Museums Galleries Australia
Indigenous Roadmap Project

Literature Review

Literature Review, December 2017, MGA Indigenous Roadmap Project

Contents

1. Introduction

1.1. Museums Galleries Australia

In the early 1990s, *Previous Possessions, New Obligations* was developed (in a process of co-chaired consultation with Indigenous leaders) as 'a comprehensive statement of principles and detailed policies covering relations between museums and Aboriginal and Torres Islander peoples'.[1] This was the first national policy adopted by Australian museums to fundamentally reshape relationships and address the long-term cultural and spiritual survival of Indigenous Australians. Goals were to change protocols shaping practices of museums, to take affirmative collective action by institutions to begin to remediate past wrongs, and to improve the communication and understanding of Indigenous Australia in museums and galleries across the nation.

Issues addressed by *Previous Possessions* included human remains and secret/sacred material, research collections in general, public programs, governance, organisational goals, strategy, leadership, management, resources support, structure and systems, policies, procedures and cooperation.[2] An article by Des Griffin (co-chair of the development of *Previous Possessions, New Obligations* with Lori Richardson), published in the US museum journal *Curator* in 1996, provides a full account of the background and processes leading to the achievement of *Previous Possessions* as a then-ground breaking policy by international standards.[3]

An evaluation of *Previous Possessions, New Obligations* in 2000, undertaken by the Australian Museum Audience Research Centre,[4] concluded that *Previous Possessions* had substantially achieved its goals with respect to the major museums in capital cities. However, the evaluation report called for a review and update due to changes in the sector. A revised policy, *Continuous Cultures, Ongoing Responsibilities,* sought to build upon *Previous Possessions* principles, and to establish changes in ideas around working with Indigenous cultural material. These included:

- Custodianship and caretaking, rather than ownership

- Recognition of the value of stories and other intangibles associated with objects

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[1] Des Griffin, 'Previous possessions, new obligations: a commitment by Australian museums', *Curator: The Museum Journal*, 9(1), AltaMira, Maryland, USA, 1996, pp.45–62 <http://onlinelibrary.wiley.com/doi/10.1111/j.2151-6952.1996.tb01074.x/pdf>

[2] *Previous Possessions, New Obligations: Policies for Museums in Australia and Aboriginal and Torres Strait Islander Peoples* (Museums Australia, December 1993; May 2000). <https://www.museumsaustralia.org.au/sites/default/files/uploaded-content/website-content/SubmissionsPolicies/previous_possessions_policy_2000.pdf>

[3] Des Griffin, 'Previous possessions…', in *Curator*, 1996, above.

[4] Lynda Kelly, Phil Gordon and Tim Sullivan, 'We deal with relationships: not just objects: an Evaluation of Previous Possession, New Obligations: Museums Australia Policy for Museums in Australia and Aboriginal and Torres Strait Islander Peoples, Green Paper', Australian Museum Audience Research Centre, November 2000; revised 20 February 2001. See also T. Sullivan, L. Kelly, P. Gordon, 'Museums and Indigenous People in Australia: A Review of Previous Possessions, New Obligations', *Curator*, 46(2), USA, 2003, pp. 208-277. <https://australianmuseum.net.au/publication/2003-museums-and-indigenous-people-in-australia-a-review-of-previous-possessions-new-obligations>

- Acknowledging and recognition within museums of contemporary Aboriginal and Torres Strait Islander cultural practices

- The creation of genuine relationships of recognition and reciprocity between traditional custodians and museums and galleries.[5]

Continuous Cultures established that the Indigenous policy for Australian museums was required to be followed in tandem with the sector's self-regulating ethics code.[6] The principles were also expanded upon. New issues included:

- Self-determination
- Management and collections
- Access to collections and information
- Assistance to Indigenous communities
- Employment and training
- Policy formulation
- Cultural and intellectual property rights
- Reconciliation.

Guidelines were included for:

- Collections management
- Employment and training
- Direction and management
- New technologies
- Relationships and communication.

The majority of sector standards are set to follow the above-discussed policies by Museums Galleries Australia. However, throughout the sector, different museums and galleries operate at many different levels, under different government authorities. Some have followed the policies; some have extended and improved upon them; and some have ignored them.

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[5] *Continuous Cultures, Ongoing Responsibilities: Principles and guidelines for Australian museums working with Aboriginal and Torres Strait Islander cultural heritage*, Museums Australia, 2005, p. 7; available online at <http://www.nma.gov.au/__data/assets/pdf_file/0020/3296/ccor_final_feb_05.pdf>
[6] *Code of Ethics for Art, History & Science Museums,* Museums Australia, Canberra 1999. <https://www.museumsaustralia.org.au/sites/default/files/uploaded-content/website-content/SubmissionsPolicies/ma_code_of_ethics_1999.pdf>

2. Main themes in the Literature about Museums, Galleries and Indigenous people

The literature in academic writing about museums and galleries and Indigenous people is expansive. To limit our reach, we are focusing on content that was generated in the past 30 years. The categories of materials include publications by academics and various organisations, government reports, international conventions and declarations, industry reports, sector reports, and legislation.

2.1. Statistics and data

There are a number of bodies and facilities that have collected statistics relevant to our project. Reconciliation Australia gathered statistics which measures the attitudes and perceptions towards reconciliation. 89% of Australians think the relationship between Indigenous Australians and non-Indigenous Australians is important. Though, there are gaps in trust between Indigenous Australians and non-Indigenous Australians. 46% Indigenous Australians believe they have high trust compared to 34% of non-Indigenous Australians who have high trust for them. There is strong pride around Indigenous culture with 77% saying Indigenous culture is important to Australia's national identity.[7]

These include ArtsFacts which is a research initiative of the Australia Council. ArtsFacts has generated some interesting data on the role of Indigenous heritage in Australian museums and galleries. For instance, in Australia, 98% of the population engage in the arts; 75% of the population believe that arts reflect Australia's cultural identity; and 80% believe that Indigenous art is important to Australian culture.[8]

This data is important to acknowledge when looking at the relationships that Indigenous people have with museums and galleries. Furthermore, 42% of Australians say that their interest in Indigenous Australian Art is growing, and 25% show strong interest.[9]

Museums and Galleries NSW also carried out a survey (in 2013) which asked questions around employment, Indigenous Exhibitions and volunteer work.[10] Additionally, the Council of Australasian Museum Directors (CAMD) has suggested (in 2014) that 70% of the 51 million visits to Museums in the financial year of 13/14 occurred online.[11] This indicates that there is affirmative increase in the different ways that people are accessing museums – with online access growing steadily in its potential, especially to reach international audiences, as

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[7] *2016 Australian Reconciliation Biometer,* Reconciliation Australia, 2016, <https://www.reconciliation.org.au/wp-content/uploads/2017/02/RA_ARB-2016_Overview-brochure_web.pdf>.

[8] *Connecting Australians: Results of the National Arts Participation Survey*, Australia Council*,* Sydney, 2017. <http://www.australiacouncil.gov.au/research/>

[9] Art Facts has become the main portal for statistics about Australian arts (since 2013). <http://artfacts.australiacouncil.gov.au/overview/>.

[10] *The 2013 NSW Museum & Gallery Sector Census and the 2013 NSW Small to Medium Museum & Gallery Survey,* Museums and Galleries NSW, Sydney, 2013. <https://mgnsw.org.au/media/uploads/files/Survey_Report_130919_FINAL_1.pdf>.

[11] J Patrick Greene, 'Visits to Australia's museums rise on the back of a digital experience', *The Conversation*, 23 October 2014. <http://theconversation.com/visits-to-australias-museums-rise-on-the-back-of-a-digital-experience-32699>

well as better interconnecting national, state, regional, and rural and remote communities within Australia.

The data strongly affirms the important role of museums and galleries in promoting public awareness and recognition of the diversity of our Indigenous cultures. The potential for affirmative action in providing improved knowledge and better understanding of our Indigenous cultures and communities is increasing exponentially.

