

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

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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 Museum 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 Museum.

### 3.2 Purpose

The purpose of this policy is to outline how the 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.

Men's and Women's materials will be stored separately.

#### **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 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 Museum 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)

Aboriginal and Torres Strait Islander Library, Information and Resource Network Inc., *ATSILIRN Protocols for Libraries, Archives and Information Services*, 2010.

<http://atsilirn.aiatsis.gov.au/protocols.php>

Australian Government, Department of Communication and the Arts, *Australian Government Policy on Indigenous Repatriation*, 2016 <https://www.arts.gov.au/what-we-do/cultural->

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[heritage/indigenous-repatriation](#)

Australian Government, Department of Communications and the Arts, *Australian Best Practice Guide to Collecting Cultural Material*, 2015 <https://www.arts.gov.au/publications/australian-best-practice-guide-collecting-cultural-material>

Australian Institute of Aboriginal and Torres Strait Islander Studies, *Guidelines for Ethical Research in Australian Indigenous Studies*, 2012 <https://aiatsis.gov.au/sites/default/files/docs/research-and-guides/ethics/gerais.pdf>

Australian Museums and Galleries Australia, *Continuous Cultures, Ongoing Responsibilities: A Comprehensive Policy Document and Guidelines for Australian Museums Working with Aboriginal and Torres Strait Islander Cultural Heritage*, 2004.

International Council of Museums (ICOM), *ICOM Code of Ethics for Museums*, 2017 <https://icom.museum/wp-content/uploads/2018/07/ICOM-code-En-web.pdf>

David Kaus, 'The management of restricted sacred objects' in *ReCollections* 3(1) 2008, p. 88–95.

National Health and Medical Research Council, *National Statement on Ethical Conduct in Human Research*, 2007, revised 2018 <https://nhmrc.gov.au/about-us/publications/national-statement-ethical-conduct-human-research-2007-updated-2018>

*National Museum of Australia Act 1980* (Cth)

Michael Pickering, "'The big picture": The repatriation of Australian Indigenous sacred objects' in *Museum Management and Curatorship* 30(5) 2015, p. 427–428.

Michael Pickering, 'Up close and personal: The management of sensitive Indigenous objects at the National Museum of Australia' in Anna-Maria Brandstetter and Vera Hierholzer (eds) *Nicht nur Raubkunst! Sensible Dinge in Museen und wissenschaftlichen Sammlungen* (V & R Unipress, Mainz University Press) 2017, p. 273–290.

Michael Pickering, 'A Repatriation Handbook: A guide to the repatriation of Australian Aboriginal and Torres Strait Islander Ancestral Remains'. National Museum of Australia. <https://www.nma.gov.au/about/publications/repatriation-handbook>

*Protection of Moveable Cultural Heritage Act 1986* (Cth)

*Transplantation and Anatomy Act 1978* (ACT)

*United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP)

Yvette Wajon, *Currency review of the National Museum of Australia's Aboriginal and Torres Strait Islander collection policies*, 2018 (manuscript in Museum library).

## 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:

Former policy/ies title	Version number	Version date	Council approval date
Aboriginal and Torres Strait Islander secret/sacred and private material policy	1.0	Dec 1996	Dec 1996
Aboriginal and Torres Strait Islander secret/sacred and private material policy	2.0	23 May 2006	Feb 2006
Aboriginal and Torres Strait Islander secret/sacred and private material policy	2.1	19 Apr 2011	Feb 2011 (approved by Executive)
Australian Aboriginal and Torres Strait Islander secret/sacred, sensitive and private material policy	2.3	Aug 2019	Aug 2019 (approved by Executive)

**7.4 Monitoring**

This policy will be reviewed in May 2025.