

**Indigenous  
cultural rights  
and engagement  
principles**

PRO-010

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<b>Contact</b>	National Museum of Australia GPO Box 1901 CANBERRA ACT 2601 Tel: (02) 6208 5000 Email: <a href="mailto:information@nma.gov.au">information@nma.gov.au</a> Website: <a href="http://www.nma.gov.au">www.nma.gov.au</a>

## **Part 1: Background**

The National Museum of Australia (the Museum) is a major national cultural institution charged with researching, collecting, preserving and exhibiting the 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.

In the course of its activities, the Museum undertakes a diverse range of engagements with Indigenous stakeholders.

The aim of the Museum's Indigenous cultural rights and engagement policy is to recognise that Indigenous stakeholders have rights in their cultural heritage, also known as Indigenous Cultural and Intellectual Property (ICIP) rights.

This document sets out in detail the principles in practice that guide how the Museum engages with Indigenous stakeholders about these rights in the range of the Museum's activities, including acquisitions, exhibitions, research and other museum programs<sup>1</sup>.

Indigenous Cultural and Intellectual Property refers to the rights of Indigenous 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, ritual knowledge), artefacts (arts, crafts, weapons, tools), performances (ceremonies, dance and song), human remains and includes the secret and sacred. These rights relate to world Indigenous peoples, which includes Aboriginal and Torres Strait Islander peoples.

The Museum's primary engagement with Aboriginal and Torres Strait Islander peoples, and with Indigenous cultural material, relates to the Museum's collections, exhibitions and programs.

### **Indigenous collections**

The Museum holds a diverse range of Indigenous material in its collections, including historical records, artworks and artefacts, images, film and sound recordings and other objects. The Museum's collections include material representative of Aboriginal and Torres Strait Islander cultures from around the time of colonial contact to more recent contemporary material. The Museum's collections also include material from other Indigenous peoples, including from Papua New Guinea and other Pacific Island nations. The Museum acquires Indigenous material through donation, purchase and through transfer from Australian government agencies. The Museum also borrows material for the purposes of temporary display.

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<sup>1</sup> The National Museum of Australia acknowledges the work of Terri Janke and Company in developing these principles and assisting the Museum in the preparation of this document. The principles are based on the framework developed by Terri Janke and Company and used in a variety of protocol documents in the Australian arts and cultural sectors.

## Indigenous displays

First Australians: Gallery of Aboriginal and Torres Strait Islander Peoples is a permanent gallery that displays and interprets historical and contemporary material relating to Aboriginal and Torres Strait Islander peoples and cultures. Indigenous peoples and cultural material are also represented in the Museum's other permanent galleries, and the Museum regularly develops temporary and travelling exhibitions with Indigenous themes.

## Acknowledging Indigenous peoples' rights to their cultural heritage

Indigenous Cultural and Intellectual Property (ICIP) rights refer to the rights that Indigenous peoples have in their cultural heritage. Article 31 of the *United Nations Declaration on the Rights of Indigenous Peoples*, to which Australia is a signatory, affirms that:

Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.<sup>2</sup>

The Museum recognises that the right to control ICIP incorporates both the tangible and intangible – the object and the knowledge, the artwork and the icons. These rights are perpetual and form a living heritage, reinterpreted by each new generation. ICIP is collectively owned by Indigenous peoples, families, communities and nations of the past, present and future.

The Museum also recognises Indigenous peoples' rights in relation to cultural practice and repatriation of human remains and secret/sacred material. Article 12 of the *United Nations Declaration on the Rights of Indigenous Peoples* states:

Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.

States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with Indigenous peoples concerned.

The Museum is committed to returning, where sought, Indigenous human remains and secret/sacred objects to their communities and places of origin. The Museum is guided in this work by the principles set out in the Museums Australia document *Continuous Cultures, Ongoing Responsibilities*, and the following Museum policies:

- Aboriginal and Torres Strait Islander human remains policy

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<sup>2</sup> Article 31 of the Declaration, adopted by the General Assembly of the United Nations on 13 September 2007.

- Aboriginal and Torres Strait Islander secret/sacred and private material policy
- Non-Australian Indigenous human remains policy.

## Part 2: Principles

In recognising ICIP rights, the Museum uses the following principles to guide its engagement with Indigenous peoples and their cultural heritage. Through its commitment to the principles, the Museum aims to:

- (i) recognise and respect Indigenous peoples' rights to access, maintain and control the use of their cultural heritage
- (ii) meaningfully engage with Indigenous peoples, their cultural heritage and its associated rights, including through appropriate interpretation of Aboriginal and Torres Strait Islander cultural heritage within the Museum
- (iii) give public acknowledgement to the value of ICIP and to reinforce its support for the recognition of ICIP rights
- (iv) establish a transparent feedback and complaints process regarding its engagement with Indigenous peoples and its dealings with ICIP.

### Principle 1: Recognition and respect of Indigenous cultural rights

As one of its responsibilities as a custodian of significant Aboriginal and Torres Strait Islander cultural material, and other Indigenous cultural material, the National Museum of Australia recognises and respects the rights of Indigenous peoples in this material, in accordance with articles 12 and 31 of the *Declaration on the Rights of Indigenous Peoples*.

#### Principle in practice

The Museum acknowledges that for the Indigenous cultural material it acquires, interprets and displays, ICIP rights belong with the Indigenous peoples, communities and nations that speak for that material.

The Museum interprets these rights as co-existing alongside other rights such as legal and intellectual property rights.

The Museum has appointed an Indigenous Reference Group (IRG), which is comprised of Aboriginal and Torres Strait Islander representatives from across the community, who have experience in dealing with cultural consultancy.

The Indigenous Reference Group provides the Museum with a forum in which to seek feedback about internal processes and procedures relating to Aboriginal and Torres Strait Islander programs. The Indigenous Reference Group provides input to Museum projects in a range of ways, which may include providing advice and comment on project methodology; assisting with identifying community connections; and advising on consultation processes. The Indigenous Reference Group has contributed to the development of these Principles and will have an ongoing role in reviewing and monitoring their implementation and use by the Museum.

**Example 1: recognition and respect of Indigenous cultural rights**

The Museum is developing a Reconciliation Action Plan (RAP) with the input and support of the Indigenous Reference Group. The RAP will acknowledge the Museum's role in ensuring appropriate consultation and recognition of ICIP rights as a core reconciliation responsibility.

**Example 2: recognition and respect of Indigenous cultural rights**

Indigenous communities or senior custodians sometimes request access to cultural material in the Museum's collection for use in public performances or events at the Museum. The use of collection objects in this way brings new layers of context, by animating collection objects and continuing their stories.

