



# **FIRST PEOPLES:** CONNECTING CUSTODIANS

Principles and Guidelines for Australian  
museums and galleries working with First  
Peoples cultural material

## **DRAFT FOR CONSULTATION**

Written by Terri Janke and Company







## RECOMMENDATIONS FOR UPDATE OF CCOR POLICY

Over the last 50 years there have been shifts towards changing the relationships between museums and galleries and Indigenous people. To assist in this, the Australian Museums and Galleries Association developed its 1993 policy, *Previous Possessions: New Obligations: Policies for Museums in Australia and Aboriginal and Torres Strait Islander Peoples* and then in 2005, the revised policy, *Continuous Cultures, Ongoing Responsibilities: Principles and guidelines for Australian museums working with Aboriginal and Torres Strait Islander cultural heritage*. These documents set standards of Indigenous employment, care of collections, repatriation and management of sacred and secret material.

Under the terms of reference for the Australian Museums and Galleries Association 10-Year Indigenous Roadmap project, Terri Janke and Company were contracted to make recommendations for updates to the 2005 *Continuous Cultures, Ongoing Responsibilities* (CCOR) policy.

These recommendations have been drawn from insights and information gained in the extensive consultations for the development of the Roadmap. In particular, the recommended updates incorporate some shifts in perspective from the needs of museums and galleries to those of Indigenous communities in their relationships with the sector.

**Recommendations throughout this document have been written in purple.** Therefore, we can identify where the original principles and guidelines of *Continuous Cultures, Ongoing Responsibilities* are, as well as see the recommendations that Terri Janke and Company have inserted.

The significant changes recommended in the update of *Continuous Cultures, Ongoing Responsibilities* are:

- Name change from *Continuous Cultures, Ongoing Responsibilities* to *First Peoples: Connecting Custodians*. This recommendation is made to enhance the involvement of First Peoples. The new name would highlight the important role that First Peoples play.
- Consultations suggested that there needed to be change in language. It was suggested that First Peoples was the preferred term when referring to Indigenous Australians. This was because First Peoples reflected that Indigenous Australians come from diverse cultures.
- There are additions to principles that were referred to in *Continuous Cultures, Ongoing Responsibilities*. These additions would address aspects arising out of the consultations. However, it should be noted that all the principles from *Continuous Cultures, Ongoing Responsibilities* were still relevant.
- There are new principles. These include the addition of Custodianship, Building Indigenous Audiences, Weaving Indigenous Values into Museum and Gallery Business, Cultural Safety, and Benefit Sharing. These principles shift *Continuous Cultures* into a document that takes into consideration more Indigenous issues and perspectives.
- The addition of new guidelines is also recommended. Existing guidelines were all still relevant, though there have been extra clauses added to some guidelines. New guidelines include Reflecting on Past Practices, Amplifying Indigenous Voices, Weaving Indigenous Values into Museum and Gallery Business, and Indigenous Cultural and Intellectual Property.
- Finally, the updated *Continuous Cultures, Ongoing Responsibilities* needs to have a communication strategy. It was noted in all workshops that the majority of attendees, particularly from Indigenous communities, but even museum and gallery staff, did not know the policy existed. A communication strategy needs to be implemented to engage people to effectively apply the policy.

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The intention of *First Peoples: Connecting Custodians* is to guide the work of collecting institutions throughout Australia. As such, Australian Museums and Galleries Association is eager for this document to receive wide distribution and to receive comment and feedback.

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## Australian Museums and Galleries Association (AMaGA)

Australian Museums and Galleries Association is the national membership body representing the museum and gallery sector. It includes both organisational and individual members, and supports employed professionals and volunteers working in and for art galleries, social history and science museums, historical societies, keeping places, heritage centres and other research, collecting and exhibiting institutions.

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## Language

The term Aboriginal and Torres Strait Islander people has continued to be used throughout this document, to maintain consistency with the original. However, the term Indigenous people is also introduced as well as First Peoples. All these terms refer to Indigenous Australians, who are the First Peoples of Australia.

Designed by Amity Raymont



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### ABOUT THIS POLICY DOCUMENT

The Australian Museums and Galleries Association *First Peoples* policy provides a framework for Indigenous engagement in museums and galleries. It aims to:

- Recognise and respect Aboriginal and Torres Strait Islander people's rights to access, maintain, control and benefit from their cultural heritage in line with the United Nations' Declaration on the Rights of Indigenous People;
- Enshrine best practices for engagement and relationship building with Indigenous peoples, culturally appropriate two-way interaction and knowledge sharing;
- Promote respectful use of Indigenous Cultural and Intellectual Property (ICIP), as well as establish best practices for ICIP management;
- Advise and guide museum and gallery staff, partners and collaborators concerning standards that must be met in relation to Indigenous engagement and ICIP rights;
- Publicly acknowledge and encourage the wider recognition and respect for Indigenous people and their cultural heritage in museums and galleries; and
- Enhance trust of Indigenous individuals, communities and groups by showing appropriate respect or acknowledgement of cultural rights.

This policy promotes best practice for engagement with Indigenous people by reference to the following standard setting, national and international documents:

- United Nations *Declaration on the Rights of Indigenous Peoples*, 2007;
- UNESCO, *Convention for Safeguarding of the Intangible Cultural Heritage*, 2003;
- *Our Culture: Our Future, Report on Australian Indigenous Cultural and Intellectual Property Rights*, 1999;
- Protocols for producing Indigenous Australian visual arts (Australia Council for the Arts, 2007 and the forthcoming 2019 update);
- *Pathways and Protocols: a filmmaker's guide to working with Indigenous people, culture and concepts* (Screen Australia, 2009; to be updated in 2019);
- Indigenous Art Code, 2009; and
- Indigenous Australian Art Charter of Principles for Publicly Funded Collecting Institutions, 2009.



