

# Non-Australian Indigenous human remains policy

POL-G-024

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## Document control

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## 1. Title

Non-Australian Indigenous human remains policy

## 2. Introduction

The National Museum of Australia (the Museum) is a major cultural institution charged with researching, collecting, preserving and exhibiting historical material of the Australian nation. The Museum focuses on the three interrelated areas of Aboriginal and Torres Strait Islander history and culture, Australia's history and society since European settlement in 1788 and the interaction of people with the environment.

Established in 1980, the Museum is a publicly funded institution governed as a statutory authority in the Commonwealth Arts portfolio. The Museum's building on Acton Peninsula, Canberra, opened in March 2001.

## 3. Background

The National Museum of Australia recognises that human remains are significant to Non-Australian Indigenous people.

The Museum has custody of Non-Australian Indigenous human remains and associated documentation transferred from the former Australian Institute of Anatomy following its closure in 1984. However, it is not formally designated a repository for Non-Australian Indigenous human remains under any existing legislation.

Although the Museum will not actively seek to collect Non-Australian Indigenous human remains, it may occasionally be engaged to manage the ongoing care and/or return of Non-Australian Indigenous human remains on behalf of external agencies. Such remains remain the legal property of the external agency. Notwithstanding any statements in this document, the terms and conditions for care and management of such remains are defined in the relevant agreement.

### 3.1 Purpose

The purpose of this policy is to outline how the National Museum will care for and manage Non-Australian Indigenous human remains.

### 3.2 Rationale

This policy guides the care, management and repatriation of human remains for which it has primary legal responsibility.

## 4. Principles and guidelines

### 4.1 Acquisition

4.1.1 The Museum shall not actively seek to acquire Non-Australian Indigenous human remains.

4.1.2 The Museum may accept human remains when donated.

4.1.3 Where Government legislation assigns the Museum a custodial responsibility for remains found in certain situations, the Museum will deal with them in accordance with Australian law and then apply the guidelines of this policy.

4.1.4 From time to time, the Museum may be engaged to manage the care of non-Australian Indigenous human remains on behalf of external agencies. Such remains are the legal

property of the external agency. Notwithstanding any statements in this policy, the terms and conditions for care and management of such remains are defined in the relevant agreement/contract.

#### **4.2 Housing of Non-Australian Indigenous human remains**

Human remains shall be housed in a secured area separate from the general collections of Non-Australian Indigenous material.

#### **4.3 Access to collections**

4.3.1 Access to the Human Remains Keeping Place must be approved by the Director Repatriation Program or by the person fulfilling the functions of that office.

4.3.2 Upon request, Non-Australian Indigenous people, or their appointees who have written community/custodian authority, may have access to human remains that appear to come from that community's area of responsibility and any associated documentation.

#### **4.4 Conduct in the Human Remains Keeping Place**

All persons entering the Human Remains Keeping Place shall conduct themselves in a respectful manner. Any persons conducting themselves in a disrespectful manner shall be required to leave the Keeping Place immediately.

#### **4.5 Display of Non-Australian Indigenous human remains**

The Museum shall only display or make available for display Non-Australian Indigenous human remains in accordance with the wishes of the relevant community and/or in accordance with appropriate Australian museum practice.

#### **4.6 Identification of communities/custodians**

4.6.1 The Museum may conduct appropriate and diligent research to identify the correct communities/custodians responsible for Non-Australian Indigenous ancestral remains in its custody.

4.6.2 This will include discussions with relevant community/custodians or their appointees in order to determine their wishes for the future of ancestral remains from that area.

4.6.3 Upon request, the Museum shall provide copies of all relevant documentation about the ancestral remains to the community concerned.

#### **4.7 Holding human remains on behalf of communities**

4.7.1 The Museum may hold human remains on behalf of communities/custodians upon request. Such remains placed in the Museum's care shall be governed by all relevant clauses of this policy. The community/custodians may have these remains returned to them upon request. Such remains lodged in the Museum's care remain the property of the lodging community/custodians.

4.7.2 Any research undertaken on ancestral remains held on behalf of communities must have the prior consent of traditional custodians or those authorised by them.

4.7.3 All research will comply with recognised and appropriate ethical research guidelines.

#### **4.8 Associated materials**

The Museum shall treat grave goods and casts of human remains in the same manner as human remains.

## 4.9 Repatriation

- 4.9.1 The Museum will return human remains to appropriate communities on request, subject to initial research as referred to in 4.6 Identification of communities/custodians.
- 4.9.2 The community/custodians from the group or area from which the ancestral remains originated shall be involved in deciding what will happen to repatriated remains.
- 4.9.3 The Museum shall not place conditions on communities with regard to ancestral remains that are repatriated.

## 4.10 Advice on scientific value

The Museum shall advise communities/custodians about remains that it considers to have scientific value and advise on what resources are available for their preservation.

## 5. Definition of terms

### **Ancestral remains**

All references to 'Ancestral remains' in this policy should be taken to refer to Non-Australian Indigenous human remains.

### **Community**

Non-Australian Indigenous people living in, and identifying with, a defined area who are accepted by the community as being a part of it. Community members may act as individuals or be part of an organisation accepted within that community, or both.

### **Custodian**

A person entitled by tradition to make decisions for, or have custody of, Non-Australian Indigenous human remains.

### **National Historical Collection**

The collection of cultural material owned by or in the custody of the Museum and as defined by the *National Museum of Australia Act 1980*.

### **Non-Australian Indigenous human remains**

Non-Australian Indigenous Human Remains refers to remains of the Indigenous peoples of other countries. This policy should be taken to refer to skeletal, tissue material and samples of hair.

## 6. Definition of responsibilities

**Director Aboriginal and Torres Strait Islander Program and Repatriation Program**  
Responsible for the implementation of this policy.

## 7. References

*Aboriginal and Torres Strait Islander Heritage Protection Act 1984*

Church Archaeology Human Remains Working Group Report, Council for the Care of Churches (Church of England), Cathedrals Fabric Commission (Church of England), English Heritage, 2003

Code of Ethics of the Australian Archaeological Association, Australian Archaeological Association, December 2004

*Code of Ethics*, Australian Anthropological Society (no date)

*Continuous Cultures Ongoing Responsibilities: A Comprehensive Policy Document and Guidelines for Australian Museums Working with Aboriginal and Torres Strait Islander Cultural Heritage*, Museums Australia, 2004

*Guidelines for Ethical Research in Indigenous Studies*, Australian Institute of Aboriginal and Torres Strait Islander Studies, 2000

National Statement on Ethical Conduct in Research Involving Humans, National Health and Medical Research Council, 2004

Report of the UK Working Group on Human Remains, UK Department of Culture Media and Sport, 2003

*Transplantation and Anatomy Act 1978* (Australian Capital Territory)

## **8. Implementation**

### **8.1 Coverage**

Care of Non-Australian Indigenous human remains in the custody of the National Museum of Australia.

### **8.2 Other related policies and procedures**

Aboriginal and Torres Strait Islander Human Remains Policy

Aboriginal and Torres Strait Islander Secret/Sacred and Private Material Policy

Deaccessioning and Disposal Policy

### **8.3 Exclusions**

Nil

### **8.4 Superseded policies**

None. This is a new policy.

### **8.5 Monitoring**

This policy will be reviewed in January 2012.