2.2. Self Determination

Self-determination is one of the central themes of the literature. Throughout, it is regularly discussed that Indigenous peoples should have the right to self-determination about how their cultural heritage is understood and represented. Kimberly Christen (2007) has discussed the role Indigenous cultural centres play in reframing the national gaze, and in ensuring self-determination and self-representation. Christen emphasises that museums are usually a place for dominant versions of history to be presented to broad audiences. It has been proposed that Indigenous peoples could use museums more actively for their own self-representation. With this idea in mind, Christen has discussed the Nyinkka Nyunyu Art and Culture Centre in Tennant Creek, NT, which is further referred to in this literature review.[12]

Gab Titui, based in the Torres Strait, was established in 2004. The cultural centre was envisaged as a 'keeping place' which houses Torres Strait Islander historical and cultural material,[13] and this 'museum' is an example of strong self-determination practices. However, it took 20 years of dialogue before the cultural centre came to fruition. A chapter in *The Future of Indigenous Museums: Perspectives from the Southwest Pacific* (2007) details the creation of this museum and the impact of Ephraim Bani.[14]

2.3. Employment and Governance

Relationships with Indigenous communities need to be maintained beyond the date of the closing of an exhibition. Giving Indigenous communities a voice in the administration and/or governance of an organisation ensures that there are continued and ongoing relationships. Advisory boards, guest curators and exhibition development involvement were considered the most effective vehicles for ensuring continued relationships. However, it was suggested that advisory boards frequently do not live up to their full potential, and that governance and employment are better ways to develop relationships. Further, developing sophisticated policy to manage clear objectives is where the relationships would be advanced most effectively.[15]

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[12] Kimberly Christen, 'Following the Nyinkka: Relations of Respect and Obligations to Act in the Collaborative Work of Aboriginal Cultural Centres', *Museum Anthropology*, USA, 30(2), 2007, pp. 101–124.<http://onlinelibrary.wiley.com/doi/10.1525/mua.2007.30.2.101/abstract>

[13] *Gab Titui Our Story*, Gab Titui Cultural Centre, Thursday Island, Torres Strait, Queensland. <http://www.gabtitui.com.au/gab-titui/our-story>

[14] Anita Herle, Jude Philp and Leilani Bin Juda, 'The Journey of the Stars: *Gab Titui,* a Cultural Centre for the Torres Strait' in *The Future of Indigenous Museums: Perspectives from the Southwest Pacific*, Berghahn Books, Oxford, 2007.

[15] Elizabeth Scott and Edward M Luby, 'Maintaining Relationships with Native Communities: The Role of Museum Management and Governance' *Museum Management and Curatorship,* Routledge, UK, 22(3), 2007, pp. 265–285. <http://www.tandfonline.com/doi/abs/10.1080/09647770701628602?journalCode=rmmc20>

Merata Kawharu discusses the 1840 Treaty of Waitangi in relation to New Zealand, and through its wide application, its impact on the governance of New Zealand museums. This essay also discusses the Treaty-based principles widely adopted, which include: the right to advise, partnership, *Iwi* expectations, active protection, and redress for past misunderstandings.[16]

2.4. Transmission of knowledge

Moira Simpson, a researcher at the Flinders University in South Australia, has examined the frequent conflict between the values of Indigenous communities and the Eurocentric museum model. This has led to a clash in beliefs, which impacts on issues of display, education and conservation. While much 'open' Indigenous knowledge may be shared, the transmission of some very important knowledge in Indigenous communities is carefully controlled and restricted, in contrast to western style museums which advocate accessibility as a principle in all circumstances.[17]

This points again to why Indigenous involvement in knowledge gathering and transmission is imperative in museum practices and programs: to ensure careful controls on the different levels of knowledge-sharing about Indigenous cultures, which are at the heart of Indigenous cultural continuity and the maintenance of social cohesion in communities.

2.5. Indigenous Engagement

Indigenous engagement is essential when managing Indigenous cultural heritage. This ensures the authenticity and correct understanding of Indigenous heritage is being passed on. Bernice Murphy has written (2011) about changes to museum practices in respect of Indigenous engagement and presentation in museums and galleries, focusing on the 1980s. She asserts that 'new connections needed to be made, stretching beyond museums and involving near and far-distant communities. In particular, structural change in relation to cultural authority and responsibility for knowledge was required to bring Indigenous perspectives, presence and creativity into mainstream institutions.'[18]

Lynda Kelly, Carolyn Cook and Phil Gordon published an article (2006) about the importance of Museums building relationships with Indigenous communities. They looked at the Australian Museum, Sydney, and its Indigenous engagement over the previous 30 years, emphasising that museums should focus on existing alongside Indigenous people and not just showing material about them. Establishing relationships with Indigenous peoples can

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[16] Merata Kawharu, 'Indigenous Governance in museums: a case study, the Auckland War Memorial Museum', in *The Dead and Their Possessions: Repatriation in Principle, Policy and Practice*, (eds) Cressida Fforde, Jane Hubert and Paul Turnbull, Routledge UK, 2002, pp. 295–302. <http://biblio.iccrom.org/cgi-bin/koha/opac-detail.pl?biblionumber=92166&shelfbrowse_itemnumber=92276>

[17] Moira G Simpson, 'Revealing and Concealing: Museums, Objects, and the Transmission of Knowledge in Aboriginal Australia', in *New Museum Theory and Practice: An Introduction*, ed. Janet Marstine, Blackwell Publishing UK, 2006, pp. 152–177.

[18] Bernice Murphy, 'Transforming culture: Indigenous art and Australian art museums' in *Understanding Museums*, (eds) Des Griffin and Leon Paroissien, National Museum of Australia, Canberra, 2011. <http://nma.gov.au/research/understanding-museums/BMurphy_2011.html>

help ensure that the correct and appropriate information is being gathered and presented to visitors, educators and the wider public.[19]

Bernice Murphy (2011) also talks about developments that occurred throughout the 1970s and 1980s which changed the approach to Indigenous engagement, especially in art museums. There was an important shift in museum ideas around Indigenous perspectives, presence and creativity, which brought about new kinds of exhibitions.[20]

Lily Withycombe and Stephen Munro (2015) discuss the *Encounters* exhibition at the National Museum of Australia, and the extensive consultation that went into collecting the interviews from Indigenous Australians around the nation. The exhibition also brought 150 Indigenous Australian artefacts from the British Museum to the National Museum of Australia.[21]

Sandy O'Sullivan (2013) considers the impact partnerships between Indigenous communities and museums have in history. The chapter discusses the changing concepts around museum collections and how Indigenous agency plays a large part in that. One of the key points made by O'Sullivan is that Indigenous people are still often left out of policy and engagement and that there are only a few moments of representation.[22]

2.6. Language

Issues around language were raised by Bernice Murphy (2011), who pointed to the need to commission proper translations from native fluency thought: 'It is important to liberate the nuanced orality of Indigenous speech, so often immobilised as printed text controlled by the foreign discourse of outsiders.'[23]

Kristen Thorpe and Monica Galassi (2014) discuss the project undertaken by the State Library of NSW to rediscover Indigenous languages. Their essay highlights the importance of languages and the protocols and consultation that took place with some of the Indigenous communities they worked with.[24]

2.7. Training Needs

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[19] Lynda Kelly, Carolyn Cook and Phil Gordon, 'Building Relationships through Communities of Practice: Museums and Indigenous People', 49(2) *Curator*, 49(2), USA, 2006, 217-234.
<https://australianmuseum.net.au/publication/building-relationships-through-communities-of-practice>
[20] Bernice Murphy, 'Transforming culture …', 2011, above.
[21] Lily Withycombe and Stephen Munro, 'The Encounters Exhibition at the National Museum of Australia and Aboriginal and Torres Strait Islander recordings as learning and teaching resources', *Teaching History*, 49(4), Dec. 2015, pp. 22-25.
<http://search.informit.com.au/documentSummary;dn=797905225168710;res=IELHSS>
[22] Sandy O'Sullivan, 'Chapter 8: Reversing the gaze: Considering Indigenous perspectives on museums, cultural representation and the equivocal digital remnant' in *Information Technology and Indigenous Communities,* AIATSIS Research Publications, 2013.
[23] Bernice Murphy, 'Transforming culture…', 2011, above.
[24] Kristen Thorpe and Monica Galassi, 'Rediscovering Indigenous Languages: The Role and Impact of Libraries and Archives in Cultural Revitalisation', *Australian Academic and Research Libraries* (special issue: *Engaging with Indigenous Knowledge, Culture and Communities)*, AARL 45(2), June 2014, pp. 88–100. <http://www.tandfonline.com/doi/full/10.1080/00048623.2014.910858>

Moira Simpson (2006) points out that whilst most national and state museums employ Aboriginal staff in curatorial positions, museum training has tended to neglect the needs of Aboriginal staff in community-based institutions.[25]

A 2000 report commissioned by Museums Australia Queensland and the Regional Galleries Association of Queensland examined the training and professional needs of Indigenous people in QLD museums and galleries. The report identified the needs for increased awareness of museum terminology and techniques, and hands-on culturally appropriate and holistic training. It recommended changes to the existing National Museum Industry Training Package for implementation in Indigenous communities.

2.8.   Keeping Places

In many communities nationally, local Indigenous keeping places and cultural centres have been established primarily to look after restricted ceremonial or sacred objects. Some of these centres allow tourism, whilst others do not. Relevant literature on this topic includes presentations in the 2010 summit, *Keeping Places & Beyond: Building Cultural Fences in NSW*.[26] This summit considered issues of cultural ownership and belonging. The repatriation of digitised content has often enabled Indigenous communities to build their spaces through bringing back knowledge and strengthening local communities' resources and management of their culture. For example, the Mukurtu software platform has enabled community access to a safe online keeping place.

2.9.   Aboriginal Arts Centres

A growing network of Aboriginal arts centres operate throughout Australia. These centres promote wholesale and retail art, and provide training opportunities for Indigenous artists, curators, and children. Many are now setting up their own museums. For example, in central Arnhemland, Maningrida Arts and Culture provides a wholesale outlet for artists; but there is also the Djomi Museum in Maningrida, which is operated by Bawinanga Aboriginal Corporation. This facility holds a representative collection of bark paintings from the 1960s and 1970s.

