



# CULTURALLY RESTRICTED MATERIALS MANAGEMENT STRATEGY

## INDIGENOUS COLLECTIONS

### 1. INTRODUCTION

The NFSA Indigenous Collections contains a number of culturally restricted moving image, recorded sound and document and artefact titles. The Indigenous Collections Branch manages the acquisition and preservation of, and access to, these materials. These titles make up approximately 2.5 per cent of the Indigenous Collections.

### 2. BACKGROUND

The NFSA collection has contained culturally restricted materials since its inception in 1984, including feature films, documentaries, home movies and a large collection of ethnographic recordings made by universities and other academic institutions.

### 3. DEFINITION OF TERMS

**NFSA** – National Film and Sound Archive

**ICB** – Indigenous Collections Branch

**ICP** – Indigenous Collections Policy

**MAVIS** – Merged Audiovisual Information system

**MAM** – Media Asset Management

**Culturally restricted material** – audiovisual recordings, documents or artefacts depicting secret or sacred sounds or images.

**Traditional Owner** – Aboriginal peoples assertion of collective ownership under their own laws and customs.

**Cultural custodian**

- The traditional owners under their own laws and customs assert their custodianship of their culture, or
- The role of cultural custodian on behalf of the traditional owners.

**Indigenous community** – this term refers to two distinctly different community structures:

- A traditional owner community – a system of Aboriginal governance, based on kinship, formed before colonisation.
- A historic community – formed as a result of colonisation, under a system of Australian land tenure law, by the governments of Australia.

**Point of contact** – A person or organisation with the mutual respect and trust of both the NFSA and the senior members of the community engaging with the NFSA on a specific title.

**Senior members of the community** – An Indigenous elder held in high esteem and of high cultural status within the person's own community and under the laws and customs of the Indigenous peoples concerned.

### 4. RATIONALE

The NFSA collection documents Australia's contribution to the history of moving image and recorded sound in the world and provides public access to this remarkable audiovisual heritage including materials held in the Indigenous Collections.

Indigenous restricted materials remain an anomaly to the collection. Largely produced for academic purposes and deposited by organisations such as museums and Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS), access to these restricted materials should be sought through the source institutions. The NFSA will continue to store and preserve culturally restricted materials for posterity and will direct clients to the source institution for access. If this is not possible, access requests for this material must be made to the Curator of the Indigenous Collections who will consider them on a case by case basis in conjunction with Indigenous permissions and protocols.

## 5. RESTRICTED AND UNRESTRICTED (OPEN) VERSIONS OF INDIGENOUS CULTURAL AUDIOVISUAL MATERIALS

Some moving image productions — including features, documentaries and travelogues — contain small segments of culturally restricted Indigenous imagery, sounds or information. This renders these titles restricted from public access. With the permission of the copyright holder and at the request of Indigenous custodians, the NFSA follows strict curatorial and Indigenous cultural guidelines to produce an edited open version of a film for public access. All original elements of the film remain intact. This process maintains the integrity of the original film or sound recording.

The new unrestricted copy will be repatriated to the Indigenous custodians concerned and made available for future access at the NFSA with the agreement of the Indigenous custodians. Cross-cultural collaboration between the NFSA and Indigenous custodians serves the interests of both parties by opening up materials in the collection to broader accessibility. Senior Indigenous custodians identify the cultural status of collection titles and provide important associated information. Cultural status defines the access conditions to titles in the NFSA Indigenous Collections. The three categories include:

### **Open access: Available to the general public**

These works are open and publicly accessible. These titles represent approximately fifty percent of the collection;

### **Limited in-house access: Available with the permission of Indigenous custodians**

These sensitive titles include images of physical anthropology: the ‘open air laboratory’ films; images of sickness, poverty, despair and death; images of imposed nakedness and voyeurism and images and sound recordings of recently deceased persons. These titles represent about forty-eight percent of the collection. This material will have a cautionary note in the catalogue;

### **Restricted access: Available only to the Indigenous custodians**

Secret/sacred materials remain restricted from public access and must be accessed at the

originating institution. If this is not possible, access requests for this material must be made to the Curator of the Indigenous Collections who will consider them on a case by case basis in conjunction with Indigenous permissions and protocols.

## 6. ACQUISITION OF CULTURALLY RESTRICTED MATERIALS

The NFSA does not seek to acquire secret/sacred or culturally restricted materials into the Indigenous Collections but acknowledges the moral obligation and ethical responsibility to accept this material from private hands on occasion in order to remove the item from public circulation.

