

Aboriginal and Torres Strait Islander Cultural Heritage Policy (MPF1289)

1. Objective

The objective of this policy is to articulate the University's obligations for managing Aboriginal and Torres Strait Islander cultural heritage.

2. Scope

This policy applies to all teaching, research and collection areas in the University which hold Aboriginal Ancestral Remains and secret or sacred objects (including objects associated with burials). The areas include academic divisions, libraries, archives and regional campuses.

The University acknowledges that the *Aboriginal Heritage Act 2006* (Vic) defines the word "Aboriginal" to include all Indigenous peoples of Australia. In this policy the University will use the term "Aboriginal and Torres Strait Islander", and intends this term to have the same scope.

3. Authority

This policy is made under the [University of Melbourne Act 2009](#) (Vic) and [Council Regulation](#), and supports compliance with the:

- (a) *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth);
- (b) *Aboriginal Heritage Amendment Act 2016* (Vic); and
- (c) International Council of Museums Code of Ethics (2004).

4. Policy

4.1 The University manages Aboriginal and Torres Strait Islander cultural heritage in a way that recognises the relevant Aboriginal and Torres Strait Islander people as primary guardians, keepers and knowledge holders of Aboriginal and Torres Strait Islander cultural heritage, and respects Aboriginal and Torres Strait Islander knowledge, and cultural and traditional practices.

4.2 In particular, the University manages Aboriginal and Torres Strait Islander objects in ways compatible with relevant Aboriginal and Torres Strait Islander traditions and customs for such objects, including any gender specific traditions and customs, where these traditions and customs can be ascertained.

4.3 The University underpins custodianship and management of the Aboriginal and Torres Strait Islander cultural heritage it holds by genuine and effective partnerships with the relevant Aboriginal and Torres Strait Islander communities, wherever possible.

4.4 The University reports all Aboriginal Ancestral Remains as soon as practicable and transfers them to the Victorian Aboriginal Heritage Council (VAHC). The University assists the VAHC to repatriate Aboriginal and Torres Strait Islander Ancestral Remains as a priority to help empower Aboriginal and Torres Strait Islander peoples to meet their cultural obligations and address the injustice of Australia's shared past in removing such remains and objects.

4.5 The University takes all reasonable steps to transfer Aboriginal secret or sacred objects as soon as practicable to the Traditional Owners or the VAHC as appropriate under sections 21(3) or 23 of the *Aboriginal Heritage Act 2006* (Vic).

4.6 The University manages Aboriginal and Torres Strait Islander cultural heritage to promote Aboriginal and Torres Strait Islander cultures across all its campuses, and to further understanding and respect between Indigenous and non-Indigenous Australians.

5. Procedural principles

5.1 The Associate Provost provides for the overall management of Aboriginal and Torres Strait Islander cultural heritage in line with the principles of this policy, specifically:

- (a) advising the Victorian Aboriginal Heritage Council or an equivalent authority of Aboriginal and Torres Strait Islander Ancestral Remains and secret or sacred objects held by the University;
- (b) advising the Secretary of the Department of Premier and Cabinet or equivalent authority of Aboriginal and Torres Strait Islander objects held by the University;
- (c) facilitating the transfer of Aboriginal and Torres Strait Islander Ancestral Remains held by the University to VAHC;
- (d) facilitating the transfer of Aboriginal and Torres Strait Islander secret or sacred objects held by the University to the Traditional Owners or the VAHC;
- (e) whenever practicable, entering into agreements with Aboriginal and Torres Strait Islander people for the management and protection of Aboriginal and Torres Strait Islander objects;
- (f) providing practical guidance to members of the University community of their responsibilities, and the University's responsibilities, for Aboriginal and Torres Strait Islander cultural heritage, including legal obligations; and
- (g) developing strategies for the use of University collections containing Aboriginal and Torres Strait Islander cultural heritage that promote Aboriginal and Torres Strait Islanders and meaningful engagement between Indigenous and non-Indigenous Australians.

5.2 Any record created as a result of this policy will be managed in accordance with the University's [Records Management Policy](#).

Controlled activities

5.3 The legislative authorities of this policy and other similar laws control certain activities in relation to Aboriginal and Torres Strait Islander cultural heritage. Controlled activities include:

- (a) possessing, harming or selling Aboriginal and Torres Strait Islander cultural heritage;
- (b) removing Aboriginal and Torres Strait Islander cultural heritage from an Aboriginal and Torres Strait Islander place or disturbing or excavating any land for the purposes of uncovering such heritage;
- (c) removing an Aboriginal and Torres Strait Islander object from Victoria;
- (d) exporting Aboriginal and Torres Strait Islander cultural heritage from Australia.

