

# Aboriginal and Torres Strait Islander Cultural Material and Intellectual Property Policy

## Section 1 - Overview and Scope

(1) The Collections of the University of New England contain a broad range of Aboriginal cultural material both tangible and intangible, including artefacts, images, sound recordings and other objects of cultural significance that have been acquired throughout its history.

(2) The University recognises its role as Custodian of tangible and intangible Aboriginal cultural material and the below principles govern the management of this material.

(3) Within this Policy;

- a. Part A defines UNE's principles governing the management of this material; and
- b. Part B defines how we manage access requests to UNE's collections.

### Part A - Principles

(4) In accordance with the United Nations Declaration on the Rights of Indigenous Peoples, UNE recognises and respects the right of Aboriginal peoples and communities (stakeholders) to protect, maintain, control and benefit from their cultural material.

(5) UNE recognises that the right to protect, maintain, control and benefit from cultural material may be held by more than one stakeholder and may vary from time to time. UNE recognises that it has an ongoing obligation to work closely with Aboriginal people to identify the appropriate Aboriginal stakeholders and encourage ongoing dialogue.

(6) UNE recognises and respects the right of Aboriginal stakeholders to determine who has access to their cultural material.

(7) UNE is committed to consultation that is respectful, informed and ethical, and when addressing access requests, adequate time will be provided to enable meaningful dialogue with and consideration by the Aboriginal stakeholders.

(8) UNE recognises that Aboriginal stakeholders have their own protocols for the management of their cultural material and that these protocols will be observed, understood, respected and engaged with.

### Part B - Managing access requests for Aboriginal cultural material in UNE's collections

#### Requesting access

(9) To request access to Aboriginal cultural material, individuals should apply to the Associate Director, University Collections in writing. The application form must provide as much detail about the intended use of the material as possible, including, but not limited to:

- a. the reason for requesting access and intended use of the material;
- b. the audience of the intended use, including any public exposure; and
- c. the intended outcome of the use.

### **Permission to access**

(10) UNE is committed to obtaining the informed consent of Aboriginal stakeholders before allowing access. To obtain this permission, individuals must provide UNE with a completed:

- a. Cultural Permission form
- b. Deed of Indemnity
- c. Other forms as required by UNE

(11) Where possible, UNE will provide advice on whose permission must be sought. This may include traditional cultural owners, depositor or copyright owners, and the permission must clearly outline what has been agreed.

### **Determination of request**

(12) The Associate Director, University Collections or delegate will following submission of the completed forms:

- a. provide the client with access to relevant materials; and
- b. provide a safe, secure and supervised space for materials to be accessed.

(13) In recognising this significant change in process, UNE is committed to building new, re-establishing old, and respectfully continuing engagement with Aboriginal stakeholders. Where there is a lack of information or differing views on the identity of the stakeholders, UNE will seek advice from as many of the following individuals and groups as possible:

- a. Traditional owners or cultural or language custodians;
- b. Aboriginal cultural advisors, both internal and external to UNE;
- c. Recognised individuals and academics;
- d. Aboriginal organisations such as representative bodies of particular communities and areas of practice (e.g. language centres or arts centres), land councils, and the Australian Institute of Aboriginal and Torres Strait Islander Studies; and
- e. State and national libraries, art galleries and museums.

## **Section 2 - Authority and Compliance**

(14) The Custodian of this Policy and principles, the Vice-Chancellor and Chief Executive Officer, pursuant to Section 29 of the [University of New England Act 1993 \(NSW\)](#), makes this Policy.

(15) UNE Representatives must observe this Policy in relation to University matters.

(16) This Policy operates as and from the Effective Date. Previous policies on Aboriginal and Torres Strait Islander Cultural Material and Intellectual Property and related documents are replaced and have no further operation from the Effective Date of this new Policy.

(17) Further information regarding specific legislation and regulations relevant to collections activities, including (but not limited to) [Copyright Act 1968](#), [National Parks and Wildlife Act 1974](#), [Protection of Cultural Objects on Loan Act 2013](#), [State Records Act 1998](#), and [University of New England Act 1993 \(NSW\)](#), is available from the [Compliance pages](#) on the UNE Website or the Compliance Manager.

## Section 3 - Definitions

(18) Aboriginal and/or Torres Strait Islander: Is a person who is of Australian Aboriginal and/or Torres Strait Islander descent, identifies as an Australian Aboriginal and/or Torres Strait Islander person, and is accepted and known as an Australian Aboriginal and/or Torres Strait Islander person by the community in which he or she has lived. This term is used interchangeably with Indigenous Australians, these terms are used to refer to Aboriginal and Torres Strait Islander people, who are the First Peoples of Australia.

(19) Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS): a Commonwealth statutory authority with responsibility for providing leadership in Aboriginal and Torres Strait Islander research including ethics and protocols. AIATSIS maintains a national collection of Aboriginal and Torres Strait Islander cultural heritage and uses its role to strengthen and promote knowledge and understanding of Aboriginal and Torres Strait Islander culture and heritage.

(20) Tangible and intangible Aboriginal cultural material: Objects and associated material and intellectual property of or relating to Aboriginal peoples contained in the UNE Collections, on loan to UNE or otherwise in UNE custody or care that have artistic, ethnographic, spiritual, scientific, archaeological or historic value, including but not limited to films, sound recordings, artworks, manuscripts, images and objects.

(21) Traditional Owner: Traditional Owners are Aboriginal and Torres Strait Islander people who have ongoing traditional and cultural connections to country.

## Status and Details

<b>Status</b>	Current
<b>Effective Date</b>	21st June 2021
<b>Review Date</b>	11th October 2023
<b>Approval Authority</b>	Deputy Vice-Chancellor Research
<b>Approval Date</b>	21st June 2021
<b>Expiry Date</b>	To Be Advised
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