## PART 1 PRINCIPLES

### 1. Connecting First Custodians

- 1.1. Custodianship is an important aspect of Aboriginal and Torres Strait Islander people's connection and responsibility to cultural material. Museums and galleries should recognise the special connections that the Aboriginal and Torres Strait Islander custodians have to materials in their collections.
- 1.2. Customary laws or traditions need to be taken into consideration when accessing, holding and using Indigenous Cultural and Intellectual Property (ICIP). Some ICIP might be considered sensitive, gender specific, or sacred to be exhibited or held by museums and galleries. The appropriate Aboriginal and Torres Strait Islander people in authority should be engaged to ensure secret, sacred material is cared for correctly.
- 1.3. Museums and galleries should work with Aboriginal and Torres Strait Islander communities to decide how to manage the cultural material in their collections. This can include repatriation or an agreement about sharing custodianship.

### 2. Self determination

- 2.1. Aboriginal and Torres Strait Islander people have the right to self-determination, particularly in respect of cultural heritage matters. [The United Nations Declaration on the Rights of Indigenous People \(UNDRIP\)](#) highlights this and should be recognised and followed.
- 2.2. Aboriginal and Torres Strait Islander people have the right to fulfilment of their own cultural aspirations.
- 2.3. Authority for the protection of secret and sacred items belongs to the traditional custodians or their descendants, according to traditional Aboriginal or Torres Strait Islander laws.
- 2.4. Gender, age and status issues impacting on Aboriginal and Torres Strait Islander cultural heritage, materials, stories and other information are to be determined by relevant Aboriginal and Torres Strait Islander people themselves and these determinations are to be respected by collecting institutions.
- 2.5. Museums and galleries must acknowledge the value of Indigenous Knowledge systems and its interconnectedness in arts, science, and technology. There is much that the world can learn from Aboriginal and Torres Strait Islander cultures in terms of finding solutions to our global problems.

### 3. Building Indigenous audiences

- 3.1. Museums and galleries should build Aboriginal and Torres Strait Islander audiences by creating welcoming places and developing relationships with Aboriginal and Torres Strait Islander organisations, elders' groups and students.
- 3.2. Aboriginal and Torres Strait Islander audiences should be provided the opportunity to preview and supply feedback on the display of their cultural heritage, particularly sensitive displays. Encouraging feedback involves Aboriginal and Torres Strait Islander communities in the conversation and allows for an open and transparent dialogue.

### 4. Embedding Indigenous Values into museum and gallery business

- 4.1. Museums and galleries should discuss Aboriginal and Torres Strait Islander values with their local communities and seek to embed these values into museum business and processes such as governance, strategic and corporate planning, budgeting, funding and reporting. This encourages the move away from the Eurocentric ideals of museums and galleries and ensures that Aboriginal and Torres Strait Islander values play a larger role in museum and gallery frameworks.

### 5. Management and collections

- 5.1. Museums and galleries must recognise that Indigenous people have deep relationships with the objects, historic artworks, photographs, sound recordings, documents and films that are held in collections. Aboriginal and Torres Strait Islander people are custodians of culture and connecting with this material is vital to the continuing practice of culture.
- 5.2. Aboriginal and Torres Strait Islander people must be given the opportunity to have informed input into decisions affecting how museums store, conserve, research, display or in any other way use collections of their cultural heritage and how such collections and information are presented, whether for exhibition, publication or educational purposes.
- 5.3. The stories and information associated with Aboriginal and Torres Strait Islander cultural materials are of equal importance to the actual materials and must be treated with equal respect.
- 5.4. Museums and galleries should involve Indigenous people in the conservation of Aboriginal and Torres Strait Islander materials, particularly those that have connections to the materials. Cultural practice should also be recognised as being interconnected with the cultural object. Projects that commission and support new works are encouraged.
- 5.5. When working with Indigenous communities, the acquisition policies of museums and galleries must include options for acquiring collection-relevant material, including contemporary material culture.

### 6. Access to collections and information

- 6.1. Aboriginal and Torres Strait Islander communities have a right to know what items and documents of their cultural heritage are held in museum collections.
- 6.2. Relevant Aboriginal and Torres Strait Islander people should determine who has access to Australian Indigenous items and information held in museum collections.

### 7. Assistance to Aboriginal and Torres Strait Islander communities

- 7.1. Aboriginal and Torres Strait Islander people are entitled to seek and to reasonably expect assistance from museums to enable them to develop skills and knowledge about all areas of museum activity including storage, handling, recording and display of cultural items, strategic planning, research and recording techniques and exhibition planning.
- 7.2. Aboriginal and Torres Strait Islander communities seeking assistance from museums with the care, display or other use of their cultural heritage retain full authority in decision making matters pertaining to that material.



## 8. Employment and training

- 8.1. Aboriginal and Torres Strait Islander people should be actively encouraged to seek employment within all areas of the museums and galleries sector.
- 8.2. Aboriginal and Torres Strait Islander peoples' cultural skills should be recognised along with other experience and qualifications in their efforts to seek employment or training in museums and consideration of these skills should be reflected in the levels of employment they attain.

## 9. Cultural safety

- 9.1. Museums and galleries should actively seek to understand and address cultural safety of Aboriginal and Torres Strait Islander staff, as a workplace safety issue.
- 9.2. Educational training programs around cultural safety should be available nationally for all museums and galleries staff members.

## 10. Benefit sharing

- 10.1. Museums should enable benefit sharing with Aboriginal and Torres Strait Islander people in the use of their ICIP.
- 10.2. Aboriginal and Torres Strait Islander people are to be paid for their knowledge which contributes to the project.
- 10.3. Aboriginal and Torres Strait Islander consultants should be engaged with working on projects that involve cultural material.
- 10.4. Connecting with Aboriginal and Torres Strait Islander tourism and local businesses is encouraged.

## 11. Policy formulation

- 11.1. Aboriginal and Torres Strait Islander people should be involved in policy decisions affecting their cultural heritage in all areas of museological practice and at all levels – from high level issues of governance through to daily practices such as collection management, interpretation and access.
- 11.2. All museums should strive for best practice with their Aboriginal and Torres Strait Islander collections and programs and should play a role in helping Aboriginal and Torres Strait Islander people to fulfil their aspirations in how they store and use their cultural material.

