### Document Control

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Introduction

Under section 85 of the *National Parks and Wildlife Act 1974*, the Chief Executive of the NSW Office of Environment and Heritage (OEH) (as the delegate of the Director-General of the Department of Premier and Cabinet) is the authority for the proper care, preservation and protection of Aboriginal objects and Aboriginal places in New South Wales. This legislative responsibility applies to Aboriginal objects and Aboriginal places as defined under the *National Parks and Wildlife Act 1974*.

Section 5 of the NPW Act defines Aboriginal object as "any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains".

However, recognising that the term Aboriginal cultural material is commonly used to refer more broadly to heritage items that are of significance to Aboriginal communities; this policy defines Aboriginal cultural material as objects that are produced by Aboriginal communities and/or that have particular cultural significance to Aboriginal communities. This can include both culturally modified and unmodified objects. Photographs are a common example of material that may be held by OEH that is not ‘legally’ an Aboriginal object, but may be of importance to Aboriginal communities.

Once in receipt of Aboriginal cultural material, OEH will store Aboriginal cultural material within facilities referred to as Ready to Return Centres. For the purposes of this policy, OEH Ready to Return Centres are OEH controlled storage locations for cultural materials that are intended to be repatriated.

Aboriginal cultural material that has been transferred to Aboriginal communities may be stored in facilities known as Keeping Places. For the purposes of this policy, Keeping Places are final community storage locations managed by Aboriginal communities where fully repatriated material is held under the care and control of Aboriginal custodians.

It is important to note, that whilst repatriated Aboriginal Objects (as defined under the NPW Act) may be held within community Keeping Places long term, Aboriginal Objects remain the property of the Crown.

Policy objectives

The Office of Environment and Heritage acknowledges Aboriginal community rights to hold and manage their own cultural material. This policy and related guideline will:

- Provide OEH staff members with guidance in order to support the return of Aboriginal cultural material to Aboriginal community Keeping Places.
- Ensure professional and culturally appropriate management of Aboriginal cultural heritage material (excluding Aboriginal ancestral remains) temporarily housed within OEH Ready to Return Centres.
- Provide standards for the storage and cataloguing of cultural material.

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• Provide guidance on the management and use of unprovenanced Aboriginal cultural material within the possession of OEH.

This policy should be read with the OEH Management of Cultural Material Guideline.

Policy scope

The Management of Cultural Material Policy does not apply in circumstances where OEH staff:

• Receive Aboriginal cultural material. This process is outlined in the Receipt of Cultural Material Guideline³.

• Repatriate Aboriginal ancestral remains. It is culturally inappropriate for OEH to be in possession of such material. OEH may agree to temporarily store ancestral remains on behalf of Aboriginal communities to assist with the repatriation process, but this is a temporary arrangement with the agreement of community.

Policy Statements

The following policy statements outline the manner in which OEH will manage Aboriginal cultural material within OEH.

Community

1. Where community Keeping Places adhere to the minimum standards identified in the OEH Management of Cultural Material Guideline and community wish to have the material returned, OEH will actively seek to return Aboriginal cultural materials to their community of origin.

2. Aboriginal cultural material may be transferred to Aboriginal communities for safekeeping. Application forms for the Transfer of Aboriginal Objects for Safekeeping can be found on the OEH website together with information on Care Agreements that must be entered into with OEH in order for an Aboriginal organisation to hold such material.

3. Aboriginal community members may request access to Ready to Return Centres subject to the following provisions:

   a. Each request will be considered by the relevant CCHD Regional Manager.

   b. Each request must be in writing that details the purpose and period of access required.

   c. Each person accessing an OEH Ready to Return Centre must sign the log book.

³ OEH Receipt of Aboriginal cultural material guidelines (updated 2010).
Management

4. OEH is not a collecting institution/museum and therefore, does not actively seek to collect Aboriginal cultural material.

5. All material will be catalogued according to the OEH Management of Cultural Material Guideline.

6. An inspection of Aboriginal cultural material within CCHD Ready to Return Centres will be undertaken every 3 months to ensure sound storage conditions.

7. Inventory of Aboriginal cultural material within OEH Ready to Return Centres will be undertaken every 12 months in order to monitor conservation needs.

8. In addition to OEH Ready to Return Centres, the Australian Museum Trust may also accept possession of Aboriginal cultural material. This process is detailed in the Australian Museum’s Archaeological Collection Deposition Policy.

9. All OEH Ready to Return Centres will adhere to the minimum standards identified in the Management of Aboriginal Cultural Material Guideline.

10. Unprovenanced Aboriginal cultural material that is considered not culturally sensitive by the Regional Manager, Aboriginal Heritage Conservation Officer and/or Aboriginal community members may be used by OEH staff members for educational or display purposes.

   a. If material has been designated as appropriate for educational or display purposes, a note should be entered onto the relevant AHIMS record.

11. OEH will work in partnership with Aboriginal communities to ensure community managed Keeping Places meet the minimum standards identified in the Management of Cultural Material Guideline.

12. OEH will establish and maintain Ready to Return Centres in each Country, Culture and Heritage Division Region.

13. OEH will consolidate smaller collections of Aboriginal cultural material into larger collections that will be located within Country, Culture and Heritage Division Ready to Return Centres.

14. All material deposited into Ready to Return Centres must be approved by the relevant CCHD Regional Manager and listed in the AHIMS Movable Heritage Module by the relevant CCHD Heritage Information Officer.

15. All material removed from a Ready to Return Centre must be approved by the relevant CCHD Regional Manager and listed in the AHIMS Movable Heritage Module by the relevant CCHD Officer undertaking the activity.

