

First Nations cultural rights and engagement policy

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The National Museum of Australia acknowledges First Nations peoples as the first peoples of this land and recognises their continuous connection to Country, community and culture. The Museum extends respect and appreciation to the elders, ancestors and spirits of the custodians of the Countries on which we live and work around Australia.

The Museum values the opportunity to share and celebrate the stories of many First Nations peoples at the Museum's site on Acton Peninsula, on the lands of the Ngunnawal and Ngambri-Kambri peoples, the traditional owners of the Canberra region.

The Museum values the histories and lived experiences of Australia's First Nations people and recognises the importance of an inclusive national narrative to achieve reconciliation.

1. Title

First Nations cultural rights and engagement 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 is established under the *National Museum of Australian Act 1980*, which along with the *National Museum of Australian Regulations 2019*, defines the Museum's role, functions and powers.

3. Scope

3.1 Description

The Museum undertakes a diverse range of activities with First Nations peoples of Australia and the world. The Museum recognises that First Nations peoples have rights with their cultural heritage, traditional knowledges and cultural expressions.

This policy articulates the principles which guide the Museum's engagement with First Nations peoples about these rights. These principles recognise the specific context of Museum business, including collection acquisitions, care and management, exhibitions, research, education, public programming and other activities. Guided by key sectoral, national and global frameworks, this policy outlines the Museum's commitment to global standards and culturally appropriate practice.

3.2 Purpose

This policy describes the rationale, definitions, principles and key frameworks which support the Museum's engagement with First Nations cultural authorities with respect to recognising and upholding their cultural rights. This policy situates the Museum's engagement with First Nations people and communities within a global, contemporary context, and in line with models of culturally appropriate best practice.

3.3 Rationale

First Nations peoples are the custodians of their traditional knowledge and cultural expressions. First Nations customary laws and protocols say how knowledge and culture can be shared and used. These laws and protocols may be different for each community. As at the date of this policy, traditional cultural laws and protocols are not formally represented in Australian law but are recognised broadly in principle and practice. This policy articulates these principles and practices.

The Museum engages extensively with First Nations cultural knowledges and material as central to its core business. The Museum cares for an extensive collection of First Nations cultural material and cultural material related to First Nations histories and experiences. Represented significantly within the National Historical Collection and extensively across the Museum's other collections (including the Museum Collection, the Museum's Education Handling Collection and Special Holdings), this material remains central and nationally significant and is managed in line with the Museum's legislative responsibilities. The breadth of this collection includes material representations from before British settlement through to the present day. The Museum continues to acquire First Nations cultural material as a core collecting priority.

The Museum engages with First Nations communities at local, regional and national levels, with an increasingly diverse program of exhibitions, programming and cultural diplomacy for international platforms.

The Museum is committed to ensuring that First Nations communities remain central authorities in the interpretation and expression of their histories and cultural knowledges at all levels, and across all platforms. Collection materials gain ongoing cultural significance, value and relevance through ongoing connection to people, culture and Country.

The National Historical Collection (NHC) is recognised as a valuable resource in the rich cultural lives of First Nations Australians, which is grounded in over 60,000 years of continuity. This collection is also central to representing a broad, rich and inclusive national narrative. By comprehensively integrating First Nations collections across all galleries, programs and activities of the Museum, all Australians can better understand the place of First Nations knowledges, traditions, experiences and histories in the rich Australian story.

3.4 Interaction with key frameworks

Over the past two decades, key frameworks have emerged that recognise the cultural rights of First Nations people. These frameworks have supported the growth of Australia's cultural sector in line with First Nations aspirations, worldviews, principles and expectations in a changing global context.

3.4.1 The United Nations Declaration on the Rights of Indigenous People

The United Nations Declaration on the Rights of Indigenous People (UNDRIP) confirms First Nations peoples' rights to self-determination and equal treatment without discrimination, with an undertaking 'to be pursued in a spirit of partnership and mutual respect'. Australia endorsed UNDRIP in 2009 and the Australian Government has committed to supporting the declaration. UNDRIP has not been implemented in Australian legislation but remains a valuable tool that has significantly shaped

contemporary cultural practice. As a global framework, UNDRIP situates the cultural rights of First Nations people importantly within a global and historical context.

The declaration is detailed and wide-ranging. Specifically of relevance to the work of the Museum are articles which reference:

- free, prior and informed consent
- language, customs, cultural and spiritual identity
- education, information and employment
- participation, development, economic and social rights
- rights to Country, resources and knowledge.