## 12. Repatriation and revitalisation of culture

- 12.1. Aboriginal and Torres Strait Islander communities that hold repatriated cultural material or ancestral remains will often require assistance and training. Where possible, museums and galleries should offer assistance such as training in the care of the material and ancestral remains, as well as working with communities to provide the correct environment and materials for protecting the material and ancestral remains.

- 12.2. Options in relation to digital repatriation encompass discussions around restrictions to material online. Unrestricted and restricted cultural material is divided into such categories to ensure secret, sacred and gendered cultural material is protected.

### 13. Reconciliation

- 13.1. Reconciliation for Australians is a fundamental principle underlying the activities of museums and galleries in the development of their relationships with Indigenous Australians and the manner in which they deal with Aboriginal and Torres Strait Islander cultural heritage.
- 13.2. The development of these principles is to further Indigenous engagement and employment in museums and galleries, but also to raise cultural awareness and competency of all museum staff. An important step forward in these areas is the development of Reconciliation Action Plans (RAPs) and the continued transparent reporting against goals.

### 14. Digital technology

- 14.1. Digital technology provides opportunities in all areas of practice including exhibitions, publications, films, collections and information management. Aboriginal and Torres Strait Islander people should be consulted on the use of their Indigenous material in digital technology, and provided with opportunities to interpret and collaborate in projects, for mutual benefits.



## PART 2 GUIDELINES FOR POLICY AND PROCEDURE

### 1. Reflecting on past practices

Aboriginal and Torres Strait Islander peoples lack trust in many museums and galleries. Reflecting on past practices and recognising the contributions that museums and galleries made to colonisation is a first step towards rebuilding that trust.

- 1.1. Museums and galleries must acknowledge the past treatment of Aboriginal and Torres Strait Islander people and that the part they played in colonisation has resulted in many Indigenous people and their communities being disconnected from their cultural belongings which are held in institutions.
- 1.2. Museums and galleries must strive to include culturally relevant programs with Aboriginal and Torres Strait Islander perspectives. This includes dealing with the difficult Australian history of colonisation. This can be done by reimagining existing exhibitions, and developing content in collaboration with Aboriginal and Torres Strait Islander people to increase relevance for Aboriginal and Torres Strait Islander audiences.

### 2. Amplifying Indigenous voices

- 2.1. Aboriginal and Torres Strait Islander people play an important role in contemporary Australia, as well as the history of Australia. Recognition is limited throughout museums and galleries. Collections hold large amounts of Aboriginal and Torres Strait Islander cultural material and looking at ways of increasing Aboriginal and Torres Strait Islander voices throughout museums and galleries can bring about increased Indigenous audiences and, potentially, cultural revitalisation. It can also teach non-Indigenous Australians the importance of Indigenous culture and cultural material.
- 2.2. Aboriginal and Torres Strait Islander people have lived in Australia for 65,000 years or more. Indigenous people have a right to tell their stories their way, including in their languages and modes.
- 2.3. To enable greater interpretation and to amplify Aboriginal and Torres Strait Islander voices, Aboriginal and Torres Strait Islander Australians must participate in the museum space as staff, board directors, consultants and advisors.
- 2.4. Aboriginal and Torres Strait Islander Peoples are diverse. This diversity should be reflected in museums and galleries.
- 2.5. Contemporary Indigenous art and culture should be shown in museums and galleries. It is essential to recognise that Aboriginal and Torres Strait Islander culture is ongoing and should be treated as such.
- 2.6. Specific exhibitions should be developed and led by Aboriginal and Torres Strait Islander communities. Systems should be in place to enable Aboriginal and Torres Strait Islander communities to approach museums and galleries in order to develop exhibitions around their cultural material.
- 2.7. Opportunities for curation should be opened to more Aboriginal and Torres Strait Islander peoples.
- 2.8. Retail stores at museums and galleries are encouraged to connect with local Aboriginal

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and Torres Strait Islander communities to bring authentic and culturally produced art and products into their stores.

- 2.9. Languages play an important role in Aboriginal and Torres Strait Islander culture. Indigenous local languages should be included in all aspects of museums and galleries.

### 3. Weaving Indigenous values into museum and gallery business

Museums and galleries are built off Eurocentric frameworks. This fractures communication and relationships with Indigenous peoples, as they are speaking two different languages. Shifting museum and gallery values begins to chip away at colonial frameworks and introduces new perspectives into the museum and gallery, meaning that Indigenous peoples will feel more comfortable inside these institutions, as well as interacting with them. These guidelines outline frameworks which will weave Indigenous values into museum and gallery business.

- 3.1. Reconciliation Action Plans (RAPs) should be introduced into all museums and galleries. RAPs provide an opportunity for the entire museum or gallery to rethink their internal structures and begin to transition. Their introduction also helps staff begin to rethink how they interact with Aboriginal and Torres Strait Islander peoples.
- 3.2. Museums should ensure that their policies and processes align with the UNDRIP rights of Indigenous people, including:
  - a. Acquisition and gift policies;
  - b. Collections policy;
  - c. Guidelines for care, storage and display;
  - d. Human remains policies;
  - e. Access policy;
  - f. Conservation policy;
  - g. Interpretation policy;
  - h. ICIP policy;
  - i. Loan policy for inwards and outwards loan conditions;
  - j. Deaccessioning policy.
- 3.3. These policies should be continually reviewed to ensure that any changes are updated, and any feedback is taken into consideration.
- 3.4. Cultural competency workshops should be run in museums and galleries. These workshops help staff understand appropriate ways to communicate and work with Aboriginal and Torres Strait Islander peoples and their cultural material.