Thousands of people attended a sunrise ceremony to bless the new Museum building and Acton Peninsula in 2001, prior to an official opening by the Prime Minister. The sunrise ceremony featured a Ngunnawal smoking ceremony, a special performance by members of the Wik community, an inter-faith blessing by the Anglican Bishop of Canberra and Goulburn, and the sharing of bread baked in ovens created on-site for the ceremony. Indigenous dancers from Aurukun also danced to collection objects that would go on display in the Museum's First Australians gallery.

In 2013, the 'Kungkarangkalpa: Seven Sisters Songline' performance by Anangu Dancers from the Anangu Pitjantjatjara Yankunytjatjara (APY) Lands, was held in the Museum's outdoor amphitheatre, as part of the Centenary of Canberra celebrations. A senior custodian of the story requested the Museum's Director to allow collection objects to be used in the performance. A spear thrower and three spears had been made as part of the 'Tracking Kultja' festival at the Museum in 2001, and were now part of the Museum's collection. The objects were used by the lead male dancer, significantly adding to the power of the performance and the ongoing story of the objects.

**Principle 2: Involving Indigenous stakeholders**

In recognising ICIP rights, the Museum seeks to involve Indigenous stakeholders in the use of their cultural heritage by the Museum.

**Principle in practice**

The National Museum of Australia engages with Indigenous cultural material in a number of ways, including:

- acquiring Indigenous objects for its collections
- displaying Indigenous objects from the Museum's collections and material borrowed from other institutions and individuals
- researching, documenting and interpreting Indigenous material
- storing and conserving Indigenous objects
- reproducing and promoting Indigenous material
- repatriating human remains and secret/sacred material
- developing and hosting public programs and events
- producing educational resources and other online content about Indigenous history, culture and themes.

In all of these activities, the Museum recognises that Indigenous stakeholders have an interest in how the Museum uses their cultural material. When engaging with Indigenous stakeholders about these activities, the Museum seeks to work respectfully and ethically. In practice, the scale of a project or activity may influence the degree and type of stakeholder involvement.

The Museum also supports involvement of Indigenous stakeholders in a variety of other ways. For example, the Museum encourages Indigenous communities to visit the Museum and view their cultural objects. In making their objects accessible to them, the Museum seeks to foster an environment in which Indigenous stakeholders feel culturally safe. The Museum provides information about its collection when requested by Indigenous stakeholders. The Museum also encourages online access to its collections via the web.

The Museum acknowledges the cultural knowledge of its Indigenous staff members, which often influences the Museum's work. Indigenous staff members are often involved in engagement with external Indigenous stakeholders, and in providing assistance in culturally appropriate consultation.

The Museum may also engage in broader community consultations, recognising that Aboriginal and Torres Strait Islander cultural heritage is communally owned. Records of engagements with Indigenous stakeholders are kept, including contact information where appropriate.

**Example: involving Indigenous stakeholders**

The Museum regularly responds to enquiries from Indigenous stakeholders seeking information about objects from their country that are in the Museum's collections. The Museum provides listings and images of cultural material where possible. Sometimes, Indigenous stakeholders provide feedback or corrections, which are then added to the Museum's records.

The Museum contacts communities directly when developing exhibitions and research projects, and provides related collection information as requested by stakeholders. The Museum works closely with Indigenous partners, such as art centres, in developing exhibitions. When the Museum is sourcing material for exhibitions, Indigenous communities are invited to select items that best represent their story. When sourcing artworks, the Museum gives priority to the view of Indigenous artists and art centres.

The Museum encourages online access to its collections via the web. Access to collections is available through pathways including the dedicated First Australians Aboriginal and Torres Strait Islander website:

<http://www.nma.gov.au/history/aboriginal-torres-strait-islander-cultures-histories>.

There are many stories illustrating the Museum's commitment to this principle in the *Goree* newsletter. For example, see: 'The Museum welcomes another national treasure into the collection', page 3, and 'Raukkan: Always was, always will be', page 19 at:

[http://www.nma.gov.au/\\_data/assets/pdf\\_file/0006/368583/Goree\\_vol9Issue2rev.pdf](http://www.nma.gov.au/_data/assets/pdf_file/0006/368583/Goree_vol9Issue2rev.pdf).

**Principle 3: Consultation**

Indigenous peoples have the right to be consulted about the use of their ICIP. When consulting with Aboriginal and Torres Strait Islander peoples or other Indigenous peoples about their cultural heritage, the Museum commits to ensuring that such consultation is respectful, informed, ethical and meaningful.

**Principle in practice**

The Museum understands consultation to be a major way in which it engages with Indigenous stakeholders. Consultation is the effective working together of interested people and groups, communicating clearly and respectfully about relevant issues. Through consultation, the Museum

informs Indigenous stakeholders about its projects and use of cultural material and explains the implications of that use. Consultation is a two-way process, which means that the Museum itself is receptive to the views and opinions of Indigenous stakeholders.

The Museum employs a variety of consultation techniques, for example face-to-face meetings, telephone conversations and email, dependent on the nature and scale of the Museum's activity.

### **The consultation process**

The Museum regularly consults with Indigenous stakeholders about their cultural heritage including, for example, when developing exhibitions and/or undertaking research projects.

The Museum consults with Indigenous stakeholders about particular items that are being considered for acquisition, broader collection priorities and sourcing material for exhibitions. The Museum understands consultation to be a layered process, delivering a range of outcomes for both Indigenous communities and Museum stakeholders, dependent upon the interests of the particular community. It is often an iterative process, with capacity to be tailored to the needs, desires and specificities of each community.

#### **Example: consultation process**

In the Torres Strait Islands, consultations about cultural materials, knowledge and practices are managed by the Prescribed Bodies Corporate (PBCs), which represent individual islands or island groups. The Torres Strait Regional Authority (TSRA) is a useful starting point for any discussion of ICIP, but they will usually refer to the relevant PBCs.

During a recent gallery redevelopment project, culturally sensitive exhibition text was developed in consultation with PBC representatives and advisers who were the stewards of local cultural knowledge (in accordance with the TSRA Cultural Protocols Guide). Issues of ownership of traditional stories may sometimes be complicated, and involve negotiations between communities and groups within the Straits.

Museum curators are aware that translations of traditional knowledge should also be cleared by communities. For example, there may be several different translations of particular passages in traditional texts, and care should be taken to ensure the version used is the one the community is most comfortable with.

In the case of the exhibition, which covers the TSI as a whole and where different groups have their own PBCs the model of using a single body to obtain permissions for the exhibition was not effective.

