



PREVIOUS POSSESSIONS, NEW OBLIGATIONS

POLICIES FOR MUSEUMS IN AUSTRALIA
AND
ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLES

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(this Plain English version based on one developed in 1993)

Principles

Self-Determination

- 5 Museums support the right of Aboriginal and Torres Strait Islander people to self-determination in respect to cultural heritage matters.

Management and Collections

- 6 Aboriginal and Torres Strait Islander people must be involved in decisions affecting how museums store, research, use or display Australia's indigenous collections and information, and how such collections and information are presented, whether for exhibition, publication or educational purposes.
- 7 The stories and information associated with an indigenous object are of equal importance to the actual object and must be treated with equal respect.
- 8 Museums must recognise the special needs of Aboriginal and Torres Strait Islander women and treat their objects in culturally appropriate ways.

Access to Collections and Information

- 9 Museums must clearly inform Aboriginal and Torres Strait Islander communities about what indigenous items are in their collections.
- 10 Aboriginal and Torres Strait Islander traditions will determine who has access to indigenous items and information. Access to some items must be restricted in accordance with cultural practices. For example, men will not be given access to sacred women's objects and women will not be allowed to view or handle objects that are strictly men's business.

Assistance to Aboriginal and Torres Strait Islander communities

- 11 Museums have a responsibility to assist Aboriginal and Torres Strait Islander communities in the storage, handling, recording and display of cultural items. They should also provide strategic planning skills and training to community members in all areas of museum activity, such as research and recording techniques and exhibition planning.
- 12 Museums have a responsibility to assist Aboriginal and Torres Strait Islander communities in the care and preservation of objects. Conservation practices must adapt to cultural requirements, particularly when an item is secret or sacred.

- 13 If Aboriginal and Torres Strait Islander communities get funding for special projects they ask museums to become involved. In such cases the community has the full authority in decision making matters and museums should assist if asked.

Employment and Training

- 14 Museums must encourage Aboriginal and Torres Strait Islander people to apply for employment with them. Such employment should take notice of the relevant anti-discrimination and equal opportunity employment legislation.
- 15 Museums must fully recognise indigenous peoples' experiences, traditional knowledge and skills. Therefore, whether training or employing Aboriginal and Torres Strait Islander people, museums should start them at as high a level as possible. In all cases, training should lead to actual employment in meaningful jobs.

Policy Formulation

- 16 Aboriginal and Torres Strait Islander peoples should be involved in policy decisions affecting their cultural heritage at all levels.
- 17 All museums should strive for best practice with their indigenous collections and programs. Museums should play an active role in helping Aboriginal and Torres Strait Islander people fulfil their own aspirations in how they store and use their cultural material

Policies

These detailed policies have been drafted to comply with the principles of the Council of Australian Museum Associations Inc. (CAMA) Policy Statement which was issued by CAMA (now Museums Australia) on 18 May 1993.

1. HUMAN REMAINS

Museums should not hold any items which are not of scientific or cultural importance. This most especially applies to human remains, regardless of race. The utmost sensitivity must be observed in dealing with human remains.

This policy applies to all human remains of Aboriginal and Torres Strait Islander peoples regardless of their age.

It is the clear intention of this policy that museums must enter into meaningful consultation with indigenous communities regarding human remains. Any decision over the return of human remains (even when museums are holding them on behalf of communities) must be made after conducting culturally sensitive consultation.

General

1.1 Museums cannot place conditions on communities on the return of human remains.

Acquisition

1.2 Museums will not seek to acquire human remains. Where Government law states that museums have custodial responsibility for remains found in certain situations, then the museum will deal with them according to the other policies in this section.

Return

1.3 The remains of indigenous people who have died since contact with Europeans in Australia will be dealt with according to the wishes of the deceased or their relatives or their community Elders.

The remains of people dating from before contact with Europeans will be dealt with according to other relevant clauses of this policy.

1.4 The community from which the human remains came must be involved in deciding what will happen to remains returned by museums.

1.5 All requests for the return of Aboriginal and Torres Strait Islander remains will be promptly and sensitively dealt with by museums.

Custodianship

1.6 A museum can keep or hold on to human remains if the relevant community gives its permission. In such cases a museum must abide by any reasonable conditions sought by the community.

