Ethics and Practice: Australian and New Zealand Conservation Contexts

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Introduction

Despite geographic proximity, similar colonial histories, and closely aligned social demographics, Australia and New Zealand present divergent cultural and political circumstances. These parallels and distinctions are also reflected in the conservation ethics and practices of both countries. A comparative study of the sociopolitical contexts of Australia and New Zealand was undertaken to show how these distinctive environments have influenced current approaches to the conservation of cultural material in each country. This approach was further informed by insights into the contemporary practice of conservation gained through a survey of members of the New Zealand Conservators of Cultural Material (NZCCM) and the Australian Institute for the Conservation of Cultural Material (AICCM), which sought opinions on the strengths, weaknesses and influences of conservation codes of ethics and practice from members.

The AICCM and NZCCM Codes of Ethics closely conform with the spirit, and in many cases the letter, of similar national and international codifying documents. In particular, each acknowledges the numerous values inherent in objects and sites. Both use the term ‘cultural property’ despite it being problematic. However, both codes differ from other international conservation codes through the inclusion of relatively recent amendments recognizing Indigenous peoples’ particular privileges and responsibilities concerning the conservation of their cultural material. The recognition of the rights and wishes of Indigenous people, which has been instrumental in shaping policy and practice in conservation and the broader heritage sector, is of particular relevance to any discussion of conservation ethics in the Pacific region.

The NZCCM was formed in 1983, and adopted a Code of Ethics at its Annual General Meeting of 1985. The 1985 document was revised significantly in 1995 to formally recognize the primary role of Māori in regards to taonga. Taonga are ‘all dimensions of a tribal group’s estate, material and non-material.’ The
AICCM formed in 1973, and in 1985 adopted a Code of Ethics and Guidance for Practice that closely mirrored international codes, and would in turn inform the wording and intent of other codes as they were introduced. Various revisions of the AICCM Code occurred over time with the most significant amendments passed in 2000, recognizing the primacy of Indigenous peoples’ rights and concerns regarding their cultural material, and stating that conservation practice must adapt to cultural requirements; the role of significance in conservation decision-making; and the need to minimize the impact of conservation activities on the natural environment. While it is noteworthy that both the NZCCM and AICCM introduced these important amendments, more telling is the date the amendments were adopted. New Zealand’s recognition of the special relationship of Māori to their own material culture significantly predates the Australian amendment that formally acknowledged a similar role for people of Aboriginal and Torres Strait Island descent. In order to understand this divergence between the development of cultural materials conservation and its ethical precepts, an overview of the distinctive cultural and historic environments of each nation is required.

New Zealand and Australia – divergent cultural and historic contexts

Aotearoa New Zealand was settled from East Polynesia probably in the thirteenth century AD. While earlier European contact had been made (1642, Abel Tasman), it was James Cook’s (1769) reports of the rich natural resources of New Zealand that led to the establishment of industries there in the late eighteenth and early nineteenth centuries. The lawlessness of related settlements, missionary activity, and a developing relationship with Britain, resulted in attempts to codify relationships with Māori.² The resultant Treaty of Waitangi (1840) between Māori and the British Crown established Māori as British subjects, with the same rights and protection under British law as Europeans already residing in Aotearoa New Zealand.³

In contrast, British colonization of Australia did not include a treaty with Indigenous people. In Australia, British colonization practices and subsequent legislation were based on the concept of terra nullius, the false notion that land was unoccupied at the time of British settlement in 1778, ignoring a well-defined system of land ‘ownership,’ use, and social practices that had been developed over thousands of years. The absence of a formal treaty, and the concomitant denial of the human and land rights of Australian Indigenous peoples, can be seen as a major factor influencing the different socio-political histories of Australia and New Zealand.