There are many stories illustrating the Museum's commitment to this principle in the *Goree* newsletter. For example, see: 'Encounters' on page 11 and 'Talking around the Songlines: Kungkarangkalpa and Ngintaka', on pages 16–17 at: [http://www.nma.gov.au/\\_data/assets/pdf\\_file/0006/368583/Goree\\_vol9Issue2rev.pdf](http://www.nma.gov.au/_data/assets/pdf_file/0006/368583/Goree_vol9Issue2rev.pdf)

### **Identifying stakeholders**

The Museum uses a variety of approaches to identify relevant stakeholders. The Museum recognises that Indigenous stakeholders are authorised to speak for objects from their own place of origin. The Museum is conscious that such rights can be negotiable within Indigenous communities and may vary over time. The Museum also recognises at times consensus may not be easily obtainable and there may be dissenting voices within communities. For this reason, the Museum uses a range of contacts in seeking advice regarding which individuals and organisations to consult. These include recognised individuals and formally constituted bodies such as land

councils, prescribed body corporates, art centres and the Museum's Indigenous Reference Group. The Museum also pays attention to the governance of those bodies when determining their interests in collections and gives priority to organisations which have a governance structure in the sense of being representative of a given community or cluster of communities.

**Example: identifying stakeholders**

One of the Museum's current research projects is a collaboration between a senior Museum curator/historian and an Indigenous artist/curator, who are combining their research to work through objects and images relating to south-eastern Australian Aboriginal men's weapons.

Their study is focused on decorated shields, clubs and spear throwers (with historical images) to further identify and link these objects to specific areas, language groups, and in some instances, to individual artists and makers.

The project will draw together hundreds of currently undocumented museum and gallery objects, sadly now largely divorced from their source cultures, and reconnect these objects to place. This will help to give more meaning and significance to many undocumented wooden weapons ('maker unknown') in museum and gallery storerooms throughout Australia and the world.

In six months, the researchers have worked through collections at the National Museum of Australia, Melbourne Museum, the Ian Potter Museum of Art, the Koorie Heritage Trust, and the Australian Museum. Pictorial material in the State Library of Victoria and the Melbourne University Archives was also accessed.

Through this research, collection information at the Museum will be updated with statements of significance for more than 100 collections at the National Museum, most of which were transferred from the former Institute of Anatomy and the Australian Institute of Aboriginal and Torres Strait Islander Studies.

**Principle 4: Informed consent**

The Museum recognises the importance and value of engaging Indigenous stakeholders in the ongoing use of their ICIP. Where possible, the Museum obtains the free, prior and informed consent of relevant Indigenous stakeholders before using or authorising the use of ICIP in relation to cultural material held by the Museum.

**Principle in practice**

**Obtaining consent**

The Museum works to give Indigenous stakeholders an opportunity to give feedback about, and consent for, the use of their ICIP. The Museum recognises that there are legal, cultural and ethical aspects to consent for the use of cultural material. To the best of its ability, the Museum ensures consent covers all three aspects. This may include obtaining consent from, for example:

- the artist who created a painting (usually the copyright owner of an artwork)
- the traditional owner or custodian of a traditional story depicted in a painting
- the family of a deceased artist
- community organisations involved in decision making for the local community.

In some situations, there may be a distinction between an artist and traditional owner, whereby an artist operates as an individual and may have their own agent, whereas a traditional owner represents the corporate rights of a body of people. In these situations, there may be tensions

between individuals and corporate groups that need to be recognised when negotiating copyright permissions and clearances or sale of objects.

In seeking the consent of Indigenous stakeholders, the Museum acknowledges that there may not be a unanimous voice, but that each person or community may have a different view on the use of cultural material. Where possible, the Museum will engage with Indigenous stakeholders to obtain the broadest support possible.

When seeking to obtain consent before a public use is made of cultural material or before a formal decision is made regarding the presentation of ICIP, the Museum will engage in good faith consultations with Indigenous stakeholders. It will provide clear and detailed information about the use of the cultural material and ICIP, including the:

- proposed use of the cultural material or other ICIP
- context of the presentation
- intended and likely audience
- size or scale of the project
- medium or format of the project
- third parties or partner organisations involved
- intended or likely outcomes of the use.

The scale of such consultations will be influenced by the scale of the related project. The Museum will ensure it allows the appropriate amount of time for Indigenous stakeholders to consider the use of ICIP and to make a clear decision. If an agreed position cannot be reached between competing stakeholders, the matter will be referred to the Museum's Director for a decision on how to proceed. The Director may seek the advice of Indigenous Reference Group members in appropriate circumstances.

#### **Example: obtaining consent**

During the development of some exhibitions or projects, the Museum collaborates with other collecting and research institutions in Australia and internationally, and with Indigenous stakeholders, to obtain consent. For large, multi-partner and multi-disciplinary projects, the development of a project-specific ICIP plan or set of protocols can be useful to establish processes for the collection and use of ICIP material for the specific project, including agreed methods for seeking and recording consents of individuals and communities.

The Museum aims to be flexible and sensitive in developing and implementing such protocols. Different project partners will bring different perspectives (and sometimes constraints in terms of their administrative practices) on how permissions and consents are to be documented. The Museum recognises that the use of written consent forms to obtain ICIP permissions may not be appropriate in all circumstances. However, wherever possible, the Museum seeks to ensure that the intention to grant permission is clearly demonstrated (for example, where the participant is taking part in a recorded interview).

Sometimes the Museum's partners or collaborators will have an established relationship with an Indigenous community or individuals, and an understanding of the appropriate protocols for engaging with that community. In these instances, the Museum may rely on its project partners to obtain consents for the Museum's use of the cultural material in a culturally sensitive and appropriate way.

There are many stories illustrating this partnership approach in the *Goree* newsletter. For example, see: 'Installing Warlpiri drawings': [http://www.nma.gov.au/history/aboriginal-torres-strait-islander-cultures-histories/goree/news\\_items/installing\\_warlpiri\\_drawings](http://www.nma.gov.au/history/aboriginal-torres-strait-islander-cultures-histories/goree/news_items/installing_warlpiri_drawings) and 'Ngurra Kuju Walyja: The Canning Stock Route project exhibition' on page 5 at: [http://www.nma.gov.au/data/assets/pdf\\_file/0016/306205/NMA\\_Goree\\_November\\_2009.pdf](http://www.nma.gov.au/data/assets/pdf_file/0016/306205/NMA_Goree_November_2009.pdf)

### Recording of consent

When an Indigenous stakeholder gives the Museum consent to use cultural material or ICIP, the Museum will make a record of that consent which makes it clear exactly what was agreed to. This record may take a number of formats, depending on the use and the scope of the project or what is appropriate and acceptable in the circumstances. The typical ways that the Museum will record its consent include:

- clearance forms or agreements which set out the terms of the use, and the consent of Indigenous stakeholders
- a file note taken by the Museum or its agents of the consent (given in person or over the phone), and signed off by an Indigenous stakeholder
- a video or sound recording of the consent being given by an Indigenous stakeholder
- emails, facsimiles, letters or other documentation recording consent.

The Museum will ensure that consent is clearly demonstrated before accepting any of the above as records of consent.