2.10. Digital issues

Digital tools in museums and galleries offer an opportunity for the exhibition, collection and protection of objects and artefacts. However, issues arising around the digital collection and recording of Indigenous objects and artefacts have received rather limited discussion. Deidre Brown (2008) discusses a bicultural consultation approach that should be adopted when working with Indigenous peoples and using electronic and related technologies in the virtualisation of their culture.[27] However, there is still very little discussion of the full extent of consultation that should take place when working with Indigenous peoples in these evolving uses of digital technology. Questions should be asked around whether Indigenous

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[25] Moira G Simpson, 2006, above, n. 17.

[26] See presentation by Michael Rolfe, <http://www.lgnsw.org.au/files/imce-uploads/127/michael-rolfe-presentation.pdf>.

[27] Deidre Brown, '"Ko to ringa ki nga rakau a te Pakeha" – Virtual *Taonga* Maori and Museums', *Visual Resources: An International Journal on Images and Their Uses*, Vol. 24, 2008, pp. 59–75. <https://researchspace.auckland.ac.nz/handle/2292/15939>

communities want their objects and artefacts digitally stored? And they are stored, are clear warnings and effective protections placed on secret and sacred objects?

Des Griffin (2011) discusses the effect of increased movement of digitisation to the domain of social media. However, although there are no references to its impact in Indigenous communities and to Indigenous cultural heritage, there are some strong points that could impact both these areas.[28]

Tim Hart and Martin Hallett (2011) also emphasise the impact that evolving technology has on museums and point out, briefly, that certain approaches and policies should be developed around the use of new technologies – especially in circumstances involving collection, disseminating information or exhibiting Indigenous collections.[29]

Kirsten Thorpe and Mylee Joseph (2015) presented on digital engagement and the Aboriginal and Torres Strait Islander Library, Information and Resource Network (ATSILIRN) protocols. The presentation focuses on how to use social media to share Indigenous culture in an appropriate way.[30]

Lyndon Ormond-Parker, Aaron Corn, Cressida Fforde, Kazuko Obata and Sandy O'Sullivan edited a book that details technology and Indigenous communities. Chapters discuss the role that culture plays online, Aboriginal communities and broadband, training for inclusion, considering Indigenous perspectives in cultural representations and much more.[31]

2.11. Collection Management

Museum collections are organised differently when they are shaped by Indigenous peoples. Jilda Andrews (2017) discusses her impression when she first walked into Indigenous collections held in a western collection style, which was confronting. Her comparison with the University of Sydney's Indigenous collections, as organised by Dr Joe Gumbula and resulting in the book, *Makarr-Garma: Aboriginal Collections from the Yolŋu perspective*, have highlighted the potential of different ways of presenting a collection held in a mainstream institution when it is informed by Indigenous knowledge. Dr Gumbula's knowledge took the university's holdings from a western perspective to an Indigenous one.[32]

John E Stanton (2011), for many years based at the Berndt Museum within the University of WA, provides an overview of the history of ethnographic museums and collections, and how they can be used to look at collections in a different way. The blurring of the lines in the

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[28] Des Griffin, 'Digitisation to Social Media', in *Understanding Museums*, (eds) Des Griffin and Leon Paroissien, National Museum of Australia, Canberra, 2011.
<http://nma.gov.au/research/understanding-museums/DGriffin_2011.html>

[29] Tim Hart and Martin Hallett, 'Australian museums and the technology revolution' in *Understanding Museums*, (eds) Des Griffin and Leon Paroissien, National Museum of Australia, Canberra, 2011.
<http://nma.gov.au/research/understanding-museums/THart_MHallett_2011.html>

[30] Kirsten Thorpe and Mylee Joseph, 'Digital engagement and the ATSILIRN protocols: indigenous Australian experiences and expertise guiding the use of social media in libraries', *State Library of New South Wales,* 2015, <http://information-online.alia.org.au/content/digital-engagement-and-atsilirn-protocols-indigenous-australian-experiences-and-expertise>.

[31] Lyndon Ormond-Parker, Aaron Corn, Cressida Fforde, Kazuko Obata and Sandy O'Sullivan, *Information Technology and Indigenous Communities,* 2013, (AIATSIS Indigenous Studies Conference and the 2010 symposium Information Technologies and Indigenous Communities).

[32] Jilda Andrews, 'Indigenous perspectives on museum collections', *Artlink*, 37(2), 2017, pp. 88–91.
<https://www.artlink.com.au/articles/4606/indigenous-perspectives-on-museum-collections/>

museums environment means that there is more consultation and connection with communities when it comes to collections.[33]

Nathan Sentance (2017) discusses the non-Indigenous names that are constantly imposed on Indigenous collections. The name of the person who collected the material will often be the featured identity defining an Indigenous collection in museum records. Sentance notes that this devalues the importance of appropriate Indigenous identity and voices. He highlights that collection and acquisition policies should be priorities for change: 'First Nations cultural heritage material [to be] created by First Nations people'.[34]

Nicolas Peterson, Lindy Allen and Louise Hamby published an historical study (2008) of the makers and making of Indigenous Australian Museum Collections. Their book highlights the context of collecting, the evolution of collecting, and transforming collecting.[35]

David Arnold (2007) discusses the evolution of the National Museum of Australia, in an overview that offers a range of critiques as to the display of national identity and Indigenous Australians.[36]

The Collections Council published significance with goals to create stability and sustainability in collections through communication, consultation and resolution of common issues. As well as sponsoring programs to further the industry, promote benchmarks and standards for collection management, and promote access and participation.[37]

Myles Russell Cook's (2016) article examines the transformation of Indigenous artefacts and how they are looked after in museums. Previously, artefacts would be locked away unless they were on display. Today, there are museums that let Indigenous peoples and communities view artefacts that are kept in the archives of museums. This transition stems from the view that artefacts are living and a part of an ongoing culture.[38]

2.12. Repatriation

Katherine Lambert-Pennington (2007) discusses some Indigenous remains that were being repatriated in New South Wales, and a ceremonial burial taking place in a La Perouse

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[33] John E Stanton, 'Ethnographic museums and collections: from the past into the future' in *Understanding Museums*, in (eds) Des Griffin and Leon Paroissien, National Museum of Australia, Canberra, 2011.
<http://nma.gov.au/research/understanding-museums/JStanton_2011.html>

[34] Nathan Sentance, 'Maker unknown and the decentring First Nations people', *Archival Decolonist* <https://archivaldecolonist.wordpress.com/2017/07/21/maker-unknown-and-the-decentring-first-nations-people/>, blogpost, 21 July 2017, by saywhatnathan.

[35] Nicolas Peterson, Lindy Allen and Louise Hamby, *The Makers and Making of Indigenous Australian Museum Collections*, Melbourne University Press, 2008.

[36] David Arnold, 'Contesting History: The Evolution of the National Museum of Australia' *Screen Education*, No. 46, 2007, pp. 42–53.
<http://search.informit.com.au/documentSummary;dn=806024477434719;res=IELHSS>

[37] Roslyn Russell and Kylie Winkworth, *Significance 2.0: a guide to assessing the significance of collections,* The Collections Council of Australia, 2009
<https://www.arts.gov.au/sites/g/files/net1761/f/significance-2.0.pdf>.

[38] Myles Russell Cook, "How living museums are 'waking up' sleeping artefacts", *The Conversation,* 2016. < https://theconversation.com/how-living-museums-are-waking-up-sleeping-artefacts-55950>

community. She also considers the politics behind this return, and the varying thoughts of Indigenous and non-Indigenous peoples.[39]

Michael Pickering (2015) provides an overview of repatriation of Indigenous sacred objects by Australian museums. The article highlights the National Museum of Australia's experience with repatriation. It also engages with both Australian government and museums policy with regard to repatriation. Pickering highlights that repatriation is an important policy for secret and sacred items, and that returning these items to their traditional owners also allows the museum to explain more broadly to audiences the reasons for their removal.[40]

Shane Simpson and Ian McDonald (of Simpsons Solicitors) discuss repatriation concepts in their online coverage (2010) of *Collections Law*. Chapter 9 of this publication deals with Repatriation of Cultural Material.[41]

Michael Pickering and Phil Gordon (2011) review Repatriation in association with the National Museum of Australia and the Australian Museum. They also discuss the importance of consultation and support for programs of directly involving relevant Aboriginal and Torres Strait Islander communities in receiving such returns.[42]

2.13. Reconciliation Action Plans

There are a growing number of museums and galleries that have Reconciliation Action Plans (RAPs), including representative bodies such as Museums and Galleries of NSW[43]. By engaging in the RAP process, organisations gain a deeper understanding of Indigenous culture whilst providing leadership to museums and galleries who want to develop their own RAP.

