

Continuous Cultures, Ongoing Responsibilities

Principles and guidelines for Australian museums
working with Aboriginal and Torres Strait Islander
cultural heritage



Museums Australia Inc.

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Museums Australia

Museums Australia is the national peak professional body representing the museum and gallery sector. It supports employed professionals and volunteers working in and for art galleries, social history and science museums, historical societies, keeping places, heritage centres and botanic gardens.

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Preface

Continuing Cultures, Ongoing Responsibilities is the result of an extensive process of review and consultation over several years and a staged process involving review, redevelopment, consultation and further re-drafting.

In 2000, a formal review of *Previous Possessions, New Obligations* was undertaken for Museums Australia by Lynda Kelly, Head- Australian Museum Audience Research Centre, Phil Gordon, Manager- Aboriginal Heritage Unit at the Australian Museum and Tim Sullivan, Director- Historical Interpretation at Sovereign Hill.

Quantitative and qualitative methods were used to provide statistical information and detailed feedback from museum professionals about the effectiveness of *Previous Possessions, New Obligations*, and the most important organisational factors in its implementation

A questionnaire was distributed to 48 museums, art galleries, state libraries and archives across Australia holding significant collections of indigenous material. The questionnaires were distributed to staff in senior, middle and line management positions, and practitioners in collection management, anthropological and/or archaeological research, public programming and outreach services. A total of 108 completed surveys were received from staff in 25 organisations. This was followed by a qualitative phase comprising nine workshops to obtain in-depth feedback to supplement the questionnaire data. A final report titled, '*We deal with relationships: not just objects*'- *An Evaluation of Previous Possessions, New Obligations: Museums Australia Policy for Museums in Australia and Aboriginal and Torres Strait Islander Peoples*' was presented to Museums Australia in late 2000.

On the basis of the review's findings, initial revision began under the direction of a Steering Committee comprising Tina Baum, Chair- Indigenous Special Interest Group, Helen Gulash- the Australian Indigenous Cultural Network, Anne Brake- Immediate past- president of Museums Australia WA and Carol Scott- National President Museums Australia. The draft policy was launched by Peter Yu at the 2003 Museums Australia Conference in Perth and the second stage of consultation commenced shortly after the conference.

From July 2003, letters were sent to State, Territory and Commonwealth government departments; state, territory and national cultural institutions; the Council of Australian Museum Directors (CAMD) and the Council of Australian Art Museum Directors (CAAMD); indigenous communities and individuals, inviting them to provide further feedback on the first draft of *Continuing Cultures, Ongoing Responsibilities*. Draft copy was also made available on the Museums Australia website, promoted to Museums Australia members through the Museums Australia e-bulleting and through Australian Museums Online (AMOL). Feedback from members of the Museums Australia's Indigenous Special Interest Group was especially sought. Around fifty-five written submissions were received. Three focus groups of indigenous people working in museums, galleries and cultural centres were also conducted.

Further development of the document was undertaken to reflect the comments submitted and also to ensure that the document was as culturally and legally correct as possible. One of the important recommendations was to change the description of the document from 'policy' to guidelines' The guidelines were approved by the National Council for publication in February 2005, with the proviso that the document be reviewed every two years, or as required, in a process managed by the Association's Indigenous Standing Committee.

Acknowledgements

Numerous people have contributed to the development of this document. The many the departments, institutions, committees and individuals who have contributed comments and suggestions about how the document could be enhanced are too numerous to list here, but Museums Australia thanks them for giving their time and wisdom so generously.

The long and at times complex process was overseen by Meredith Hinchliffe, in collaboration with the Museums Australia National Council, the Policy Standing Committee chaired by Suzanne Davies, former President of Museums Australia Victoria and a specially formed Indigenous Reference Group. Their tireless efforts in bringing this document to fruition are acknowledged here.

The document you are holding was authored by Janey Dolan. Janey had the challenge of taking all of the many different viewpoints and weaving them into a cohesive document. She has deftly balanced big picture issues with a meticulous attention to detail. She has drafted guidelines that are at once straightforward and practical in their language, but do not shy away from the complexities that underscore them. We congratulate Janey for creating an intelligent document that provides clear guidance on an important area of museum work.

Carol Scott
President, Museums Australia

Continuous Cultures, Ongoing Responsibilities

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Aboriginal and Torres Strait Islander cultural heritage

Museums Australia, February 2005

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I. Preamble

Taking *Previous Possessions, New Obligations* into a new decade.

In 1993, *Previous Possessions, New Obligations: policies for museums in Australian and Aboriginal and Torres Strait Islander people*, was launched by the Council of Australian Museum Associations, the precursor body to Museums Australia. It was the International Year of Indigenous People. When Museums Australia was created the following year it adopted *Previous Possessions, New Obligations* as its flagship policy and used it to forge a new direction for Australian museums and galleries holding Indigenous Australian cultural material. It set an industry wide standard and highlighted the roles and responsibilities of museums and galleries in this area of their activities.

Previous Possessions, New Obligations was a historically significant document for the Australian museums and galleries sector and for Museums Australia. A landmark document at the time, it clearly articulated the role the museums and galleries sector saw for itself in addressing past practices and creating a new future of respect for and co-operation with Indigenous Australians in relation to museums and galleries and their treatment of Aboriginal and Torres Strait Islander peoples' cultural heritage. As the title of the document indicated, *Previous Possessions, New Obligations* was an acknowledgement that museum approaches of the future were to be significantly different to those of the past.

In the years since its launch *Previous Possessions, New Obligations* has had a measurable impact on the way Australian museums and galleries think about their core business and go about working with the cultural heritage of Australia's Indigenous peoples. It has informed the policies and practices of all the State and National museums and galleries and has been a source document for policy development in allied areas such as libraries and archives and the visual arts sector. It has been a tool in debates surrounding the representation of cultural diversity in Australian museums and galleries small and large.