The Treaty of Waitangi is considered the founding document of the modern New Zealand state, and frames New Zealand as a bicultural nation.⁴ Biculturalism can be defined as ‘a context where two founding cultures are entitled to make
decisions about their own lives for mutual co-existence,’ and is considered a contentious term by many. The Treaty of Waitangi positions Māori and Pakeha (New Zealanders of British descent) as the two founding cultures in a national partnership, with equal rights to existence and governance. There are, of course, many other cultural groups who now live in New Zealand who have little status according to this national framework. In consideration of the multicultural reality of contemporary New Zealand, some consider the Treaty as between tangata whenua (Māori, the people of the land) and tangata tiriti (people who belong to the land by Treaty right), or in other words any other cultural groups aside from Māori residing in New Zealand. Despite this, many New Zealanders feel that the cultural diversity of contemporary New Zealand society is inadequately represented in a bicultural framework.

Article II of the Treaty of Waitangi provides Māori with authority over their lands and taonga, and this has important connotations for an understanding of Māori views and the expectations of museum and conservation professionals. The three-dimensional taonga commonly found in museums are not simply ‘things’; rather they embody important aspects of Māori culture. Contemporary Māori have living relationships with taonga, which can be the physical manifestation of an ancestor, and are also seen as part of the whakapapa (genealogy) of a tribal group that links members to other physical and spiritual resources, irrespective of the era in which they were made. Even taonga held in museums with no tribal provenance, divorced from cultural knowledge and narratives (korero) by European collection, are valued by Māori and are seen as their direct responsibility.

The Treaty of Waitangi, and the responsibilities it implies, has increasingly become a part of the New Zealand cultural landscape. Political and constitutional recognition of Māori culture and rights developed throughout the 1970s and 1980s (sometimes referred to as the rangatiratanga (sovereignty) movement) as did the idea that non-Māori New Zealanders had the responsibility to develop appropriate new, post-colonial relationships with Māori. This bicultural environment, and recognition of the Treaty of Waitangi, acknowledges the particular relationship and responsibilities that Māori have towards taonga, and that taonga have special intangible and spiritual values best understood by Māori.

In Australia, it was not until the 1967 national referendum that Indigenous Australians were granted rights of citizenship. Another twenty-five years would pass before the notion of terra nullius was formally overturned. After a decade of legal action, the 1992 landmark Mabo judgement of the High Court of Australia gave legal recognition to Indigenous Australians’ land title claims. Responding to the subsequent 1996 High Court decision in the Wik case, which confirmed that pastoral leases do not extinguish native title, then Liberal Party Prime Minister John Howard commented that the ‘pendulum had swung too far towards Aborigines and had to be reset’ and, in 1998, the Native Title Amendment Act was passed. While not without vocal critics in public and political
spheres, the *Mabo* and *Wik* judgements can be seen as accurately reflecting the views of a large sector of the community. The Reconciliation movement of the late 1990s and early 2000s saw public participation in marches and other manifestations of public opinion on a scale not seen since the Vietnam/American war, and not seen again until the 2003 protests against the invasion of Iraq. The popular underpinning of the Reconciliation movement was finally made apparent through Prime Minister Kevin Rudd’s delivery of a formal apology to Indigenous Australians on 13 February 2000. This apology for past wrongs had been a central platform of the Labor Party’s successful election campaign.

This brief overview of the colonial and recent political histories of Australia and New Zealand provides a background from which a better understanding of the social and political influences that have shaped museological and conservation policy and practices can be gained. As Ken Gelder and Jane Jacobs state, ‘... Indigenous claims for sacred sites and sacred objects over the last twenty years ... [are] crucial to the recasting of Australia’s sense of itself.’

The ‘recasting’ of Australia’s sense of self has led to changes in heritage policy, and for many conservators has been central to their practice and professional values. Regrettably, employment of Aboriginal and Torres Strait Islanders in conservation has not been ‘recast,’ and in matters related to Indigenous cultural heritage the profession in Australia must continue to consult outside of itself rather than be informed from within. In direct contrast, a Treaty partnership and a bicultural framework in New Zealand have contributed to the training and employment of Māori in museums, including as conservators, and has arguably positioned Māori in a far more influential role in the heritage sector. The existence of professionally trained Indigenous conservators in New Zealand has profoundly influenced the foundation and ideological underpinning of conservation principles, and the development of the conservation profession.