### Ongoing consent

The Museum recognises that the obligation to maintain consent for the use of cultural material or ICIP is ongoing. This means that the Museum will ensure that it collects and maintains the details of appropriate stakeholders in that material. This may include information about who to speak to in the event that a person who has given consent passes away. The Museum will follow the processes set out in Principle 3 in determining who to contact regarding ongoing and/or future uses of that material. The Museum will keep and maintain records of stakeholders for the purposes of seeking consent for future use of ICIP and cultural material.

#### Example: recording of consent

A more flexible approach to how the Museum records and documents consent is sometimes needed. This is especially the case where objects are gifted to the Museum under the parameters of Aboriginal cultural protocols. To ask for a legal sign off could indicate mistrust on the Museum's part and dissolve any positive relationship the Museum was establishing and maintaining. If the Museum insisted on a signed donation agreement or 'deed of gift' in these circumstances, it could be seen in various negative ways ranging from an insult to a perception of inadequate consideration of cross-cultural protocols by representatives of a national cultural institution.

The Museum has recorded gifts to its National Historical Collection from a particular community in accordance with the relevant Aboriginal cultural protocols using:

- Film. Some people were interviewed on film, talking about objects as they held them in their hands. They stated, in various ways, that they gifted the object to the Museum to represent the story they had shared. This footage is kept and referenced in the Museum's collection records.
- Written correspondence. Letters to participants clearly stated that the objects would be kept by the Museum and were intended for the Museum's collection. With each of these letters, individualised gifts were sent from the Museum in accordance with Aboriginal gift giving/ receiving protocols.
- Community knowledge. Interviews and associated events (including the gifting of personalised objects to represent stories) were conducted with full knowledge of the participant's family and friends. The relevant town council was kept informed of all particulars of this project to allow right of reply as this would be part of their town and community on display.

Where the Museum is dealing with an identifiable copyright interest, such as creator rights, moral rights and performers' rights, it will undertake due diligence to locate the relevant rights-holder and obtain their written consent for the use of the copyright material.

In some instances, the Museum may decide to use material for which it does not have clearly documented consent. This includes situations where the Museum has not been able to identify or locate the person or community who is able to speak for the material, or where the Museum has not been able to identify or contact the rights holder of an artwork or image in its collections. The Museum endeavours to use any such material in an ethical and responsible way. If the Museum is notified of concerns about any material which is publicly accessible (for example, object records on the Museum's Collection Explorer website), it will investigate the concerns and if necessary, promptly remove the relevant material from public access.

**Example: obtaining and recording consent**

In putting together an exhibition about a particular Aboriginal community, the Museum developed a close working relationship with the local art centre and another local Aboriginal artists' group. The exhibition featured artworks produced through the arts centre and the artists' group. In both cases, the Museum managed the process of obtaining permission to reproduce images of the artworks through these respective organisations.

The artworks had documentation attached to them, which included stories and quotes from the artists. Permission to use the documentation was treated in the same manner as the actual artworks.

The Museum recognises there is a body of work attached to obtaining clearances and that art centres have limited resources and budgets. In these situations, where there may be hundreds of images involved, the Museum has found it is effective to pay art centres for providing this service. This can also involve the payment of a fee to the relevant ICIP rights-holders for the time they spend checking images and providing clearances.

In this example, the Museum provided consent forms to the art centre electronically. Each form consisted of a page with a thumbnail of the image and a line for the ICIP rights-holder's signature. Images were organised into groups of people, artworks and country, so they could be treated as three separate lists.

It was important to make this distinction because permissions for each group potentially involved different individuals who had different responsibilities and rights. For images of artworks, permission was required from the artists. For images of people, permission was required from the person in the image or their descendants. For images of country, permission was sought from the person with rights to speak for that country.

**Recordkeeping and ongoing obligations**

The Museum will ensure that records of consent to use cultural material and ICIP are safely kept by the Museum and that these records are adhered to in all use of the relevant material. The Museum will also ensure that it does not authorise any third party to use cultural material or ICIP in a way that is inconsistent with the consent given to the Museum.

The Museum acknowledges that relationships with the Indigenous stakeholders of cultural material and ICIP should be maintained to ensure ongoing consent. Where any new use of cultural material or ICIP is considered by the Museum, it will use its best efforts to re-consult with the identified stakeholders to make sure that free, prior and informed consent is given for each new use.

**Example: recordkeeping and ongoing obligations**

In the Museum's galleries, there are contemporary photographs of Torres Strait country and people. Although permission to use these photographs was obtained at the time they were taken by the Museum's photographer, it is not certain when those permissions may lapse or need to be revisited. From a curatorial point of view, discretion needs to be used to determine when it is required to seek permission to continue to use images or other cultural property (for example, over the life of an exhibition, or for a certain period of time). This should be negotiated with the community at the time of the request to use the material.

### **Principle 5: Interpretation, authenticity and integrity**

The Museum supports the rights of Indigenous people to be involved in the interpretation of their culture. The Museum also seeks to ensure that its interpretations of Indigenous cultural material are respectful of the authenticity and integrity of that material.

#### **Principle in practice**

The Museum acknowledges that there are many different Aboriginal and Torres Strait Islander cultures across Australia, each with their own unique history, stories, cultural heritage and ICIP. The Museum is committed to identifying and consulting with Indigenous stakeholders who can give the Museum advice on interpretation of culture, and its authentic use. Stakeholders have the right to have their culture interpreted in an authentic and respectful way.

Staff members from the Museum's Aboriginal and Torres Strait Islander Program regularly visit communities in the course of developing collections and exhibitions. The Museum also welcomes and hosts community visits on a regular basis and provides information on Museum activities through the *Goree* newsletter, on the Museum's website at:

<http://www.nma.gov.au/history/aboriginal-torres-strait-islander-cultures-histories/goree>.

The Museum will consider and respond to any requests for changes to its use of Indigenous cultural material. The Museum does acknowledge that there may be differing views, and that it may not be practical to act on some requests. In those instances, the Museum advises the stakeholder of its decision and the reasons for making that decision in a respectful way. The Museum's Director may seek the advice of Indigenous Reference Group members in appropriate circumstances.

#### **Example: interpretation, authenticity and integrity**

The Museum's Visitor Services Hosts provide a range of services to Museum visitors, with a strong focus on providing information and interpretation of the Museum's exhibitions, collections and architecture. The Visitor Services team interacts with schools, VIPs, tour groups and members of the public, encouraging them into discussion and discovery of the Museum's themes.

The Museum provides regular training to all Visitor Services Hosts, including development of interpretation skills around themes, stories and objects related to Aboriginal and Torres Strait Islander peoples and other Indigenous cultures represented at the Museum.

The Museum recently invited a leading linguistics researcher from the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) to provide training on the history and development of Australian languages. The linguist provided the Visitor Services team with an understanding of the development and preservation of the written and oral forms of various Aboriginal and Torres Strait Islander language groups. Visitor Services staff now have a better understanding of how different spelling, pronunciation and language relationships have evolved, and can share some of these insights with Museum visitors.