In 1996 *Previous Possessions, New Obligations* was revised into a simplified, plain English version to respond to the particular needs of Indigenous communities, and to a certain extent to those of small museums and galleries. This version gave Indigenous Australian communities a clear understanding of what they should expect from Australian museums and galleries when it came to dealing with their cultural heritage. The plain English version of *Previous Possessions, New Obligations* subsequently became the most widely distributed version.

In 2000 Museums Australia commissioned a review of *Previous Possessions, New Obligations*. The review sought to determine the impact the policy documents had had on practices in Australian museums and galleries. It also sought to find out where and how the policy might be improved or changed to maintain its influence and relevance into the future. The 2000 review found that *Previous Possessions, New Obligations* had contributed to a changed culture of practice among the major Australian museums and galleries, particularly in the highly sensitive areas of the treatment of collections of ancestral remains and secret and sacred material. It had also had an impact on the ways in which Aboriginal and Torres Strait Islander peoples were being represented in these institutions. As a general consequence of applying *Previous Possessions, New Obligations* Aboriginal and Torres Strait Islander people had achieved substantially greater access to and influence over collections and other elements of museum and gallery activities. These significant changes had been underscored by *Previous Possessions, New Obligations*'s key principle that recognises the rights of Indigenous Australians to self determination in relation to their cultural heritage.

The 2000 review made a range of recommendations that related both to the future of the policy and to mechanisms for its wider application. In order for the policy to maintain its currency the report recommended that *Previous Possessions, New Obligations* needed to be updated to reflect developments in a range of areas. These included intellectual and cultural property rights of Aboriginal and Torres Strait Islander individuals and communities, the broadening role of museum and gallery collections, technological advances and regional and local issues. The review also recommended that a range of implementation measures be adopted. The areas identified by the 2000 review, as well as issues that have subsequently been addressed in this version of the document, reflect a range of legal, social and technological issues that have had an impact in the museum and broader Australian and international cultural sector since 1993.

2003 was the 10th anniversary of the launch of *Previous Possessions, New Obligations*. In recognition of the positive impact it has had in the museums and galleries sector, and the need to acknowledge change, Museums Australia has revised and renamed *Previous Possessions, New Obligations* to ensure it remains relevant to the times. The revision of this document to *Continuous Cultures, Ongoing Responsibilities* is in order to be reflective of where we stand some ten years on with regards to museums and galleries and Aboriginal and Torres Strait Islander cultural heritage. It seeks to acknowledge that museums and galleries have modified their approach to Indigenous cultural material and collections to incorporate:

- Custodianship and care taking rather than ownership
- Recognition of the value of stories and other intangibles associated with objects
- Acknowledgement and recognition within museums of contemporary Aboriginal and Torres Strait Islander cultural practices
- The creation of genuine relationships of recognition and reciprocity between traditional custodians and museums and galleries

Continuous Cultures, Ongoing Responsibilities represents a revision of the original *Previous Possessions, New Obligations* principles and policies in the form of a set of principles and guidelines for policy and procedure. This revision will continue to help shape the future direction of representation of Australian Indigenous cultural heritage in our museums and galleries. *Continuous Cultures, Ongoing Responsibilities* does not seek to address wide-ranging implementation issues. A national strategy for implementation of the policies is intended as a second and subsequent stage of this revision process and will encompass and involve a wide range of stakeholders.

The development of *Continuous Cultures, Ongoing Responsibilities* has been informed by a number of sources and initiatives and it reflects the broadened understanding of the role of collecting and preserving institutions beyond the museums and galleries sector - such as libraries and archives, and into new areas – such as native title. It draws on the best practices of Australian museums as developed over many years work in this area. It references the work of the many Indigenous Australian cultural industry professionals who are shaping the involvement and the place of Indigenous Australian and their heritage in museums and galleries, and who will drive the future of these in the area of Indigenous cultural heritage and far beyond. It draws reference from the strong social movement towards reconciliation and the recognition that museums and galleries have tremendous potential to be key players in the achievement of reconciliation in Australia. The revised document also is framed by a time of challenging public discussion about how Australian history and society should be represented in museums.

New and emerging factors that have influenced *Continuous Cultures, Ongoing Responsibilities* include:

Native title laws and processes

The common law recognition of Native title occurred in 1992 with the handing down of Mabo in Queensland and Native Title legislation came into effect on 1 January 1994. Important to Aboriginal and Torres Strait Islander people's capacity to establish native title is evidence of unbroken spiritual and cultural connections to land. Museums and galleries, as custodians and caretakers of some forms of Aboriginal and Torres Strait Islander cultural heritage must now acknowledge their part in this process and facilitate to the greatest extent possible Aboriginal and Torres Strait Islander cultural maintenance requirements – be this through access to or return of items of cultural significance.

Return of Indigenous Cultural Property Programs

The efforts of Australian museums and galleries to repatriate and/or provide appropriate care for significant cultural material such as ancestral remains and secret/sacred items has been substantially assisted through the federal *Return of Indigenous Cultural Property Program* as well as through Aboriginal and Torres Strait Islander Services (ATSIS). The funds associated with these programs are supporting museums and communities to work together to resolve the custody and care of these important items to the satisfaction of their traditional custodians. The ATSIS program also supports the return of material from overseas collections. The processes governing individual museums' efforts to facilitate the appropriate repatriation of cultural property enabled by these programs have been influenced and supported by the original *Previous Possessions, New Obligations* policy document.

Our Culture our Future: Report on Indigenous Cultural and Intellectual Property Rights

Our Culture our Future: Indigenous Cultural and Intellectual Property Rights was published in 1998 and has been an important guide to issues relating to recognition of the cultural and intellectual property rights of Indigenous Australians. The report made clear the desires and expectations of Indigenous Australians particularly with regard to their rights to control their cultural and intellectual property in all spheres of its use including in museums and galleries. *Continuous Cultures, Ongoing Responsibilities* seeks to reflect the relevant outcomes of the report. It should also be noted that museums and galleries have obligations under Australian legislation pertaining to Cultural and Intellectual Property Rights and must factor that into all their activities.

