>Keywords</b>	Aboriginal, culture, sacred, secret, Torres Strait Islander
<b>Responsible officer</b>	Director, Repatriation Program
<b>History</b>	Aboriginal and Torres Strait Islander Secret/Sacred and Private Material Policy version 1.0 approved by Council, December 1996
<b>Review date</b>	April 2009
<b>Related documents</b>	Aboriginal and Torres Strait Islander Human Remains Policy, 2005 Deaccessioning and Disposal Policy, 2002 Return of Cultural Objects Policy, 2006
<b>Contact</b>	National Museum of Australia GPO Box 1901 CANBERRA ACT 2601 Tel: (02) 6208 5000 Email: <a href="mailto:information@nma.gov.au">information@nma.gov.au</a> Website: <a href="http://www.nma.gov.au">www.nma.gov.au</a>

## 1. Title

Aboriginal and Torres Strait Islander Secret/Sacred and Private Material Policy

## 2. Introduction

The National Museum of Australia (the Museum) is a major cultural institution charged with researching, collecting, preserving and exhibiting historical material of the Australian nation. The Museum focuses on the three interrelated areas of Aboriginal and Torres Strait Islander history and culture, Australia's history and society since European settlement in 1788 and the interaction of people with the environment.

Established in 1980, the Museum is a publicly funded institution governed as a statutory authority in the Commonwealth Arts portfolio. The Museum's building on Acton Peninsula, Canberra, opened in March 2001.

## 3. Scope

The National Museum of Australia recognises that secret/sacred and private materials are significant to Aboriginal and Torres Strait Islander people.

The Museum has custody of Aboriginal and Torres Strait Islander secret/sacred and private materials and associated documentation from a variety of government and non-government sources, including the former Australian Institute of Anatomy following its closure in 1984.

Under Section 21(c) of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1987* the Museum is identified as a Prescribed Authority, on behalf of the Minister for Aboriginal and Torres Strait Islander Affairs, for the purposes of safe-keeping Aboriginal and Torres Strait Islander secret/sacred and private materials for which the Minister cannot identify the relevant Aboriginal or Torres Strait Islander community. The Museum is not a repository for Aboriginal and Torres Strait Islander secret/sacred and private materials under any other legislation.

The Museum will not actively seek to collect Aboriginal and Torres Strait Islander secret/sacred and private materials. However, the Museum will accept secret/sacred and private materials donated from other sources.

The Museum is occasionally engaged to manage the care and/or management of Aboriginal and Torres Strait Islander secret/sacred and private materials on behalf of external agencies. Such secret/sacred and private materials are the legal property of the external agency. Notwithstanding any statements in this document, the terms and conditions for care and management of such secret/sacred and private materials are defined in the relevant agreement.

None of the Aboriginal and Torres Strait Islander secret/sacred and private materials held by the Museum form part of the National Historical Collection.

### 3.1 Description

The policy provides guidelines for the care and management of secret/sacred objects and private material held in the collections of the National Museum of Australia.

### 3.2 Purpose

The purpose of this policy is to outline how the National Museum of Australia will care for and manage Aboriginal and Torres Strait Islander secret/sacred and private materials.

### **3.3 Rationale**

This policy guides the care, management and repatriation of secret/sacred and private materials for which it has primary legal responsibility.

## **4. Principles or guidelines**

### **4.1 Acquisition**

The Museum shall not actively seek to acquire Aboriginal and Torres Strait Islander secret/sacred and private materials. The Museum will accept secret/sacred and private materials when donated.

Where government legislation assigns the Museum a custodial responsibility for secret/sacred and private materials found in certain situations, the Museum will deal with them in accordance with Australian law and then apply the guidelines of this policy.

From time to time, the Museum may be engaged to manage the care of Indigenous secret/sacred and private materials on behalf of external agencies. Such secret/sacred and private materials are the legal property of the external agency. Notwithstanding any statements in this policy, the terms and conditions for care and management of such secret/sacred and private materials are defined in the relevant agreement/contract.

### **4.2 Housing of Aboriginal and Torres Strait Islander secret/sacred and private materials**

Secret/sacred and private materials shall be housed in a secured area separate from the general collections of Aboriginal and Torres Strait Islander material.

### **4.3 Access to collections**

Access to the secret/sacred and private materials keeping place must be approved by the Director, Repatriation Program or by the person fulfilling the functions of that office.