**Implications of divergent socio-cultural contexts on heritage policy and conservation in New Zealand and Australia**

The growing voice for self-determination over *taonga* ignited by the internationally toured exhibition *Te Māori*, as well as the Māori cultural renaissance, was also distinguished by concerns over the conservation and preservation status of valued *taonga* held in museum collections. The importance of *taonga* in a living Māori culture meant that Māori articulated concerns not just about control, but also the preservation status and conservation of *taonga* held in museum collections: ‘to be guardians we need to commit to conservation.’ From a very early point in the history of professional conservation in New Zealand, the special nature of *taonga*, and the importance of preserving its spiritual and cultural significance in museums, were also recognized by non-Māori, along with the recognition that to do so...
appropriately and effectively required Māori knowledge and input. This recognition was formally codified in Article 4 of the NZCCM Code of Ethics:

Māori customary concepts empower particular knowledge of heritage and conservation values to chosen guardians, with respect to particular places and artefacts... all members of NZCCM shall recognize the special relationship of Māori to places and artefacts as described in the Treaty of Waitangi.

While the spirit of biculturalism is evident in the literature on New Zealand museums, no legislation requires museums in New Zealand to be bicultural. Of the four major museums in New Zealand only one (Auckland Museum) makes direct reference to the Treaty in its governance framework. However, the Acts of these museums all provide for some measure of input from Māori, and the Museum of New Zealand Te Papa Tongarewa (the National Museum of New Zealand) has, from its planning and inception, actively pursued bicultural policy and practice, and employed Māori staff at all levels. Gerard O’Regan’s (1997) assessment of biculturalism in museums showed that many were not truly bicultural. In the words of David Butts (2003), ‘institutional biculturalism is applied like makeup; in reality changing nothing of the underlying issues of colonialism and cultural appropriation in museums.’ Overall, the level of biculturalism at each cultural institution seems to be determined by its historic relationship with local Māori, and how that relationship has been fostered. Many smaller cultural institutions in New Zealand have more meaningful and equal partnerships with Māori, reflecting a serious commitment to Treaty obligations.

Formal recognition of Indigenous peoples’ rights in the Australian museum sector came much later than that in New Zealand, and was closely aligned with, and influenced by, changes in public sentiment and reconciliation processes occurring since the 1980s. In 1993, the Council of Australian Museum Associations (CAMA) issued Previous Possessions, New Obligations, the first national policy statement to inform museum practices for the care and management of Aboriginal and Torres Strait Islander cultural heritage. The guiding principle of the document was the ‘recognition of the inherent interest of Aboriginal and Torres Strait Islander peoples in the care and control, spiritual and practical, of their cultural property’ and in Principle 8 stated that ‘Conservation practice must adapt to cultural requirements.’ Many museums and individuals in Australia had been changing their practices over the preceding decade or longer. Nonetheless, the formal and public acknowledgement of the primary rights of Indigenous people in the management of their cultural heritage was influential, as was the consultative process that led to the formulation of the policy. In 1995, Australia became one of the few countries worldwide to introduce a national conservation policy. The policy recognized that ‘Museums have particular obligations to conserve and preserve the movable culture heritage of Aboriginal and Torres Strait Island communities and peoples.’
In the opening plenary of the 1999 ICOM-CC Triennial Meeting, the then AICCM Vice-President flagged the intention of the Institute to ‘recognize as a guiding principle the inherent rights and interests of Indigenous peoples in the care and control, spiritual and practical, of their cultural property.’ The influence of the CAMA policy is obvious in the wording of this statement. By 2000, when the AICCM welcomed the International Institute for Conservation (IIC) conference to Melbourne, the Australian profession had formalized its intent. Taking advantage of the presence of the international audience, the AICCM issued a public statement outlining the Institute’s commitment to Reconciliation. The Statement recognized Aboriginal and Torres Strait Islander peoples’ ownership, and right to self-determination in the preservation and representation of their material culture, and apologized for the injustices of the past, and their continuing consequences.