3. Government Reports

There are a number of Government policy reports and legislation that give direction for the approach that museums and galleries should take in dealing with Indigenous material. A leading program and national policy is administered by the Australian Government's Department of Communications and the Arts. The policy is focused on Indigenous Repatriation, and the associated program provides funding to facilitate the return of

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[39] Katherine Lambert-Pennington, 'What Remains? Reconciling Repatriation, Aboriginal Culture, Representation and the Past', *Oceania*, 77(3), Nov., 2007, pp. 313-336.
<http://onlinelibrary.wiley.com/doi/10.1002/j.1834-4461.2007.tb00019.x/abstract>
[40] Michael Pickering, 'The Big Picture: the repatriation of Australian Indigenous sacred objects', *Museum Management and Curatorship*, 30(5), Routledge UK, 2015, pp. 427-443.
<http://www.tandfonline.com/doi/abs/10.1080/09647775.2015.1054418?journalCode=rmmc20>
[41] Shane Simpson and Ian McDonald (Simpsons Solicitors), 'Repatriation of Cultural Material', *Collections Law*, Ch.9, 2011. Published online at <http://www.collectionslaw.com.au/wp-content/uploads/2010/11/FINAL-Chapter-9-2806171.pdf>.
[42] Michael Pickering and Phil Gordon, 'Repatriation: the end of the beginning', in (eds) Des Griffin and Leon Paroissien, *Understanding Museums*, National Museum of Australia, 2011.
<http://nma.gov.au/research/understanding-museums/MPickering_PGordon_2011.html>
[43] *Museums & Galleries of NSW Innovate Reconciliation Action Plan 2014-2016,* Museums and Galleries NSW, Sydney, 2014. <https://mgnsw.org.au/sector/aboriginal/mg-nsws-rap/>.

Indigenous remains and secret/sacred objects. This Australian government program also supports Indigenous visual arts, languages and cultural activities.[44]

The NSW Government's Office of Environment and Heritage has provided guidelines (2012) for the management of Aboriginal cultural material. The Office of Environment and Heritage sometimes holds Indigenous heritage for a short period of time on behalf of Indigenous communities. There are guidelines for this process. These guidelines include identification, cataloguing, storing, inventory and return, following best-practice standards.

However, these include significant best-practice rules not typically discussed in other documents – they involve avoiding any personal handling of an object and not allowing food or drink near Indigenous objects.[45]

The Department of Culture and Arts in Western Australia compiled a report (2005) based on a survey regarding Keeping Places and Local Museums. There was a wide range of issues and principles raised; but some involve Indigenous communities' direct engagement in organisations' processes.[46]

The Australia Council for the Arts has provided an overview of the arts in Australia (2015). One section of this overview involved Indigenous arts production in relation to commercial income. The report also provides statistics on how important art is for Indigenous Australians, with 92% saying it is an important part of Australia's culture. The overview also discusses Indigenous art in relation to international success.[47]

The Department of Aboriginal and Torres Strait Islander Partnerships in Queensland has provided an Issues Paper (2017) on cultural heritage, and set out duty-of-care guidelines. This issues paper looks at questions surrounding existing guidelines and how they can be improved.[48]

The Australian Heritage Commission has provided a Guide on respecting Indigenous heritage places and values. The Guide mainly refers to the use of land and site-connections, but some of the guidelines provide useful examples in respectful treatment of Indigenous culture and heritage. These guidelines include material on identification, consultation, and management.[49]

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[44] *Australian Government Policy on Indigenous Repatriation*, Department of Communications and the Arts, Australian Government, Canberra, 2016. <https://www.arts.gov.au/documents/australian-government-policy-indigenous-repatriation>

[45] *Management of Aboriginal Cultural Material Guideline*, Office of Environment and Heritage, NSW Government, Sydney, 2012.
<http://www.environment.nsw.gov.au/resources/conservation/120718CultMatGd.pdf>.

[46] *Report on a Survey of Western Australian Museums, Indigenous Keeping Places and Local Collections*, Department of Culture and the Arts, WA Government, Perth, 2005.
<http://trove.nla.gov.au/version/44687385>

[47] *Arts Nation: An Overview of Australian Arts*, Australia Council, Sydney, 2015.
<http://www.australiacouncil.gov.au/workspace/uploads/files/arts-nation-final-27-feb-54f5f492882da.pdf>.

[48] *Issues Paper: Cultural Heritage Duty of Care Guidelines Review,* Department of Aboriginal and Torres Strait Islander Partnerships, Queensland Government, Brisbane, 2017.
<https://www.datsip.qld.gov.au/resources/datsima/people-communities/cultural-heritage/issues-paper.pdf>

[49] *Ask First: A Guide to Respecting Indigenous Heritage Places and Values*, Australian Heritage Commission, Australian Government, 2002.
<http://www.environment.gov.au/system/files/resources/4afff65c-00dd-4001-878b-a28d8831293a/files/ask-first.pdf>.

4. Industry / Sector Reports

Although the term 'industry' is widely used in cultural affairs these days, many people in museums, galleries, libraries and archives consider their work as being part of 'public sector cultural institutions' and longer-term values – not simply to be evaluated in terms of short-term productivity outcomes or material gain as the main indicators of success. However it is also realised that living artists have a very real stake in the 'creative industries' of today. Therefore both terms have currency and are often used interchangeably in many reports.

A wide range of industry/sector reports identify many different kinds and applications of Indigenous engagement. Each highlights some important aspects of Indigenous engagement that are useful when considering what should be involved in the Museums Galleries Australia 10-year Roadmap. Industry/sector reports are important, as they come directly from the industry/sector concerned, and therefore are able to identify what is missing, successful, or desired for improvement, based on the first-hand experience of Indigenous people.

The first consultatively-developed national policy for Museums Galleries Australia in relation to Indigenous Australians was *Previous Possessions, New Obligations* (adopted in 1993, on the eve of Museums Australia's formation, as instigated by the Council of Australian Museums Associations, which self-dissolved after MA's establishment). The first policy was followed by a consultative evaluation by MA and revision some years later, producing *Continuous Cultures, Ongoing Responsibilities* (2005). These policies are discussed above – under section (1).

For comparison, The Australian Film Commission (now known as Screen Australia), developed its guidelines some years later (in 2009) for the film and screen community, entitled *Pathways & Protocols: A Filmmakers Guide to Working with Indigenous People, Culture and Concepts.* Some key aspects of these guidelines included consultation, communication, consent, respect, and how to implement appropriate protocols throughout the filmmaking process.[50]

The Kombumerri Aboriginal Corporation for culture, Yugambeh Museum and Language & Heritage Research Centre (Queensland), prepared a policy for Museums and Galleries Queensland (2015) around training and professional development for Indigenous Australians. This policy provided an implementation plan for the training and professional development of Indigenous Australians to be carried out.[51]

The Australian Museum and Australia Council for the Arts also published a report (in 2002) on Indigenous Youth and Museums. One of this report's highly-relevant aims was to increase Indigenous youth access to museums. The report discussed training programs, awareness, and consultation.[52]

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[50] Terri Janke, *Pathways & Protocols: A Filmmakers Guide to Working with Indigenous People, Culture and Concepts*, Screen Australia, Sydney, 2009.
<https://www.screenaustralia.gov.au/getmedia/16e5ade3-bbca-4db2-a433-94bcd4c45434/Pathways-and-Protocols**>.**
[51] *Indigenous Cultural Rights and Engagement Policy*, Museums and Galleries Queensland, 2015.
<http://magsq.com/_dbase_upl/indig.pdf>
[52] Lynda Kelly, Allison Bartlett and Phil Gordon, *Indigenous Youth and Museums*, Australian Museum, Sydney, and Australia Council for the Arts, Sydney, 2002.
<https://australianmuseum.net.au/uploads/documents/2588/iym_full_report.pdf>

In 2011, the National Museum of Australia published a multi-author book online, prepared over some years and edited by Des Griffin and Leon Paroissien, which provides a comprehensive history of Australian museums and galleries since the 1970s. This anthology also gives detailed historical coverage of the relationship between Indigenous Australians and museums from 1978 onwards.[53]

The National Trust of Western Australia developed guidelines (2012) for the interpretation of Aboriginal heritage. Some of the protocols and guidelines discussed include employment, heritage management plans, acknowledgement of contributors, acknowledgement of country, authenticating materials and oral stories, and more. The guidelines also provide an actions checklist.[54]

The World Intellectual Property Organisation (WIPO), based in Geneva, Switzerland, is one of the 17 specialised agencies of the United Nations (UN). In 2006 WIPO released an Australian-focused primer on Indigenous attitudes towards creation and exploitation of knowledge, and the accessibility, ownership and reproduction of cultural materials. It also looked at expectations and economic interests. The primer (*Cultural Institutions, Law and Indigenous Knowledge: A Legal Primer on the Management of Australian Indigenous Collections*) outlines ethical collection management practices and cultural clearances.[55]

Brian Shepherd (2012) has discussed the training needs that were identified in collections centres in Western Australia. Some of the training needs identified include the need for Indigenous communities to build capacity to manage and preserve their own culture. These programs also need to be affirmatively targeted, so that leadership in these areas can directly impact on improved training. Leadership could also be advanced through mentorship programs. There also needs to be funding for such training, which might be accessed through agencies of government and perhaps even the mining sectors. It was estimated in 2012 that, nationally, some 337 Indigenous people work in a cultural organisation of some kind.[56]

