

Access Protocols

First Nations materials

1. Introduction

This Access Protocol outlines the standards for accessing Aboriginal and Torres Strait Islander collection materials in the Deakin University Archives and Deakin University Library Special Collections. The primary goal of this protocol is to ensure respectful and responsible access to materials to protect Indigenous Cultural and Intellectual Property (ICIP) also known as cultural heritage or traditional knowledge.

2. Background

Since the British first settled Australia, Aboriginal and Torres Strait Islander peoples and communities have been the subject of research and their cultural knowledge and materials collected. Collecting legacies are linked to social, anthropological, private and personal research, government policies and legislation, and testing legal precedents. Information, cultural materials, and ancestral human remains of Aboriginal and Torres Strait Islander people are contained in collections throughout Australia and internationally.

Aboriginal and Torres Strait Islander knowledge systems are linked across deep time through kinship systems, ancestors, connection to Country and the Dreaming (lore, law, spirituality, and religion). Managing the information and cultural heritage of Indigenous peoples in collections requires respect and care. Not all information in Indigenous cultures is open for public consumption. Ceremonial and secret and sacred practices may be restricted to specific members of a community.

Libraries and archives have a responsibility to understand the Indigenous materials contained within their collections. This is to ensure culturally safe practices are adhered to in safeguarding ICIP for future generations.

This Access Protocol has been based on best practice taking into consideration:

- The National Library of Australia *Indigenous Cultural Intellectual Property Protocol*:
The [National] Library acknowledges that the rights of access and use of First Nations cultural material may be held by an individual, but custodianship of ICIP in the material is often held at the community level. If it is culturally appropriate, the [National] Library may need to seek permission from both the individual who owns or holds the cultural material, as well as the community, for access and use of any ICIP incorporated in the material, for example, in an artwork, photograph or recording. The individual rights-holder may be able to speak for the ICIP and provide cultural consent as well. ¹
- Aboriginal and Torres Strait Islander Library, Information and Resource Network Inc (ATSILIRN). The *ATSILIRN Protocols*, addresses such things as, best practice with Indigenous communities, moral rights of Indigenous people as the owners of their knowledge and cultural heritage, accessibility and use of materials, and description and classification. ²
- *Tandanya - Adelaide Declaration* by the International Council on Archive Expert Matters Indigenous Group recognises several themes and commitments for immediate actions including knowledge authorities, property and ownership, recognition and identity, research and access, self-determination. ³
- *United Nations Declaration on the Rights of Indigenous Peoples* "Article 11 1. Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature." ⁴

3. Scope

This Access Protocol only applies to collections and items which may contain First Nations materials and information in the University Archives and Library Special Collections.

4. Definitions

Indigenous Cultural Intellectual Property (ICIP)

ICIP relates to Indigenous people's cultural heritage and ways of knowing, being and doing. The *Our Culture: Our Future – Report on Australian Indigenous Cultural and Intellectual Property Rights* devised a working definition of ICIP:

"Indigenous Cultural and Intellectual Property" refers to Indigenous peoples' rights to their heritage. Heritage comprises all objects, sites and knowledge, the nature or use of which has been transmitted or continues to be transmitted from generation to generation, and which is regarded as pertaining to a particular Indigenous group or its territory.⁵

In galleries, libraries, archives and museums ICIP may be contained in tangible cultural heritage like objects (paintings, sculpture and vessels), materials (manuscripts, diaries, research papers, government records and photographs) audio-visual (audio and video recordings, CD, film and tape) and ancestral human remains (including hair used in belts). ICIP is also contained in intangible cultural heritage like songs, dance, oral history, social practices, and traditional knowledge (related to plants, animals, environment weather, seasons, and astronomy). Intangible cultural heritage appears in collections in concrete ways like objects, materials, audio-visual and ancestral human remains.

Materials

Materials refers to all the items within a collection and includes (as outlined in the definition of ICIP), objects, materials, audio-visual and ancestral human remains. Galleries and museums often refer to all items in collections as objects.

