

Digital Return of Indigenous Cultural Material

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Contact:	Jeremy Sibbald, Indigenous Collections Coordinator

Purpose

The State Library of South Australia (SLSA) recognises the ongoing Indigenous ownership of Indigenous traditional knowledge, cultural expression, knowledge and intellectual properties. The purpose of this policy is to provide access to relevant collections through digital return of archival material. This policy is the State Library's response to [ATSILIRN Protocol 11](#) – Copying and repatriation of records.

The policy discusses the difference between repatriation of original archival material and digital return of archival material. This policy defines the State Library's approach to the digital return of material. Repatriation of original archival material is a separate process with terms to be defined through consultation on specific cases as required.

Scope

This policy is relevant to the Libraries Board, State Library staff and Indigenous communities. The policy refers to unpublished content held in the State Library's collections, that is archival collections.

This policy replaces previous iterations of SLSA – Policy 19 also known as Repatriation to Aboriginal and Torres Strait Islander Communities Policy.

Context

The State Library holds archival collections with Indigenous cultural content. The State Library acknowledges the important role that connection to culture plays in maintaining health and wellbeing, and that this connection can sometimes rely on archival material in the collections of State institutions.

As a State institution The State Library recognises its obligations described in the *UN Declaration of the Rights of Indigenous Peoples*, under Article 11.1, to 'provide a mechanism to enable Indigenous Peoples the right to practise, maintain and revitalize culture through restitution of cultural, intellectual, religious, and spiritual property.'

Digital returns of archival material can provide restitution. Digital return of original material will be negotiated through consultation and rely on establishing proper cultural authority, the state of custody to which the original material will be returned, and other relevant considerations of the request.

The State Library will consider repatriation of original archival material in cases where it can be established that records were taken from control of the community or created by theft or deception. Repatriation terms will be defined through consultation on specific cases when the above criteria is met.

Policy Position

The State Library is committed to responding to requests from community projects to digitally return copies of material from its collection to the community of origin.

The following conditions are necessary to ensure the digital return of material is meaningful, useful, and appropriate:

1. Requests must come from a community project or community organisation. This policy does not apply to copy requests from individuals, individual requests can be made through our [copy order service](#).
2. All material returned must be made available for community use excluding any culturally restricted material which is to be administered by the community's own protocols. The State Library may refer second requests from community for material already returned, back to the organisation or nominated person to whom the previously returned material was provided in the first instance, this is to ensure community awareness of knowledge returned.
3. If copyright or donor restrictions apply the appropriate clearances must be established by the State Library before material is provided. These are legal obligations binding the State Library. Any copyright or donor restrictions will be communicated to the community by the State Library early in the discussions regarding the return. Where donor restrictions apply the State Library is willing to support communities to work with the donor to reconsider these restrictions.
4. To avoid confusion when discussing the returned material, the copies in all forms should be kept with its SLISA unique identifier and the State Library be acknowledged as the source of the material. The State Library will include the unique identifier as the file name and provide advice on how to cite the material. The community may decide how the digitally returned material is arranged, used, or referred to when in their control.
5. In keeping with the principle of Indigenous ownership of Indigenous knowledge permission to reproduce or to supply returned material to a party outside the community must be approved by the community. The State Library asks to be made aware of these approvals.

6. The State Library encourages collaboration and asks communities to provide information about returned material that can amend or be added to existing catalogue descriptions. The State Library would like Indigenous people to be co-authors in the description of records, and to advise the State Library on keeping collections in a culturally safe way.
7. A Community's and an individual's Right of Reply is acknowledged. The form and documentation of the reply will be determined in consultation with the community or individual seeking to reply to the content of the records. Please contact the Indigenous Collections Coordinator to reply to any material or metadata that is incorrect, offensive or an invasion of privacy.
8. In the spirit of openness communities are advised that the State Library will maintain a *Register of Digital Returns of Archival Material* for record keeping and reporting purposes. Some or all return activities may be reported in the Libraries Board Annual Report or to bodies such as National and State Libraries of Australasia (NSLA). The register and correspondence are subject to SA government recordkeeping and Freedom of Information legislation.

Implementation

Requests for digital returns of archival material may be made through the Ask Us service or directly to the Indigenous Collections Coordinator. The request should include details of the material requested, a community nominated contact and, to help with assessment and delivery of the request, a brief description of the intended use and audience of the material.

The response times for requests made under this policy are in keeping with the State Library usual standards of service, initial response can be expected in up to 10 working days and copy requests fulfilled within 15 working days. For large or time-consuming requests amendments to these timeframes will be made by negotiation.

Further information that can be added to the State Library's descriptions and management of the records will be welcomed, applied to the catalogue where appropriate, and confirmed with the community when the action is completed. Information could include correct spelling, the names of people or places previously unidentified, or cultural restrictions.

The State Library staff may follow-up returns to make enquiries that check if there is additional information, or the community can contact the State Library.

Costs

Cost recovery is based on the usual copying costs published by the State Library. Costs may be waived at the State Library Director's discretion.

References

[UN Declaration on the Rights of Indigenous Peoples](#) (UNDRIP)

[ATSILIRN Protocols](#) – Aboriginal and Torres Strait Islander Library and Information Resources Network

[The Tandanya Declaration ICA](#) – International Council on Archives

Review

This policy is to be reviewed biennially by the Indigenous Collections Coordinator in consultation with the Aboriginal Reference Group.

Approved

Signature:

A handwritten signature in black ink, appearing to read 'G Stempel', written in a cursive style.

Name, Title: Geoff Stempel, Director, State Library

Date: 03/09/2024