

INFORMATION FOR VICTORIAN MUSEUMS WITH ABORIGINAL COLLECTION ITEMS

This information sheet has been created for Victorian museums who are custodians of Aboriginal material culture. The information relates to items such as stone tools and wooden shields rather than artworks. The information is written with particular reference to Victorian Aboriginal objects.

FREQUENTLY ASKED QUESTIONS

- What can non-Aboriginal museums offer Aboriginal communities?
- Who can help us identify our Aboriginal collection items?
- Who has legal ownership of Aboriginal collection items?
- Should we be talking to relevant Aboriginal Groups about our Aboriginal collection items?
- How do we find out who are the right people to talk to?
- How might we be working with Aboriginal communities?
- Are there any other legal requirements we should know?

Note this information sheet complements another Museums Australia information sheet *Resources for Victorian museums with Aboriginal collection items*, which contains contact details for organisations listed below and sources of further information.

What can non Aboriginal collecting organisations offer Aboriginal communities?

Some museums are custodians of objects, archives, photographs or specialist knowledge that can help Aboriginal people find out more about their family history and the history of their communities. Museums can be a place for bridging cultures and presenting Aboriginal perspectives on the history of a district.

Who can help us identify our Aboriginal collection items?

Some stone tools can be difficult to identify, but it is possible to obtain information on some objects e.g. whether objects are likely to be from Victoria or from other states, and what the objects were likely to be used for. Aboriginal Victoria may be able to provide information when they register your objects.

Who has legal ownership of Aboriginal collection items?

In general Aboriginal collection items in museums legally belong to the museum.

Exceptions are:

- Aboriginal human remains, and secret and sacred objects.
Under the *Aboriginal Heritage Act 2006* and *Aboriginal Heritage Amendment Act 2016*, Aboriginal human remains and secret and sacred objects belong to the relevant traditional owners. Very few Victorian museums will have items of this nature. When registering artefacts Aboriginal Victoria can assist with identifying any such items and advise on this issue.
- If another party can prove that they are the legal owners of an item – this is the same for any other item in your collection.

Some Victorian non Aboriginal museums have donated their Aboriginal collection items to local Keeping Places. Aboriginal groups may or may not want custodianship of Aboriginal collection items held by museums, but may want to be involved with or have access to the collection.

Museums Australia Guidelines state:

*Requests from Aboriginal and Torres Strait Islander Communities for the return to them of cultural items held in museums must be given serious consideration.*¹

Should we be talking to relevant Aboriginal Groups about our Aboriginal collection items?

Yes. Museums Australia recommends that museums should be active in their efforts to consult with Aboriginal communities in relation to Aboriginal collection items.²

How do we find out who are the right people to talk to?

In terms of items with provenance to the local area, the traditional owners would be the first group to talk to.

In Victoria, Registered Aboriginal Parties (RAPs) are the officially recognised Aboriginal groups to talk to about your collection. The Aboriginal Victoria website lists RAPs and the areas they cover. Note that there may be other groups with a link to the area who may be interested in the collection: it is best to try to consult with them all if possible. Aboriginal Victoria may also put you in touch with other relevant Aboriginal groups. Local council cultural development staff may also be able to put you in contact with local Aboriginal groups, and provide ideas for collaborative projects.

¹*Continuous Cultures, Ongoing Obligations, Principles and guidelines for Australian museums working with Aboriginal and Torres Strait Islander cultural heritage*, Museums Australia 2005
http://www.museumsaustralia.org.au/dbdoc/ccor_final_feb_05.pdf

² as above

How might we be working with Aboriginal communities?

Small informal projects may be the most practical way to engage with local Aboriginal communities, for example working with elders and craftspeople to discuss appropriate items for display, and developing text for exhibits. Some suggestions are contacting local Koorie art and design courses, speaking to local elders and artists, inviting the local Aboriginal Co-operative to see the collection etc. Be aware that Aboriginal people that you are trying to consult with may have many demands on their time, and may have other priorities. Building relationships takes time, so take small steps and keep trying.

Some museums and Aboriginal communities have prepared Memorandums of Understanding (MOUs) to create a formal structure how they work together. Under the Aboriginal Heritage Act 2006 it is possible to make a Cultural Heritage Agreement (a kind of MOU) with Victorian Registered Aboriginal Parties. Unlike registering artefacts, this is not mandatory. It may be an option worth considering if there is a desire on both sides to formalise a relationship. Aboriginal Victoria may be able to help facilitate the preparation of an agreement.

What are our legal obligations?

Collecting organisations need to register Victorian Aboriginal collection items with Aboriginal Victoria; it is a mandatory requirement of the *Aboriginal Heritage Act 2006*.

Aboriginal Victoria registers collections of 'Aboriginal objects' which relate to the Aboriginal occupation of any part of Australia, whether or not the object existed prior to the occupation of that part of Australia by people of non-Aboriginal descent; and is of cultural heritage significance to the Aboriginal people of Victoria; but does not include an object that has been made for the purpose of sale. In practice this is usually a Victorian object. It would have to have a special connection to Victorian Aboriginal communities if it was from interstate.

Aboriginal objects include shields, clubs, stone tools, axes etc., but does not include items originally made for sale. Some Keeping Places have registered their items, but this is not a legal requirement as they are complying with the Act in keeping them in 'accordance with Aboriginal tradition'.

What do we have to do to register our Aboriginal collection items?

Ring, write or email Aboriginal Victoria either head office or your closest regional office. An Aboriginal Victoria field officer will then come out and register the items with you, although this may take some time depending on current resources. You will need to arrange a time for a visit and get the items out for them to examine. If you have any information about the items it would be useful to provide access to this.

Is there any benefit for the museum in registering our Aboriginal collection items?

Aboriginal Victoria staff that assist with registering collections are qualified archaeologists. They may be able to provide you with technical information about the objects that you may not otherwise be able to obtain. They may also be able to assist with information about where the objects originated and what they were used for. This information can be useful if you wish to provide interpretive displays. Aboriginal

Victoria will provide you with copies of the information they compile on your collection items. Aboriginal Victoria staff will also be able to put you in contact with relevant Aboriginal groups.

Are there other legal requirements we should know about?

- Buying and selling of traditional Aboriginal objects is illegal without a cultural heritage permit
- Harming Aboriginal objects is illegal without a cultural heritage permit
- Removing Aboriginal objects from Victoria is illegal without a cultural heritage permit, however loans are allowed between interstate museums

How do I obtain a Cultural Heritage Permit?

You can obtain a cultural heritage permit from Aboriginal Victoria. Information about this is available on the Aboriginal Victoria website

<https://www.vic.gov.au/aboriginalvictoria/heritage/planning-and-heritage-management-processes/cultural-heritage-permit-process.html> or by emailing Aboriginal.Heritage@dpc.vic.gov.au

Further information including links and contacts:

See the Museums Australia (Victoria) information sheet:

Resources for Victorian museums with Aboriginal collection items

Acknowledgements

Thank you to Aboriginal Victoria, the Koorie Heritage Trust and Museum Victoria for advice and feedback for this information sheet.