Joy Hendry (2005) produced a study of Indigenous self-representation, which discussed the tourism industry and highlighted ways the rise in tourism might assist Indigenous peoples in reclaiming their culture. This book also focused on the issues faced by Indigenous tourism companies, as derived through extensive consultation with Indigenous tourism businesses. Some issues that could be related to the work of museums included: education and training, connections, ownership and control, ideology, and relationships.[57]

In 2007, the Australia Council published a document compiled by Terri Janke, *Protocols for producing Indigenous Australian Music*, which sets out protocols for working with Indigenous

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[53] Des Griffin and Leon Paroissien (eds), *Understanding Museums: Australian Museums and Museology*, National Museum of Australia, Canberra, 2011.
<http://nma.gov.au/research/understanding-museums/_lib/pdf/Understanding_Museums_whole_2011.pdf>
[54] *We're Dreaming Country: Guidelines for Interpretation of Aboriginal Heritage*, National Trust of Australia WA, Perth, 2012. <https://www.nationaltrust.org.au/wp-content/uploads/2015/09/WereaDreamingCountryWEBOct13.pdf>
[55] Emily Hudson, *Cultural Institutions, Law and Indigenous Knowledge: A Legal Primer on the Management of Australian Indigenous Collections*, World Intellectual Property Organisation (WIPO), Geneva, 2006.
<http://www.wipo.int/export/sites/www/tk/en/databases/creative_heritage/docs/aiatsis_ipria.pdf>
[56] Brian Shepard, *A Review and Analysis of Training Needs for the Collections Sector in Western Australia: A Report for Museums Australia (WA)*, Museums Australia WA, Perth, 2012.
[57] Joy Hendry, *Reclaiming Culture: Indigenous People and Self-Representation*, Palgrave Macmillan US, 2005. <http://www.palgrave.com/us/book/9781403970183>

peoples in music, art, writing, performing arts, and media arts. This document was earlier published in 2002, under the title *Song Cultures.* There are 9 important protocols that include: respect; Indigenous control; communication; consultation and consent; interpretation; integrity and authenticity; secrecy and confidentiality; attribution and copyright; proper returns and royalties; continuing cultures; and recognition and protection.[58]

The Australian Institute for Aboriginal and Torres Strait Islander Studies (AIATSIS), based in Canberra, has codified guidelines for ethical research in Australian Indigenous studies. These guidelines (2012) highlight 14 principles that should be applied when working with Indigenous heritage.[59]

The City of Melbourne produced (in 2007) a code of practice for galleries and retailers of Indigenous art. It outlines the ethical and appropriate ways to sell and display Indigenous art.[60] The Indigenous Art Code also prepared a report outlining Indigenous Australian art principles for publicly-funded collecting institutions.[61]

The National Standards Taskforce for Australian Museums and Galleries has published online (2014) a range of standards guiding the practices of museums and galleries nationally. Some of the standards (which have been progressively reviewed and updated) include working with Indigenous heritage and communities.[62]

The Aboriginal and Torres Strait Islander Protocols for Libraries, Archives and Information Services was first published in 1995 and provides an extensive list of protocols for the sector. The protocols include: governance and management, content and perspectives, intellectual property, accessibility and use, description and classification, secret and sacred materials, offensive, staffing, developing professional practice, awareness of Aboriginal and Torres Strait Islander Peoples issues, Copying and repatriation of records, and the digital environment.[63]

Mariko Myra Anne Smith examines the application of *Previous Possessions* and *Continuous Cultures* in exhibitions. It gives a practical context to theoretical and policy based documents. Smith highlights the shifts that have happened in the museums space. These shifts have centred around change regarding engagement with Indigenous communities and the shift of objects to relationships. [64]

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[58] Terri Janke, *Protocols for producing Indigenous Australian Music,* Australia Council for the Arts, Sydney, 2nd ed., 2007.
<http://www.australiacouncil.gov.au/symphony/extension/richtext_redactor/getfile/?name=8d8f032458 1a5b06f6b9fe916f498072.pdf>

[59] *Guidelines for Ethical Research in Australian Indigenous Studies*, Australian Institute for Aboriginal and Torres Strait Islander Studies (AIATSIS), Canberra, 2012.
<https://aiatsis.gov.au/sites/default/files/docs/research-and-guides/ethics/gerais.pdf>

[60] *Code of practice for galleries and retailers of Indigenous Art*, City of Melbourne, 2007.
<http://www.melbourne.vic.gov.au/arts-and-culture/aboriginal-torres-strait-islander-arts/Pages/aboriginal-art-code-of-practice.aspx>.

[61] *Indigenous Art Code*, Australia Council for the Arts, Sydney, 2010.
<http://www.indigenousartcode.org/index.php/the-code/>

[62] *National Standards for Australian Museums and Galleries*, The National Standards Taskforce, Australia, 2014. <http://mavic.asn.au/assets/NSFAMG_v1_4_2014.pdf>

[63] *Aboriginal and Torres Strait Islander Protocols for Libraries, Archives and Information Services,* Aboriginal and Torres Strait Islander Library, Information and Resource Network 1995,
<http://atsilirn.aiatsis.gov.au/protocols.php>.

[64] Mariko Myra Anne Smith, *Indigenous ways of knowing in the museum context: How Indigenous knowledges permeate the Australian museum,* University of Sydney Master of Museum Studies Dissertation, 2010-2011.

Margo Neale, Sylvia Kleinert and Robyne Bancroft (2000) produced a publication that covers Indigenous Australian. The publication highlights archaeological traditions, early art styles of the nineteenth century, and contemporary Indigenous art. It discusses the art coming out of Indigenous communities and its emergence in markets and exhibitions.[65]

Museums & Galleries of NSW also released two reports, Living Centres Living Cultures 2[66] and Keeping Places and Beyond: building cultural features in NSW[67]. Living Centres Living Cultures 2 looks at NSW Aboriginal Keeping Places, Cultural Centres, Knowledge Centres, Artist Initiatives, museums and more. Keeping Places and Beyond looks at the Aboriginal art and culture in NSW and its underrepresentation. It brings together individuals and organisations in order to learn about maintaining and invigorating arts and culture in communities.

5. International Reports/Legislation

International reports and legislation provide examples of what is possible and establish goals concerning Indigenous participation and engagement. There are extensive examples of International legislation and reports that have direct relevance to Indigenous culture, heritage, and communities. The following have been selected as they represent either the highest authority or the closest in relation to international standing.

New Zealand/Aotearoa is the closest nation to Australia in many aspects. NZ has adopted crucial legislation protecting Maori heritage, based on the Treaty of Waitangi, which sets out clear relations between Maori and Pakeha cultures in matters of national heritage care. The *Heritage New Zealand Pouhere Taonga Act* promotes identification, protection, preservation, and conservation of historical and cultural heritage of New Zealand.[68]

In the US, the *Native American Graves Protection and Repatriation Act* (NAGPRA), 1990, requires that federal agencies receiving federal funding must return Native American 'cultural items' to the appropriate descendant communities.[69] 'Cultural items' include human remains, funerary objects, sacred objects, and objects of cultural patrimony. Founding Director of the Smithsonian's National Museum of the American Indian (NMAI), W. Richard West Jr, has emphasised a commonality in NAGPRA's legal provisions and the federal NMAI Act of 1989 (amended 1996):

> Both Acts mandate the return of objects in [stated] categories to culturally affiliated contemporary Native communities if the materials – apart from human remains and funerary objects – are essential to the conduct of contemporary life and ceremonial practice.[70]

NMAI also has a repatriation policy, which outlines the processes to be undertaken for repatriation to be effected. Both the NAGPRA and NMAI federal Acts in the US specify the

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[65] Margo Neale, Sylvia Kleinert and Robyne Bancroft, *The Oxford Companion to Aboriginal Art and Culture,* Oxford University Press, 2000.

[66] Steve Miller, Michael Rolfe, Terri Janke and Melissa Abraham, *Living Centres for Living Cultures 2: A snapshot report of the status of NSW Aboriginal cultural venues,* Museums & Galleries of NSW, 2017.

[67] Museums & Galleries of NSW, *Keeping Places and Beyond: Building cultural futures in NSW,* 2011.