### 4. Collections

Collections of objects and information are the foundations of museums and galleries. They enable museums and galleries to communicate the ideas and stories associated with culture and must be treated with care and respect. The first three sections of these guidelines address the areas of Management of Collections, Interpretation of Collections and Access to Collections and apply both to existing and future collections. They also relate to both contemporary and historical cultural material. These guidelines apply to collections of Aboriginal and Torres Strait Islander cultural heritage that have been acquired by open and legal means. The guidelines in this section do not relate to ancestral remains or secret/sacred material, for which specific guidelines are outlined in sections 1.4 and 1.5.

## 4.1. Management of Collections

Museums and galleries need to acknowledge that collections of cultural materials and stories form part of the cultural traditions of Aboriginal and Torres Strait Islander communities, and that therefore museums and galleries must take into account the views of those communities in matters relating to the display, collection, care, return or removal of cultural materials and who may access them.

### General

- 4.1.1. Museums and galleries should strive to develop partnerships with Aboriginal and Torres Strait Islander people to enable their involvement in all areas of the development and management of Aboriginal and Torres Strait Islander cultural heritage collections and related information.
- 4.1.2. All museum and galleries collections have a range of stakeholders, each of whose rights will guide decisions related to that collection. Recognising this, museums and galleries need to acknowledge the primacy of Aboriginal and Torres Strait Islander stakeholders' interests in their cultural heritage.
- 4.1.3. Commissioning new works for Aboriginal and Torres Strait Islander artists and creators can help develop relationships and encourage continuing cultural practice. Museums and galleries should seek to commission works from Aboriginal and Torres Strait Islander artists and creators.

### Acquisition

- 4.1.4. Museums and galleries have a responsibility to acquire Indigenous Australian cultural material, including works of art, in an ethical manner. In doing this, all effort should be made to support local Indigenous community aspirations and community development efforts such as local arts centres, [Indigenous cultural centres and keeping places](#).
- 4.1.5. It is recommended that where museums and galleries are responsible for commissioning and purchasing Aboriginal and Torres Strait art, [accepting gifts of Aboriginal and Torres Strait Islander arts, objects and materials](#); and/or reproducing it for commercial purposes, this should be done in accordance with [the following guiding documents](#):
  - *Valuing Art, Respecting culture: Protocols for Working with the Australian Indigenous Arts and Craft Sector*. (NAVA)
  - [Indigenous Art Code, 2009](#).
  - [Indigenous Australian Art Charter of Principles for Publicly Funded Collecting Institutions, 2009](#).
  - [Australia Council for the Arts, \*Protocols for Indigenous art\*](#).
- 4.1.6. Gifted collections that include unprovenanced Aboriginal and Torres Strait Islander cultural heritage should not be accepted, without consultation with Indigenous communities.

### Custodianship

- 4.1.7. Relevant Aboriginal and Torres Strait Islander people should be involved in decisions

regarding the care and preservation of their cultural materials held in museum and galleries collections. This may require the adaptation of conservation practices to meet cultural requirements, particularly when an item is secret or sacred.

- 4.1.8. Museums and galleries may not make or authorise others to make replicas or copies of Aboriginal and Torres Strait Islander cultural material without the prior permission of the appropriate traditional custodians or those authorised by them.
- 4.1.9. Management of ephemera, such as collection documentation, photographs and archival records should be undertaken in accordance with *Aboriginal and Torres Strait Islander protocols for libraries, archives and information services*.
- 4.1.10. Requests from Aboriginal and Torres Strait Islander communities for the return to them of cultural items held in museums and galleries must be given serious consideration.

### 4.2. Interpretation of collections

Museums and galleries conduct a wide range of interpretive programs, which include exhibitions, education activities, publications, websites and outreach programs. These help museums and galleries to share their work and their collections with the wider public. Interpretation gives collections meaning and increases access. Museums and galleries will benefit by involving people from relevant Aboriginal and Torres Strait Islander communities in improving and adding to information about Indigenous items in museum collections.

#### **Interpretation**

- 4.2.1. Through research, exhibitions and public programs, museums and galleries should promote cultural respect and understanding of Aboriginal and Torres Strait Islander cultural traditions among all Australians. They should at all times reflect the vital, diverse and contemporary nature of Australian Indigenous cultures.
- 4.2.2. Aboriginal and Torres Strait Islander people should be involved with all aspects of the interpretation of collections and in the development of public and education programs. They should be consulted as to the best ways to incorporate Indigenous Australians and their cultural material in these programs.
- 4.2.3. It is important that museums and galleries use their interpretive programs to fully explore and communicate the richness and diversity of Australia's Indigenous cultures and traditions, both historical and contemporary. It is also important that Aboriginal and Torres Strait Islander cultural heritage is interpreted in line with the cultural requirements and aspirations of Aboriginal and Torres Strait Islander peoples.

#### **Research**

- 4.2.4. Museum and galleries research on Aboriginal and Torres Strait Islander cultural heritage items must be undertaken using recognised ethical research practices which include the sharing of research outcomes with relevant Indigenous communities.
- 4.2.5. Museums and galleries should seek to work with relevant Aboriginal and Torres Strait Islander communities in order to develop strategies to enable them to undertake research on cultural materials and in all matters relating to collections.
- 4.2.6. Museums and galleries undertaking scientific or social research in the field are obliged to conform to all government, Land Council and other relevant agencies'

requirements for access permission to Aboriginal or Torres Strait Islander lands or territories and the materials contain therein.

- 4.2.7. Research projects must comply with Guidelines of Ethical Research on Indigenous Australian Studies (GERIAS). The projects must also allow access to collections and commercialisation, subject to free, prior and informed consent.

### 4.3. Access to collections

Museum and galleries collections are being made increasingly accessible via a variety of media. Digital, print and other technologies have greatly expanded the scope for access to collections of objects and information. Museums and galleries are also making their collections increasingly accessible outside the confines of their buildings. This expanding approach to access must pay regard to the particular needs and concerns of Aboriginal and Torres Strait Islander peoples.