Upon request, Aboriginal and Torres Strait Islander people, or their appointees who have written community/custodian authority, may have access to secret/sacred and private materials that may be provenanced from that community's area of responsibility.

### **4.4 Conduct in the secret/sacred and private materials keeping place**

All persons entering the secret/sacred and private materials keeping place shall conduct themselves in a respectful manner.

### **4.5 Display of Aboriginal and Torres Strait Islander secret/sacred and private materials**

The Museum shall not place Aboriginal and Torres Strait Islander secret/sacred and private materials in any display or make available secret/sacred and private materials for display by another organisation unless authorised by the relevant community/custodians.

### **4.6 Identification of communities/custodians**

The Museum shall conduct appropriate and diligent research to identify the correct communities/custodians responsible for Aboriginal and Torres Strait Islander secret/sacred and private materials in its custody.

This will include discussions with relevant community/custodians or their appointees in order to determine their wishes for the future of secret/sacred and private materials from that/their area. The Museum shall provide copies of all relevant documentation about the secret/sacred and private materials to the community concerned.

### **4.7 Holding secret/sacred and private materials on behalf of communities**

The Museum shall hold secret/sacred and private materials on the behalf of communities/custodians upon request. Such secret/sacred and private materials placed in the Museum's care shall be governed by all relevant clauses of this policy. The

community/custodians may have these secret/sacred and private materials returned to them at any time upon request. Such secret/sacred and private materials remain the property of the lodging community/custodians.

Any research undertaken on secret/sacred and private materials held on behalf of communities must have the prior consent of traditional custodians or those authorised by them.

All research will comply with recognised and appropriate ethical research guidelines.

#### **4.8 Repatriation**

The Museum will return secret/sacred and private materials to appropriate communities on request subject to initial research as referred to in 4.6 'Identification of communities/custodians'.

The community/custodians from the group or area from which the secret/sacred and private materials originated shall be involved in deciding what will happen to repatriated secret/sacred and private materials.

The Museum shall not place conditions on communities with regard to secret/sacred and private materials that are repatriated.

The Museum shall keep copies of all documentation on materials that are repatriated.

#### **4.9 Advice on scientific value**

The Museum shall advise communities/custodians about secret/sacred and private materials that it considers to have scientific value and advise on what resources are available for their preservation.

### **5. Definition of terms**

#### **Aboriginal and Torres Strait Islander secret/sacred and private materials**

All references to 'Aboriginal and Torres Strait Islander secret/sacred and private materials' in this policy should be taken to refer to materials that were or are traditionally subject to restrictions and/or protocols regarding access to those materials.

#### **National Historical Collection**

The collection of cultural material owned by or in the custody of the Museum and as defined by the *National Museum of Australia Act 1980*.

#### **Community**

Aboriginal and Torres Strait Islander people living in, and identifying with, a defined area who are accepted by the community as being a part of it. Community members may act either as individuals, as representatives of an organisation accepted within that community, or both.

#### **Custodian**

A person entitled by Aboriginal or Torres Strait Islander tradition to make decisions for, or have custody of, Aboriginal and Torres Strait Islander secret/sacred and private materials.

#### **External agency**

A department, organisation, authority, group, or individual with which the NMA enters into discussions, negotiations, or agreement.

## 6. Definition of responsibilities

### Director, Repatriation Program

Access to the secret/sacred and private materials keeping place is approved by the Director, Repatriation Program or by the person fulfilling the functions of that office.

## 7. References

*Aboriginal and Torres Strait Islander Heritage Protection Act 1984*

*Code of Ethics of the Australian Archaeological Association*, Australian Archaeological Association, December 2004

*Code of Ethics*, Australian Anthropological Society (no date)

*Continuous Cultures Ongoing Responsibilities: A comprehensive policy document and guidelines for Australian museums working with Aboriginal and Torres Strait Islander cultural heritage*, Museums Australia, 2004

*Guidelines for Ethical Research in Indigenous Studies*, Australian Institute of Aboriginal and Torres Strait Islander Studies, 2000

## 8. Implementation

This policy shall be implemented through the office of Director, Repatriation Program or the officer fulfilling the functions of that position.

### 8.1 Coverage

Care and management of Aboriginal and Torres Strait Islander secret/sacred and private materials.

### 8.2 Other related policies

Aboriginal and Torres Strait Islander Human Remains Policy, 2005

Deaccessioning and Disposal Policy, 2002

Return of Cultural Objects Policy, 2006

### 8.3 Monitoring

This policy will be reviewed in April 2009.