[68] *Heritage New Zealand Pouhere Taonga Act 2014.*
<http://www.legislation.govt.nz/act/public/2014/0026/26.0/DLM4005414.html>

[69] *Native American Grave Protection and Repatriation Act 1990* (NAGPRA)*.*

[70] W. Richard West Jr, 'Native America in the twenty-first century: Journeys in cultural governance and museum interpretation', in Bernice L. Murphy (ed.), *Museums, Ethics and Cultural Heritage*, Routledge UK, 2016, pp. 278–288.

following categories of objects to be repatriated to descendant Native communities: 'human remains; associated and unassociated funerary materials; and sacred and ceremonial objects and cultural patrimony'.[71]

5.1. New Zealand

Charlotte J Macdonald (in 1999) analysed the inauguration of the Museum of New Zealand Te Papa Tongarewa (or Te Papa: Our Place), which opened in 1998. A central focus of this article is the way in which the museum presents Maori and non-Maori culture.[72]

Dimitri Anson (in 1993) discussed the development of the Tangata Whenua gallery within the Otago Museum, in Dunedin, New Zealand. While originally a type of 'settlers' museum', the Otago Museum set out in the 1990s to become a place where Maori people could feel more comfortable and their culture respected. This article stressed that Maori culture did not come to an end after European (Pakeha) arrival; and critiqued the fact that a non-Maori curator looked after the collection.[73]

Digital technologies open up new avenues for sharing and saving artefacts. However, Indigenous peoples should have input into whether these technologies should be used for preserving artefacts, or diffusing information about them. Deidre Brown (2008) discusses a bicultural consultation approach that should be adopted when working with Indigenous peoples and using technologies in the virtualisation of their culture.[74]

5.2. The United States and Canada

Ruth B Phillips (2006) examines the National Museum of the American Indian in Washington, and the First Peoples Hall at the Canadian Museum of Civilization (later renamed the Canadian Museum of History in 2013). These museums changed the way Native Americans are represented. The National Museum of the American Indian has a majority board of Native Americans. The Canadian Museum's application of federal law is different. Guidelines require that if Native American cultures are being represented, there must be power shared through a partnership between the museum and the representatives of the respective Native American group.[75]

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[71] W. Richard West Jr (2016) above. See also The Smithsonian: National Museum of the American Indian, *NMAI Repatriation Policy* (2014). <http://nmai.si.edu/sites/1/files/pdf/repatriation/NMAI-RepatriationPolicy-2014.pdf>

[72] Charlotte J Macdonald, 'Race and Empire at "Our Place": New Zealand's New National Museum', *Radical History Review*, Vol. 75, Duke Journals, USA, 1999, pp. 80–91. <http://rhr.dukejournals.org/content/1999/75/80.citation>

[73] Dimitri Anson, 'Tangata Whenua: Otago Museum's Sesquicentennial Gallery: An Exercise in Biculturalism', *Pacific Arts,* Vol. 7, Journal of the Pacific Arts Association, 1993.

[74] Deidre Brown, '"Ko to ringa ki nga rakau a te Pakeha" – Virtual *Taonga* Maori and Museums', *Visual Resources: An International Journal on Images and Their Uses*, 24(1), Routledge, UK, 2008, pp. 59–75. <https://researchspace.auckland.ac.nz/handle/2292/15939>

[75] Ruth B Phillips, 'Disrupting Past Paradigms: The National Museum of the American Indian and the First Peoples Hall at the Canadian Museum of Civilisation', *The Public Historian*, 28(2), University of California Press, Spring 2006, pp. 75–76. <http://pages.ucsd.edu/~rfrank/class_web/ES-114A/Week%206/PhillipsTPH.2006.28.2.pdf>

In a 2000 article in the US journal, *Curator*, Tim Sullivan, Morrie Abraham and Desmond J (Des) Griffin discussed how the Native American Graves Protection and Repatriation Act (NAGPRA), 1990, impacted profoundly upon organisational culture and practices shaping museums' relationships with Indigenous peoples. The NAGPRA Act resulted in substantial change and meaningful consultation in places where the Act's impact on museum practices was directly mandated.[76]

In Indigenous Voices in Cultural Institutions, Bryony Onciul focuses on the experiences of museum professionals and Blackfoot Elders who have worked with a number of museums and heritage sites in Alberta, Canada, to examine how Indigenous engagement in museums can help shape self-representation. Data from participant observation, archives, and in-depth interviews with participants brings Blackfoot community voice into the text. This includes looking at decolonising the museum and the boundaries that are currently preventing this process in many museums.[77]

Miranda J Brady discusses Indigenous voice in Indigenous museums and exhibitions. The article examines different approaches in different museums. The National Museum of the American Indian, while a part of the Smithsonian Institution, was established under its own NMAI Act, and its management is somewhat more autonomous. NMAI also ensures that consultation with Native communities takes place regarding exhibits, and positions are reserved for Indigenous appointments in the case of senior posts inside the museum. In the case of the First Peoples Hall at the Canadian Museum of Civilization (today Canadian Museum of History) and the Ancient Americas display at The Field Museum of Natural History, Chicago, the substantial Indigenous exhibits were developed with the collaboration of Indigenous peoples as consultants; however Indigenous employment within these museums is not a central aspect of their administration.[78]

Ramesh Srinivasan, Katherine M Becvar, Robin Boast and Jim Enote (2010) discuss the application of digital technologies in relation to Indigenous objects, especially where digital technology has been used to revitalise understanding and interpretation of objects. The potential of 'revitalisation' has arisen through Indigenous communities themselves providing descriptive information about the significance of many objects and linked cultural practices. These authors note the importance of working with Indigenous communities directly to ensure appropriate interpretation and information about objects and displays. Also discussed is the importance of making many new exhibition displays of collection material permanent in the life of the museum, since this provides Indigenous peoples and their cultures the importance they deserve in the ongoing life of museums holding their cultural objects and related material in collections.[79]

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[76] Tim Sullivan, Morrie Abraham and Desmond J Griffin, 'NAGPRA: Effective Repatriation Programs and Cultural Change in Museums', *Curator: The Museum Journal*, 43(3), USA, 2000, pp. 231–260 <http://onlinelibrary.wiley.com/doi/10.1111/j.2151-6952.2000.tb01717>

[77] Bryony Onciul, *Museums, Heritage and Indigenous Voice: Decolonizing Engagement*, Routledge, UK, 2015. <https://www.routledge.com/Museums-Heritage-and-Indigenous-Voice-Decolonizing-Engagement/Onciul/p/book/9781138781115>

[78] Miranda J Brady, 'Mediating Indigenous Voice in the Museum: Narratives of Place, Land, and Environment in New Exhibition Practice', *Environmental Communication: A Journal of Nature and Culture*, 5(2), Taylor & Francis, UK, 2011.

[79] Ramesh Srinivasan, Katherine M Becvar, Robin Boast and Jim Enote, 'Diverse Knowledges and Contact Zones within the Digital Museum', *Science, Technology and Human Values*, 35(5), Sage Publishing, New York, 2010, pp. 735–768. <https://www.researchgate.net/publication/232886806_Mediating_Indigenous_Voice_in_the_Museum _Narratives_of_Place_Land_and_Environment_in_New_Exhibition_Practice>

The Assembly of First Nations and the Canadian Museums Association worked together to develop a document that reported on the process of consultation between the two. The result was a document that provided recommendations for an ongoing working partnership.[80]

The Canadian Conservation Institute also created a policy for serving Indigenous clients and preserving Indigenous collections. The policy came out of the 2007 Symposium "Preserving Aboriginal Heritage: Technical and Traditional Approaches".[81]

The Canadian Archives Steering Committee have formed a Report of the Truth and Reconciliation Commission Task Force. They are reviewing archival policies and best practices to help reconciliation between the archival community and Indigenous record keepers.[82]

6. Laws/Treaties/Conventions

International laws, treaties and conventions provide legal frameworks and frame best-practice standards, including ethical principles that should be observed in the policies and conduct of museums and galleries. The United Nations has adopted many international measures and Declarations that aim to ensure the protection of Indigenous peoples and their cultural heritage. Other international organisations also provide legal instruments and standards that should guide museums and galleries in their engagement with Indigenous knowledge, culture and communities.

In 1970, UNESCO (the United Nations Educational, Scientific and Cultural Organisation, headquartered in Paris) adopted a crucial Convention directed against illicit traffic and illegal transfers of cultural property. Known simply as the '1970 UNESCO Convention' (its long name is listed below),[83] this key instrument paved the way for an increased momentum in subsequent decades of international action, regulative frameworks and legal measures concerning protection of cultural property; upholding of cultural diversity; and care for the world's tangible and intangible heritage. The 1970 UNESCO Convention set standards to inhibit looting and illegal transfers of cultural property, and highlighted the significance of illicit traffic in cultural property on a global scale. Though the references are not specifically to Indigenous cultural property, the 1970 Convention does have significance in its specifications for the protection of cultural property in all nations and regions of the world.

The World Intellectual Property Organization (WIPO), based in Geneva, is another UN Specialized Agency, along with UNESCO, that works to advance the principles of the United Nations charter. WIPO is today the body responsible for administration of the 1893 Berne Convention for the Protection of Literary and Artistic Works – and WIPO is the key international body concerning copyright protection.

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[80] *Turning the Page: Forging New Partnerships Between Museums and First Peoples,* Assembly of First Nations and the Canadian Museums Association, 1994, <http://museums.in1touch.org/uploaded/web/docs/Task_Force_Report_1994.pdf>.

[81] *Policy for serving Indigenous clients and preserving Indigenous collections,* Government of Canada <http://canada.pch.gc.ca/eng/1454944038770>.