## 7. STORAGE OF CULTURALLY RESTRICTED MATERIALS

Culturally restricted Indigenous materials are housed in a separate area from the publicly accessible Indigenous materials. Men’s and women’s materials are housed separately. Keys to the storage areas for culturally restricted Indigenous materials will be kept in a locked facility by the Curator of the Indigenous Collections. A second set of keys shall be kept in a locked facility at the vault by the Vaults Manager. Access to these areas for preservation or collection management purposes will be available through the vaults on approval by the Curator of the Indigenous Collections. In the absence of the Curator of Indigenous Collections, the CEO.

## 8. DISCOVERY OF CULTURALLY RESTRICTED MATERIAL IN NFSA INDIGENOUS COLLECTIONS

Culturally restricted material may be discovered by a staff member, researcher or client in the process of auditioning a title. If this occurs the recording must be immediately stopped and in the case of a document or artefact the object should be immediately covered. The Indigenous Collections Branch should be contacted and will take possession of the title and gather information from the person auditioning. This precautionary principle should always be exercised in auditioning Indigenous materials.

## 9. CHANGE OF STATUS OF AUDIOVISUAL MATERIAL

Over time and at the discretion of the Indigenous custodians, the status of some titles in the collection may change.

## 10. ACCESS TO CULTURALLY RESTRICTED MATERIAL

Access to culturally restricted Indigenous materials is to be approved by the Curator of the Indigenous Collections.

## 11. NFSA STAFF

The Curator of the Indigenous Collections will manage access by NFSA staff to restricted materials for preservation or management purposes. NFSA staff members seeking access to culturally restricted materials will be required to identify the reason for and the duration of the access and gain the written approval of the Curator of the Indigenous Collections. In the absence of the Curator of Indigenous Collections, the CEO.

## 12. OUTSIDE EXPERTISE

External expertise may be required to assist the NFSA Indigenous Collections Branch in identifying cultural restricted materials within the collection. This will be achieved by working with the experts in the field.

## 13. AUSTRALIAN INDIGENOUS PEOPLES AND THEIR APPOINTEES

The NFSA will only provide access to culturally restricted titles to cultural custodians if the title exists in no other accessible collection and in exceptional circumstances.

## 14. RESEARCHERS

Research requests will be considered on a case by case basis. Where the collections are not available in another cultural institution, cultural custodians with the written and official authorisation from their community, may gain access to this material. Any request of this nature should identify the person or people

seeking access, the reason for access and the proposed date of access.

## 15. REGISTER OF ENTRY TO THE STORAGE AREAS OF CULTURALLY RESTRICTED MATERIALS

The NFSA Vaults Management will implement a register of entry to the storage areas where Indigenous culturally restricted materials are housed. This will record all people entering the areas, the tasks carried out in the areas and the time spent in the area for collection management purposes.

## 16. ICB ADMINISTRATIVE ARRANGEMENT FOR THE MANAGEMENT OF CULTURALLY RESTRICTED MATERIALS

The Curator of the Indigenous Collections will manage the acquisition and preservation of and access to cultural restricted materials in the Indigenous collection with the support of the ICB team. The ICB will behave in a culturally relevant way when working with culturally restricted materials. This includes professional in-confidence.

## 17. DOCUMENTATION OF CULTURALLY RESTRICTED MATERIALS

All culturally restricted materials will be comprehensively documented by the ICB in partnership with other cultural institutions and the cultural custodians. This process will take place in a secure and private location. Summary information about culturally restricted materials will not appear on the catalogue and will not be made available to the public. **Summary information will state:** "This material contains culturally restricted content. Contact the Curator of Indigenous Collections for further information."

**The internal restriction note will state:** "This material contains culturally restricted content. Access to this item must be obtained through (name the institution). See file (insert file number). (The institution concerned will need to

*be notified before any preservation work starts.)"*

## 18. CULTURALLY RESTRICTED COLLECTION INFORMATION

The ICB will maintain separate files on culturally restricted collection information. This information will support the ICB in managing culturally restricted titles. These confidential files will be stored securely.

## 19. CULTURALLY RESTRICTED PHOTOGRAPHS, DOCUMENTS AND ARTEFACTS

Culturally restricted materials remain restricted from public access and must be accessed at the originating institution. If this is not possible, access requests for this material must be made to the Curator of Indigenous Collections who will consider them on a case by case basis in conjunction with Indigenous permissions and protocols. (See 15. *Register of Entry to the storage areas of culturally restricted materials*).