Storage, Access and Display

1.7 If it is agreed that a museum may retain human remains then they must be properly stored in an area separate from other parts of the collection and treated with respect at all times.

1.8 Access to human remains held by museums must be carefully controlled according to the wishes of the relevant Aboriginal or Torres Strait Islander community.

1.9 Human remains will not be displayed to the public. The only acceptable exception is when the remains are a part of another item (for example, where human teeth form part of clothing) or they have been modified for use. In such cases the items can only be displayed if agreed to by the relevant community, their descendants or those authorised by them.

Scientific and Cultural Significance

1.10 Museums recognise the potential value that human remains may have in understanding people's health and way of life in the past. However, before a museum can keep any human remains based on their research value the museum must first prove its claims to the satisfaction of the relevant Aboriginal and Torres Strait Islander people.

Age by itself does not establish scientific importance.

All the information a museum possesses relating to human remains must be given to the relevant community which must then agree before research of any kind may be carried out on the human remains.

The results of any research allowed on human remains must be shared with the relevant community.

2 SECRET OR SACRED MATERIAL

Many museums have substantial collections of items, which are both secret and sacred. There is a clear recognition now that special measures must be taken by these museums because of the considerable religious and ceremonial significance of the items to Aboriginal and Torres Strait Islander people.

This policy is also intended to cover private items (such as carved trees) that are not generally open to public viewing.

Custodianship and Access

- 2.1 Responsibility for the protection of secret and sacred items belongs to the traditional custodians or their descendants, according to traditional Aboriginal or Torres Strait Islander law.
- 2.2 Museums will not seek to acquire secret or sacred items except in such cases as to remove them from private collections or general circulation.
- 2.3 If a museum has a secret or sacred item in its collection it will try to find out where it comes from and what it is, with the help of the appropriate indigenous people.
- 2.4 Museums may hold secret or sacred items if requested by their traditional custodian.
- 2.5 Museums shall store secret/sacred items in ways that respect their significant nature. They shall be stored separately from other collections.
- 2.6 Traditional custodians will be consulted on the best ways to store and preserve secret or sacred items.
- 2.7 Only people given permission by traditional custodians or their descendants, and by the museum's management, shall have access to secret/sacred items.

Display

- 2.8 Secret/sacred material shall not be displayed to the public except with the specific permission of the traditional custodians or their descendants (NB. Some sacred items are not secret and can be displayed

Return

- 2.9 If a museum holds secret or sacred items it must seek out traditional custodians and ask them whether they wish the items to be returned to the community or held by the museum on behalf of the community.
- 2.10 Museums must attempt to find out who is the rightful custodian of secret or sacred items according to Aboriginal or Torres Strait Islander law. When that custodian asks for the return of the items to their traditional owners museums will agree. Museums will at all times respect the items' very sensitive nature.

3 COLLECTIONS IN GENERAL

Specific policies which are appropriate for collections of human remains and secret and sacred items are set out above and are not dealt with further here.

This section deals with the issue of ownership of more contemporary items which were made especially for sale to museums and galleries by communities and individuals.

Acquisition, Ownership, Access and Return

- 3.1 Museums will recognise that collections of items form part of the cultural traditions of Aboriginal and Torres Strait Islander communities. Therefore museums will take into account the views of those communities in matters relating to the collection, care, return or removal of the items and who may see them
- 3.2 Museums will make available all documents, including photographs, held by them which are relevant to indigenous communities. In doing so they will give equal attention to the issues of legal copyright and the special rights of access of a document's author.
- 3.3 In all cases, it is right that museums give the utmost consideration to requests from Aboriginal and Torres Strait Islander communities for the return to them of cultural items. In doing so museums should also consider how items first came into their possession.

It is not appropriate for museums to make replicas of items to be returned, unless the community agrees.

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Research

- 3.4 Museums will encourage Aboriginal and Torres Strait Islander people to conduct research into indigenous cultural items, and related items of cultural heritage, held by museums.
- 3.5 The results of research on Aboriginal and Torres Strait Islander cultural heritage items will be shared with relevant indigenous communities.
- 3.6 In dealing with collections, it is generally agreed that there are a number of interests involved. Respect for the rights of those many interests will guide decisions, while at the same time recognising the supremacy of Aboriginal and Torres Strait Islander interests in their cultural heritage.