The Museum uses and displays words from a variety of Australian languages to describe the names of people, communities, places, stories and objects. The Museum works with Indigenous communities and speakers of the language, to ensure that current spelling and pronunciation, as used by the relevant community, is used as accurately as possible. This reflects the Museum's commitment to recognising that Indigenous cultures are living and evolving, and that Indigenous people have the right to be involved in interpreting and authenticating their cultural material and knowledge as it exists now, as well as how it has existed in the past.

There are many stories illustrating the Museum's commitment to this principle in the *Goree* newsletter. For example, see: 'The Museum welcomes another national treasure into the collection' on page 3 and 'Representing Brungle' on page 18 at: [http://www.nma.gov.au/\\_data/assets/pdf\\_file/0006/368583/Goree\\_vol9Issue2rev.pdf](http://www.nma.gov.au/_data/assets/pdf_file/0006/368583/Goree_vol9Issue2rev.pdf)

**Principle 6: Acknowledging cultural and customary laws for secret and sacred, privacy and representations of deceased people**

The National Museum of Australia acknowledges that some parts of Aboriginal and Torres Strait Islander culture are secret or sacred and/or not for general viewing. The Museum commits to never knowingly making available cultural material that it is aware is private or secret or sacred, without the explicit consent from relevant Indigenous stakeholders. The Museum also commits to providing appropriate warnings concerning privacy or material associated with deceased persons in its exhibitions and other programs.

**Principle in practice**

The Museum commits to consultation to determine if the Indigenous cultural material it holds is secret or sacred. The Museum has a purpose designed and built structure for holding Indigenous human remains and secret or sacred objects. This accommodates Indigenous protocols for storage and handling. The Museum follows directives from Indigenous communities for culturally sensitive handling of objects and their placement in relation to other objects on display.

The Museum is also guided by its 'Aboriginal and Torres Strait Islander secret/sacred and private material policy' in dealing with secret and sacred ICIP and cultural material.

The Museum recognises and upholds requests by Indigenous communities for restrictions on viewing and/or handling of particular items. Access is provided to authorised Indigenous stakeholders to view secret/sacred material to assist in the Museum repatriation program.

The Museum recognises that there may be cultural material or ICIP that is restricted because of reasons other than the material is secret or sacred. Reasons for restrictions can include gender specific knowledge, private information, the death of subjects or authors, nudity or offensive material.

The Museum may identify restricted or private information following:

- a consultation process with Indigenous stakeholders
- formal or informal advice given to the Museum
- receipt of a complaint or other feedback.

The Museum investigates and confirms any advice that material is restricted or private to determine what restrictions apply to the cultural material and its use. All investigations relating to culturally restricted material will take place promptly and efficiently to minimise potential harm.

**Storage, record keeping and processing of restricted or private information**

The Museum may collect, store or keep records of a restricted or private nature as part of its operations.

If the Museum becomes aware that cultural material is restricted or private, it will record that information with the material and ensure that access to the material and its records are limited to the personnel at the Museum who have a need to know the information for the purposes of their work.

Where a gender restriction applies to the use of cultural material, the Museum will use its best efforts to ensure those restrictions are complied with and that the material is only handled by a person of the appropriate gender.

Where the Museum wants or needs to share restricted cultural material with any other person or organisation, it will ensure that a confidentiality agreement is signed by that third party to protect the knowledge in the record.

### **Public use of restricted or private information**

The Museum will not knowingly make a public use of restricted or private information without the consent of Indigenous stakeholders.

If the Museum is advised at any stage that material made available by the Museum is secret/sacred or private, the Museum will act in a timely manner and consider removing any references to the item (where possible both practically and legally) until a formal decision can be made as to its use.

The Museum acknowledges that there may be some practical reasons that limit its capacity to remove such material from public use, for example, where it may have been included in an exhibition catalogue, which has been published and distributed widely. There may also be legal reasons why something may not be removed, for example, where the Museum is contractually bound to keep an item on public display for a particular period under an exhibition loan agreement or a licence from a copyright owner for a specified public use.

#### **Example: public use of restricted or private information**

Aboriginal elders visiting with a school group sometimes refuse to have their school group enter the Museum's Open Collections area because of the spiritual and cultural significance of certain objects in that area. It is rare but it does happen, as was the case with the visit in 2014 of an Indigenous high school from Western Australia.

During their tour, appropriate consultation and steps were undertaken to ensure that objects considered secret to certain Aboriginal groups were covered up, so that students could enter and enjoy the Open Collections area. It is an example of the Museum needing to be sensitive to cultural issues relating to Aboriginal practice in particular communities.

For another example of the Museum's practices in this area, see the *Goree* newsletter: 'Repatriation of a secret/sacred object' on page 23 at:

[http://www.nma.gov.au/\\_data/assets/pdf\\_file/0016/306205/NMA\\_Goree\\_November\\_2009.pdf](http://www.nma.gov.au/_data/assets/pdf_file/0016/306205/NMA_Goree_November_2009.pdf)

### **Material associated with deceased people**

The Museum recognises that material associated with deceased people requires special arrangements. The Museum gives serious consideration to removing images or objects related to deceased Aboriginal and Torres Strait Islander people where requested. Where individuals have passed away, images or objects may be covered or removed from view while the Museum awaits instructions from the immediate family as to an appropriate course of action. If the Museum is notified that a person has passed away, it will (where practical) remove public uses of that person's image in accordance with the family's wishes. In some cases the person's image may be impossible to withdraw, for example if a photograph has been published in a book, which has been made available for sale and distribution. The Museum does not automatically assume that the

family's preference will be to remove the object/image in all cases and recognises the family's and community's right to determine what is appropriate.

**Example: material associated with deceased persons**

During the development of a recent exhibition displaying the artworks and telling the stories of a particular Aboriginal community, one of the main artists passed away. Other members of the community, who were working with the Museum to develop the exhibition, wanted the deceased person's paintings to remain as part of the exhibition and for her image to be displayed along with her artworks (as was the case with other artists represented in the exhibition). This approach was also known to be consistent with the views and beliefs of the artist before she had passed away.

However, as many community members, including relatives and friends of the deceased person, were travelling to the Museum for the exhibition opening, the community let the Museum know that they did not wish to be exposed to images of their deceased relative. Nevertheless, they did not object to her image being displayed in association with her artworks at other times, when they would not be present.

The Museum respected these wishes by covering up the images of the deceased person for the opening of the exhibition, and displaying signs to advise that the images were covered at the request of the community. The exhibition also featured film footage of the community and interviews with the participating artists. The Museum made a second version of this film that did not include footage of the deceased person, and this second version was shown at the exhibition opening. For the remaining exhibition period, when relatives of the deceased person and members of her community were not exposed to the images, the coverings were removed and the original version of the film was reinstated, in accordance with the wishes of the community.