## 20. EXHIBITION OF CULTURALLY RESTRICTED MATERIAL

Any requests for culturally restricted materials for exhibition must go through the Curator of Indigenous Collections.

## 21. AUDITIONING OF CULTURALLY RESTRICTED MATERIALS BY CULTURAL CUSTODIANS

In the event of traditional custodians accessing culturally restricted materials from the Indigenous Collections the NFSA will provide a secure environment for the auditioning to take place. The only people in the room should be those approved by the cultural custodian. The viewing room will be locked with a NO Entry sign posted on the door.

## 22. ACCESSING UNPROVENANCED CULTURALLY RESTRICTED MATERIALS BY CULTURAL CUSTODIANS

The NFSA may request cultural custodians to assess the provenance of culturally restricted material in the Indigenous Collections only if the material is known to be relevant to them. Access to unprovenanced culturally restricted materials would only occur with the informed consent of cultural custodians and with a fee provided by the NFSA for the service provided by the cultural custodians.

## 23. ACCESS TO CULTURALLY RESTRICTED MATERIALS BY CULTURAL CUSTODIANS

The Curator of Indigenous Collections will, in conjunction with the cultural custodians, manage access to restricted material.

## 24. MOVEMENT OF CULTURALLY RESTRICTED MATERIALS BY THE NFSA

The movement of culturally restricted materials by the NFSA will only occur with the approval of the Curator of the ICB, in the absence of the Curator of Indigenous Collections, the CEO, and in adherence with the protocols advised by the cultural custodians of the restricted material.

## 25. ADVISING ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLES ABOUT CULTURALLY RESTRICTED MATERIALS IN INDIGENOUS COLLECTIONS

The NFSA will actively seek to advise cultural custodians of culturally restricted material held within the Indigenous Collections. The NFSA has established a point of contact system to

assist proper communication between the NFSA and individual Indigenous communities or cultural custodians. The 'point of contact' person or organisation may be the:

- Authorised traditional owner of a ceremony, song, dance or other cultural work that is depicted in the film, sound recording or documentation item;
- Representative of the authorised traditional owners(s) of a ceremonial or other work; or
- Appropriate senior member of an Indigenous Australian community or family.

This process is undertaken when the NFSA and the senior members of the relevant community confirm their mutual trust and respect for the 'point of contact' and where that 'point of contact' is also willing to undertake this responsibility and provide this service to the NFSA for the specific title.

The NFSA provides a copy of the title to the 'point of contact' who takes the title to the cultural custodians for assessment. The 'point of contact' then contacts the ICB to provide information including the status of the title and the protocols surrounding the title. The 'point of contact' and the cultural custodians assessing the title will be provided a fee for their service including travel and other requirements.

## 26. DETERMINING CULTURALLY APPROPRIATE CUSTODIANS

Subject to resource restraints, the NFSA will conduct culturally appropriate consultations to identify the correct cultural custodians of culturally restricted materials in the Indigenous Collections. The ICB will also seek advice from community people, such as anthropologists, in order to determine the cultural custodians of a title.

## 27. PARTNERSHIPS WITH CULTURAL CUSTODIANS/ COMMUNITIES

In support of the culturally relevant management practices, the NFSA will develop on-going partnerships with the cultural custodians of restricted materials held in the NFSA Indigenous Collections. Through this relationship, cultural custodians will be advised on matters relating to their restricted materials in the Indigenous Collections and in turn provide advice to the ICB in relation to the management of this material.

## 28. METHODS OF RETURNING MATERIALS

The cultural custodians of restricted materials will be contacted to gain direction as to the manner in which the materials are returned to the custodians; the format required; the location for the return and the ceremonial requirement on return. The NFSA will prepare and pack the restricted materials for the return.

## 29. SUPPORT FOR ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITY AUDIOVISUAL ARCHIVES

In support of the return of culturally restricted materials back to their community of origin and into the possession of the cultural custodians, the NFSA seeks to provide expertise and advice to Aboriginal and Torres Strait Islander community based audiovisual archives to enable them to store and manage access to these restricted materials from within their own communities.

## 30. STORING AND PRESERVING ABORIGINAL CULTURALLY RESTRICTED MATERIALS

The NFSA stores and preserves Aboriginal culturally restricted materials. The NFSA may undertake preservation or restoration on culturally restricted materials in accordance with the policies of the NFSA and with the cultural protocols of the peoples concerned. If required the Curator of the Indigenous Collections will consult with the cultural custodians of the title to gain a directive on the appropriate cultural protocols to adhere to when undertaking storage and preservation work on the title.