Documentation

- 3.7 The matter of an anthropologist's research diaries, documents and photographs is complex.

Rules of copyright should be considered. However, it is also recognised that the author of any document has special rights of access to the material.
- 3.8 People from the relevant indigenous community should be involved in improving or adding information about indigenous items in a museum.

4 PUBLIC AND OTHER PROGRAMS

Museums conduct a wide range of public programs and are under pressure to do more.

These programs (which include exhibitions, education activities and medial publications) help museums tell the wider public, especially non-indigenous people, about their work and their collections.

It is important that museums use these programs to fully explore and explain the richness and variety of Australia's indigenous cultures and traditions, both as they were in the past and as they are today.

Museum educational programs must co-operate with Aboriginal and Torres Strait Islander people and communities and their cultural centres and Keeping Places.

Cultural Traditions

- 4.1 Museums will promote understanding of Aboriginal and Torres Strait Islander cultural traditions among all Australians.

Involvement of Aboriginal and Torres Strait Islander People

- 4.2 Museums will actively involve Aboriginal and Torres Strait Islander people in these programs and will consult them on the best way to use indigenous items in programs.

Contemporary Culture

- 4.3 Aboriginal and Torres Strait Islander cultures must be presented as vital, living, diverse and changing.

Community Museums

- 4.4 Museums should actively support (both setting up and on-going) funding to Aboriginal and Torres Strait Islander community museums, cultural centres and Keeping Places.

5. STAFFING, TRAINING AND FINANCIAL SUPPORT

Proper levels of staffing and funding are needed to implement the agreed policies. However, it is also recognised that as funding declines museums face real problems in setting priorities for their remaining staff and funding.

Museums are reminded they must follow anti-discrimination legislation for employment and training across all areas of museum activity. They must also recognise that museums have a major role to play in training people and cannot leave this only to schools and universities.

Employment

- 5.1 Museums will actively promote the employment of Aboriginal and Torres Strait Islander people in all activities involving their cultures and heritage. These include the care of collections, research, conservation of items, public programs and administration.

Training

- 17.2 Museums will actively train Aboriginal and Torres Strait Islander people in all parts of museum activity.

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6 DIRECTION AND MANAGEMENT

The board of a museum has responsibility for making decisions about its direction and management. It is important that Aboriginal and Torres Strait Islander people are involved in decisions affecting their cultural items.

It is therefore necessary that indigenous people are represented on a museum's board. Alternatively (or in addition) an advisory committee of indigenous people should advise the board on indigenous matters.

- 6.1 Museums must continually consult with indigenous people about all activities concerning the cultural heritage of these people.
- 6.2 Aboriginal and Torres Strait Islander people should be involved in policy decisions affecting their cultural heritage through representation on museums councils or advisory bodies.

7 CO-OPERATION

Shared policies and actions will achieve better results than individual ones. Museums will co-

operate with Aboriginal and Torres Strait Islander communities and organisations, as well as with each other and with others in the community, to advance these policies.

Australia-Wide Strategies

- 7.1 Specific strategies need to be established by museums through discussion with all organisations involved with indigenous cultural items. These include Aboriginal and Torres Strait Islander communities and groups representing their interests; local, State and Federal governments; and museum organisations.

Outcomes

- 7.2 The results of shared talks and planning must follow the principle in the Policy Statement of 18 May 1993. While local conditions may lead to differences in some details, a commitment to the main principles should guide all decision making. The key principle is that recognition must be given to the special interests of Aboriginal and Torres Strait Islander people and communities, with whose living cultural heritage we are dealing.

Terms Museums Use

This is a brief guide to common terms used in museums and museum policy.

Acquisition

Museums acquire objects of their collections from a variety of sources by purchase, bequest or donation.

The following is a definition of these terms:

Purchase – A museum buys the object from an individual or group, or from another person acting on behalf of the individual or group (eg. an artist's co-op or agent).

Bequest – The object is left to a museum in a will by an individual who has passed away.

Donation – The object is given free to a museum by an individual or group.

