



27 February, 2003

NMA Review Secretariat
Department of Communications,
Information Technology and the Arts
GPO Box 2154
CANBERRA ACT 2601

To the Review Panel

Re: National Museum of Australia Review of Exhibitions and Public Programmes

The New South Wales Coalition of Aboriginal Legal Services is pleased to have had the opportunity to contribute to review of National Museum of Australia Review of Exhibitions and Public Programmes.

Please find attached a copy of our submission relating to the above matter.

We trust that you will find it of some assistance.

Yours sincerely



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National Museum of Australia

Review of Exhibitions and Public Programs

This submission raises concerns about changing the role of the National Museum of Australia and makes recommendations on how best to preserve and protect Aboriginal and Torres Strait Islander history, materials and artifacts, and on the administration of such objects. In this regard the submission impresses on the Review Panel the belief that 'the concept of cultural integrity is paramount in any reproduction of indigenous cultural material'¹.

Aboriginal and Torres Strait Islander history is one of this planet's most ancient, having established societies for 50,000 years. Indigenous history is communicated orally through songs, dance, art and storytelling, story telling and ceremony. This has both protected and secured an oral history for Indigenous people, but has also limited the available knowledge of Indigenous culture to non-Indigenous people. This is an area in which we submit, the National Museum of Australia should continue to educate and inform people of the cultural significance of indigenous culture to both indigenous and non-indigenous visitors in a manner in keeping with cultural sensitivities of indigenous people.

Following the arrival of Europeans indigenous culture and people were subject to a continuing discriminatory regime. This conflict should predominate any exhibits relating to indigenous culture. Nor should it be neglected or worse, portrayed in a revisionist history of indigenous culture and people. As Patrick Dodson stated:

... the past [it] should not be forgotten, I say it should not be the subject of guilt - a wasted emotion - but of honesty, a reminder of what has happened, in order that the thinking behind those events does not have a legitimate place in the present².

Therefore, a need exists to retain the current provisions of the *National Museum of Australia Act* (1980) and in particular Section 5-Gallery of Aboriginal Australia.

Furthermore we submit that Section 5 *National Museum of Australia Act* (1980) should additionally include a provision that imposes a legal obligation on National Museum of Australia regarding the repatriation of indigenous artifacts to indigenous people and/or indigenous communities. This would reflect the undertaking already provided in the National Museum of Australia 'Ethical

¹ Casey, D., Director National Museum of Australia, keynote speech to the Museums Australia Conference, 25 April 2001. P4.

² Patrick Dodson, *Sydney Morning Herald*, March 1997.

Statement' which states that it 'Affirms its commitment to the repatriation of human remains and sacred objects with Aboriginal and Torres Strait Islander peoples...'

Accordingly, Section 9 *National Museum of Australia Act 1980*

'Disposal of historical material in national historical collection'

and Section 9A *National Museum of Australia Act 1980*

'Disposal of historical material not in national historical collection'

should be subject to the amended provisions of section 5 *National Museum of Australia Act 1980*.

Failing amendment to Section 5 *National Museum of Australia Act 1980*, amendments should be considered for Section 9 & 9A *National Museum of Australia Act 1980* which base value judgments of materials on a determination of saleable value. Indigenous culture are diverse, consequently circumstances may exist where a sacred object or artifact may have relevance to a small group or individual within Indigenous society. This does not devalue the cultural worth of such objects. Therefore, should these provisions of the *Act* remain, amendments should be sought to exempt Indigenous material from being disposed of based on their 'saleable value'. It should be recognized that Indigenous culture is based on the notion of shared ownership of, or responsibility for, sacred sites and objects and does not value items based on saleable value.

The National Museum of Australia should ensure that all indigenous artifacts are protected from unauthorised reproduction or commercial exploitation. This may become increasingly difficult due to the increasing marketability of indigenous art. Therefore legislative provisions should be included in the *National Museum of Australia Act 1980* ensuring that there is legal protection for both the indigenous owners and the National Museum of Australia. To facilitate protection of indigenous materials and the presentation of such materials, the National Museum of Australia should ensure that an indigenous person is appointed to an administrative position in which he/she may guide the museum in the presentation of indigenous material in a manner which respects the cultural sensitivity of many indigenous people and their artifacts.

The National Museum of Australia has an obligation to present anthropological and historical Indigenous materials depicting all elements of Indigenous culture including some which may not reflect positively on some Australian historical opinion. It also has an obligation for the safekeeping and safe return of sensitive Indigenous material.

We submit, therefore, that the Government of Australia should ensure adequate funding is provided to the National Museum of Australia to facilitate those measures which best protect the cultural heritage of Aboriginal and Torres Strait Islander peoples.