**Principle 7: Acknowledgment**

Where possible, the Museum commits to acknowledging Aboriginal and Torres Strait Islander peoples for the use of their ICIP. This includes individual acknowledgements, and where appropriate, community or family acknowledgement.

**Principle in practice**

The Museum acknowledges known Aboriginal and Torres Strait Islander authors of cultural material on display at the Museum or through its website in accordance with that person's wishes. Where that person is deceased, the Museum consults with the known family and community of the author to determine the appropriate acknowledgement. The Museum also respects the right of relevant Indigenous stakeholders to choose to opt out of public attribution.

In making acknowledgements, the Museum may credit more than one person or organisation as appropriate for each use. Each acknowledgement will consider factors including the:

- name/s of the author/s
- tribal name of the author/s (where appropriate)
- name of the community or clan of the author/s
- names of any traditional stories or characters
- names of any art centres, language centres or any other organisations involved in the cultural material
- where cultural material is historical and not identifiable to an author, known information about an item including community of origin, place in which the item was found and known Indigenous stakeholders.

To the best of its abilities, the Museum will keep accurate and up to date acknowledgement records for items in its collection. The Museum will keep records of all attempts to consult with Indigenous stakeholders over these items.

The Museum also acknowledges that in some instances it does not hold information about the author of cultural material, or the community where an item originated. For such material, including where featured on the Museum's Collection Explorer website, the Museum invites submissions from prospective ICIP rights holders to discuss acknowledgement arrangements.

**Example: acknowledgement**

The Museum keeps a number of different types of records. The core records relating to objects and their authors are held in the Museum's collection database, which is updated as new information is discovered or provided to the Museum.

Images of collection items and their associated information ('object records'), are accessible to the public via the new online Collection Explorer. Restricted or private information is not publicly accessible.

If the author and/or place of origin have not been confirmed by research and consultation, then these fields on the public object record are left blank. If it has been confirmed that the author/place of origin cannot be ascertained, then the word 'unknown' is entered for this field.

In relation to cultural material held in the Museum's physical collections, the details of individuals and communities (and totems etc if relevant) connected to that material are recorded on one or more of the following: collection file, database, catalogue and accession paper records, index cards.

The Museum would like to be able to undertake further development of data standards and data entry procedures to enable a more consistent approach to recording acknowledgement details across the different types of records

**Principle 8: Sharing benefits**

The Museum supports the right of Aboriginal and Torres Strait Islander peoples to benefit from the use of their cultural heritage.

**Principle in practice**

The Museum works to achieve a wide range of benefits for Aboriginal and Torres Strait Islander people from the use of their cultural heritage. Benefits can include:

- facilitating access to cultural material and its associated information held in the Museum's collections (in accordance with the secret/sacred policy where applicable)
- special access to cultural events for Indigenous stakeholders
- invitations to attend and speak at opening events or public programs
- promotion of Aboriginal and Torres Strait Islander works, culture and exhibitions on a national stage
- employment and training opportunities
- repatriation of Indigenous human remains and secret/sacred cultural material
- financial benefits from the approved commercialisation of cultural material, such as merchandising
- provision of a retail outlet for community production during exhibitions and festival days.

The Museum will consider how benefits are shared on a case-by-case basis. The type of benefits available will depend on the scope of a project, the quantity or type of cultural material used, and the intended audience, scale or reach. The recipient of benefits will depend on the type of cultural material used, and the known Indigenous stakeholders.

Benefits will be discussed with authors and Indigenous stakeholders as part of the consultation process before the start of a project or use of cultural material.

**Example: sharing benefits**

Access visits to view cultural material involve a number of sections of the Museum. Staff facilities and other areas will often be made available in order to further enhance the welcoming experience.

By facilitating access to cultural material and documentation for Indigenous communities, families and individuals, the Museum participates in a process of cultural regeneration where older practices no longer undertaken can be studied by younger generations. In some cases, this may foster an interest in renewing particular practices or techniques.

Collection access visits by Indigenous community members are often arranged in connection with particular exhibitions, conferences or events. In 2009, a significant community visit occurred in relation to the Barks, Birds & Billabongs conference, which explored the legacy of the 1948 American-Australian Scientific Expedition to Arnhem Land. During the visit, elders and young men viewed bark paintings from their communities, kindling a strong interest among the young men to learn more about the works and a practice no longer being undertaken in their region. This, in turn, sparked enthusiasm among the elders for the possibilities for cultural renewal.

Similar interest in reviving old practices has led to the Museum providing access to other collection objects, such as watercraft and baskets, so that Indigenous community members can closely scrutinise construction techniques and design features.

The Museum also regularly benefits from receiving feedback from Indigenous stakeholders accessing objects and/or object information, such as when a member of a creator's family or community is able to provide information that improves the Museum's documentation of objects and collections.

There are many stories illustrating the Museum's commitment to this principle in the *Goree* newsletter. For example, see: 'Art and human rights conference and exhibition' on page 14 at: [http://www.nma.gov.au/\\_data/assets/pdf\\_file/0008/306197/ATSI\\_news\\_March\\_2004\\_small.pdf](http://www.nma.gov.au/_data/assets/pdf_file/0008/306197/ATSI_news_March_2004_small.pdf) and 'Visitors from Far North Queensland' on page 12 and 'Finding family connections at the Museum' on page 20 at: [http://www.nma.gov.au/\\_data/assets/pdf\\_file/0006/368583/Goree\\_vol9Issue2rev.pdf](http://www.nma.gov.au/_data/assets/pdf_file/0006/368583/Goree_vol9Issue2rev.pdf)

**Principle 9: Recognising, maintaining and strengthening Indigenous culture**

The Museum recognises that Indigenous cultures are varied, thriving and constantly evolving. As a national cultural institution, the Museum recognises its role in ensuring that Aboriginal and Torres Strait Islander cultures are recognised, maintained and strengthened for future generations.

**Principle in practice**

The Museum acts as a cultural custodian for cultural material and ICIP. It has obligations as a custodian of Indigenous collections, to give current and future generations access to cultural records and artefacts of significance.

The Museum supports a diversity of Indigenous cultural expression in its collections, exhibitions, programs and across the staff body. To achieve this, the Museum will continue to exhibit and diversify its collections to reflect growing and shifting Indigenous cultures, giving opportunities for different authors and Indigenous stakeholders to be represented. It will also actively involve the perspectives and ideas of its Indigenous staff members as both community stakeholders and

cultural knowledge holders themselves, and as employees committed to the goals and philosophy of the Museum.

The Museum seeks to uphold global best practice storage, archiving, documentation and display conditions to ensure that its collections, including cultural material, are maintained in a safe and secure environment.

**Example: recognising, maintaining and strengthening Indigenous culture**

The Museum's Learning Services and Community Outreach team aims to inspire people to be passionate about and engaged with Australia's past, present and future. The team creates relevant, innovative programs and resources that engage Museum visitors in learning about Indigenous histories and cultures in a variety of ways.