**Codes of ethics – Australian and New Zealand conservators’ perspectives and practice**

To inform a critical analysis of the respective codes of ethics, and to substantiate insights into the effect of amendments on current professional values and practices, the authors conducted a survey of members of the AICCM and the NZCCM. Of the seventy members who expressed interest in participating in the survey, twenty-nine returned completed questionnaires. The survey sought to determine members’ level of familiarity with the codes; views on whether or not the codes were representative; ways in which the codes were used; and their influence on the professional practice of individual members and the sector more broadly. In particular, the questionnaire sought to gauge members’ views on the key amendments made over the last decade.

While the sample size was not sufficient to produce statistically relevant quantitative data, indicative trends, general views, and a ‘snapshot’ of the current professional context within which conservators in the region operate can be seen. The relatively low response rate from the membership, and the lack of published quantitative studies of the influence of conservation codes on conservators’ views and practices, supports Frank Matero’s (2000) assertion that the conservation profession has avoided a critical analysis of its historical and professional constructs.

**Survey results**

Most respondents indicated moderate familiarity with the codes. Others added that they refer to the codes on a fairly regular basis, and were therefore very familiar with their content. There was near universal agreement that the codes accurately reflect the aims and objectives of the conservation profession, indicating the centrality of ethical frameworks to the practice of conservation.
Strengths and weaknesses of the codes

When asked about key strengths of the codes, respondents identified their importance as a framework for decision-making, and their contribution to professional credibility. Several commented that the recent amendments, which ‘reflect changes in society and within the profession’, were the strength of the codes.

Conversely, when asked to identify the key weaknesses of the codes, a small number of respondents felt they lacked sufficient detail to inform decision-making, and that the language was pedantic. The majority described the main problem as the lack of a clear process of enforcement.

The second key weakness identified related to the prescriptive, rigid nature of the codes, which some respondents felt ‘held back change.’ This was elaborated by one respondent who suggested that the ‘lack of discussion of the ethics and context for responsible preservation of tangible heritage and use is trapping conservators in an old mindset, or at least failing to offer leadership for them to develop a new more sophisticated outlook.’ A concern raised by several respondents, and linked throughout the survey, was that the highly prescriptive tone of the codes, along with their emphasis within education programmes, continually encourages new generations of professionals to adopt without question a narrow definition of their role. This has a direct implication for conservation education programmes and reinforces the onus on the discipline to engage more proactively with key documents and professional precepts.

Other comments related to concerns about the prioritization of the tangible over the intangible, which ignored values associated with use and function. Respondents also identified gaps in the codes related to recognition of maker’s intent, the impact of the digital era on documentation and on the preservation of original format, and the need for a ‘whole of collection’ rather than a single-object focus. These responses appear to contest one of the universal principles of many international codes – an unswerving respect for the integrity of the object. Whether intended or not, this principle has historically been subject to a narrow interpretation, one that privileged the physical object over its inherent meaning and is premised on the view that conservators are best qualified to determine an object’s integrity. Well before this survey was conducted Alison Wain (2000) expressed similar concerns, stating:

Conservators should not restrict themselves to looking after the physical aspects of objects – to do so places artificial barriers to the development of conservation as a broad and flexible discipline and alienates other cultural heritage professionals . . . Current conservation codes of ethics should be revised to explicitly define the preservation of content and function as legitimate and ethical aims, even where these conflict with preservation of physical material.31
These views suggest that explicit recognition of other values, beyond those based purely on scientific method and an emphasis on the physical artefact, is required to better reflect the changing contexts of culture and heritage. What may have once been seen as universal truths are now open to challenge, as assumptions about meaning, ownership and use of collections change.

Indigenous peoples’ rights and wishes

The overwhelming majority of respondents indicated that amendments recognizing the particular rights of Indigenous peoples reflected an essential aspect of conservation practice, and that the inclusion of these clauses was of the utmost importance for raising awareness within and outside the profession. However, a few respondents (both New Zealand and Australian) indicated that consideration of Indigenous perspectives could be adequately addressed in other clauses of the codes relating to intangible values. In the Australian socio-cultural context this could be linked to the ‘pendulum’ comment discussed previously whereby Indigenous Australians were perceived as gaining unfair advantages over non-Indigenous Australians. In New Zealand there is increasing debate about biculturalism, which can be seen as privileging two sectors of the community (and implicitly Māori) over other groups in an increasingly multicultural society.