[82] *SCCA - Response to the Report of the Truth and Reconciliation Commission Task Force (TRC-TF) Action Plan,* Canadian Archives Steering Committee, 5 April 2017, <https://lesarchives2026.files.wordpress.com/2017/05/2c-en-trc-action-plan-v-6_5-april-2017.pdf>.

[83] *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property – 1970* (UNESCO, Paris, November 1970); note also the *UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects* (UNIDROIT, Rome, 1995).

The Berne Convention mandates copyright of literary and artistic works for at least 50 years after the death of the author (in some countries 'time of creation or first publishing' is the observed standard). Copyright internationally is today upheld and administered through the WIPO Copyright Treaty of 1996, which includes issues of information technology, digitisation and the Internet, which were not covered in the Berne Convention. These legal instruments do not reference Indigenous literary or artistic works specifically; however their protection of all literary and artistic works has extended some of WIPO's committee work in recent years to addressing Indigenous copyright and intellectual property issues in some detail, with Indigenous input. These efforts make WIPO an important body for pursuing ongoing issues concerning Indigenous copyright protection internationally.[84]

The United Nations Declaration on the Rights of Indigenous Peoples (2007) is a specific and crucial declaration that highlights key aspects of protecting Indigenous cultural heritage. Article 31(1) of the declaration states clearly:

> *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 flora and fauna, 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.[85]*

In 2015 UNESCO adopted an important 'Recommendation on museums'[86] – the first instrument of UNESCO specifically devoted to museums since 1960. Among other frameworks covered that are of relevance to Indigenous people, this recent UNESCO Recommendation has produced clear guidelines for the long-term preservation of heritage. Article 18 states:

> *In instances where the cultural heritage of indigenous peoples is represented in museum collections, Member States should take appropriate measures to encourage and facilitate dialogue and the building of constructive relationships between those museums and indigenous peoples concerning the management of those collections, and, where appropriate, return or restitution in accordance with applicable laws and policies.[87]*

The concept of digital preservation of heritage, also covered in the 2015 UNESCO Museums Recommendation, points to the importance of self-determination by Indigenous communities in all protocols and practices by which their cultural heritage may be digitally preserved.

The Australian-developed Burra Charter (first adopted in 1979) was the result of an Australia ICOMOS initiative to create a framework of values and associated protection protocols to be applied to heritage *places* of cultural significance – in contrast to earlier international instruments focused on individual monuments and buildings. The 'significance' standards set out in the Burra Charter include natural sites, Indigenous and historic places that have a

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[84] *Berne Convention for the Protection of Literary and Artistic Works* (1893; last amended 1979). International copyright law, derived from the Berne Convention, is today administered by the World Intellectual Property Organisation, under the *WIPO Copyright Treaty*, of 1996, which includes information technology and Internet tools not covered under the Berne Convention. <http://www.wipo.int/portal/en/index.html>

[85] *United Nations Declaration on the Rights of Indigenous Peoples* (2007); article 31(1).

[86] *Recommendation concerning the protection and promotion of museums and collections, their diversity and their role in society* (UNESCO, Paris, November 2015).

[87] UNESCO Recommendation on Museums (2015), Article 18,

range of associated cultural values. The Burra Charter was formulated by the Australia ICOMOS national committee of the international body, ICOMOS (International Council on Monuments and Sites, based in France). The Burra Charter has had considerable influence internationally since its first Australian adoption in 1979, because of the breadth of its interconnected values. The current, revised and reformatted version dates from 2013[88] The Burra Charter was adopted by the Australian Heritage Council in Dec. 2004, and subsequently has been adopted by a number of state heritage councils.

7. Australian Legislation

There is a wide range of state and national legislation in Australia that deals with cultural heritage. These laws can highlight what is important to include in museums' and galleries' engagement with Indigenous culture and heritage, and what might be missing. It is clear that state-based legislation has developed greatly in recent years, and is often comprehensive. Some museums and galleries – when not already covered by their own Acts as state or national bodies – also have their own institution-specific policies (including at local government levels). Some legislation and policies outline the roles and protocols governing use of Indigenous cultural heritage. Other legislation may not mention Indigenous cultural heritage specifically, although implications are raised under all policies concerning cultural diversity as reflected in the practices of museums.

Museums,galleries and related institutions that have their own Commonwealth legislation include: the Australian National Maritime Museum[89], the National Gallery of Australia[90], the National Museum of Australia,[91] the National Portrait Gallery, the Australian War Memorial, and the Australian National Maritime Museum – along with partner national institutions that collect and/or exhibit cultural material, such as the National Library of Australia, which created its own permanent gallery in recent years and has an ongoing exhibitions program; and the National Film and Sound Archive, the Museum of Australian Democracy, and the National Archives of Australia, which variously exhibit cultural heritage material.[92] All of these national institutions also observe associated regulative frameworks in their operational policies.

The **Australia Council Act 2013** (which replaced the *Australia Council Act 1975*) includes 'Aboriginal and Torres Strait Islander arts practice' in its *definitions*, and specifies 'support [for] Aboriginal and Torres Strait Islander arts practice' as one of the Council's core functions. Although the Australia Council Act creates no direct powers in respect of museums and galleries, the *programs and policies* administered by the Australia Council have very direct bearing on the practices, protocols and standards of museums and galleries in relation to living artists and all programs administered by the Australia Council for the Arts – in which Indigenous artists have an important place and high stakes as part of Australian cultural practice today. The Australia Council's *Indigenous Art Code*, published in 2010, is a

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[88] Australia ICOMOS, *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance,* Australia ICOMOS, 1979; current version 2013. <http://australia.icomos.org/wp-content/uploads/The-Burra-Charter-2013-Adopted-31.10.2013.pdf>
[89] *Australian National Maritime Museum Act 1990* (Cth).
[90] *National Gallery of Australia Act 1975* (Cth).
[91] *National Museum of Australia Act 1980* (Cth).
[92] *National Portrait Gallery of Australia Act 2012* (Cth).

notable case of the Council's own initiative in the area of standards-setting, which is national in its scope and effects.

Cultural exchange programs and international exhibitions of Australian art mounted through the Department of Foreign Affairs and Trade (DFAT) would also observe standards and protocols observed by the Australia Council – as the Commonwealth government's main advisory body providing guidelines in dealing with art and all living artists. Meanwhile the protocols and standards observed by the museums and galleries sector nationally would themselves guide practices affecting exchange exhibitions involving the work of both living and deceased artists.

The Commonwealth ***Aboriginal and Torres Strait Islander Heritage Protection Act 1984*** (the ATSIHP Act) assists in the preservation and protection of places, areas and objects of particular significance to Indigenous Australians. Yet it is in many ways limited in its protection of Indigenous cultural heritage, since it sees the role of the Commonwealth as 'a measure of last resort' in cases when state or territory laws do not provide effective protection. The ATSIHP Act covers the discovery of Aboriginal remains and outlines how consultation should take place with respective Aboriginal communities. There are also steps specified that need to be satisfied in order for a legally valid claim for an Indigenous object's protection to be made at the national level.[93]

The Commonwealth ***Protection of Movable Cultural Heritage Act 1986*** (the PMCH Act) was developed in the first instance to give effect to the UNESCO *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property* 1970 (the 1970 UNESCO Convention), which Australia finally ratified in 1989. The PMCH Act, while it specifies processes for protection (and where necessary seizure and return of cultural heritage items *internationally*), has since 1987 (when its implementing Regulations were adopted) become the primary instrument recognised within Australia for *protection of Australia's movable cultural heritage*. Under the PMCH legislation an export Control List of movable heritage items, within a broad range of categories, was developed to protect culturally significant objects.

The National Cultural Heritage Control List includes significant Aboriginal and Torres Strait Islander objects ('Indigenous objects') protected under PMCH legislation. Notably Class A objects for protection (APOs) – which can never be granted export licences – include the following Indigenous categories: • Sacred and secret ritual objects; • Bark coffins used as traditional burial objects; • Human remains; • Rock art; and • Dendroglyphs.

An Australian export licence may be granted or denied to public or private owners of Indigenous objects under PMCH Act legislation. Decisions about customs permits and other relevant matters are made by the federal Arts minister (currently the Minister of the Department of Communications and the Arts) on the recommendation of the minister's advisory body, the National Cultural Heritage Committee (the NCH Committee). This body, appointed by the federal Arts Minister, includes strong representation from museums and galleries and other parties closely involved in cultural heritage.

Very useful information on the PMCH Act's protective powers, operations of the NCH Committee and NCH Account, and the role of Expert Examiners assisting the Minister and the Committee, is provided in a comprehensive article by former NCH Chair, Dr Patrick

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[93] *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth).
<http://www.environment.gov.au/heritage/laws/indigenous>

Greene (former CEO of Museum Victoria), and published in an issue of *Museums Australia Magazine* in 2013.[94]

A detailed process of review of the PMCH Act 1986 was mandated by the Commonwealth government in a Discussion Paper issued in January 2009. Numerous individuals and bodies (including museum organisations) made submissions, and the review process was coordinated by Shane Simpson (of Simpsons Solicitors).[95] The final review report was submitted to the government in September 2015, and the passage of new legislation amending the 1986 PMCH Act is still anticipated.

