

Australian Museum Archaeological Collection Deposition Policy

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nature culture **discover**



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Note: This policy governs, and should be read in conjunction with, the *Australian Museum Protocols for the Deposition of Archaeological Materials*.

1.0 Introduction

1.1 Archaeology collections at the Australian Museum

The Australian Museum holds the most comprehensive collection of Aboriginal archaeological objects for NSW: a collection notable by its geographic and thematic extent, historic nature, the quality of its documentation and its accessibility. Although mostly consisting of stone artefacts, the collection also includes a wide variety of other materials including bone, shell, wood and fibre tools, faunal remains (including animal bones and shell), charcoal and sediment samples, as well as objects used by Aboriginal people in the recent past such as glass and pottery. The collection represents a valuable resource for the Aboriginal community, archaeologists, and for the Australian Museum's ongoing public and education programs.

Although the Australian Museum acquired its first Aboriginal archaeological objects in the nineteenth century, the collection has expanded rapidly in recent decades with the passage of the *National Parks and Wildlife Act* 1974. This Act provides for the protection and management of Aboriginal archaeological materials in New South Wales and nominates the Museum as one of the potential repositories for Aboriginal (archaeological) objects. Under the *National Parks and Wildlife Act* Aboriginal archaeological objects are generally the property of the Crown, and as a consequence ownership of the Museum's archaeology collections are divided between the Australian Museum Trust and the Crown (the former represents objects collected before 1967 when protective legislation came into effect¹). The Australian Museum archaeology collection now numbers over a million objects, roughly 75% of which derived from archaeological research or salvage work authorised under the legislative framework of the *National Parks and Wildlife Act*.

The sheer volume of the material generated under the framework of this legislation has at times presented a considerable challenge to the Museum's curatorial capacity. The archaeology collections were largely closed between 2002 and 2010, with little or no archaeological material being accepted pending the resolution of issues around staffing and storage space requirements. Through the current policy, the Museum is aiming to articulate a process for the acceptance of archaeological material into its custody which is both sustainable over the medium to long term, and contributes to the capacity of the collection to deliver significant outcomes for Aboriginal people, the Museum, archaeologists and the general public.

Achieving a sustainable program for the care and custody of new archaeology collections poses a particular challenge for the Museum. Of all of the subject disciplines addressed by the institution's research and collection activities, archaeology is the only field where the rate and scale of collecting is dictated by events outside the control of the Museum (of which the most important are effectively the scale of archaeological salvage works associated with infrastructure development). It is also, again uniquely for the Museum, the only discipline in which a collection management role is authorized by a piece of legislation other than the *Australian Museum Trust Act* 1975.

¹ As described in more detail below, the archaeology collections are divided between the "AM Series", owned by the Australian Museum Trust, and the "NP Series", owned by the Crown.

In view of these issues, Australian Museum policy relating to the deposition of archaeological materials is built around two principals:

1. Other than to the extent that it may be mandated by law under an individual set of circumstances, the Museum maintains the right to refuse to accept any archaeological materials offered up for its care and custody, and
2. In assessing whether to accept any individual archaeological collection or object(s) the Museum will consider both the *significance* of the material, and the Museum's *capacity* to accept it. Capacity will depend on a range of factors including the availability of suitable space and staff, and the ability of the lodging party to comply with the Museum's specifications.

1.2 Scope and purpose of this document

The purpose of this *Archaeological Collection Deposition Policy* is to outline the conditions under which the Australian Museum will consider accepting archaeological materials collected under the framework of the NSW *National Parks and Wildlife Act 1974* and/or the NSW *Environmental Planning and Assessment Act 1979*. Such collections are expected to include, but not necessarily be limited to:

- Material assembled during research or consulting works authorised through Aboriginal Heritage Impact Permits (AHIPs) issued under Section 90 of the *National Parks and Wildlife Act 1974*²,
- Archaeological objects retrieved during test excavation carried out under the Office of Environment and Heritage *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (2010),
- Archaeological materials collected during conservation works on Aboriginal places authorised under the *National Parks and Wildlife Act 1974*, and
- Archaeological objects retrieved during test excavation carried out for the purposes of complying with Part 4 or Part 5.1 (and formerly Part 3A environmental assessment requirements issued under 75f) of the *Environmental Planning and Assessment Act 1979* and/or
- Aboriginal archaeological materials recovered during investigative and salvage works associated with Aboriginal Heritage investigations authorised by Part 4 or Part 5.1 (and formerly a project approval under Part 3A) of the *Environmental Planning and Assessment Act 1979*.

