

Australian Aboriginal and Torres Strait Islander Ancestral Human Remains management and repatriation policy

POL-C-011

Version 2.5 24 May 2022

Contents

1. Title	3
2. Introduction	3
3. Background	3
4. Principles or guidelines	4
5. Definition of terms.....	6
6. References	6
7. Implementation	7

ID	POL-C-011
Version	2.5
Version date	24 May 2022
Type	Council approved
Approval dates	Originally approved June 2005 This version approved by Executive Management meeting, 24 May 2022
File	09/235; 19/1169
Availability	Public and all staff
Keywords	Aboriginal, human remains, keeping place, repatriation, Torres Strait Islander, ancestral remains
Responsible officer	Manager, Repatriation Program
History	Aboriginal and Torres Strait Islander human remains policy version 1.0 approved by Council, 6 Dec 1996 Aboriginal and Torres Strait Islander human remains policy version 2.0 approved by Council, out of session 9 June 2005 Aboriginal and Torres Strait Islander human remains policy version 2.1 approved by Executive Management (no changes made), March 2009 Aboriginal and Torres Strait Islander human remains policy version 2.2, approved by Executive Management, February 2011 Australian Aboriginal and Torres Strait Islander Ancestral Human Remains management and repatriation policy version 2.4, approved by Executive Management, August 2019
Review date	May 2025
Related documents	Australian Aboriginal and Torres Strait Islander secret/sacred, sensitive and private material policy, 2019 Procedures for the care and management of Aboriginal and Torres Strait Islander remains, 2005 Collections – return of cultural objects policy Non-Australian indigenous human remains policy
Contact	National Museum of Australia GPO Box 1901 CANBERRA ACT 2601 Tel: (02) 6208 5000 Email: information@nma.gov.au Website: www.nma.gov.au

1. Title

Australian Aboriginal and Torres Strait Islander 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. Background

The Museum recognises that Ancestral Human Remains are significant to Aboriginal and Torres Strait Islander people.

The Museum has responsibility for the care of Aboriginal and Torres Strait Islander Ancestral Human Remains and associated documentation transferred from the former Australian Institute of Anatomy following its closure in 1984. From time to time, the Museum is also engaged by external agencies to store and repatriate Ancestral Human Remains to communities and places of origin.

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 safekeeping Aboriginal and Torres Strait Islander 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.

The Museum is occasionally engaged to care for, manage and repatriate Aboriginal and Torres Strait Islander Ancestral Human Remains on behalf of external agencies. Such remains are 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.

None of the Aboriginal and Torres Strait Islander Ancestral Human Remains held by the Museum form part of the National Historical Collection.

3.1 Purpose

The purpose of this policy is to outline how the Museum will care for and manage Aboriginal and Torres Strait Islander Ancestral Human Remains.

3.2 Rationale

This policy guides the care, management and repatriation of 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 Aboriginal and Torres Strait Islander 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, 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 ancestral remains found in certain situations, the Museum will deal with such remains 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 Aboriginal and Torres Strait Islander 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 Aboriginal and Torres Strait Islander Ancestral Human Remains

Ancestral Human Remains and associated documentation shall be housed in a secured area separate from the Museum's general collections of Aboriginal and Torres Strait Islander material.

4.3 Access to collections

Access to the Ancestral Human Remains keeping place must be approved by the person fulfilling the functions of authorised repatriation officer.

Upon request, Aboriginal and Torres Strait Islander people, or their representatives who have written community/custodian authority, may have access to Ancestral Human Remains and any associated documentation that appear to come from that community's area of responsibility.

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 Aboriginal and Torres Strait Islander Ancestral Human Remains

The Museum shall not place Aboriginal and Torres Strait Islander 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 Aboriginal and Torres Strait Islander Ancestral Human Remains that are its legal responsibility, or for which it is authorised by depositing agencies.

4.7 Scientific research

Scientific examinations of Aboriginal and Torres Strait Islander Ancestral Human Remains, whether invasive or non-invasive, will only be undertaken with the written consent of the relevant community, 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 the Museum's Indigenous Reference Group (IRG) and/or other Indigenous advisory or community group recognised and/or recommended by the Museum's IRG.

All research conducted in relation to Aboriginal and Torres Strait Islander Ancestral Human Remains will comply with recognised and appropriate ethical research guidelines.

4.8 Holding Ancestral Human Remains on behalf of communities

The Museum shall hold Ancestral Human Remains on behalf of Aboriginal or Torres Strait Islander 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 at any time upon request. Any such remains continue to be the property of the lodging community/custodians.

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

4.9 Associated materials

The Museum shall treat grave goods and casts of Ancestral Human Remains or people 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 ancestral 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 Aboriginal and Torres Strait Islander communities and traditional custodians.

The NMA will only provide access to data/documentation to third parties with the approval of the relevant community or representative agency.

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

Aboriginal and Torres Strait Islander Ancestral Human Remains

All references to 'Aboriginal and Torres Strait Islander Ancestral Human Remains' in this policy should be taken to refer to skeletal, tissue material, samples of hair and casts.

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*.

Community

Aboriginal and Torres Strait Islander 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 Aboriginal or Torres Strait Islander tradition to make decisions for, or have custody of, Aboriginal and Torres Strait Islander 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.

6. 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>

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

International Council of Museums (ICOM), *ICOM Code of Ethics for Museums*, 2017 <https://icom.museum/wp-content/uploads/2018/07/ICOM-code-En-web.pdf>

Janke, Terri 2018 *First Peoples: A Roadmap for Enhancing Indigenous Engagement in Museums and Galleries*, Australian Museums and Galleries Association, 2018 <https://www.amaga.org.au/shop/first-peoples-roadmap-enhancing-indigenous-engagement-museums-and-galleries-hardcopy-version>

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](#)

National Museum of Australia Act 1980 (Cth)

Pickering, Michael 2020 *A Repatriation Handbook: A guide to the repatriation of Australian Aboriginal and Torres Strait Islander Ancestral Remains*. National Museum of Australia.
<https://www.nma.gov.au/about/publications/repatriation-handbook>

Protection of Moveable Cultural Heritage Act 1986 (Cth)

Transplantation and Anatomy Act 1978 (ACT)

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

Yvette Wajon, *Currency review of the National Museum of Australia's Aboriginal and Torres Strait Islander collection policies*, 2018 (manuscript in Museum library).

7. Implementation

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

7.1 Coverage

Care and management of Aboriginal and Torres Strait Islander Ancestral Human Remains.

7.2 Other related policies

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

Deaccessioning and disposal policy, 2011

Non-Australian Indigenous human remains policy, 2009

Return of cultural objects policy, 2011

7.3 Superseded policies

This policy supersedes:

Former policy/ies title	Version number	Version date	Council approval date
Policy on Aboriginal and Torres Strait Islander human remains	1.0	Dec 1996	6 Dec 1996
Aboriginal and Torres Strait Islander human remains policy	2.0	Jun 2005	9 Jun 2005 (out of session)
Aboriginal and Torres Strait Islander human remains policy	2.1	Mar 2009	Mar 2009 (approved by Executive)
Aboriginal and Torres Strait Islander human remains policy	2.2	Apr 2011	Feb 2011 (approved by Executive)
Australian Aboriginal and Torres Strait Island ancestral remains management and repatriation policy	2.4	August 2019	Aug 2019 (approved by Executive)

7.4 Monitoring

This policy will be reviewed in May 2025.