- 4.3.1. Museums and galleries should be active in their efforts to inform Aboriginal and Torres Strait Islander communities of collection holdings of their cultural material and associated documentation.
- 4.3.2. Where possible, strategies for creating and controlling appropriate access to Aboriginal and Torres Strait Islander material in collections should be developed jointly with the traditional custodians of cultural material held in collections. This applies to all levels of access including by the traditional custodians, museum and gallery staff, external researchers and other museum users. It also applies to all types of access including in storage, through exhibitions and via digital media.
- 4.3.3. Museums and galleries should support the needs of Aboriginal and Torres Strait Islander peoples by facilitating their access to relevant parts of collections through the use of new technologies, outreach and other programs of access. Such approaches need to consider issues of remoteness, access and usability of technology and other factors impacting on Aboriginal and Torres Strait Islander communities.
- 4.3.4. Museums and galleries should co-operate with Aboriginal and Torres Strait Islander organisations who are undertaking digital or other initiatives to increase the understanding of and access to Aboriginal and Torres Strait Islander collections on behalf of their own communities.
- 4.3.5. Museums and galleries should work with Aboriginal and Torres Strait Islander communities who do not have their own keeping places or cultural centres to develop appropriate strategies for enabling access to relevant collections in their own communities.
- 4.3.6. Museums and galleries need to recognise that Aboriginal and Torres Strait Islander cultural material held in collections may have special significance outside of museums and galleries, and should facilitate their application to wider purposes as requested by traditional custodians.
- 4.3.7. Museums and galleries should make available to Aboriginal and Torres Strait Islander communities all documents, including photographs and film, held by them, which are relevant to those communities. In doing so they should give equal attention to the issues of cultural and intellectual property rights and the rights of access of a document's author.

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4.3.8. Museums and galleries need to consider and advocate for the needs of Aboriginal and Torres Strait Islander communities with regard to access to documents concerning them where other access conditions also apply, such as in the case of Anthropologists' field journals which may be subject to copyright protection.

4.3.9. Access to ephemera such as collection documentation, photographs and archival records should be managed in accordance with *Aboriginal and Torres Strait Islander protocols for libraries, archives and information services*.

### 4.4. Ancestral remains

Australian museums have been at the forefront of development of culturally appropriate processes in relation to existing collections of ancestral remains, particularly of Indigenous Australians.

These guidelines apply to all ancestral remains of Aboriginal and Torres Strait Islander peoples regardless of their age and regardless of whether they have been modified in any way. It is the clear intention of this policy that museums enter into meaningful consultation with relevant Aboriginal and Torres Strait Islander communities regarding ancestral remains. The utmost sensitivity must be observed in dealing with ancestral remains, and any decision concerning the return or retention of ancestral remains should be made jointly after conducting culturally sensitive consultation.

#### **Acquisition**

4.4.1. Museums should not actively seek to acquire ancestral remains. Where Government legislation states that museums and galleries have custodial responsibility for remains found in certain situations the museum should first deal with them in accordance with Australian law and then apply these guidelines.

4.4.2. The ancestral remains of Aboriginal and Torres Strait Islander people must be dealt with according to the wishes of the deceased, or their relatives, or their community Elders where these can be identified. In instances where these cannot be identified, the ancestral remains should be cared for in accordance with the relevant guidelines outlined in this document.

#### **Repatriation**

4.4.3. The community from which the ancestral remains originated needs to be involved in deciding what will happen to remains repatriated by museums and galleries.

4.4.4. Museums and galleries are to seek out the rightful custodians of ancestral remains and ask them whether they wish the remains to be repatriated to the community or held by the museum and galleries on behalf of the community.

4.4.5. If rightful custodians ask for the return of ancestral remains, museums should agree. All requests for the repatriation of Aboriginal and Torres Strait Islander ancestral remains should be promptly and sensitively dealt with by museums, who must at all times respect the materials' very sensitive nature.

4.4.6. Museums and galleries must not place conditions on communities with regard to the repatriation of ancestral remains.

#### **Custodianship**

4.4.7. Where a museum or gallery is requested by the traditional custodians or those



authorised by them to store and care for ancestral remains the museum should abide by any reasonable conditions sought by those custodians. Agreements reached between museums and galleries and custodians regarding the storage and care of ancestral remains should be subjected to a regular review process.

### **Storage, access and display**

- 4.4.8. If it is agreed that a museum will retain ancestral remains then they should be properly stored in an area separate from other parts of the collection and treated with respect at all times.
- 4.4.9. Access to Aboriginal or Torres Strait Islander ancestral remains held by museums should be carefully controlled according to the wishes of the traditional custodians or those authorised by them.
- 4.4.10. Ancestral remains should not be displayed in public, except in special circumstances where parts of the remains are an integral part of other items, such as human teeth incorporated in an item of personal attire. In such cases the traditional custodians or those authorised by them, must agree to the display of such items. Equally, images and replicas of ancestral remains held in museums must not be exhibited or in any other way made available to the public without the prior permission of the traditional custodians or those authorised by them.

### **Scientific and cultural significance**

- 4.4.11. There may be potential scientific or social research value in ancestral remains. However, any research undertaken on ancestral remains must have the prior, free and informed consent of traditional custodians or those authorised by them and comply with recognised and appropriate ethical research guidelines.

### **General**

- 4.4.12. National and state institutions should support small museums to develop strategies to effectively deal with their holdings of Aboriginal and Torres Strait Islander ancestral remains.

## **4.5. Secret / Sacred and Other Sensitive Material**

Many museums and galleries have substantial collections of Aboriginal and Torres Strait Islander items, which are secret and/or sacred, or in some other way sensitive in nature. Secret/sacred materials are items of special religious and spiritual significance to Aboriginal and Torres Strait Islander peoples. They have an associated tradition of restricted access and have never been accessible to all members of a community. Such items are usually associated with men's and women's private ceremonies which are not open to outsiders or to certain people within their society of origin. Best museological practice requires that special measures be undertaken in accordance with the requirements associated with the considerable religious and ceremonial significance of secret and sacred items.