Protocol documents

Sectors allied to museums and galleries have developed their own protocols, policies and position statements in relation to Aboriginal and Torres Strait Islander cultural heritage. The 1994/95 *Aboriginal and Torres Strait Islander Protocols for Libraries, Archives and Information Services*, a document endorsed by the Aboriginal and Torres Strait Islander Library and Information Resource Network has framed contemporary practice in that area. Similarly the National Association for the Visual Arts published *Valuing Art, Respecting Culture: Protocols for working with the Australian Indigenous Visual Arts and Crafts sector* in 2001. Each of these protocol documents addresses the need for collecting institutions to be welcoming places for Aboriginal and Torres Strait Islander people and their needs. This is in reference to Indigenous Australians as museum and gallery users as well as the creators and traditional custodians of cultural material held within them. It is equally applicable to Aboriginal and Torres Strait Islander people in their capacity of professional staff and board members. Collectively, these and other similar protocol documents have informed the development of *Continuous Cultures, Ongoing Responsibilities*.

Technology

Museum and gallery efforts to increase access to collections, expand opportunities for communication and maintain relevance in a global context have been integrated with ever greater technological developments. Museums and galleries now share and access collection and interpretive information with colleagues and communities throughout the world in a way that was not possible ten years ago. The advances on technology have impacted in all areas of museological practice including exhibitions, publications, and collection and information management. The development and success of the Australian Museums and Galleries on Line (AMOL) site is an indicator of the level to which technology has influenced all areas of the museums and galleries sector. With the potential advancements of technology comes the risk of reduced control over digital material and a raft of new issues related to access rights as well as intellectual and property rights. *Continuous Cultures, Ongoing Responsibilities* seeks to address the special needs of Indigenous communities in relation to the use of technology.

Other relevant resources

Numerous resources have been developed to support museums of all sorts to work appropriately and effectively with Indigenous Australians and collections of their cultural heritage. These include - *reCollections: Caring for collections across Australia; Caring for our Culture: National guidelines for museums, galleries and keeping places, Significance: A guide to assessing the significance of cultural heritage objects and collections; Taking the Time: Museums, Galleries, Cultural Protocols and Communities. A Resource Guide; and Side by Side: A plan to build relationships between Indigenous Australians and Museums*. Many of these resources cite *Previous Possessions, New Obligations* as a key reference. They have been important for communicating the principles and policies of *Previous Possessions, New Obligations*, as well as being crucial tools in its implementation throughout the museums and galleries sector.

Previous Possessions, New Obligations had an important role to play in informing museum and gallery practices involving Australian Indigenous cultural heritage in culturally sensitive ways. The emphasis was on the role of the museum or gallery as an institution and had a focus on the activities of large institutions. Over the past decade there has been an increasing level of attention paid toward the role of Aboriginal and Torres Strait Islander communities and the direct benefits that they can derive from museums and galleries. This is a new and important direction, and one that is reflected in *Continuous Cultures, Ongoing Responsibilities*, as it places a greater emphasis on relationships and partnerships between Aboriginal and Torres Strait Islander peoples and museums and galleries.

Scope of the document

This document has two sections. The first is a set of principles, which constitute Museums Australia's own policy statement and which underpin the second section, which provides detailed guidelines for policy and procedure for museums and galleries based on those principles. The basis of the principles and guidelines contained in *Continuous Cultures, Ongoing Responsibilities* is recognition of the inherent interests of Aboriginal and Torres Strait Islander peoples in the spiritual and practical care and control of their cultural property. Australian museums and galleries hold collections in accordance with Australian Federal, State and Territory laws. Museums and galleries have a responsibility to develop policies governing all areas of their activity within the parameters of these laws.

The *Continuous Cultures, Ongoing Responsibilities* document is intended to guide museums and galleries in framing their own procedures for dealing with Aboriginal and

Torres Strait Islander peoples and the management of their cultural heritage. This is a document which has broad relevance beyond social history and anthropological collections and which should be applied across all areas of Australian museum practice. It is understood that the extent to which the adoption of these guidelines is possible will vary from museum to museum dependant on its size and the nature of its existing activities. However, museums and galleries of all sizes, acknowledging and accepting the moral imperative to apply the best practices possible to this area of work, should adopt the principles and apply the *Continuous Cultures, Ongoing Responsibilities* guidelines to the full extent of the resources available to them.

Definitions

Museum

The term “museum” is used here in the broadest sense of the Museums Australia definition, which says that a museum is an institution with the following characteristics:

- A museum helps people understand the world by using objects and ideas to interpret the past and present and explore the future. A museum preserves and researches collections, and makes objects and information accessible in actual and virtual environments. Museums are established in the public interest as permanent, not-for-profit organisations that contribute longterm value to communities.
- Museums Australia recognises that museums of science, history and art may be designated by many other names (including gallery and Keeping Place). In addition, the following may qualify as museums for the purposes of this definition:
 - (a) natural, archaeological and ethnographic monuments and sites and historical monuments and sites of a museum nature that acquire, conserve and communicate material evidence of people and their environment;
 - (b) institutions holding collections of and displaying specimens of plants and animals, such as botanical and zoological gardens, herbaria, aquaria and vivaria;
 - (c) science centres;
 - (d) cultural centres and other entities that facilitate the preservation, continuation and management of tangible or intangible heritage resources (living heritage and digital creative activity);

Cultural material

Cultural material is physical and documentary material that represents the intangible and tangible elements of individual cultures. Such material may be, may refer to, may represent or may be a component of specific practices or knowledge systems. Aboriginal and Torres Strait Islander cultural material in museums and galleries includes but is not limited to artistic works including visual, performing and literary works, moveable cultural property and ancestral remains. It also includes photographic, film, and sound recordings as cultural materials in their own right, as well as being documentation of cultural practices, and all other forms of documentation of Aboriginal and Torres Strait Islander people and any elements of their culture - past, present and future.

