

INDIGENOUS AUSTRALIAN ART COMMERCIAL CODE OF CONDUCT

DRAFT CODE TEXT MAY 2007 RELATING TO SECRET SACRED MATERIAL

Respecting Secret and Sacred Material and Sites

Introduction

Australian Museums and many private collectors and galleries hold large collections of Aboriginal and Torres Strait Islander ancestral remains and objects of secret significance. Many of these items were collected without the consent of the family members and/or the traditional owners. Thousands of such items were sent overseas to museums and scientific institutions throughout Europe and elsewhere.ⁱ

Secret and sacred refers to information and material that is restricted under customary law.

This may be information and material that:

- Is made available only to the initiated, used for a particular purpose and/or used at a particular time
- can only be seen and heard by particular clan members (such as men or women or people with certain knowledge), and
- is considered to be secret or sacred by the community to which it pertains.ⁱⁱ

Protecting Secret and Sacred Material

- The rights of Indigenous people to keep secret and sacred their cultural knowledge should be respected. For instance some information may only be learned and viewed by men or women, or only after initiation.

Possession

- There should be careful and responsible management of associated documentation and records. The origins of cultural property and sacred materials should be identified and recorded where possible. (Provenance)
- Where possible the relevant community from whom the cultural property was taken should be identified and notified.
- Consultation should occur to establish the community's willingness to receive custodianship of secret sacred remains and cultural property.
- Where repatriation is requested arrangement should be made in consultation with the relevant communities.
- Respect for cultural protocols and sensitivity in the care and maintenance of secret/ sacred objects and cultural property.

➤

- Where sacred or secret material is held in a public or private collection the material should be identified, stored appropriately but not publicly displayed.

Protection

- Appropriate policies for the handling of secret and sacred material once it is identified should be determined and implemented in consultation with the relevant Traditional Owners.ⁱⁱⁱ
- Galleries, private dealers and collectors should not engage in the sale of sacred or secret material such as the sale of sacred tjuringas.^{iv}

Draft Code principles:

The Indigenous Australian Art Commercial Code of Conduct, currently nearing completion, outlines the following in relation to the treatment of secret sacred material:

“

- where possible the relevant community from whom the cultural property was taken should be identified and notified
- consultation should occur to establish the community's willingness to receive custodianship of secret sacred remains and cultural property
- where repatriation is requested arrangement should be made in consultation with the relevant communities
- appropriate policies for the handling of secret and sacred material once it is identified should be determined and implemented in consultation with the relevant Traditional Owners.
- galleries, private dealers and collectors should not engage in the sale of sacred or secret material”.

ETHICAL TRADE STRATEGY DRAFT RECOMMENDATIONS

Recommendation 1.5

That industry associations work further with auction houses to strengthen ethical practice for the resale of Indigenous art at auction through the development of clear transparent policies and practices for the sale of Indigenous artwork at auction. Some of the issues that may be further addressed include:

- dealing in secret sacred material
- return to the artists on re sale
- trust funds
- buyer education and support
- authenticity and provenance.



**NATIONAL ASSOCIATION
FOR THE VISUAL ARTS LTD**

ⁱ See Department of Communications Information Technology and the Arts 17 November 2006, *Return of Indigenous Cultural Property Program*
http://www.dcita.gov.au/arts_culture/funding_programs_and_support/return_of_indigenous_cultural_property_program

Truscott M 2006 'Repatriation of Indigenous cultural property', paper prepared for the 2006 Australian State of the Environment Committee, Department of Environment and Heritage, Canberra,
<http://www.deh.gov.au/soe/2006/emerging/repatriation/index.html>

ⁱⁱ Mellor D., and Janke, T., 2001, *Valuing Art, Respecting Culture*. NAVA, Sydney p 57
Janke, T., 2002, *Visual Cultures. Protocols for Producing Indigenous Australian Visual Arts and Crafts*. Aboriginal and Torres Strait Islander Board, Australia Council, Commonwealth of Australia, Sydney p 17

ⁱⁱⁱ *ibid* p. 57 See also Byrne, A., Garwood, A., Moorcroft, H., Barries, A., 1995 Aboriginal and Torres Strait Islander Protocols for Libraries, Archives and Information Services, Aboriginal and Torres Strait Islander Library and Information

Resources Network (ATSILIRN)

^{iv} *ibid*