**Discovery Island**

The July 2014 Discovery Island school holiday program featured activities related to the new Torres Strait Island exhibition *Lag / Meta / Aus*. The knowledge and input of the Museum's Indigenous staff network played an important part in guiding program design and delivery. Children made headdresses, inspired by the plane headdresses in the exhibition, and made island scenes after imagining what it would be like if their home was in the Torres Strait. A total of 3106 people attended the program over 10 days.

**NAIDOC on the Peninsula**

The NAIDOC on the Peninsula festival, held in July 2014 in collaboration with AIATSIS, was inspired by the exhibitions *Old Masters, On Country* and *Lag / Meta / Aus*. The program included weaving demonstrations, printing activities and hip hop workshops with Indigenous musicians and performers. About 2900 people attended the four-hour festival.

Read more about NAIDOC on the Peninsula in the *Goree* newsletter at:

[http://www.nma.gov.au/history/aboriginal-torres-strait-islander-cultures-histories/goree/news\\_items/old\\_masters\\_family\\_programs](http://www.nma.gov.au/history/aboriginal-torres-strait-islander-cultures-histories/goree/news_items/old_masters_family_programs)

**First Australians: Plenty Stories publication**

In 2010, the Museum launched this major children's publication consisting of 16 readers and teachers' guides, in association with Rigby publishers. The books were written by the Museum's senior Indigenous education officer and involved significant Aboriginal community consultation with some books featuring a variety of people from remote, regional and urban Indigenous communities.

**Australian History Mysteries: Lake Mungo case study**

In 2011, the Museum added the 'Mysteries of Lake Mungo' case study to its Australian History Mysteries curriculum resource. This case study covered very sensitive issues related to the archaeological digs that unearthed Mungo Lady and Mungo Man more than 40 years ago. Consultation with Aboriginal community leaders from the area was an essential part of helping the Museum to shape and publish this resource, which is now available to schools throughout Australia.

Find out more about these Learning Services resources for schools at: [http://www.nma.gov.au/engage-learn/schools/classroom-resources/resources\\_to\\_order/first\\_australians\\_plenty\\_stories](http://www.nma.gov.au/engage-learn/schools/classroom-resources/resources_to_order/first_australians_plenty_stories) and <http://australianhistorymysteries.info/casestudies/mysteries-of-lake-mungo/>

**Kspace redevelopment**

The Museum has recently developed its Kspace children's multimedia experience. The new Kspace features historical scenes for children to explore, including two with strong Indigenous themes, on Lake Mungo and the Kimberley. Museum staff travelled to the relevant Indigenous communities and sought their views and input into the scenes.

Find out more via our Kspace blog posts at: <http://nma.gov.au/blogs/education/2014/08/13/deep-connections/> and <http://nma.gov.au/blogs/education/2014/08/08/life-of-an-ancient-lake/>

## Principle 10: Recognition of ongoing rights

The Museum recognises that the rights of Indigenous peoples in regards to their cultural heritage are ongoing, and that the Museum has a duty to ensure it continues to engage with Indigenous stakeholders to implement and recognise these principles.

### Principle in practice

The rights and obligations outlined under these principles are ongoing. The Museum recognises that ICIP rights are perpetual and do not stop upon the death of an individual author, or expire when a term of copyright has passed. The Museum engages with Aboriginal and Torres Strait Islander peoples and communities, including individual authors and stakeholders, to maintain and strengthen its relationships, and to ensure that it meets its continuing obligations in accordance with these principles now and into the future.

The Museum keeps up-to-date contact information for Indigenous stakeholders, and ensures that its records are stored safely and securely. The Museum's collection database is protected using information technology assurance processes, including backup servers and administrative controls. The Museum works to mitigate the potential for knowledge loss resulting from staff changes to ensure the maintenance of relationships.

For practical reasons, the Museum works on the assumption that consent (Principle 4) once given, is ongoing unless it receives clear notice to the contrary. If the Museum receives clear notice that consent has been withdrawn, it investigates the cause of the withdrawal and considers the possibilities of re-obtaining consent. Where consent lapses or expires, the Museum seeks to renew consultations with Indigenous stakeholders in the cultural material before making any further use of the ICIP or material.

#### Example: recognition of ongoing rights

The Museum holds a large number of drawings created by Aboriginal children in schools across Australia in the early 1970s. The material was commissioned by the Aboriginal Arts Board, with some of the drawings published in a book, *The Aboriginal Children's History of Australia*. Others were used in *Dreamtime, This Time, Dreamtime*, a film for television and school audiences. Although the nature or extent of any ICIP rights in the drawings was not clear when the collection was transferred to the Museum in the 1990s, Museum staff sought to consult with relevant communities and artists when developing displays including these works. Where artists were contacted, the Museum has routinely kept a copy of the work in question, together with a cultural or copyright clearance request.

In 2008, the Museum developed a display of children's art, taken from this collection, to celebrate the opening of a new college in a community. This project grew out of a Museum outreach program, and the strength of the Museum's display lay in the connection between the selected children's artworks and the community where the new college was being established. The selected works demonstrated the children's knowledge of their people and culture. The project's curator reconnected with some of the former-child artists from the community, and was able to work with individual artists as they recalled, where possible, their artwork, what it meant to them when they created it in the 1970s, and a retrospective analysis of their work 30 years later.

Out of these discussions, brief biographies to accompany this part of the Aboriginal children's art collection documentation were compiled. This led to discussion with the local land council, and the idea of developing a selection of the children's artworks at the new college opening. This process, related to a particular research and outreach project, demonstrated that it was possible to trace some of the original artists or their representatives, and it also enabled the Museum to negotiate licence fees for the use of these works for Museum purposes. However, it has not always been possible to trace the artists or their representatives regarding the material in this collection.

### **Principle 11: A timely, transparent and respectful process for responding to feedback**

The Museum will endeavour to act in an open and transparent manner in its relationships and interactions with ICIP and Indigenous stakeholders. The Museum will respond to any enquiries, complaints or other feedback from Indigenous stakeholders about the Museum's use of their cultural material in a timely, transparent and respectful way.

#### **Principle in practice**

The Museum welcomes feedback in relation to the operation of these principles. The Museum will work in a timely, transparent and respectful way to consider any enquires, feedback or complaints made by individuals, communities or organisations who have been directly impacted by the Museum's dealings with Indigenous stakeholders, or treatment of ICIP or cultural material. The Museum will assess all complaints in accordance with its complaints handling procedures.

The Museum also welcomes feedback from any person, organisation or institution who believes that an act or omission has occurred in relation to these principles which warrants the Museums' attention. In some circumstances, feedback or complaints may be referred to the Museum's Director for a decision on how to proceed, for example, if an Indigenous stakeholder is not satisfied with the Museum's response to their inquiry, feedback or complaint. The Director may seek the advice of Indigenous Reference Group members in appropriate circumstances.

