

Non-Australian indigenous ancestral human remains management and repatriation policy

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1. Title

Non-Australian indigenous ancestral human remains management and repatriation 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. Scope

The National Museum of Australia recognises that ancestral human remains are significant to non-Australian indigenous people.

The Museum has responsibility for the care of non-Australian indigenous ancestral human remains and associated documentation transferred from the former Australian Institute of Anatomy following its closure in 1984.

Under the published regulations of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*, the Museum is identified as a Prescribed Authority (as per the Act's Section 21 (1) (c)), for the purposes of safe-keeping Aboriginal and Torres Strait Islander ancestral human remains, when the relevant Aboriginal or Torres Strait Islander community cannot be identified. The Museum is not a repository for Aboriginal and Torres Strait Islander ancestral human remains under any other legislation.

However, the Museum is not formally designated a repository for non-Australian indigenous ancestral human remains under any existing legislation.

The Museum will not actively seek to collect non-Australian indigenous ancestral human remains. However, it may occasionally be engaged to manage the ongoing care and/or return of non-Australian indigenous ancestral human remains on behalf of external agencies or communities. Such remains remain the legal property of the external agency or community. 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 ancestral human remains.

3.2 Rationale

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

4. Principles or guidelines

4.1 Acquisition

The Museum shall not actively seek to acquire non-Australian indigenous ancestral human remains, except in such cases as to remove them from private collections or general circulation, or as mandated under government legislation. In these circumstances, non-Australian ancestral

human remains will be held by the Museum with the intention to return them to the relevant indigenous community/custodians, or to hold them at the community's request.

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.

From time to time, the Museum may be engaged to manage the care of non-Australian indigenous ancestral 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 ancestral human remains

Ancestral human remains and associated documentation shall be housed in a secured area separate from the general collections of non-Australian indigenous material.

4.3 Access to keeping place

Access to the ancestral human remains keeping place must be approved by the person fulfilling the functions of authorised repatriation officer.

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

4.4 Conduct in the ancestral human remains keeping place

All persons entering the ancestral 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 ancestral human remains

The Museum shall not place non-Australian indigenous ancestral human remains in any display or make available ancestral human remains for display by another organisation unless authorised by the relevant community/custodians.

4.6 Identification of communities/custodians

The Museum shall conduct appropriate and diligent research to attempt to identify the correct communities/custodians responsible for the non-Australian indigenous ancestral human remains in its care.

4.7 Scientific research

Scientific examinations of non-Australian ancestral human remains, whether invasive or non-invasive, will only be undertaken with the written consent of the relevant community or their legally authorised representatives, where this is possible. Correspondence should confirm the free, prior, and informed consent of the community to the satisfaction of the Museum. No data will be made public without the consent of the relevant community in those cases.

Scientific research is taken to include discussions with relevant community/custodians or their representatives in order to determine their wishes for the future of ancestral human remains from their area. The Museum shall provide copies of all relevant documentation about the ancestral human remains to the community concerned.

In the case of unprovenanced remains, any external scientific research will require the approval of an appropriate indigenous advisory or community group recognised and/or recommended by the Museum.

All research conducted in relation to non-Australian ancestral human remains will comply with recognised and appropriate ethical research guidelines.

4.8 Holding ancestral human remains on behalf of communities

The Museum may hold ancestral 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.

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

4.9 Associated materials

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

4.10 Repatriation

The Museum will return ancestral human remains to appropriate communities on request, subject to initial research as referred to in 4.6 Identification of communities/custodians.

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.

The Museum shall not place conditions on communities with regard to ancestral remains that are repatriated.

4.11 Documentation

The Museum shall provide copies of all available relevant information regarding ancestral human remains as associated materials to relevant communities and traditional custodians.

The Museum shall keep copies of all documentation on materials that are repatriated.

4.12 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 ancestral human remains. This includes skeletal, tissue material and samples of hair.

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 ancestral human remains.

Repatriation

The return of the physical ancestral human remains, and the authority to make all decisions regarding the future disposition of the ancestral human remains, to the custodians entitled by tradition and/or customary law and/or Australian law, to care for them.

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*.

6. Definition of responsibilities

Program Manager, Repatriation and Community Engagement

Responsible for the overall implementation of this policy.

7. References

Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth)

Australian Government, Department of Communication and the Arts, Australian Government Policy on Indigenous Repatriation, 2016 <https://www.arts.gov.au/what-we-do/cultural-heritage/indigenous-repatriation>

Australian Government, Department of Communications and the Arts, Australian Best Practice Guide to Collecting Cultural Material, 2015 <https://www.arts.gov.au/publications/australian-best-practice-guide-collecting-cultural-material>

Australian Institute of Aboriginal and Torres Strait Islander Studies, Guidelines for Ethical Research in Australian Indigenous Studies, 2012
<https://aiatsis.gov.au/sites/default/files/docs/research-and-guides/ethics/gerais.pdf>

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

International Council of Museums (ICOM), Code of Ethics for Museums (the Code), 2013
<https://icom.museum/wp-content/uploads/2018/07/ICOM-code-En-web.pdf>

National Health and Medical Research Council, National Statement on Ethical Conduct in Human Research, 2007, revised 2018 <https://nhmrc.gov.au/about-us/publications/national-statement-ethical-conduct-human-research-2007-updated-2018>

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

National Museum of Australia Act 1980 (Cth)

Protection of Moveable Cultural Heritage Act 1986 (Cth)

Transplantation and Anatomy Act 1978 (ACT)

United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

8. Implementation

This policy shall be implemented through the office of Program Manager, Repatriation and Community Engagement, or the officer fulfilling the functions of that position.

8.1 Coverage

This policy applies to non-Australian indigenous ancestral human remains in the custody of the National Museum of Australia.

8.2 Other related policies

Australian Aboriginal and Torres Strait Islander ancestral human remains management and repatriation policy, 2019

Australian Aboriginal and Torres Strait Islander secret/sacred, sensitive, and private material policy, 2019

Deaccessioning and disposal policy, 2011

Return of cultural objects policy, 2019

8.3 Superseded policies

This policy supersedes:

Former policy/ies title	Version number	Version date	Council approval date
Non-Australian indigenous human remains policy	1.0	16 Jun 2009	N/A

8.4 Monitoring

This policy will be reviewed in January 2025.