It is important that museums and galleries consider cultural diversity amongst Aboriginal and Torres Strait Islander peoples and realise that the degree to which an object or image is secret or sacred may vary from community to community. It may also change over time. Further, there are instances where materials for which no restrictions apply in their community of origin are subject to restrictions by other groups. Given the complexity of issues surrounding the status of such items it is important to recognise and acknowledge that it is the community of origin who ascribe the special status of cultural material and knowledge.

### Acquisition

- 4.5.1. Museums and galleries should not actively seek to acquire secret/sacred items except in such cases as to remove them from private collections or general circulation. Such action should only be done in consultation with the material's traditional owners or those authorised by them and with the intention that the material be repatriated or otherwise appropriately cared for.

### Return / Repatriation

- 4.5.2. If a museum or gallery has a secret/sacred item in its collection, the museum should try to identify what it is and where it comes from (its provenance). This is to be done with the involvement of appropriate Aboriginal and Torres Strait Islander people or representative bodies.
- 4.5.3. Museums and galleries are to seek out the rightful custodians of secret/sacred items and ask them whether they wish the items to be repatriated to the community or held by the museum on behalf of the community.
- 4.5.4. If rightful custodians ask for the return of secret / sacred items museums and galleries should agree. Museums and galleries must at all times respect the items' very sensitive nature.
- 4.5.5. Museums and galleries should not place conditions on communities with regard to the repatriation of secret/sacred cultural material.

### Custodianship and access

- 4.5.6. Museums and galleries may hold secret/sacred items if requested to do so by their traditional custodian/s or those authorised by them. In such cases a museum is to abide by any reasonable conditions sought by those custodians. Agreements reached between museums and galleries and custodians regarding the storage and care of secret/sacred items should be subjected to a regular review process.
- 4.5.7. Museums and galleries shall store secret/sacred items in ways that respect their significant nature and separately from other collections.
- 4.5.8. Traditional custodians are to be consulted on the best ways to store and preserve secret/sacred items and only people given permission by traditional custodians or those authorised by them, such as the museum and gallery management, shall have access to secret/sacred items.

### Display

- 4.5.9. Secret/sacred material should not be displayed to the public except with the specific permission of the traditional custodians or those authorised by them. Nor should images or replicas of secret/sacred material held in museums and galleries be exhibited or in any other way made available to the public without the prior permission of the traditional custodians or those authorised by them.
- 4.5.10. Museums and galleries are advised to utilise warning and disclaimer signs at the entry to exhibitions that contain material that not secret /sacred or restricted in its community of origin but may be so to other communities.

**General**

- 4.5.11. National and state institutions should support small museums and galleries to develop strategies to effectively deal with their holdings of Aboriginal and Torres Strait Islander secret/sacred material.

## 5. Employment and training

The most effective way to ensure a high level of Aboriginal and Torres Strait Islander involvement with museums and galleries, their collections and activities, is to have Indigenous Australian professionals employed throughout the sector, as well having appropriately skilled Aboriginal and Torres Strait Islander people in control of local cultural centres and keeping places. Effective acknowledgment and use of the skills and expertise of such Indigenous Australian museum and gallery staff is essential.

**Employment**

- 5.1. Museums and galleries should begin to transition their frameworks for hiring Aboriginal and Torres Strait Islander peoples. New frameworks should include moving from recruiting a person to fit a position, into a new approach of shaping the position to fit the person.
- 5.2. Aboriginal and Torres Strait Islander people might find it difficult working inside museums and galleries. Looking at retention options in order to ensure Aboriginal and Torres Strait Islander people are feeling supported and comfortable should be central to the employment of Aboriginal and Torres Strait Islander people.
- 5.3. Museums and galleries should actively promote the employment of Aboriginal and Torres Strait Islander people in all areas of their activity including but not limited to, areas dealing with their cultures and heritage. These include the care of collections, research, conservation of items, public programs, management and administration.
- 5.4. Aboriginal and Torres Strait Islander peoples' cultural skills should be acknowledged and accorded appropriate consideration in determining the levels of employment they attain.
- 5.5. Where employment of Aboriginal and/or Torres Strait Islander people may not be possible, such as in small museums and galleries with few or no staff, Aboriginal and Torres Strait Islander people are to be involved in decision and policy making processes of the organisation through their inclusion on advisory committees or by other similar means.
- 5.6. Aboriginal and Torres Strait Islander people's contributions should be fairly compensated for their work.
- 5.7. Museums and galleries should encourage Aboriginal and Torres Strait Islander staff to participate in networking events which are exclusively for Aboriginal and Torres Strait Islander staff who work in collecting institutions. This might mean providing financial support to travel to events and letting them take time off in order to attend.

**Training and professional development**

- 5.8. Museums and galleries should actively seek to train Aboriginal and Torres Strait Islander people in all aspects of their activity.
- 5.9. Museums and galleries should actively support communities to meet the training needs required for the establishment and ongoing management of Aboriginal and Torres Strait Islander community museums, cultural centres and keeping places.

## FIRST PEOPLES POLICY

- 5.10. Museums and galleries should structure their Indigenous trainee programs to lead towards full employment and then towards career progression.
- 5.11. Museums and galleries should seek to develop training partnerships with key educational institutions delivering training in the sector, such as TAFES, Universities and other recognised training providers, to enable accessible and culturally appropriate training opportunities for Aboriginal and Torres Strait Islander people.
- 5.12. Museums and galleries should develop strategies for delivering training in Indigenous Australian communities, providing localised outreach and training opportunities for Aboriginal and Torres Strait Islander people in local museums and galleries and other community collecting institutions.
- 5.13. Participation in traineeships, internships and scholarships should be encouraged as a means to enabling Aboriginal and Torres Strait Islander people to enter the sector.
- 5.14. Museums and galleries must actively champion Aboriginal and Torres Strait Islander people into executive leadership positions. This means that mentoring and training programs should be provided to Aboriginal and Torres Strait Islander staff who are seeking out these opportunities.

### Procurement

- 5.15. Museums and galleries should create procurement strategies in order to increase the procurement of goods and services from Aboriginal and Torres Strait Islander businesses.