The Museum will include statistical information about all feedback and complaints it has received in relation to these principles as part of its regular reporting to the Museum's Indigenous Reference Group.

#### **Example: a timely, transparent and respectful process for responding to feedback**

In 2011, the Museum developed an exhibition entitled *Off the Walls: Art from Aboriginal and Torres Strait Islander Affairs Agencies (1967–2005)*. It featured works from a collection that comprised more than 2400 artworks and objects collected by federal Indigenous agencies.

The exhibition was accompanied by a website, which remains current and accessible, with information about the exhibition and the collection, along with an invitation for members of the public to provide further information about any of the works. As a result, the Museum receives a range of feedback regarding the objects in this collection, from the way the objects are described to details about original artists. Staff in the Museum's Curatorial and Registration teams investigate and respond to all feedback, and update the Museum's records for the relevant objects as appropriate.

This is just one of the ways in which the Museum encourages involvement from Indigenous stakeholders in the interpretation of their culture, and it reflects the Museum's concern for authenticity and integrity in its documentation of cultural material.

There are many stories illustrating the Museum's commitment to this principle in the *Goree* newsletter. For example, see: 'An extraordinary collection' on pages 8 and 9 at:

[http://www.nma.gov.au/\\_data/assets/pdf\\_file/0020/306128/Goree\\_aug2011.pdf](http://www.nma.gov.au/_data/assets/pdf_file/0020/306128/Goree_aug2011.pdf)

### **Part 3: Governance and implementation**

These principles describe how the National Museum of Australia engages with Indigenous stakeholders and their cultural heritage. The Museum has adopted these principles as an internal set of principles to guide workings with ICIP, and as an external statement to Indigenous stakeholders of its commitment to best practice in the recognition of ICIP rights.

#### **Governance and legal framework**

These principles should be read in accordance with the *National Museum of Australia Act 1980*, and any other relevant legal, regulatory or policy documents which affect the Museum, including:

#### **Museum policies**

- Indigenous cultural rights and engagement policy
- Aboriginal and Torres Strait Islander secret/sacred and private material policy
- Aboriginal and Torres Strait Islander human remains policy
- Audience development policy
- Collections development policy
- Collections - return of cultural objects policy
- Collection care and preservation policy
- Education and learning policy
- Intellectual property policy

#### **Other documents**

- *Australian Indigenous Art Charter of Principles for Publicly Funded Collecting Institutions* (2009)
- *Australian Best Practice Guide to Collecting Cultural Material* (Ministry for the Arts, 2014)
- *Protection of Cultural Objects on Loan Act 2013*.

These principles have been developed to support and expand on the Museum's new Indigenous cultural rights and engagement policy. The principles will be made publicly available on the Museum's website, will have an agreed review date, and will have a process for managing feedback, including complaints handling.

The principles are designed primarily for the use of Museum staff. However, the Museum recognises that many of its projects are collaborative and involve partners. It is anticipated that, in some cases, the principles may be referenced in the development of contract documentation to advise service providers about Museum expectations and guidelines about ICIP.

The Museum may also use the principles as part of less formal agreements such as memoranda of understanding, again with the aim of providing valuable guidance to partner organisations or individuals.

It is expected that, in appropriate cases, Museum staff will refer to the principles in the development of project documentation, which will be approved by the Executive team. Such project documentation would outline in practical terms how the principles would be applied to specific projects.

The Museum will regularly review the implementation of the principles (including supporting documentation such as clearance requests and copyright licence forms), to ensure that these documents remain relevant.

### **Indigenous Reference Group**

The Indigenous Reference Group (IRG) advises on issues arising out of the acquisition, interpretation and display of Indigenous cultural material and ICIP. As part of its role, the IRG will review the Museum's application of the Indigenous cultural rights and engagement policy and these principles.

The Museum will regularly report to the IRG on its performance against these principles, including any feedback or complaints.

In appropriate circumstances, the Director or other Museum staff may seek the advice of Indigenous Reference Group members, to assist in responding to feedback or resolving issues or complaints arising in relation to matters dealt with under these principles.

### **Enquiries**

Enquiries, feedback and/or complaints relating to the operation of these principles and the Museum's dealings with ICIP should be sent to:

Assistant Director, Collections, Content and Exhibitions

National Museum of Australia

GPO Box 1901

Canberra City ACT 2601

Telephone: (02) 6208 5009

Email: Janda.Gooding@nma.gov.au

### **References**

The Museum recognises the value of existing industry standards for managing ICIP rights and obligations. Industry standards may often provide guidance for the Museum when dealing with specific areas of concern or unique projects that are not covered by these principles. Relevant Museum policies and other external resources include:

- legislation and policy documents listed under 'Governance and legal framework' above
- *Continuous Cultures, Ongoing Responsibilities: principles and guidelines for Australian museums working with Aboriginal and Torres Strait Islander cultural heritage* (Museums Australia, 2005)
- *Protocols for producing Indigenous Australian visual arts* (2nd edition, Australia Council, 2007)
- *Indigenous Art Code* (2009)
- *Pathways and Protocols: a filmmaker's guide to working with Indigenous people, culture and concept* (Screen Australia, 2009)

### **Glossary**

The following is a list of terms used in these principles:

**Indigenous peoples** refers to the world's Indigenous peoples, including Indigenous Australians, within the broader context of the *UN Declaration on the Rights of Indigenous Peoples*. Although the Museum's primary engagements with Indigenous peoples and cultures relate to Aboriginal and Torres Strait Islander peoples, the Museum's collections also include material from other Indigenous peoples, including from Papua New Guinea and other Pacific Island nations.

**Aboriginal and Torres Strait Islander peoples** is used throughout the policy and principles to be inclusive of a diversity of nations, languages, communities, cultural practices and spiritual beliefs. This term is used instead of the term 'Indigenous peoples' where the context or the intended policy commitment relates specifically to Indigenous Australians.

**Indigenous stakeholder** refers to:

- an Indigenous person
- an Indigenous group or community
- an Indigenous organisation

that has a direct link to the Museum broadly or to a specific project.

For example, Indigenous stakeholders could include (amongst others) artists exhibited by the Museum, their communities and families, the land councils of the region and/or any arts bodies representing the artists, and the Museum's Indigenous Reference Group.

**Author/s** refers to the author/s, creator/s or artist/s of a tangible item of ICIP. For example, this could be the artist of a painting, the sculptor of a statue or the writer of a diary.

**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 historic weapon from the Pitjantjatjara community, or a basket woven by a group of women on Saibai Island.

**ICIP** means Indigenous Cultural and Intellectual Property and refers to the rights of Indigenous peoples to access, control and maintain their cultural heritage, including traditional knowledge, traditional cultural expression and artefacts. It incorporates all aspects of knowledge (sciences, plants and animals, stories, designs and symbols and rituals), artefacts (arts, crafts, weapons, 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.