Archaeology

Archaeology concerns itself with the study of people. Archaeologists use scientific techniques to determine and understand past and present cultures. They find information about past cultures by looking at what was left behind by the people they are studying.

There are many types of archaeologists. Some study ancient civilisations such as those found in Egypt while others study people from more recent times.

Collection Institutions or Cultural Institutions

These institutions include museums, art galleries, libraries, historical societies and Aboriginal and Torres Strait Islander Keeping Places or Cultural Centres.

Conservation (or Preservation)

The conservation or preservation of Aboriginal and Torres Strait Islander cultural materials by museums means that items are protected in a way that they will not decay or disintegrate.

Cultural items should be cared for in a culturally appropriate manner so that they continue to benefit Aboriginal and Torres Strait Islander societies.

The following can cause permanent damage to cultural items; water, light, dust, dirt, mould, extreme temperature and humidity changes, over-handling, insects and improper storage.

Custodians

They are people of Aboriginal or Torres Strait Islander descent who have responsibility for cultural items that are significant to their family, community or cultural group.

De-accessioning

When items or ancestral remains in a museum are returned to a community they have to go through a process called 'de-accessioning' within a museum.

This involves checking and double-checking that the items to be returned are the correct ones (and that they are going to the appropriate community) and that the legal requirements of museums are satisfied.

Indigenous People or First Peoples

Indigenous people or first peoples are usually existing descendants of the people who inhabited the present territory or country at the time when people of a different culture or from other parts of the world arrived there.

Indigenous people are not all the same; they have different ways that they relate to each other, economic systems, interpretations of the land, religious beliefs, history and health.

Examples of indigenous or first peoples include Australian Aboriginal and Torres Strait Islanders, Maoris, Native Americans, Basques and Bretons.

Keeping Place or Cultural Centre

Aboriginal and Torres Strait Islander Keeping Places or Cultural Centres are community-based organisations that have been set up to address a community's concerns regarding cultural heritage issues.

Most cultural centres operate as a small museum for tourists and visitors and provide valuable employment opportunities for local community members. Some, however, are much smaller and care only for cultural items that have been returned by museums.

Policy

Policy is statement of how governments, museums or community organisations should conduct their business. This usually includes a general plan of action.

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Public Programs

Museums often run public programs that explain their collections to visitors through exhibitions, books, kits etc.

There are many different types of visitors to museums, such as school groups, families, young people, old people and those who have a special interest in what museums exhibit.

Repatriation

This means to return cultural objects to their traditional custodians or their descendants. Such items were usually collected after European contact and can include cultural items, ancestral remains or secret/sacred materials.

Sacred/Secret Materials

Sacred/secret materials are items of special religious and spiritual significance to Aboriginal and Torres Strait Islander people. Such items are usually associated with men's and women's private ceremonies which are not open to outsiders or to certain classes of people within Aboriginal society.

Scientific Research

There is much debate about scientific research on Aboriginal and Torres Strait Islander cultural items held by museums.

Some communities totally object to any research being carried out on their cultural items. On the other hand, there are some communities that wish to find out more about the cultural practices and lifestyles of their ancestors before Europeans arrived here.

Museums recognise that this is an important decision and should be made by the individual community involved.

The following are definitions of some of the different types of scientific research:

Radio Carbon Dating – This is a dating method regularly used by archaeologists.

How does it work? All living things take in radiocarbon through the food chain (the process begins with plants). When a plant, animal or human dies the in-take of radiocarbon (C14) stops. The C14 then begins a slow process of decaying. It takes 5,730 years after death for the organic material to contain half the atoms it originally possessed.

By measuring the amount of C14 remaining in a sample it is possible to calculate the time since death occurred. This technique is limited to around 40,000 years, however.

DNA Testing – DNA is located in the genes of living things. The genes carry codes of hereditary instructions, sometimes referred to as the "blueprint".

By looking at the DNA of humans, scientists can trace the ancestors of a group of people back in time, measuring their evolution, migration and interaction.

Self-Determination

In 1970, Aboriginal people in Redfern, Sydney, established the first Aboriginal Legal Service. The following year the Aboriginal Medical Service was also established.

Self-determination involves Aboriginal and Torres Strait Islander people having the major say in decisions about their lives and community needs.