For the purposes of this policy “archaeological materials” and/or “archaeological objects” are held to be synonymous with the definition of Aboriginal Objects under s5 of the *National Parks and Wildlife Act 1974* (see below).

This document outlines:

- The legislative authority on which the Australian Museum is able to accept archaeological materials or objects into its care and custody,
- The significance assessment criteria which will be applied by the Museum in evaluating whether to accept material into the collection, and

² Prior to the amendment of the *National Parks and Wildlife Act 1974*, effective 1 October 2010, permits were issued under either s87 or s90. Since the 2010 amendments, all AHIPs have been issued under s90. This policy is intended to apply to archaeological collections created both before and after the 2010 amendment, and to permits issued under either s87 or s90.

- Considerations relevant to the Museum's capacity to accept archaeological materials, and procedural guidelines under which archaeological collections will be accepted.

For further information on the application of this policy, including procedural guidelines, standard forms, and a schedule of fees refer to the *Australian Museum Protocols for the Deposition of Archaeological Materials*.

This policy specifically excludes:

- Aboriginal archaeological materials not protected under NSW legislation

Note that this policy does not extend to the acquisition of archaeological materials collected outside of the auspices of the *National Parks and Wildlife Act 1974* and/or the *NSW Environmental Planning and Assessment Act 1979* (for example archaeological objects from outside NSW or objects collected before October 1967). In such circumstances the Museum's more broadly applicable *Collection Management Policy*³ and *Ethnographic Collection Development Strategy*⁴ are expected to apply.

- Historic archaeological materials

Given its legislative mandate relating to the biological, geological and anthropological sciences, the Australian Museum has not acquired, and does not expect to acquire, historic archaeological material. Except to the extent an object may fall within the definition of "Aboriginal Object" under the *National Parks and Wildlife Act 1974* (see below), this policy therefore does not reference historical archaeological remains.

- Aboriginal ancestral remains and secret/sacred material

The Museum advocates and facilitates the return of culturally sensitive Indigenous objects and ancestral remains back to Aboriginal communities. Such materials fall under the provisions of the Museum's *Repatriation Policy*⁵, rather than the *Archaeological Collection Deposition Policy*. Under some circumstances the Museum may agree to temporarily store human ancestral remains and secret/sacred objects on behalf of Aboriginal communities to assist with the repatriation process. These circumstances fall outside the scope of this policy.

- Archaeological materials held at the Museum on loan

In the event that archaeological objects are held or stored at the Museum on a temporary basis, the provisions of this policy are not intended to apply.

³ <http://www.australianmuseum.net.au/document/Collection-Management-Policy/>

⁴ <http://web1.australianmuseum.net.au/document/Ethnographic-Collection-Development-Strategy-2008-2012>

⁵ <http://www.australianmuseum.net.au/document/Repatriation-policy/>

2.0 Legislative framework – status of Museum collections

2.1 Aboriginal archaeology and the National Parks and Wildlife Act⁶

The primary piece of legislation which protects Aboriginal cultural heritage in NSW is the *National Parks and Wildlife Act 1974*. Originally passed in 1967, this Act has been subject to a number of revisions and amendments, the most recent of which came into effect in October 2010⁷. A central concept under this Act are “Aboriginal objects”⁸: which may include a wide range of archaeological evidence of Aboriginal occupation such as human skeletal remains, culturally modified trees, stone arrangements, stone artefacts, shell middens, rock art, earth mounds, hearths and grinding grooves. Under the *National Parks and Wildlife Act* it is an offence to harm (destroy, deface, or damage) or desecrate an Aboriginal object or Aboriginal place, or in relation to an object, move the object from the land on which it has been situated, without the relevant approval.

There are a number of circumstances under which Aboriginal objects may legitimately be impacted, such as an archaeological investigation carried out under an Aboriginal Heritage Impact Permit (AHIP) or as authorised under the *Environmental Planning and Assessment Act 1979*⁹. Where these activities result in the removal of objects from their original context, it may be desirable in some circumstances to provide for the permanent storage of the material.