Ancestral remains

Historically many museums worldwide have collected human remains, particularly from Indigenous groups. These often became part of natural history collections. Their removal from Indigenous communities has been the cause of great distress and sadness for Indigenous people everywhere, including in Australia. This has been for a range of reasons, primary amongst which is the fact that in many cases these ancestral remains were taken into collections without the knowledge or permission of the descendants of the deceased. Such actions run in direct opposition to the intentions of almost every human

community and their particular beliefs and traditions associated with death and burial of their ancestors and family members. When this document refers to ancestral remains it is referring to all types of Aboriginal and Torres Strait Islander human remains regardless of whether they are full, partial or modified in any way and regardless of their age, or the length of time they have been held in collections.

Repatriation

An important move in recent years has been towards the repatriation or return of highly culturally important material from museums and galleries back to their communities of origin. The particular emphasis of repatriation has been on ancestral remains and secret and / or sacred material. Often, these have been put into collections without the permission, and often without the knowledge, of their appropriate owners or custodians. This has resulted in great cultural loss to many Indigenous Australians throughout the country. Recognising this, Australian museums and galleries are actively trying to turn the tide of these removals by returning such material to the Aboriginal and Torres Strait Islander communities from whom they were taken. In some cases the repatriation process results in the reburial of ancestral remains and in others repatriated material is stored in a community keeping place or community centre. In other instances these communities decide to house their ancestral remains in a museum which then maintains custodial care for the material until the community seeks to take it back.

Aboriginal and Torres Strait Islander peoples / Indigenous Australians

The Indigenous peoples of Australia are not one community or cultural group. They are many, culturally diverse peoples, speaking different languages, living and practising highly individual cultures. In this document two terms are used to refer to this diverse range of peoples – Aboriginal and Torres Strait Islander and Indigenous Australians. In essence these are short hand terms to refer to all Australian Indigenous people throughout the country. In reality every region will historically have been the home of one or perhaps several individual Indigenous cultural groups. In the contemporary context any region or city is likely to have Indigenous Australians from many different places and cultural groups within its community. Some of these people will have direct links to the place they live in and others will have places of origin elsewhere. It is important that this cultural diversity is recognised and understood.

II. Continuous Cultures, Ongoing Responsibilities Principles and Guidelines

INTRODUCTION

Museums Australia requires its members to conform to its Code of Ethics, which includes statements about ethical practice with regards to the acquisition, display, research and disposal of Aboriginal and Torres Straits Islander peoples' cultural material and ancestral remains, and with regard to professional conduct.

To assist institutional and individual members to meet their obligations under the Code, Museums Australia presents here a set of principles (The Continuous Cultures, Ongoing Responsibilities (CCOR) Principles) that provide more details about the issues raised in the Code. Museums Australia recommends that each museum governing body should adopt these principles as an element of the governance framework for the organisation, and that each individual member should use these principles as a professional reference point.

To assist museums in implementing the CCOR Principles, Museums Australia also presents a set of guidelines (The CCOR Guidelines). Museums Australia recommends that museums use these guidelines when developing their own policies and procedures to address the CCOR Principles, and that individuals use the guidelines in the development of professional standards of practice

PRINCIPLES

Self determination

1. Aboriginal and Torres Strait Islander people have the right to self-determination, particularly in respect of cultural heritage matters.
2. Aboriginal and Torres Strait Islander people have the right to fulfilment of their own cultural aspirations.
3. Authority for the protection of secret and sacred items belongs to the traditional custodians or their descendants, according to traditional Aboriginal or Torres Strait Islander laws.
4. Gender, age and status issues impacting on Aboriginal and Torres Strait Islander cultural heritage, materials, stories and other information are to be determined by relevant Aboriginal and Torres Strait Islander people themselves and these determinations are to be respected by collecting institutions.

Management and Collections

5. Aboriginal and Torres Strait Islander people must be given the opportunity to have informed input into decisions affecting how museums store, conserve, research, display or in any other way use collections of their cultural heritage and how such collections and information are presented, whether for exhibition, publication or educational purposes.
6. The stories and information associated with Aboriginal and Torres Strait Islander cultural materials are of equal importance to the actual materials and must be treated with equal respect.

Access to collections and information

7. Aboriginal and Torres Strait Islander communities have a right to know what items and documents of their cultural heritage are held in museum collections.
8. Relevant Aboriginal and Torres Strait Islander people should determine who has access to Australian Indigenous items and information held in museum collections.

Assistance to Aboriginal and Torres Strait Islander communities

9. Aboriginal and Torres Strait Islander people are entitled to seek and to reasonably expect assistance from museums to enable them to develop skills and knowledge about all areas of museum activity including storage, handling, recording and display of cultural items, strategic planning, research and recording techniques and exhibition planning.
10. Aboriginal and Torres Strait Islander communities seeking assistance from museums with the care, display or other use of their cultural heritage retain full authority in decision making matters pertaining to that material.

Employment and training

11. Aboriginal and Torres Strait Islander people should be actively encouraged to seek employment within all areas of the museums and galleries sector.
12. Aboriginal and Torres Strait Islander peoples' cultural skills should be recognised along with other experience and qualifications in their efforts to seek employment or training in museums and consideration of these skills should be reflected in the levels of employment they attain.

Policy formulation

13. Aboriginal and Torres Strait Islander people should be involved in policy decisions affecting their cultural heritage in all areas of museological practice and at all levels – from high level issues of governance through to daily practices such as collection management, interpretation and access.
14. All museums should strive for best practice with their Indigenous Australian collections and programs and should play a role in helping Aboriginal and Torres Strait Islander people to fulfil their aspirations in how they store and use their cultural material.