## 6. Relationships and communication

The strength of contemporary museums and galleries is their capacity to widen our knowledge about the world and our understanding of people's lives using objects and other information. As Aboriginal and Torres Strait Islander stories of Australia intersect with or are present in all other Australian stories all museums and galleries should embrace Australia's Indigenous cultural heritage irrespective of the extent to which their collections contain identifiably Australian Indigenous items. Recognition and acceptance of this will lead towards reconciliation and museums and galleries are uniquely placed to communicate this. Reconciliation relies on the development of positive relationships between Indigenous and non-Indigenous Australians and museum workers should strive to develop these through all the activities they undertake.

### 6.1 General

- 6.1.1. Museums and galleries should develop and then maintain ongoing dialogue and relationships with Aboriginal and Torres Strait Islander people. It is not sufficient to consult or liaise with them only when specific issues arise. The maintenance of strong relationships will enable all parties to remain up to date on issues pertaining to changing laws and lore and associated protocols and practices relating to the use of Aboriginal and Torres Strait Islander peoples' cultural materials and intangible cultural heritage.
- 6.1.2. While museums and galleries are strongly encouraged to employ Aboriginal and Torres Strait Islander people on their staff, it is essential that they acknowledge that the employment of Aboriginal and Torres Strait Islander staff does not override the need to consult with appropriate Aboriginal and Torres Strait Islander communities on relevant issues.

- 6.1.3. Museums and galleries should actively encourage all non-Indigenous staff, Volunteers, board and committee members to undertake Aboriginal and Torres Strait Islander cultural awareness training. They should also give consideration to the cultural awareness training needs of Aboriginal and Torres Strait Islander staff.
- 6.1.4. Museums and galleries should co-operate with peak Aboriginal and Torres Strait Islander bodies in their efforts to fulfil the aspirations of Indigenous Australians.

### 6.2 Outreach programs

Outreach programs are essential for relationships with Aboriginal and Torres Strait Islander communities. Looking at ways museums and galleries can provide support to Aboriginal and Torres Strait Islander communities will help with building these relationships. Additionally, acknowledging that Aboriginal and Torres Strait Islander communities hold extensive knowledge about Australia and their cultural material means that museums and galleries should take opportunities for staff to be trained by Aboriginal and Torres Strait Islander communities.

- 6.2.1. Museums and galleries with outreach programs should actively support non-Indigenous community museums and galleries to access cross cultural training to encourage and facilitate the development of productive relationships with local Aboriginal and Torres Strait Islander communities.
- 6.2.2. Outreach programs need to be sensitive to Aboriginal and Torres Strait Islander cultural needs and to communicate these to all client museums and galleries as a matter of course. They should be willing to adapt and modify their programs to suit such cultural needs, whether they relate to dealings with Aboriginal and Torres Strait Islander people or their cultural material and information.
- 6.2.3. Outreach programs should also be created where Aboriginal and Torres Strait Islander communities can train museum and gallery staff in how to appropriately look after their cultural material.

### 6.3 Collaboration with Aboriginal and Torres Strait Islander communities

Aboriginal and Torres Strait Islander communities can bring enormous value to museums and galleries. Museums and galleries should expand the ways they can engage with communities. Options for doing this include asking communities how they want their cultural material displayed, co-creating exhibitions, asking for feedback, and working with Aboriginal and Torres Strait Islander tourism companies.

- 6.3.1. Aboriginal and Torres Strait Islander people and communities should have input into how museums and galleries store, conserve, research, display and use collections.
- 6.3.2. Museums and galleries should explore opportunities for collaboration with Aboriginal and Torres Strait Islander peoples and communities. Additionally, museums and galleries should look at ways to make processes easier and clearer for Aboriginal and Torres Strait Islander communities approaching them.
- 6.3.3. Museums and galleries must shift to focus on ongoing relationships rather than transactional relationships. This is essential to developing trusting relationships with communities.

- 6.3.4. Developing projects with Aboriginal and Torres Strait Islander people should involve mutual benefits which are agreed, understood and documented in a Memorandum of Understanding or project agreements.
- 6.3.5. Engaging and collaborating with Aboriginal and Torres Strait Islander peoples often involves the application of different approaches. These approaches should be flexible to enable the community to ask for a range of ways to collaborate. This might mean offsite participation or pushing a deadline back many times to ensure the community is comfortable.
- 6.3.6. During the production and post production of an exhibition, museums and galleries should reach out to Aboriginal and Torres Strait Islander communities to have them view the exhibition onsite. Transportation, accommodation and fees for time should be provided in these circumstances. This is an essential aspect of a project so that Indigenous peoples can see the exhibition and comment before its release.
- 6.3.7. Museums and galleries should strive to take the time to visit Aboriginal and Torres Strait Islander communities. Developing these initial relationships allows for a door to be opened in circumstances where Aboriginal and Torres Strait Islander peoples might want to work with their cultural material or seek repatriation.
- 6.3.8. Local Aboriginal and Torres Strait Islander businesses are accessible. Museums and galleries should aim to use these business's spaces, products, knowledge and expertise when looking for goods and services.
- 6.3.9. Partnerships with Aboriginal and Torres Strait Islander organisations should also be developed.
- 6.3.10. Large museums and galleries should strive to assist small museums and galleries in their efforts to apply these guidelines to their own practices.

### **6.4. Maintaining and strengthening culture**

Revitalising culture and passing it onto the next generation of Aboriginal and Torres Strait Islander peoples will help to maintain and strengthen it.

- 6.4.1. Engagement with Aboriginal and Torres Strait Islander youth projects is one way of keeping culture strong. It ensures that Aboriginal and Torres Strait Islander youth are connecting with culture.
- 6.4.2. Elders hold extensive amounts of culture. Sharing this culture ensures that the younger generation is receiving it and carrying it forward. Giving opportunities to Elders in order to share their knowledge is imperative.
- 6.4.3. Projects aiming to revitalise culture can be brought to the forefront of museums and galleries. With the collections held by museums and galleries they can work together to determine what is in their collections and how they can be revitalised.
- 6.4.4. Look at new and exciting ways that technology can be used to present Aboriginal and Torres Strait Islander culture. Ensure that the community is happy with the way it is being presented and train them in using the technology.