Section 88 of the *National Parks and Wildlife Act* also allows for Aboriginal objects removed from their original context, and owned by the Crown, to be held in the custody or under the control of the Australian Museum. Under the Act it is not mandatory that such objects must be lodged in the Australian Museum: a number of other options, for example holding objects in an Aboriginal keeping place, are possible. Under Section 85A(1) (a) and (b) of the *National Parks and Wildlife Act* the Director General, Department Premier and Cabinet can dispose of Aboriginal objects to Aboriginal owners or deal with the objects in accordance with their wishes. “Aboriginal owners” are ‘persons whose names are entered on the Register of Aboriginal Owners because of the person’s cultural association with particular land under the *Aboriginal Land Rights Act 1983*. If there are no Aboriginal owners to take custody of the objects, then under Section 85A(1)(c) of the *National Parks and Wildlife Act* the Director General can transfer the objects to an Aboriginal person or an organisation representing Aboriginal people for the safeguarding of Aboriginal objects.

⁶ This document does not attempt to provide a comprehensive or detailed review of Aboriginal heritage legislation applying to NSW. Instead, it focuses on the legislation most relevant to the status of archaeological collections held at the Australian Museum.

⁷ The original piece of legislation was titled the *National Parks and Wildlife Act 1967*. This was replaced seven years later by the *National Parks and Wildlife Act 1974*. Except where specifically noted, reference is made to the current version of the Act.

⁸ “Aboriginal objects” are specifically defined under s5 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](#).”

⁹ An authorisation under Part 3A of the *Environmental Planning and Assessment Act 1979* does not remove the requirements of the National Parks and Wildlife Act, although it may remove the obligation to apply for an AHIP.

The Australian Museum acknowledges the aspirations of many Aboriginal Communities seeking to hold Indigenous heritage “on country”. Where suitable storage facilities exist, and the Aboriginal community seeks to hold archaeological materials close to its point of origin, the Australian Museum encourages the use of keeping places or other legal locally based solutions, as an alternative to storage of collections within the Museum.

2.2 The Australian Museum Trust

The Australian Museum is governed by a Trust established under the *Australian Museum Trust Act 1975*, with a legislative mandate to propagate knowledge about the natural environment of Australia and to increase that knowledge, particularly in the natural sciences of biology, anthropology and geology. The Australian Museum Trust is constituted as a statutory corporation with defined functions and powers, including control and management of all property such as collections vested in the Trust.

The Museum maintains a dual system of registration for the archaeological collections in its care. In this context *registration* is the process of assigning a unique identification number to an object in the collection database for the purpose of recording information about the object. *Acquisition* is defined as the process by which the Australian Museum accepts ownership or title over objects. Under some circumstances an item may be registered, but not necessarily acquired, by the Museum.

Archaeology collections at the Australian Museum fall into two categories in terms of their ownership status:

1. The *AM Series Collection*, representing archaeological materials which have been acquired by Australian Museum Trust and registered by the Museum. Representing approximately 25% of the archaeological materials held by the Museum, this collection comprises:
 - material collected by Museum researchers, or donated to the Museum before October 1967 (when legislative protection for Aboriginal archaeological objects came into effect in NSW)¹⁰, and
 - Aboriginal archaeological objects removed from their original context before October 1967, and held continuously in private ownership until their subsequent donation to the Museum.

The power to dispose of or transfer ownership of the AM series collection vests with the Australian Museum Trust.

2. The *NP Series Collection*, represents archaeological material collected or excavated in NSW after October 1967. Although these objects are registered by the Museum, they are deemed to be the property of the Crown and not the property of the Australian Museum Trust¹¹. The Trust holds physical possession of the material and a duty of care to ensure the proper protection and day to day management of the object. However, by virtue of s85A of the

¹⁰ This date hinges on an interpretation of Section 33D, an amendment inserted into the *National Parks and Wildlife Act 1967* in 1969, and subsequently preserved by s88 of the *National Parks and Wildlife Act 1974*.

¹¹ The ownership status of the NP Series Collection is based on interpretation of the Australian Museum’s status as a statutory Corporation under s2 of the *Australian Museum Trust Act 1975*, as well as s83 and s85A of the *National Parks and Wildlife Act 1974*.