Cultural and intellectual property rights

15. Aboriginal and Torres Strait Islander people retain full rights to their cultural heritage both in respect to Australian intellectual property laws as well as relevant customary laws.

Reconciliation

16. Reconciliation for Australians is a fundamental principle underlying the activities of museums in the development of their relationships with Indigenous Australians and the manner in which they deal with Aboriginal and Torres Strait Islander cultural heritage.

GUIDELINES FOR POLICY AND PROCEDURE

1. COLLECTIONS

Collections of objects and information are the foundations of museums. They enable museums to communicate the ideas and stories associated with culture and must be treated with care and respect. The first three sections of these guidelines address the areas of Management of Collections, Interpretation of Collections and Access to Collections and apply both to existing and future collections. They also relate to both contemporary and historical cultural material. These guidelines apply to collections of Aboriginal and Torres Strait Islander cultural heritage that have been acquired by open and legal means. The guidelines in this section do not relate to ancestral remains or secret/sacred material, for which specific guidelines are outlined in sections 1.4 and 1.5.

1.1 Management of Collections

Museums need to acknowledge that collections of cultural materials and stories form part of the cultural traditions of Aboriginal and Torres Strait Islander communities, and that therefore museums must take into account the views of those communities in matters relating to the display, collection, care, return or removal of cultural materials and who may access them.

General

- 1.1.1 Museums should strive to develop partnerships with Aboriginal and Torres Strait Islander people to enable their involvement in all areas of the development and management of Aboriginal and Torres Strait Islander cultural heritage collections and related information.
- 1.1.2 All museum collections have a range of stakeholders, each of whose rights will guide decisions related to that collection. Recognising this, museums need to acknowledge the primacy of Aboriginal and Torres Strait Islander stakeholders' interests in their cultural heritage.

Acquisition

- 1.1.3 Museums have a responsibility to acquire Indigenous Australian cultural material, including works of art, in an ethical manner. In doing this, all effort should be made to support local indigenous community aspirations and community development efforts such as local arts centres.
- 1.1.4 It is recommended that where museums are responsible for commissioning and purchasing Aboriginal and Torres Strait art, and / or reproducing it for commercial purposes, this should be done in accordance with *Protocols for Working With the Australian Indigenous Arts and Craft Sector*.

Custodianship

- 1.1.5 Relevant Aboriginal and Torres Strait Islander people should be involved in decisions regarding the care and preservation of their cultural materials held in museum collections. This may require the adaptation of conservation practices to meet cultural requirements, particularly when an item is secret or sacred.
- 1.1.6 Museums may not make or authorise others to make replicas or copies of Aboriginal and Torres Strait Islander cultural material without the prior permission of the appropriate traditional custodians or those authorised by them.

- 1.1.7 Management of ephemera, such as collection documentation, photographs and archival records should be undertaken in accordance with *Aboriginal and Torres Strait Islander protocols for libraries, archives and information services*.
- 1.1.8 Requests from Aboriginal and Torres Strait Islander communities for the return to them of cultural items held in museums must be given serious consideration.

1.2 Interpretation of Collections

Museums conduct a wide range of interpretive programs, which include exhibitions, education activities, publications, websites and outreach programs. These help museums to share their work and their collections with the wider public. Interpretation gives collections meaning and increases access. Museums will benefit by involving people from relevant Aboriginal and Torres Strait Islander communities in improving and adding to information about Indigenous items in museum collections.

Interpretation

- 1.2.1 Through research, exhibitions and public programs, museums should promote cultural respect and understanding of Aboriginal and Torres Strait Islander cultural traditions among all Australians. They should at all times reflect the vital, diverse and contemporary nature of Australian Indigenous cultures.
- 1.2.2 Aboriginal and Torres Strait Islander people should be involved with all aspects of the interpretation of collections and in the development of public and education programs. They should be consulted as to the best ways to incorporate Indigenous Australians and their cultural material in these programs.
- 1.2.3 It is important that museums use their interpretive programs to fully explore and communicate the richness and diversity of Australia's Indigenous cultures and traditions, both historical and contemporary. It is also important that Aboriginal and Torres Strait Islander cultural heritage is interpreted in line with the cultural requirements and aspirations of Aboriginal and Torres Strait Islander peoples.

Research

- 1.2.4 Museum research on Aboriginal and Torres Strait Islander cultural heritage items must be undertaken using recognised ethical research practices which include the sharing of research outcomes with relevant Indigenous communities.
- 1.2.5 Museums should seek to work with relevant Aboriginal and Torres Strait Islander communities in order to develop strategies to enable them to undertake research on cultural materials and in all matters relating to collections.
- 1.2.6 Museums undertaking scientific or social research in the field are obliged to conform to all government, Land Council and other relevant agencies' requirements for access permission to Aboriginal or Torres Strait Islander lands or territories and the materials contain therein.

1.3 Access to Collections

Museum collections are being made increasingly accessible via a variety of media. Digital, print and other technologies have greatly expanded the scope for access to collections of objects and information. Museums are also making their collections increasingly accessible outside the confines of their buildings. This expanding approach to access must pay regard to the particular needs and concerns of Aboriginal and Torres Strait Islander peoples.