Despite the broad agreement in both countries regarding the importance of recognizing the rights of Indigenous peoples to self-determination in the conservation of their cultural heritage, there is wide variance in the level of actual engagement of Indigenous people in conservation policy, decision-making, and practice. In New Zealand, Māori are actively involved in the conservation of their heritage, an involvement that is explicitly recognized in the Treaty of Waitangi, and implicitly at central and local government level. Notwithstanding concerns raised over the actuality of the commitment to biculturalism in museums in general, Māori are clearly seen as both stakeholders and staff who have specific and necessary cultural knowledge. In contrast, the level of employment and active engagement of Indigenous Australians varies across the museum and heritage sectors, but in general remains very low. To simply blame broader factors of discrimination for this situation is complacent and inadequate. A systemic structural change of professional and workplace cultures and educational opportunities and pathways in Australia is necessary.

Archaeology and archaeological conservation in Australia does have a strong history of collaboration with Indigenous Australians, and this is clearly seen in the field of rock art conservation. Rock art sites of course remain in their original locations, requiring conservators to travel to these destinations and to work with Indigenous people on their terms. In museums, where consultation with Indigenous people and communities is often mediated through curatorial and other departments, true ongoing collaboration is less frequent, although some notable exceptions
exist. In New Zealand, some conservators are more likely to have contact with Māori, and consult and collaborate as a recognized requirement of professional practice. These conservators are usually from those specializations concerned with Māori artefacts that have been historically valued, collected and held in museums (wood carvings, textiles, greenstone and bone artefacts). Working in institutions that are bicultural in approach, with strong iwi relationships, facilitates active and effective consultation and collaboration, as does working with a conservation colleague who identifies himself or herself as Māori. As ideas about taonga broaden to incorporate a more diverse range of disciplines in contemporary art and collections practice, it is anticipated that all New Zealand conservation practitioners will need to engage in consultation processes, rather than just have familiarity with the concept.

This disparity in the extent of collaboration across specialization, geographic region, and organizational focus has resulted in considerable variation in the knowledge base and practices of conservators in Australia and New Zealand, and may also explain views expressed in the survey that the recognition of Indigenous peoples’ wishes should be covered in other clauses that relate to ‘physical, historic, aesthetic, and cultural’ values. However the majority view of respondents was that the amendments provided a clear signal of the intent of practising conservators to recognize the particular rights of Indigenous peoples. Also interesting, however, were responses indicating that these amendments lagged behind professional practice, rather than providing guiding principles, as exemplified by the comment ‘[the amendment] has formalized/acknowledged the approach/beliefs of the majority of practising conservators i.e. they were most likely doing it anyway.’ This suggests that the desire for consultation and closer collaboration exists, even though the practice may be lacking in some areas.

Discussion and conclusion

Any discussion of Codes of Ethics must recognize that such documents are in essence a series of value statements and principles that seek to represent a consensus view designed to guide individual behaviour. This chapter has focused on the humanistic aspects of conservation, as they are represented in the Codes of Ethics and Codes of Practice of the profession in New Zealand and Australia. In doing so, we have sought to emphasize the link between the practice of conservation and the broader socio-political situations in those countries.

A survey of members of the professional bodies for conservators in New Zealand (NZCCM) and Australia (AICCM) provided insight into the contemporary practice of conservation in the geographic region. Respondents to the survey unanimously agreed there was an important ongoing role for the codes in describing the framework and standards of professional conduct. They stated the codes can facilitate ‘technical and philosophical dialogue’ and ‘reflect contemporary ideals
and aspirations of the community of conservators as well as the broader community’ [authors’ emphasis]. This latter outward-looking comment confirmed recognition of the profession’s public accountability. The amendments recognizing Indigenous people’s rights and wishes; environmental impact; and significance as a decision-making tool serve to demonstrate to ourselves, to our professional colleagues and to the public, the continuing growth and expanding field of influence of the discipline. The changes are critical and important in reflecting unique local and regional cultural differences in the Australian/Pacific region.