Reparative description

Libraries and archives hold materials which may hold information reflective of the era in which they were created or deposited. To make materials more accessible for Indigenous peoples, libraries and archives are remediating records to change racist descriptions, and to add information about ICIP. These description practices include things such as:

- adding proper terminology such as using Indigenous people's community names and languages (such as Anangu and Ngaanyatjarra, Pitjantjatjara, Yankuntjatjara)
- Updating subject headings to more culturally appropriate categories (e.g. where appropriate use of AIATSIS thesauri over Library of Congress subject headings)
- Adding information about access restrictions due to cultural considerations such as gender restrictions (men's business and women's business) or secret, sacred and private matters (ceremony or personal matters listed under privacy Acts)

5. Access

Access to First Nations materials may be restricted while an audit and reparative description and classification of these materials has occurred. This process is being undertaken to identify and distinguish materials containing secret and sacred, personal and private information from those that do not, and to describe ICIP and identify materials related to particular Indigenous people and communities. Until Deakin University (University) has completed this process access to First Nations collections is limited to Indigenous community members, Deakin University Library (Library) staff, select University staff, researchers, and special guests. There may be materials which contain information considered secret, sacred or of a personal nature. Certain materials may be considered gendered (men's or women's business). Discretion is needed in viewing the materials.

All access to the collections, must be recorded as per library procedures. Once an audit, description and classification of materials has occurred, the University will work with Indigenous communities and researchers to determine how and if materials can be accessed.

a. Library staff

Library staff may access the materials in accordance with prescribed staff roles, including for maintenance, auditing, description and cataloguing purposes, and for escorting special guests and researchers.

b. University staff and researchers

Deakin staff and researchers may access the collections for auditing, description, and cataloguing purposes only. This access is subject to the following conditions:

- i) Staff and researchers must submit a formal written request to the Library, specifying the purpose and scope work.
- ii) Access will be granted only after a review and approval by the University Archivist, or Special Collections Librarian AND the Senior Manager Indigenous Programs or the University Librarian.

c. Indigenous community members

The University may request Indigenous people and community groups to access and view collections to verify materials or provide context to materials. Once the audit is completed Indigenous people and community groups may request access the materials for research including cultural revitalisation. Use of materials may subject to copyright permissions.

d. Copyright holder/s and depositor/s

Copyright holders and depositors may hold special considerations to access materials. Deakin Library staff are responsible for ensuring that access by copyright holders and depositors is in accordance with any agreements between the Copyright holder and the University.

e. Special guests

The University may permit special guests to access to the collections to undertake targeted description and classification and research of materials. Where a researcher is not a current University staff member, they shall be categorised as a special guest.

6. Special considerations

a. Moving materials from Archives or Special Collections

Materials shall only be moved from the Archive and Special Collections in accordance with library procedures and in exceptional circumstances such as:

- Digitisation for preservation purposes, in accordance with the National Archive Australia *Preservation Digitisation Standards For the digitisation of physical RNA Records*.⁶
- Quarantine of materials for collections care (in instances such as infestation or mould).
- Emergency situations like flood or fire.

All materials removed which may include Indigenous materials must be clearly labelled “Aboriginal and Torres Strait Islander materials – access restricted”. Materials which have also been investigated and shown to contain secret, sacred or private materials must be clearly labelled with “Contains sensitive material – Access restricted”.

b. Copying materials

Copying of materials can only occur with agreement of the copyright owner/s, and in accordance with the Copyright Act 1968 (Cth) and any Copyright Amendments. All written agreements related to copying of materials must be recorded on the records and a copy of the agreement archived with the materials.

Version	Date	Author	Revision notes
1.0	19 January 2024	Senior Manager Indigenous Program	Approved final version

End notes

¹ The National Library of Australia *Australian Indigenous Cultural Intellectual Property Protocol* November 2021 p. 26
<https://www.nla.gov.au/sites/default/files/2023-09/nla-icip-protocol-2023.pdf>

² Aboriginal and Torres Strait Islander Library, Information and Resource Network Inc. *ATSILIRN Protocols*
<https://atsilirn.aiatsis.gov.au/protocols.php>

³ International Council on Expert Matters Indigenous Group. *Tandanya – Adelaide Declaration* 2019
<https://www.naa.gov.au/sites/default/files/2020-06/Tandanya-Adelaide-Declaration.pdf>

⁴ United Nations. *United Nations Declaration on the Rights of Indigenous Peoples*
https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf

⁵ Janke, Terri and Australian Institute of Aboriginal and Torres Strait Islander Studies and Australia. Aboriginal and Torres Strait Islander Commission. *Our culture our future : report on Australian indigenous cultural and intellectual property rights / written and researched by Terri Janke ; prepared for Australian Institute of Aboriginal and Torres Strait Islander Studies and the Aboriginal and Torres Strait Islander Commission* Michael Frankel & Company, Solicitors Surry Hills, N.S.W. 1998 <https://nla.gov.au/nla.cat-vn98058>

⁶ National Archive Australia. *Preservation Digitisation Standards For the digitisation of physical RNA Records*. 2021
<https://www.naa.gov.au/sites/default/files/2022-01/Preservation-Digitisation-Standards-2021.pdf>