- 1.3.1 Museums and galleries should be active in their efforts to inform Aboriginal and Torres Strait Islander communities of collection holdings of their cultural material and associated documentation.
- 1.3.2 Where possible, strategies for creating and controlling appropriate access to Aboriginal and Torres Strait Islander material in collections should be developed jointly with the traditional custodians of cultural material held in collections. This applies to all levels of access including by the traditional custodians, museum staff, external researchers and other museum users. It also applies to all types of access including in storage, through exhibitions and via digital media.
- 1.3.3 Museums should support the needs of Aboriginal and Torres Strait Islander peoples by facilitating their access to relevant parts of collections through the use of new technologies, outreach and other programs of access. Such approaches need to consider issues of remoteness, access and usability of technology and other factors impacting on Aboriginal and Torres Strait Islander communities.
- 1.3.4 Museums should co-operate with Aboriginal and Torres Strait Islander organisations who are undertaking digital or other initiatives to increase the understanding of and access to Aboriginal and Torres Strait Islander collections on behalf of their own communities.
- 1.3.5 Museums should work with Aboriginal and Torres Strait Islander communities who do not have their own keeping places or cultural centres to develop appropriate strategies for enabling access to relevant collections in their own communities.
- 1.3.6 Museums need to recognise that Aboriginal and Torres Strait Islander cultural material held in collections may have special significance outside of museums, and should facilitate their application to wider purposes as requested by traditional custodians.
- 1.3.7 Museums should make available to Aboriginal and Torres Strait Islander communities all documents, including photographs and film, held by them, which are relevant to those communities. In doing so they should give equal attention to the issues of cultural and intellectual property rights and the rights of access of a document's author.
- 1.3.8 Museums need to consider and advocate for the needs of Aboriginal and Torres Strait Islander communities with regard to access to documents concerning them where other access conditions also apply, such as in the case of Anthropologists' field journals which may be subject to copyright protection.

- 1.3.9 Access to ephemera such as collection documentation, photographs and archival records should be managed in accordance with *Aboriginal and Torres Strait Islander protocols for libraries, archives and information services*.

1.4 Ancestral Remains

Australian museums have been at the forefront of development of culturally appropriate processes in relation to existing collections of ancestral remains, particularly of Indigenous Australians.

These guidelines apply to all ancestral remains of Aboriginal and Torres Strait Islander peoples regardless of their age and regardless of whether they have been modified in any way. It is the clear intention of this policy that museums enter into meaningful consultation with relevant Aboriginal and Torres Strait Islander communities regarding ancestral remains. The utmost sensitivity must be observed in dealing with ancestral remains, and any decision concerning the return or retention of ancestral remains should be made jointly after conducting culturally sensitive consultation.

Acquisition

- 1.4.1 Museums should not actively seek to acquire ancestral remains. Where Government legislation states that museums have custodial responsibility for remains found in certain situations the museum should first deal with them in accordance with Australian law and then apply these guidelines.
- 1.4.2 The ancestral remains of Aboriginal and Torres Strait Islander people must be dealt with according to the wishes of the deceased, or their relatives, or their community Elders where these can be identified. In instances where these cannot be identified, the ancestral remains should be cared for in accordance with the relevant guidelines outlined in this document.

Repatriation

- 1.4.3 The community from which the ancestral remains originated needs to be involved in deciding what will happen to remains repatriated by museums.
- 1.4.4 Museums are to seek out the rightful custodians of ancestral remains and ask them whether they wish the remains to be repatriated to the community or held by the museum on behalf of the community.
- 1.4.5 If rightful custodians ask for the return of ancestral remains museums should agree. All requests for the repatriation of Aboriginal and Torres Strait Islander ancestral remains should be promptly and sensitively dealt with by museums, who must at all times respect the materials' very sensitive nature.
- 1.4.6 Museums must not place conditions on communities with regard to the repatriation of ancestral remains.

Custodianship

- 1.4.7 Where a museum is requested by the traditional custodians or those authorised by them to store and care for ancestral remains the museum should abide by any reasonable conditions sought by those custodians. Agreements reached between museums and custodians regarding the storage and care of ancestral remains should be subjected to a regular review process.

Storage, Access and Display

- 1.4.8 If it is agreed that a museum will retain ancestral remains then they should be properly stored in an area separate from other parts of the collection and treated with respect at all times.
- 1.4.9 Access to Aboriginal or Torres Strait Islander ancestral remains held by museums should be carefully controlled according to the wishes of the traditional custodians or those authorised by them.
- 1.4.10 Ancestral remains should not be displayed in public, except in special circumstances where parts of the remains are an integral part of other items, such as human teeth incorporated in an item of personal attire. In such cases the traditional custodians or those authorised by them, must agree to the display of such items. Equally, images and replicas of ancestral remains held in museums must not be exhibited or in any other way made available to the public without the prior permission of the traditional custodians or those authorised by them.

Scientific and Cultural Significance

- 1.4.11 There may be potential scientific or social research value in ancestral remains. However, any research undertaken on ancestral remains must have the prior, free and informed consent of traditional custodians or those authorised by them and comply with recognised and appropriate ethical research guidelines.

General

- 1.4.12 National and state institutions should support small museums to develop strategies to effectively deal with their holdings of Aboriginal and Torres Strait Islander ancestral remains.

1.5 Secret / Sacred and Other Sensitive Material

Many museums and galleries have substantial collections of Aboriginal and Torres Strait Islander items, which are secret and/or sacred, or in some other way sensitive in nature. Secret/sacred materials are items of special religious and spiritual significance to Aboriginal and Torres Strait Islander peoples. They have an associated tradition of restricted access and have never been accessible to all members of a community. Such items are usually associated with men's and women's private ceremonies which are not open to outsiders or to certain people within their society of origin. Best museological practice requires that special measures be undertaken in accordance with the requirements associated with the considerable religious and ceremonial significance of secret and sacred items.

It is important that museums consider cultural diversity amongst Aboriginal and Torres Strait Islander peoples and realise that the degree to which an object or image is secret or sacred may vary from community to community. It may also change over time. Further, there are instances where materials for which no restrictions apply in their community of origin are subject to restrictions by other groups. Given the complexity of issues surrounding the status of such items it is important to recognise and acknowledge that it is the community of origin who ascribe the special status of cultural material and knowledge.

Acquisition

- 1.5.1 Museums should not actively seek to acquire secret/sacred items except in such cases as to remove them from private collections or general

circulation. Such action should only be done in consultation with the material's traditional owners or those authorised by them and with the intention that the material be repatriated or otherwise appropriately cared for.