Respondents, however, felt that these amendments reflected pre-existing or emerging behaviours, and in that sense lagged behind, rather than influenced, professional opinion and practice. Therefore, while the NZCCM and AICCM can be seen as international leaders in regard to these code revisions, the survey showed that the amendments embody existing ideas and behaviours. New Zealand and Australian conservators have clearly stated their aspirations and expectations regarding the involvement of Indigenous people in conservation, there continues to be variance in practice across areas of conservation specialization; from one institution to another; in different regional areas; and from one side of the Tasman to the other. Additionally, codes in this region still retain consistency with international codes that exalt the physical over other values and place an emphasis on the single object over a broader focus.

This study found that there is a strong desire amongst professional practitioners in Australia and New Zealand for continual revision and further investigation of conservation codes of ethics to enable better understanding of the key issues that influence and drive the discipline. A narrow interpretation of codes of ethics, resulting from a lack of debate about their true nature, hampers critical evaluation of conservation theories and practices, limiting intellectual discourse, and restricting advances in approach. Critical examination of professional precepts is essential to progress beyond narrow, inflexible interpretations of values, and to adopt and promote truly inclusive practices. This requires a willingness to question existing paradigms and a preparedness to engage in broader dialogue outside of conservation about issues central to culture, heritage and humanistic concerns.

The amendments to the codes of ethics and codes of practice in New Zealand and Australia can be seen as a mandate to the professional conservation bodies of other nations to more publicly and directly align themselves with issues of import to Indigenous peoples’ heritage. The view that the codes of ethics in Australia and New Zealand are more relevant as a result of these revisions suggests a strong acknowledgement by the profession of the numerous constituents it serves. Codes of conservation ethics need to be relevant, and their language and intent inclusive. As documents that exist to prescribe the values of the profession to members and to the public, it is highly desirable that regular critical review of the codes of ethics and practice takes place. This would encourage greater engagement with and critical examination of our professional tenets, creating
guiding documents with the recognition and authority to play a dynamic leadership and aspirational role.

Acknowledgements

The authors wish to thank all members of AICCM and NZCCM who participated in the survey, and those who gave permission to be quoted in text. Aspects of Marcelle Scott’s research were undertaken while a 2007 Conservation Visiting Scholar at the Getty Conservation Institute. She is grateful for research assistance and support from Valerie Greathouse and Judy Santos in the GCI Information Centre during this time. The authors would also like to acknowledge the assistance and support of colleagues from the Department of Clothing and Textile Sciences, University of Otago, Dunedin, New Zealand and the Centre for Cultural Materials Conservation, University of Melbourne, Australia.

Notes

8. For instance, taonga possess mana (status, authority, power, energy), tapu (sacred, prohibition, indication of the presence of ancestors) and mauri (lifeforce). See Hirino Moko Mead, “The Nature of Taonga”, *Taonga Māori Conference* (Wellington: Cultural Conservation Advisory Committee, Department of Internal Affairs, 1990) 164–169;


17. Article 4, NZCCM Code of Ethics.

18. Auckland War Memorial Museum, National Museum of New Zealand Te Papa Tongarewa (Wellington), Canterbury Museum (Christchurch) and Otago Museum (Dunedin).


23. Butts.

24. Council of Australian Museum Association Inc, *Previous Possessions, New Obligations Policies for Museums in Australia and Aboriginal and Torres Strait Islander Peoples* (Melbourne: Council of Australian Museum Associations Inc, 1993). This policy was revised in 2005 with the publication of *Continuous Cultures, Ongoing Responsibilities*. 195
29. At time of writing, the AICCM local membership numbers 481, while the NZCCM has 148 members. However, the membership numbers of both organizations includes non-conservators in allied professions, such as librarians, archivists, framers, etc. All members, conservators and otherwise, were invited to participate.
32. Group based on shared ancestry.