NPW Act, the power to transfer or otherwise dispose of Aboriginal objects owned by the Crown vests in the Director General of the Department of Premier and Cabinet.

As noted above, any new additions to the “AM series” collection are assessed through reference to the Museum’s wider collection development policies. This policy document, and the following considerations regarding significance assessment and curatorial criteria, apply only to new additions to the “NP Series” archaeology collection.

3.0 Assessment of archaeological significance

3.1 Assessment criteria

It is a well established principal in cultural heritage management that the significance of a place or object will determine the appropriate management response, and that significance can serve as a means of prioritizing the resources available for heritage management. Note that the term “significance” as used in this policy is different to the “significance assessment” required for Cultural Heritage Assessment Reports under clause 80D(2) of the National Parks and Wildlife Regulation 2009, which draws on a different set of criteria. While ideally the Australian Museum would incorporate as much archaeological material as possible into its collections, a range of practical constraints ensures that it must limit the quantities of archaeological material that it accepts. Assessing the significance of archaeological material offered for deposition in the Museum collections represents one of the two principals by which the Museum will determine what is accepted.

In order for the Australian Museum to accept archaeological material into its permanent collections, the material must, in the Museum’s opinion, hold an appropriate level of significance against at least one of the following four criteria:

1. Social or cultural value to the Aboriginal community

In this context social or cultural value refers to the spiritual, traditional, historical or contemporary associations that archaeological sites and objects may have for Aboriginal people. Communities may associate the material with their contemporary identity, or with remembered experiences or events, and they may experience a sense of loss should the cultural values associated with the objects be damaged or destroyed. Social or cultural value can only be determined through direct consultation with Aboriginal people. As noted above, the Australian Museum acknowledges the aspirations of Aboriginal Communities seeking to hold archaeological materials “on country”, and encourages both the use of keeping places or other legal locally based solutions where feasible, and the repatriation of culturally sensitive objects and remains.

2. Research potential

Research potential refers to the potential of the material, once it is incorporated into the Museum’s collections, to contribute to the generation of new knowledge through further archaeological research and analysis. A wide range of factors may contribute to this including:

- The extent and quality of the associated documentation,
- Analytical potential associated with the size and diversity of the collection and the materials, forms and diagnostic features of individual artefacts,
- The context from which the material was retrieved, the potential to obtain an absolute date for the material and any bias associated with sampling strategies, and
- The ability of the material to address current and future research questions and themes.

Note that the Museum may elect to prioritise the acquisition of collections which may contribute to research goals under the Australian Museum Science Research Strategy¹².

¹² Key collecting goals under the current *Science Research Strategy 2007–2012*, include understanding the diversity of Indigenous material cultures over time, tracking human interaction with the natural environment including the effects of urbanisation, industrialisation, tourism, environmental change and disasters, and understanding the origin and functions of social exchange. The strategy is available at: <http://web1.australianmuseum.net.au/document/Research-Strategy-2007-2012>

3. *Capacity to enhance the geographic, temporal and/or thematic coverage of the Australian Museum archaeology collections*

The Australian Museum will emphasise acquisitions which improve the capacity of its archaeology collections to reflect the full range of variation in archaeological assemblages from New South Wales. Such variation may be, for example geographic (by region), thematic (reflecting the research, social or historic themes which the material may address), may relate to the composition or nature of the material itself, or may reflect the age of the assemblage. In some cases archaeological objects or collections may not be well represented in the existing collections as they are inherently rare in nature. In other cases, under representation in existing collections may reflect an historical bias in the nature of collecting, research and archaeological activities carried out to date in NSW¹³.

4. *Public program and educational value to the Australian Museum*

Indigenous culture represents a significant part of the exhibition, educational and other public programming activities of the Australian Museum, and archaeological materials may be acquired where they can contribute to programs aiming to enhance public appreciation and understanding of Aboriginal culture. For example, archaeological objects may be used during formal and informal education sessions, in answering public, professional and community enquiries, and within exhibitions and other Museum activities. Objects may be identified as particularly significant against this criterion, for example due to their aesthetic values, or the extent to which they might be held to be broadly representative of Aboriginal economies and cultural practice. Note that where objects in this category exist already in the archaeology collections, the Museum will not generally seek to acquire duplicates.