Return / Repatriation

- 1.5.2 If a museum has a secret/sacred item in its collection, the museum should try to identify what it is and where it comes from (its provenance). This is to be done with the involvement of appropriate Aboriginal and Torres Strait Islander people or representative bodies.
- 1.5.3 Museums are to seek out the rightful custodians of secret/sacred items and ask them whether they wish the items to be repatriated to the community or held by the museum on behalf of the community.
- 1.5.4 If rightful custodians ask for the return of secret / sacred items museums should agree. Museums must at all times respect the items' very sensitive nature.
- 1.5.5 Museums should not place conditions on communities with regard to the repatriation of secret/sacred cultural material.

Custodianship and Access

- 1.5.6 Museums may hold secret/sacred items if requested to do so by their traditional custodian/s or those authorised by them. In such cases a museum is to abide by any reasonable conditions sought by those custodians. Agreements reached between museums and custodians regarding the storage and care of secret/sacred items should be subjected to a regular review process.
- 1.5.7 Museums shall store secret/sacred items in ways that respect their significant nature and separately from other collections.
- 1.5.8 Traditional custodians are to be consulted on the best ways to store and preserve secret/sacred items and only people given permission by traditional custodians or those authorised by them, such as the museum's management, shall have access to secret/sacred items.

Display

- 1.5.9 Secret/sacred material should not be displayed to the public except with the specific permission of the traditional custodians or those authorised by them. Nor should images or replicas of secret/sacred material held in museums be exhibited or in any other way made available to the public without the prior permission of the traditional custodians or those authorised by them.
- 1.5.10 Museums are advised to utilise warning and disclaimer signs at the entry to exhibitions that contain material that not secret /sacred or restricted in its community of origin but may be so to other communities.

General

- 1.5.11 National and state institutions should support small museums to develop strategies to effectively deal with their holdings of Aboriginal and Torres Strait Islander secret/sacred material.

2. EMPLOYMENT AND TRAINING

The most effective way to ensure a high level of Aboriginal and Torres Strait Islander involvement with museums, their collections and activities, is to have Indigenous Australian professionals employed throughout the sector, as well having appropriately skilled Aboriginal and Torres Strait Islander people in control of local cultural centres and keeping places. Effective acknowledgment and use of the skills and expertise of such Indigenous Australian museum staff is essential.

Employment

- 2.1 Museums should actively promote the employment of Aboriginal and Torres Strait Islander people in all areas of their activity including but not limited to, areas dealing with their cultures and heritage. These include the care of collections, research, conservation of items, public programs, management and administration.
- 2.2 Aboriginal and Torres Strait Islander peoples' cultural skills should be acknowledged and accorded appropriate consideration in determining the levels of employment they attain.
- 2.3 Where employment of Aboriginal and/or Torres Strait Islander people may not be possible, such as in small museums with few or no staff, Aboriginal and Torres Strait Islander people are to be involved in decision and policy making processes of the organisation through their inclusion on advisory committees or by other similar means.

Training

- 2.4 Museums should actively seek to train Aboriginal and Torres Strait Islander people in all aspects of their activity.
- 2.5 Museums should actively support communities to meet the training needs required for the establishment and ongoing management of Aboriginal and Torres Strait Islander community museums, cultural centres and keeping places.
- 2.6 Museums should structure their Indigenous trainee programs to lead towards full employment and then towards career progression.
- 2.7 Museums should seek to develop training partnerships with key educational institutions delivering training in the sector, such as TAFES, Universities and other recognised training providers, to enable accessible and culturally appropriate training opportunities for Aboriginal and Torres Strait Islander people.
- 2.8 Museums should develop strategies for delivering training in Indigenous Australian communities, providing localised outreach and training opportunities for Aboriginal and Torres Strait Islander people in local museums and other community collecting institutions.

3. DIRECTION AND MANAGEMENT

The board, council or management committee of a museum has responsibility for making decisions about its direction and management. As Aboriginal and Torres Strait Islander peoples have a right to make decisions about their cultural material held in collections at all levels, they should also have representation on such museum boards, councils and committees. This should be in addition to the establishment of broader advisory committees of Aboriginal and Torres Strait Islander people to advise on relevant matters.

- 3.1 Aboriginal and Torres Strait Islander involvement in policy decisions affecting their cultural heritage should be enabled through their representation on councils, boards and management committees.
- 3.2 Museums should establish Aboriginal and Torres Strait Islander advisory bodies to provide advice on issues pertaining to Indigenous Australian peoples and their cultural heritage. The individuals on these advisory bodies should also be provided such support as is required to enable them to fulfil their role for the benefit of the organisation, as well as the relevant Aboriginal and Torres Strait Islander communities.
- 3.3 Where there are Indigenous Australian staff in a museum, these people should be used to assist with the creation of and support for Aboriginal and Torres Strait Islander advisory bodies.
- 3.4 Museums may need to enact organisational changes to reflect and encourage the Indigenous Australian involvement and perspectives in their management.

4. NEW TECHNOLOGIES

Collections of cultural material, their documentation and access will generally form the basis of museum projects utilising new technologies. Prior to embarking on technology projects using Aboriginal and Torres Strait Islander cultural heritage, museums need to ensure that they have addressed all the appropriate issues pertaining to collections in general. Technology projects do not occur in isolation from those principles and policies and they should be considered and applied as appropriate to ensure that digitisation projects meet appropriate levels of practise. Once this has been done, the following guidelines apply to dealing with new technologies.

- 4.1 Museums should develop joint strategies with relevant Aboriginal and Torres Strait Islander communities regarding use by the organisation of digitised collection records. Such strategies should be living agreements, regularly reviewed to ensure their relevance in light of changing law and lore.
- 4.2 Museums should support Aboriginal and Torres Strait Islander communities to develop their own museum related multi media capabilities through the provision of appropriate training, outreach services and technological advice.
- 4.3 Museums should develop databases detailing their holdings of Aboriginal and Torres Strait Islander cultural material and make these available to relevant communities using appropriate accessible technology.