3.4.2 International Council of Museums Code of Ethics for Museums

The *International Council of Museums (ICOM) Code of Ethics for Museums* (2017) presents a minimum standard to guide museums in engaging with ethical professional practice. The code sets out principles, including VI, where, 'Museums work in close collaboration with the communities from which their collections originate as well as those they serve'. Under this principle, museums are encouraged to recognise the value and character of their collections 'beyond that of ordinary property'. Through the code, Museums are encouraged to engage with activities which respond to their historical legacies and unique contemporary situation, and with respect for the originating and contemporary descendant communities their collections represent.

3.4.3 Indigenous Cultural and Intellectual Property

Indigenous Cultural and Intellectual Property (ICIP) refers to the rights of First Nations peoples to access, control and maintain their cultural heritage, including traditional knowledge, language, traditional cultural expression and material. It incorporates all aspects of knowledge and knowledge production, all forms of traditional and contemporary cultural material including secret and sacred material, all forms of cultural expression (including performances, ceremony, dance, story and song) and ancestral human remains.

ICIP importantly recognises that First Nations cultural knowledges are collectively held and are governed and 'owned' by communities and not by individuals. ICIP provides an interface between traditional cultural systems and Australia's legal frameworks. As at the date of this policy, the Australian government is working on legislation that recognises ICIP and enshrines it within Australian law. In the interim, protection of ICIP is provided through laws relating to copyright, moral rights, confidential information and contracts.

3.4.4 Australian Museum and Galleries Association Indigenous Roadmap

The Australian Museums and Galleries Association's 10-year Indigenous roadmap, *First Peoples: A Roadmap for Enhancing Indigenous Engagement in Museums and Galleries*, outlines a plan for '5 Key Elements of Change' in the Australian museums and galleries sector. It aims to reinvigorate engagement with First Nations peoples by:

- reimagining representation
- embedding Indigenous values into museum and gallery business
- increasing Indigenous opportunity

- two-way caretaking of cultural material
- connecting with Indigenous communities.

A sector-wide commitment to these five key elements recognises the responsibilities that Australia's cultural organisations have in relation to the significant cultural collections they hold, and the historical challenges faced by First Nations people within Australia's cultural institutions.

3.4.5 The Museum's Reconciliation Action Plan

The Museum's Reconciliation Action Plan (RAP) articulates the commitment to advancing reconciliation in Australia at an organisational level. The RAP draws on many of the abovementioned frameworks and references concrete objectives, procedures and measurements to track implementation and accountabilities. This policy should be read in conjunction with the RAP.

3.5 First Nations content and collections

The Museum engages with First Nations people and communities extensively and throughout a wide range of activities. As custodians of the National Historical Collection, the Museum manages, conserves and engages with a diverse range of materials which relate to First Nations histories and cultures, including historical records, artworks and cultural material, images, film and sound recordings and other objects. The Museum's designated Special Holdings extend specific care to items of a secret/sacred and ceremonial nature as well as the Ancestral Remains held in the Museum's care. Special Holdings require restrictions which are directed by legislative requirements and the wishes of communities. Other collections such as the Museum Collection and the Education Handling Collection also feature First Nations material.

The Museum acquires First Nations material through donation, purchase, commission and through transfer from Australian government agencies. The Museum also borrows material for the purposes of temporary display. The Gallery of First Australians is a permanent Museum gallery displaying and interpreting cultural material relating to Indigenous Australian culture, histories and experiences (see section 5, *National Museum of Australia Act 1980* (Cth)). In the course of caring for nationally significant collections of First Nations cultural material, the Museum also conducts, arranges and assists programs of research. Significantly, this research includes histories and experiences of First Nations people.

The Museum recognises the importance of an inclusive national narrative. First Nations material, content, perspective, culture and ideas are integrated throughout the Museum and everything it does.

4. Principles

4.1 Upholding First Nations peoples' rights to their cultural heritage

The following principles have been developed to guide the Museum's work in upholding First Nations peoples' rights to their cultural heritage. These principles commit the Museum to:

- **recognise and respect** First Nations peoples' ongoing rights to access, maintain and control their cultural heritage

- **meaningfully engage and involve** First Nations peoples on representations and expressions of their cultural heritage and shared histories
- ensure all engagements with First Nations cultures and histories are anchored in **integrity and authenticity** and uphold cultural and customary law and expectations
- recognise the **authority of descendant communities and cultural organisations** in the ongoing care and management of their cultural patrimony, including of secret, sacred and ceremonial material and knowledges held by the Museum
- consider all **flows of benefit** arising from the use of First Nations cultural materials and knowledge in Museum activities and programs
- **publicly acknowledge** the rights of First Nations people with regard to the cultural material and knowledge represented within the Museum's collections, galleries, activities and programs
- engage in **open and transparent processes** regarding the understanding and implementation of this policy across the Museum and demonstrate a commitment to its ongoing development
- support ongoing development of **cultural safety and competency** across Museum workplaces and activities.