3.2 General considerations

Under the *Australian Museum Protocols for the Deposition of Archaeological Materials* (Attachment 1) the party seeking to lodge material in the Museum is required to assess and demonstrate significance against at least one of the four criteria above. The Australian Museum will evaluate the assessment of significance made by the depositor after the appropriate documentation is lodged. In particular, the Museum will determine whether, in its view, the material warrants incorporation into the collection. Note that in this context the establishment of significance is a question of degree (since all archaeological materials are significant to some extent) and whether the material holds a high enough level of value, relative to the Museum's capacity to absorb additional material, to be prioritised as an acquisition.

Assessment of significance carries with it a number of challenges. For example, future archaeological research questions may be difficult or impossible to anticipate, and significance can change over time as research priorities and technologies shift. The determination of significance is often a subjective assessment, and the perception of value may vary or even be contested according to an individual's perspective (for example an Aboriginal community may determine significance on a different basis to that of a research archaeologist). As a consequence, the Museum may engage qualified independent opinion to assist in the review of individual cases and decision making over significance assessments.

¹³ For example, archaeological objects from open sites in the Sydney Basin and the Hunter River Valley, both areas of intensive infrastructure development, are particularly well represented in the collections. The Australian Museum is planning to carry out a comprehensive survey of its archaeological collections, to identify gaps and strengths in the material represented.

4.0 Assessment of curatorial capacity

In addition to assessing the *significance* of archaeological material offered for deposition within the NP series collection, the Museum will assess its own *capacity* to accept the material¹⁴. This will depend both on the availability of relevant resources within the Museum, and the extent to which the depositor can comply with the following conditions.

- *Availability of relevant resources*

The Museum will not seek to accept archaeological materials at a rate greater than its capacity to house and curate the material to an appropriate standard. For the purpose of this policy the term "curate" encompasses registration, electronic databasing, conservation treatments (where appropriate) and the ability to facilitate access to specimens and their associated documentation to third parties. Prior to accepting archaeological materials, the Collection Manager will determine that such acquisitions can be accommodated within existing collection areas without placing undue stress on available space or on curatorial facilities and standards.

- *Compliance with deposition protocols*

In order to facilitate efficient storage collection, all archaeological materials deposited at the Australian Museum must be packaged in boxes of standard size and quality, and with consistent standards of labelling. Copies of all relevant documents associated with the collection, including fieldwork documentation, must be provided to the Australian Museum. Priority in acquisitions will be given to those items which possess the highest levels of associated documentation to ensure maximum information content and utility for future research. If core data are not available the object must be a unique or significant addition to the collection, or of importance for research, contemporary cultural values or public programs, before it will be considered for acquisition. Some of the costs associated with the management of these materials are expected to be met by the party lodging the material in the form of deposition fees¹⁵.

- *Compliance with relevant heritage legislation*

Any archaeological materials lodged in the Museum must have been collected in compliance with all relevant local, state and federal heritage laws and regulations, as well as any permit conditions specifically related to the material. The depositor will be required to attest that this is the case, and provide copies of relevant documentation as applicable.

- *Evidence of Aboriginal community consent*

Parties seeking to deposit archaeological materials within the Australian Museum will be required to provide evidence of consent from relevant representatives of the Aboriginal community.

- *Unencumbered title*

The Museum will not normally accept material subject to encumbrances which qualify or restrict the Museum's or the Crown's capacity to use, store, or transfer the objects. For example, objects will not be accepted where conditions require permanent display of the object or require that the object be kept together with other objects as part of a single donated collection.

¹⁴ Both conditions must be satisfied before material will be accepted into the permanent collection.

¹⁵ Specific guidelines for the deposition of archaeological materials within the Australian Museum are set out in the *Protocols for the Deposition of Archaeological Materials*.

5.0 Public access to archaeological collections

Access to the archaeological collections for research, education and display, by archaeologists, students, Indigenous people and the public is encouraged. Access to collections may be provided by visits to the collection, access to collection data via the internet, and loans and display of collection objects.

Interested persons will be permitted reasonable access to collections and associated records in a manner that does not does not unduly interfere with the normal operations of the Museum and does not compromise:

- the security or integrity of objects or specimens,
- any ethical or confidentiality considerations, and
- any cultural/gender sensitivities associated with archaeological material.

Access to secret/sacred objects and human skeletal remains will only be provided subject to approval of an appropriate Indigenous community representative.