- 4.4 Digitised collection documentation needs to use archival digital media and formats and be interchangeable to ensure longevity of access and quality of records.
- 4.5 Strategies should be developed to ensure that digitised material is protected from unauthorised duplication and distribution.
- 4.6 Museums need to be sure that all the standard collection management requirements associated with collections documentation, access and interpretation are addressed in the context of any digital project.

5. RELATIONSHIPS AND COMMUNICATION

The strength of contemporary museums is their capacity to widen our knowledge about the world and our understanding of people's lives using objects and other information. As Aboriginal and Torres Strait Islander stories of Australia intersect with or are present in all other Australian stories all museums should embrace Australia's Indigenous cultural heritage irrespective of the extent to which their collections contain identifiably Australian Indigenous items. Recognition and acceptance of this will lead towards reconciliation and museums are uniquely placed to communicate this. Reconciliation relies on the development of positive relationships between Indigenous and non-Indigenous Australians and museum workers should strive to develop these through all the activities they undertake.

- 5.1 Museums should develop and then maintain ongoing dialogue and relationships with Aboriginal and Torres Strait Islander people. It is not sufficient to consult or liaise with them only when specific issues arise. The maintenance of strong relationships will enable all parties to remain up to date on issues pertaining to changing laws and lore and associated protocols and practices relating to the use of Aboriginal and Torres Strait Islander peoples' cultural materials and intangible cultural heritage.
- 5.2 While museums are strongly encouraged to employ Indigenous Australians on their staff, it is essential that they acknowledge that the employment of indigenous staff does not override the need to consult with appropriate Aboriginal and Torres Strait Islander communities on relevant issues.
- 5.3 Museums and galleries should actively encourage all non indigenous staff, Volunteers, board and committee members to undertake Aboriginal and Torres Strait Islander cultural awareness training. They should also give consideration to the cultural awareness training needs of Aboriginal and Torres Strait Islander staff.
- 5.4 Museums with outreach programs should actively support non-Indigenous community museums to access cross cultural training to encourage and facilitate the development of productive relationships with local Aboriginal and Torres Strait Islander communities.
- 5.5 Outreach programs need to be sensitive to Aboriginal and Torres Strait Islander cultural needs and to communicate these to all client museums as a matter of course. They should be willing to adapt and modify their programs to suit such cultural needs, whether they relate to dealings with Aboriginal and Torres Strait Islander people or their cultural material and information.

- 5.6 Museums and galleries should co-operate with peak Aboriginal and Torres Strait Islander bodies in their efforts to fulfil the aspirations of Indigenous Australians.
- 5.7 Museums should actively support the establishment and long-term sustainable operation of Aboriginal and Torres Strait Islander community museums, cultural centres and keeping places. Such support may include skills training, resourcing, knowledge and information sharing and transfer.
- 5.8 Large museums and galleries should strive to assist small museums in their efforts to apply these guidelines to their own practices.

APPLICATION OF *CONTINUOUS CULTURES, ONGOING RESPONSIBILITIES*

Specific implementation strategies should be established by museums for all issues addressed in this guideline document. These should be developed through discussion with all organisations involved with Aboriginal and Torres Strait Islander cultural heritage. These include Aboriginal and Torres Strait Islander communities and groups representing their interests. local, State and Federal governments and museum organisations. Certain elements of the museums sector may need assistance in the development of such strategies.

Museums should implement these guidelines to the greatest extent of the resources available to them. All steps towards best practice in this area of museum work should be encouraged and seen as positive ones.

Museums should report on the achievements in implementing these guidelines in their annual reports.

Museum programs should be measured for their impact and benefit to Aboriginal and Torres Strait Islander peoples.

The Council of Museums Australia will review the principles and guidelines contained in this document at the commencement of each newly elected Council's term of office (usually every two years).

III. Selected References and Resources

References

Aboriginal and Torres Strait Islander Protocols for Libraries, Archives and Information Services, compiled by Byrne, Alex, Garwood, Alana, Moorcroft, Heather, Barries, Alan and endorsed at the Aboriginal and Torres Strait Islander Library and Information Resources Network (ATSILIRN) conferences, December 1994 and September 1995.

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Museums Australia Inc, 1996, *Previous Possessions, New Obligations: A Plain English Summary for Museums in Australia and Aboriginal and Torres Strait Islander People*.

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Useful resources

Aboriginal and Torres Strait Islander Protocols for Libraries, Archives and Information Services

These protocols were created and endorsed by the Aboriginal and Torres Strait Islander Library and Information Resource network and can be located at www.ntu.edu.au/library/protocol.html.

Guidelines for Ethical Research in Indigenous Studies

Museums Australia suggests the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) – Guidelines for Ethical Research in Indigenous Studies, 2000. It can be accessed from www.aiatsis.gov.au

Return of Indigenous Cultural Property Programs

The RICP program is accessible to the National Museum of Australia, the Australian Museum, the Museum and Art Gallery of the Northern Territory, the Museum of Victoria, the Queensland Museum, the South Australian Museum, the Tasmanian Museum and Art Gallery and the Western Australian Museum. It is run through the federal Department of Communications, Information Technology and the Arts. www.dcita.gov.au.

ATSIS supports communities to provenance and repatriate ancestral remains and secret/sacred material from international museums and potentially from Australian museums other than those linked to the RICP program. <http://www.atsic.gov.au/>

Visual Cultures - Protocols for Producing Indigenous Australian Visual Arts and Craft

This Australia Council document, and its companion guides addressing Indigenous Australian music, literature, performing arts and new media, provide useful information and advise about working with Indigenous Australians and respecting their cultural heritage. The documents are accessible from the Australia Council website: http://www.ozco.gov.au/arts_resources/publications/visual_cultures/



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