5.4 The University and its staff must not initiate, undertake, allow or participate in any such activities, except with the approval of the Associate Provost.

5.5 The Associate Provost ensures compliance with the legislative regime that controls these activities by taking the steps necessary to ensure that the University and its staff initiate, undertake, allow and participate in such activities only in accordance with the legislative regime that controls these activities, and where required by the legislation;

- (a) notify the VAHC of any Aboriginal and Torres Strait Islander Ancestral Remains held by the University, as soon as practicable;
- (b) transfer any Aboriginal and Torres Strait Islander Ancestral Remains in the possession of the University to the VAHC;
- (c) notify the VAHC of any identified Aboriginal and Torres Strait Islander secret or sacred objects held by the University; and
- (d) transfer Aboriginal and Torres Strait Islander secret or sacred objects in the possession of the University to the VAHC as soon as practicable; or
- (e) on the initiation of the Traditional Owner, return any Aboriginal and Torres Strait Islander secret or sacred objects in the possession of the University to the relevant Traditional Owner.

6. Roles and responsibilities

<i>Role/Decision/Action</i>	<i>Responsibility</i>	<i>Conditions and limitations</i>
Provide for the overall management of Aboriginal and Torres Strait Islander cultural heritage	Associate Provost	In line with the principles of this policy
Ensure compliance with legislative instruments specified in section 3, Authority, and with any other legislative instruments that may apply.	Associate Provost	
Approve the initiation or undertaking of any controlled activity.	Associate Provost	In accordance with this policy and the legislative authorities

7. Definitions

Aboriginal and Torres Strait Islander means a person belonging to the Indigenous peoples of Australia and any descendant of those peoples.

Aboriginal and Torres Strait Islander cultural heritage means Aboriginal and Torres Strait Islander places, objects and human remains.

Aboriginal and Torres Strait Islander Ancestral Remains means all such remains except those buried in a public cemetery that is still in use, an object made of bodily material that is not readily recognisable as being made of such material, or human tissue dealt with or to be dealt with in accordance with the *Human Tissue Act 1982* (Vic) or another similar law.

Aboriginal and Torres Strait Islander object means an object that is associated with the Aboriginal and Torres Strait Islander occupation of any part of Australia or removed or excavated from an Aboriginal and Torres Strait Islander place and which is of cultural heritage significance to Aboriginal and Torres Strait Islander people. It includes archives and excludes objects made for sale (except those made for exchange in accordance with Aboriginal and Torres Strait Islander tradition).

Aboriginal and Torres Strait Islander place means an area that is of cultural heritage significance to Aboriginal and Torres Strait Islander people.

Aboriginal and Torres Strait Islander tradition means the body of traditions, knowledge, observances, customs and beliefs of Aboriginal and Torres Strait Islander people generally or of a particular community or group of Aboriginal and Torres Strait Islander people.

Cultural heritage significance means significance in accordance with Aboriginal and Torres Strait Islander tradition and archaeological, anthropological, contemporary, historical, scientific, social or spiritual significance.

Sacred or secret means sacred or secret according to Aboriginal and Torres Strait Islander tradition.

Traditional Owner, for Aboriginal and Torres Strait Islander Ancestral Remains, means an Aboriginal and Torres Strait Islander person who has responsibility for Ancestral Remains under Aboriginal and Torres Strait Islander tradition and is a member of a family or clan group that is recognised as having responsibility for the Ancestral Remains under Aboriginal and Torres Strait Islander tradition.

Traditional Owner, for Aboriginal and Torres Strait Islander sacred or secret objects, means an Aboriginal and Torres Strait Islander person who has responsibility for the objects under Aboriginal and Torres Strait Islander tradition, or is a member of a family or clan group that is recognised as having responsibility for the objects under Aboriginal tradition.

POLICY APPROVER

Council

POLICY STEWARD

Vice Principal, Engagement

REVIEW

This policy is to be reviewed by 24 August 2022.

VERSION HISTORY

Version	Authorised by	Approval Date	Effective Date	Sections modified
1	Council	25 August 2014	25 August 2014	New policy
2	Governance and Nominations Committee authorised by Council	23 June 2016	21 July 2016	New version arising from the Policy Consolidation Project.

3	Council	24 August 2017	28 August 2017	Amendments to reflect changes in the <i>Aboriginal Heritage Act 2006</i> (Vic).
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