16. Research on Aboriginal cultural material will only be permitted where the intended research assists with the identification of provenance.

17. OEH will not loan Aboriginal cultural material.

18. OEH will work in partnership with the appropriate interstate bodies in order to return Aboriginal cultural material that originates from other states.

19. Non-artefact material (such as fossils and geological deposits) is to be kept with the collection of cultural materials as it may assist with determining provenance.
Access

20. OEH staff members seeking access to Ready to Return Centres are subject to the following provisions:

   a. Requests must be made in writing.
   b. Each request must detail the purpose and period of access required.
   c. Each person accessing a Ready to Return Centre must sign the log book.
   d. Aboriginal Heritage Conservations Officers undertaking conservation activities are exempt from these access provisions.

21. In the event the CCHD Regional Manager is unavailable, Aboriginal Cultural Heritage Officers or other delegated COB officers may approval for access requests.

22. Any persons (other than OEH employees or members of Aboriginal communities) requesting access to unprovenanced Aboriginal cultural material within OEH Ready to Return Centres are required to obtain written approval for access from the relevant CCHD Regional Manager.

   a. Evidence of the approval must be included as part of the request for access.

23. Researchers accessing OEH Ready to Return Centres must be supervised at all times by an approved OEH staff member.

24. Each Ready to Return Centre will have a log book that must be filled out at time of visit, stating the name of person/ organisation, purpose and period of access.

25. Each CCHD Regional Manager will be responsible for the primary access key to each Ready to Return Centre.

26. A secondary key holder will be nominated by the CCHD Regional Manager.

Accountabilities

This section of the Management of Cultural Material Policy outlines the responsibilities of all persons involved in the implementation of this policy.

Positions with significant responsibilities

<table>
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<tr>
<th>Position</th>
<th>Responsibility</th>
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| Regional Managers within the Country, Culture and Heritage Division | • Approve the movement of Aboriginal cultural material.  
• Primary holder of access keys to Ready to Return Centres.  
• Assess unprovenanced Aboriginal cultural material for cultural significance.  
• Purchase materials within financial delegation |
that may be needed to store and conserve Aboriginal cultural material.
- Manage access requests.
- Delegate COB officers to be secondary key holders.

| Aboriginal Heritage Conservation Officers, CCHD. | Enter all relevant information onto Aboriginal Heritage Information Management System (AHIMS)
- Facilitate access to OEH Ready to Return Centres for Aboriginal community members
- Assess unprovenanced Aboriginal cultural material for cultural significance.
- Monitor conservation needs of collections within OEH Ready to Return Centres and if necessary, develop and implement appropriate protection management strategies.
- Approve and manage access request in the event the Regional Manager is unable. |
| --- | --- |
| Heritage Information Officers, CCHD. | Entry/updating of AHIMS Movable Heritage Module.
- Enter inventory of Ready to Return Centres into AHIMS.
- Inform AHIMS Heritage Information Officers of the movement of Aboriginal cultural material. |
| AHIMS Registrar, CCHD. | Uploading reports and entering cataloguing information |
Definitions

**Provenance information**: Information that identifies the origin and/or subsequent history of the object or collections⁴.

**Aboriginal Owner**: This term is defined under section 4 of the *Aboriginal Land Rights Act 1983* as Aboriginal persons named as having a cultural association with the land in the Register of Aboriginal Owners kept under Division 3 of Part 9 of that Act⁵.

**Aboriginal communities**: The term ‘Aboriginal community’ is used as a collective term for the whole community irrespective of family or organisational affiliations and is generally taken to mean all Aboriginal peoples residing or associated with a particular area or location, including: traditional custodians, Native Title Holders or registered claimants; Traditional Owners; Aboriginal Owners; Elders; Cultural Knowledge Holders; other Aboriginal community members and their organisations⁶.

**Safekeeping**: Care of Aboriginal objects by or on behalf of an Aboriginal person or organisation pursuant to *National Parks and Wildlife Act 1974* section 85A (a) (c).

**Ready to Return Centres**: OEH managed storage locations for the temporary storage of Aboriginal cultural material².

**Keeping Places**: Final community storage locations managed by Aboriginal communities, where fully repatriated Aboriginal cultural material is held⁷.

Relevant legislation

Legislation that this policy supports:

- *National Parks and Wildlife Act 1974*
- *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*

Related policies and other documents

*Country, Culture and Heritage Division, Community Operations Branch.*

- *Collections, Care and Control Strategy, 2011.*

*Office of Environment and Heritage*

- *Receipt of cultural material Guidelines 2010 (Updated).*
- *Movable Heritage Policy 2002*
- *Repatriation of Aboriginal Cultural Material Policy 2002*
- *Repatriation of Aboriginal Cultural Material Guidelines 2002*

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⁴ National Museum of Australia, 2008 Collections Development Plan
⁵ Aboriginal Land Rights Act 1983
⁶ Adapted from Aboriginal Community Engagement Framework 2007.
⁷ Adapted from Country, Culture and Heritage Division, Community Operations Branch. *Collections, Care and Control Strategy 2011.*
Policy review

The Country, Culture and Heritage Division is responsible for coordinating the review of this policy. Reviews will be undertaken at least every five years, and more frequently if changes in legislation, policies or other areas require the amendment of this policy. The next scheduled review is due in 2017.

Contacts for further advice

Further information can be obtained from Aboriginal Heritage Conservation Officers within the Community Operations Branch of the Country, Culture and Heritage Division of OEH:

Central Region: (02) 9995 5000
Far West Region: (02) 6969 0700
North West Region: (02) 6881 4611
Northern Region: (02) 6659 8294
Southern Region: (02) 6229 7177