5. Definition of terms

Cultural material refers to all objects, artefacts, artworks, films or any other tangible item that incorporates ICIP. For example, it may be a painting by a Gadigal artist, an historical weapon from the Pitjantjatjara community, or a basket woven by a group of women on Saibai Island.

First nations or **first nations peoples** refers to the world's first nations peoples, including Australian First Nations peoples, within the broader context of the UN Declaration on the Rights of Indigenous Peoples. Although the Museum's primary engagement with first nations peoples and cultures relates to Australian First Nations peoples, the Museum's collections also include material from other first nations peoples, including from Papua New Guinea and other Pacific Island nations.

ICIP means Indigenous Cultural and Intellectual Property and refers to the rights of First Nations peoples to access, control and maintain their cultural heritage, including traditional knowledge, traditional cultural expression and artefacts. It incorporates all aspects of knowledge (sciences, plant and animal knowledge, stories, designs and symbols, and ritual knowledge), artefacts (arts, crafts, weapons and tools), performances (ceremonies, dance and song), human remains and includes the secret and sacred.

Secret/sacred ICIP refers to any tangible and intangible ICIP that was or is traditionally subject to restrictions and/or protocols regarding access to those materials.

6. Definition of responsibilities

Director

The Director is responsible for deciding the Museum's position in relation to disputes, or other matters dealt with under the policy or principles, where an agreed position cannot be reached among Museum staff and/or First Nations stakeholders. The Director may seek the advice of the Indigenous Reference Group in appropriate circumstances.

Deputy Director, First Nations

The Deputy Director, First Nations is nominated as the responsible officer for this policy, ensuring it reflects global, national and sectoral standards and speaks directly to the expectations and concerns of First Nations communities. The Deputy Director, First Nations will support a Museum-wide understanding of the principles of cultural rights and support the Museum's position in relation to recognising these cultural rights in principle and in practice.

The Museum's Executive

The Museum's Executive team is responsible for ensuring the implementation and maintenance of this policy across Museum operations. Recognising that content production, community engagement and stakeholder relationships with First Nations people and communities fall explicitly within some divisions, the Museum acknowledges that engagement with First Nations people occurs across all Museum divisions and is the responsibility of the Museum's leadership team.

Indigenous Reference Group

The primary role of the Indigenous Reference Group of the National Museum of Australia Council is to provide expert advice on First Nations issues to the Council of the Museum regarding the Museum's activities that represent and serve the interests of Australia's First Nations people and the broader Australian community.

7. References

Australian Best Practice Guide to Collecting Cultural Material, Australian Government Ministry for the Arts, 2015

Australian First Nations Art Charter of Principles for Publicly Funded Collecting Institutions, 2009.

First Peoples: A Roadmap for Enhancing Indigenous Engagement in Museums and Galleries, Terri Janke, Australian Museums and Galleries Association, 2018.

ICOM Code of Ethics for Museums, International Council of Museums, 2017.

Indigenous Art Code, Indigenous Art Code Ltd, 2024.

National Museum of Australia Act 1980 (Cth)

Pathways and Protocols: A filmmaker's guide to working with Indigenous people, culture and concept, Terri Janke, Screen Australia, 2009

Protocols for using First Nations Cultural and Intellectual Property in the Arts, Australia Council for the Arts, 2019.

United Nations Declaration on the Rights of Indigenous Peoples, resolution adopted by the General Assembly, 13 September 2007.

8. Implementation

This policy will be implemented through the application of the principles in practice and the practical guide. This policy will help inform the development of the Museum's cultural plan (2026–28).

8.1 Coverage

Museum staff will apply the First Nations cultural rights and engagement policy to all dealings with First Nations people, cultural material and ICIP rights.

8.2 Other related policies

Complaints handling procedures (PRO-021)

Intellectual property policy (POL-C-006)

Non-Australian indigenous human remains policy (POL-G-024).

Australian Aboriginal and Torres Strait Islander Ancestral Human Remains policy (POL-C-011)

Australian Aboriginal and Torres Strait Islander secret/sacred, sensitive and private material policy (POL-C-034)

Collection care and preservation policy (POL-C-042)

Collections – return of cultural objects policy (POL-C-037)

Digital preservation policy (POL-C-028)

Loans policy (POL-C-036)

Research and scholarship policy (POL-C-008)

8.3 Exclusions

The Museum's policy and practice in regard to ancestral human remains and dealing with secret/sacred material is not detailed in this policy, but is set out under the following policies:

- Australian Aboriginal and Torres Strait Islander Ancestral Human Remains management and repatriation policy (POL-C-011)
- Australian Aboriginal and Torres Strait Islander secret/sacred, sensitive and private material policy (POL-C-034)
- Non-Australian indigenous human remains policy (POL-G-024)

8.4 Monitoring

This policy will be reviewed in November 2028.