## 7. Direction and management

The board, council or management committee of a museum or gallery has responsibility for making decisions about its direction and management. As Aboriginal and Torres Strait Islander peoples have a right to make decisions about their cultural material held in collections at all levels, they should also have representation on such museum boards, councils and committees. This should be in addition to the establishment of broader advisory committees of Aboriginal and Torres Strait Islander people to advise on relevant matters.

- 7.1. Aboriginal and Torres Strait Islander involvement in policy decisions affecting their cultural heritage should be enabled through their representation on councils, boards and management committees.
- 7.2.. Museums and galleries should establish Aboriginal and Torres Strait Islander advisory bodies to provide advice on issues pertaining to Indigenous Australian peoples and their cultural heritage. The individuals on these advisory bodies should also be provided such support as is required to enable them to fulfil their role for the benefit of the organisation, as well as the relevant Aboriginal and Torres Strait Islander communities.
- 7.3. Where there are Indigenous Australian staff in a museum or gallery, these people should be used to assist with the creation of and support for Aboriginal and Torres Strait Islander advisory bodies.
- 7.4. Museums and galleries may need to enact organisational changes to reflect and encourage the Indigenous Australian involvement and perspectives in their management.

## 8. New technologies

Collections of cultural material, their documentation and access will generally form the basis of museum or gallery projects utilising new technologies. Prior to embarking on technology projects using Aboriginal and Torres Strait Islander cultural heritage, museums and galleries need to ensure that they have addressed all the appropriate issues pertaining to collections in general. Technology projects do not occur in isolation from those principles and policies and they should be considered and applied as appropriate to ensure that digitisation and digital access projects meet appropriate levels of practice. Once this has been done, the following guidelines apply to dealing with new technologies.

- 8.1. Museums and galleries should develop joint strategies with relevant Aboriginal and Torres Strait Islander communities regarding use by the organisation of digitised collection records. Such strategies should be living agreements, regularly reviewed to ensure their relevance in light of changing law and lore.
- 8.2. Museums and galleries should support Aboriginal and Torres Strait Islander communities to develop their own museum or gallery related multimedia capabilities through the provision of appropriate training, outreach services and technological advice.
- 8.3. Museums and galleries should develop databases detailing their holdings of Aboriginal and Torres Strait Islander cultural material and make these available to relevant communities using appropriate accessible technology.
- 8.4. Digitised collection documentation needs to use archival digital media and formats and be interchangeable to ensure longevity of access and quality of records.
- 8.5. Strategies should be developed to ensure that digitised material is protected from unauthorised duplication and distribution.





- 8.6. Museums and galleries need to be sure that all the standard collection management requirements associated with collections documentation, access and interpretation are addressed in the context of any digital project.

## 9. Indigenous cultural and intellectual property

Museums and galleries should recognise Indigenous Cultural and Intellectual Property. Aboriginal and Torres Strait Islander peoples have shared cultures and shared intellectual property. Recognising this means that there is more protection for Aboriginal and Torres Strait Islander culture.

- 9.1. Aboriginal and Torres Strait Islander peoples are to retain full rights to their cultural material both in respect to Australian intellectual property laws as well as relevant customary laws.
- 9.2. Aboriginal and Torres Strait Islander Australians have a right to be consulted regarding the use of their ICIP. Meaningful and respectful dialogue should be engaged, and adequate timeframes implemented.
- 9.3. Aboriginal and Torres Strait Islander people have a right to own, control and maintain their ICIP in accordance with the rights set out in Article 31 of the United Nations Declaration on the Rights of Indigenous People.
- 9.4. Respecting ICIP rights should be a key aspect of holding Aboriginal and Torres Strait Islander cultural material. Before using, displaying, researching or sharing ICIP there should be free, prior and informed consent.
- 9.5. Systems around free, prior and informed consent should be known throughout museums and galleries so that staff understand the obligations that should be respected before displaying Aboriginal and Torres Strait Islander cultural material.
- 9.6. Consent is an ongoing need. If previous cultural material has been used and permission has been gained, consent is still needed for other future uses.
- 9.7. Principles and protocols for working ICIP management, access and use of collections by others, and working with Aboriginal and Torres Strait Islander peoples, should be developed by each individual museum and gallery. This ensures local issues are being addressed and encourages staff to participate and understand the process.
- 9.8. Aboriginal and Torres Strait Islander peoples are entitled to benefits for sharing their arts, knowledge and skills.
- 9.9. ICIP training should be implemented in museums and galleries.





## PART 3 APPLICATION OF FIRST PEOPLES: CONNECTING CUSTODIANS

Museums and galleries have an obligation to notify and train staff on this policy. These guidelines should be introduced to staff at induction and staff should be reminded of them regularly. Museum and gallery leadership should lead the way by understanding the policy, promoting it and encouraging all staff to have a copy.

Specific implementation strategies should be established by museums and galleries for all issues addressed in this guideline document. These should be developed through discussion with all organisations involved with Aboriginal and Torres Strait Islander cultural heritage. These include Aboriginal and Torres Strait Islander communities and groups representing their interests, local, State and Federal governments and museum organisations. Certain elements of the museum and gallery sector may need assistance in the development of such strategies.

Museums and galleries should implement these guidelines to the greatest extent of the resources available to them. All steps towards best practice in this area of museum work should be encouraged and seen as positive ones.

Museums and galleries should develop Reconciliation Action Plans that incorporate these guidelines.

Museums and galleries should report on the achievements in implementing these guidelines in their annual reports.

Museum and gallery programs should be measured for their impact and benefit to Aboriginal and Torres Strait Islander peoples.

Australian Museums and Galleries Association will take feedback on these guidelines with the aim to undertake regular reviews.

