Australian Aboriginal and Torres Strait Islander secret/sacred, sensitive, and private material policy

POL-C-034

Version 2.3   1 August 2019

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                  | Repatriation policy, 2019  
                  | Deaccessioning and disposal policy, 2011  
                  | Return of cultural objects policy, 2011 |
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1. Title
Australian Aboriginal and Torres Strait Islander secret/sacred, sensitive, 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. Background
The National Museum of Australia recognises that secret/sacred, sensitive, and private materials are significant to Aboriginal and Torres Strait Islander people.

The Museum has responsibility for the care of Aboriginal and Torres Strait Islander secret/sacred, sensitive, 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.

The Museum is occasionally engaged to manage the care and/or management of Aboriginal and Torres Strait Islander secret/sacred, sensitive, and private materials on behalf of external agencies. Such secret/sacred, sensitive, 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, sensitive, and private materials are defined in the relevant agreement.

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

3.1 Description
The policy provides guidelines for the care, management, and repatriation of secret/sacred, sensitive, and private material held by the National Museum of Australia.

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

3.3 Rationale
This policy guides the care, management and repatriation of secret/sacred, sensitive, 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, sensitive, and private materials, except in such cases as to remove them from private collections or general circulation or as mandated under government legislation. In these circumstances, objects will be acquired with the intention to return them to the relevant
Aboriginal or Torres Strait Islander community/custodians, or to hold them at the community’s request.

The Museum may also acquire secret sacred objects at the request of the relevant community in order to remove them from private collections or general circulation. In such cases, the Museum will abide by any reasonable conditions sought by the Aboriginal and/or Torres Strait Islander community/custodian.

Where government legislation assigns the Museum a custodial responsibility for Aboriginal and Torres Strait Islander secret/sacred, sensitive, 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 Aboriginal and Torres Strait Islander secret/sacred, sensitive, and private materials on behalf of external agencies. Such secret/sacred, sensitive, 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, sensitive, and private materials will be defined in a relevant agreement/contract.

4.2 Housing of Aboriginal and Torres Strait Islander secret/sacred, sensitive, and private materials
Secret/sacred, sensitive, and private materials and associated documentation shall be housed in a secured area separate from the Museum’s general collections of Aboriginal and Torres Strait Islander material.

4.3 Access to collections
Access to the secret/sacred, sensitive, and private materials keeping place must be approved by the person fulfilling the functions of authorised repatriation officer.

Upon request, Aboriginal and Torres Strait Islander people, or their representatives who have written community/custodian authority, may have access to secret/sacred, sensitive, and private and any associated documentation that appear to come from that community’s area of responsibility.

4.4 Conduct in the secret/sacred, sensitive, and private materials keeping place
All persons entering the secret/sacred, sensitive, and private keeping place shall conduct themselves in a respectful manner. Any persons conducting themselves in a disrespectful manner shall be required to leave the keeping place immediately.

4.5 Display of Aboriginal and Torres Strait Islander secret/sacred, sensitive, and private materials
The Museum shall not place Aboriginal and Torres Strait Islander secret/sacred, sensitive, and private materials in any display or make available secret/sacred, sensitive, 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 attempt to identify the correct communities/custodians responsible for Aboriginal and Torres Strait Islander secret/sacred, sensitive, and private materials in its care.

4.7 Scientific research
Any scientific research undertaken on provenanced Aboriginal and Torres Strait Islander secret/sacred, sensitive, and private materials must have the prior consent of traditional custodians or those authorised by them.
Scientific research is taken to include discussions with relevant community/custodians or their appointees in order to determine their wishes for the future of secret/sacred, sensitive, and private materials from that/their area. The Museum shall provide copies of all relevant documentation about the secret/sacred, sensitive, and private materials to the community concerned.

In the case of unprovenanced secret/sacred, sensitive, and private materials, any external scientific research will require the approval of the Museum’s Indigenous Reference Group (IRG) and/or other Aboriginal and/or Torres Strait Islander advisory or community group recognised and/or recommended by the Museum’s IRG.

All research conducted in relation to Aboriginal and Torres Strait Islander secret/sacred, sensitive, and private materials will comply with recognised and appropriate ethical research guidelines.

4.8 Holding secret/sacred, sensitive, and private materials on behalf of communities
The Museum shall hold secret/sacred, sensitive, and private materials on the behalf of communities/custodians upon request. Such secret/sacred, sensitive, 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, sensitive, and private materials returned to them at any time upon request. Such secret/sacred, sensitive, and private materials remain the property of the lodging community/custodians.

4.9 Associated materials
The Museum shall treat casts and reproductions of secret/sacred, sensitive, and private materials in the same manner as secret/sacred, sensitive, and private materials under this policy.

4.10 Repatriation
The Museum will return secret/sacred, sensitive, 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, sensitive, and private materials originated shall be involved in deciding what will happen to repatriated secret/sacred, sensitive, and private materials.

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

4.11 Documentation
The Museum shall provide copies of all available relevant information regarding secret/sacred, sensitive, and private materials to relevant Aboriginal and Torres Strait Islander communities and traditional custodians.

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

4.12 Advice on scientific value
The Museum shall advise communities/custodians about secret/sacred, sensitive, 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, sensitive, and private materials
All references to ‘Aboriginal and Torres Strait Islander secret/sacred, sensitive, 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.

**Secret/Sacred (restricted)**
These are the objects that are restricted from being viewed by, or sometimes even known to, the uninitiated and to members of the opposite sex. They are used in restricted ceremonies. Most are related to male sacred activities. There are occasionally women's restricted sacred objects but these are very poorly represented in Museum collections, usually because predominantly male collectors ignored them or were kept unaware of them.

**Sensitive materials**
These are objects that, while not restricted from view, nonetheless were sensitive. To be in possession of such an object implied not only a threat to those around the holder, but also a risk to the holder, now publicly identified as a danger because of their sorcerer’s powers. These items typically include ‘pointing bones’, ‘so called ‘kadaitcha shoes’ (or feather shoes), and other sorcery items.

**Private materials**
This includes objects that may be deposited with the NMA by a community or individual with the request that the materials be concealed from view. It also includes those objects for which the level of restriction is unclear. (For example, some ceremonial objects, carved trees).

**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, sensitive, and private materials.

**External agency**
A department, organisation, authority, group, or individual with which the Museum enters into discussions, negotiations, or agreement.

6. **References**

*Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth)*


7. **Implementation**

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

7.1 **Coverage**

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

7.2 **Other related policies**

- Australian Aboriginal and Torres Strait Islander Ancestral human remains management and Repatriation policy, 2019
- Deaccessioning and disposal policy, 2011
- Return of cultural objects policy, 2011
7.3 Superseded policies
This policy supersedes:

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7.4 Monitoring
This policy will be reviewed in February 2022.