The *Western Australian Heritage Act*[96] outlines the protection of Aboriginal sites and objects. The Act also includes operation of an Aboriginal Cultural Material Committee, although the Committee does not require an Aboriginal member.[97]

Queensland legislation is framed in the *Torres Strait Islander Cultural Heritage Act* and the *Aboriginal Cultural Heritage Act*. Both these Acts are extensive in their detailing of procedure for working with Indigenous cultural material. They outline cultural heritage management plans, relevant cultural heritage studies, management of cultural heritage information, protection of cultural heritage, and the ownership, custodianship and possession of the heritage, and associated enforcement measures.[98]

Victorian legislation is also extensive in its protective provisions. The *Aboriginal Heritage Act 2006* outlines requirements for the protection of Aboriginal cultural heritage, the ownership and custody of Aboriginal cultural heritage, cultural heritage management plans, cultural heritage agreements, cultural heritage audits, stop orders and improvement notices, and protection declarations.[99]

Northern Territory legislation is not as comprehensive in its provisions as state legislation. It outlines the conservation of heritage places and objects, but does not go much further than providing a general framework.[100] Additionally, the South Australian legislation is lagging behind other states, having not been updated since 1988. However, SA legislation does mention the sale of Aboriginal objects.[101] Tasmanian legislation most lags nationally in its general protective provisions, since it has not been updated since 1975; it is also notable that the bill uses terminology such as 'Aboriginal relics', which does not meet acceptable language standards in heritage care and legislation today. However, there is a bill before the state's parliament at present which, if passed, would update Indigenous heritage protection in that state. Despite this move, the bill and the current Act in Tasmania are brief in their detailing of protective measures.[102]

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[94] Patrick Greene, 'The National Cultural Heritage Committee: Australia's PMCH Act Protecting Movable Cultural Heritage, *Museums Australia Magazine* , 21(4) & 22(1), double issue, Museums Australia, Canberra, Winter & Spring, 2013, pp. 18–22.
[95] The final PMCH review report to the Australian government by Shane Simpson (Simpsons Solicitors), September 2015, was titled *Borders of Culture: Review of the Protection of Movable Cultural Heritage Act 1986*, and is available for download at <http://arts.gov.au/movable>.
[96] *Aboriginal Heritage Act 1972* (WA).
[97] *Aboriginal Heritage Act 1972* (WA).
[98] *Torres Strait Islander Cultural Heritage Act 2003* (QLD).
[99] *Aboriginal Heritage Act 2006* (VIC).
[100] *Northern Territory Heritage Conservation Act 2011* (NT).
[101] *South Australian Aboriginal Heritage Act 1988* (SA).
[102] *The Aboriginal Relics Act 1975* (TAS); *Aboriginal Relics Amendment Bill 2017* (TAS).

8. Comparative Models and Systems

8.1.   National Museum of the American Indian (NMAI, Washington)

Introduction

The National Museum of the American Indian (NMAI) in the United States has three facilities and locations. Its principal public location is the large NMAI museum situated on the National Mall, in Washington DC, as part of the Smithsonian's suite of national museums. A second, smaller museum with an older history and rich historical collections, the George Gustav Heye Center (founded in 1922), is located downtown in New York City. A third facility is NMAI's ample and innovative Cultural Resources Center, a research and collections facility located in Suitland, Maryland, where much of the NMAI collections are stored.

The Museum has one of the most extensive collections of 'Native cultures of the Western Hemisphere' in the US.[103] The flagship NMAI museum facility on the Washington Mall was opened in September 2004. It followed Indigenous traditions through design of the curvilinear building clad in limestone, the curating and exhibiting of objects, control and communication of associated knowledge, and highlighting of Indigenous languages associated with material culture exhibits.[104]

Maintaining Collections

The collections of the NMAI are maintained across the museum's three sites in different ways from western ideals. NMAI is responsible for nearly 1 million Native American objects, which are treated as living beings. Traditional standards of care are maintained: the objects have access to sunlight, fresh air, and are nourished through ongoing contact with their descendant communities, which includes the continuing performance of ceremonies that maintain their living condition and affective power. There are also restrictive conditions maintained concerning some of the objects, which may only be only viewed by a person of a particular gender, or whose 'power' is maintained by restrictive practices and culturally recognised authority.[105] These protocols maintained by NMAI highlight the conditions that many Indigenous peoples would wish to be observed in all museums where collections of their heritage are cared for and maintained.

Collaborative Exhibitions

One of the central themes of NMAI is the consultation that takes place when developing exhibitions. Community consultants have the primary control over the galleries and object displays, and staff curators act as intermediaries. The community consultant groups would consist of six-to-twelve representatives of a particular community, who would work with a museum curator to develop an exhibition. They would visit collections to select objects for planned exhibitions. Ruth Phillips, of NMAI, has explained that relevant curators or staff members would put their experience in museology to the service of the Native community

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[103] National Museum of the American Indian, *About the Museum* (2017).
<http://www.nmai.si.edu/about/>
[104] Anne Marshall, 'Creating a Utopian Indigenous Place: The National Museum of the American Indian', *Traditional Dwellings and Settlements Review*, 22(1), UC Berkeley College, 2010, p. 66.
[105] Anne Marshall, 2010, above.

members, to ensure that they are able to share their messages effectively to a wider public.[106]

Digitisation

The museum has developed an online collection that holds artefacts and photographs that have been digitised. One of the challenges that stems from online digitisation of collections arises through the great diversity in Indigenous clans, tribes and groups represented. Different Indigenous groups have different ideas about how this digitisation should be handled, and therefore it is hard to develop one system for the variety of approaches preferred culturally. Context has also been taken seriously when adding photographs to the collections. Specifications concerning the photographer's name and whether the person was non-Indian, plus important details about an object, have been included. There is also ability provision to enable contacting the museum and seeking more information about any image held. However, a collected image can also – under permitted conditions – be saved on another's computer, and then be manipulated.[107]

Governance

The majority of persons represented on the board of trustees are Indigenous. The board of directors also has a large number of Indigenous peoples. Additionally, the director is Indigenous.[108] Such guaranteed representation ensures a strong presence of Native voice, viewpoint and cultural experience in the governance of the museum.

Critiques

There have been critiques of some aspects of the museum. Some commentators have remarked that the museum does not directly take up the struggles of Native peoples under colonisation, and that it lacks uniformity. Others have expressed concern that the digitisation of photographs and objects takes important controls away from the museum and endangers Native protocols by opening up artefacts and associated knowledge to unregulated uses via the internet.[109]

Conclusion

Self-determination, collaboration, consultation and governance all play an important role in making the National Museum of the American Indian an important space of Native American presence and stories. The NMAI's approach to museology places the stories back into the hands of Native Americans and ensures that they are communicated in appropriate ways that promote the continuance and strength of Native cultures and communities.

A valuable source for an outline of the values entailed in the founding legislation, and pre-opening years leading to the inauguration of the NMAI on the Washington Mall, is available

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[106] Christopher Lindsay Turner, 'Making Native Spaces: Cultural Politics, Historical Narrative, and Community Curation at the National Museum of the American Indian',*Practicing Anthropology*. Vol. 33(2), Spring 2011, pp. 40-41.
<http://sfaajournals.net/doi/10.17730/praa.33.2.812j276564248333>
[107] Michelle Crouch, 'Digitalization as Repatriation? The National Museum of the American Indian's Fourth Museum Project', *Journal of Information Ethics*, 19(1), March 2010, pp. 45-56.
<https://www.researchgate.net/publication/250206075_Digitization_as_Repatriation_The_National_Museum_of_the_American_Indian's_Fourth_Museum_Project>
[108] National Museum of the American Indian, *About the Museum* (2017).
<http://www.nmai.si.edu/about/>
[109] Michelle Crouch, 2010, as above.

in an extensive essay by NMAI Founding Director, W Richard West Jr, referred to in this Literature Review.[110]

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[110] W. Richard West Jr, 'Native America in the twenty-first century: Journeys in cultural governance and museum interpretation', in Bernice L. Murphy (ed.), *Museums, Ethics and Cultural Heritage*, Routledge UK, 2016, pp. 278–288. <https://www.routledge.com/Museums-Ethics-and-Cultural-Heritage/ICOM/p/book/9781138676329>

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<http://www.wipo.int/portal/en/index.html>

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[111] *ICOM Code of Ethics for Museums* (2004); Paris: International Council of Museums, 2006. The full text of the *ICOM Code of Ethics for Museums* is available online for download from the ICOM website <http://icom. museum/professional-standards/code-of-ethics/>

conduct in relation to Indigenous heritage and peoples.

The *ICOM Code of Ethics* itself establish frameworks for museums' conduct today in relation to 'communities-of-origin' or 'source communities' connected to collections held by museums. The Code mandates the involvement of such communities by museums in interpretation and representation of their own culture (Articles 4.3 & 4.4); and it also mandates forthright and transparent action in dealing with requests for repatriation. However, the Code cannot itself direct specific returns or repatriation outcomes, which have to be considered on a case-by-case basis involving communities and the museums concerned.

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