

National Museum of Australia

POLICY ON ABORIGINAL AND TORRES STRAIT ISLANDER HUMAN REMAINS

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1. Introduction

The National Museum of Australia (hereafter "The Museum") recognises that human remains are significant to Aboriginal and Torres Strait Islander people. The presence of human remains in the Museum can cause anxiety and distress and the Museum's Council has therefore resolved that human remains in its custody should be securely stored, there should be strict guidelines regarding access and they should be returned to relevant communities upon request. The purpose of this policy is to outline how these resolutions will be carried out.

1.1 Background

The Museum has custody of human remains and associated documentation transferred from the former Australian Institute of Anatomy following its closure in 1984. The level of documentation ranges from detailed to poor across the collection.

2. Definition of Terms

Human Remains All references to "human remains" in this policy should be taken to refer to Aboriginal and Torres Strait Islander human remains and includes skeletal, soft tissue material and samples of hair.

Carer Museum staff who are responsible for human remains in the Museum's custody under the terms of this policy.

National Historical Collection The collection of cultural material owned by or in the custody of the Museum.

- *Community* All indigenous people living in and identifying with a defined area who are accepted by that 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.

All references to Museum staff positions should be taken to refer to the person performing the duties of that position. All references to negotiating, seeking advice and similar actions should be taken to mean that the Museum will conduct negotiations with relevant communities in a sensitive manner with both parties as equals.

3. Rationale

While legal title under Australian law may be vested in the Museum for all or some of the human remains in its custody, the Museum considers that it has a moral obligation to return human remains to the relevant community upon request. This process includes providing communities with detailed information about relevant remains held by the Museum.

4. Acquisition of Human Remains

The Museum shall not seek to acquire human remains but will accept human remains in order to remove them from private hands. Acquisition shall be by donation as far as is possible.

4.1 Prescribed Authority

Under Section 21(c) of the *Aboriginal and Torres Strait Islander Heritage Protection Act (1987)* the Museum is identified as a Prescribed Authority, on behalf of the Minister for Aboriginal and Torres Strait Islander Affairs, for the purposes of safe-keeping human remains for which the Minister cannot identify the relevant Aboriginal or Torres Strait Islander community. The Museum is not a repository for human remains under any other legislation.

5. Housing of Human Remains

Human remains shall be housed in a secured area in a specially constructed facility which is separate from the general collections of Aboriginal and Torres Strait Islander material.

5.1 Keys to the Human Remains Keeping Place

Keys to the Human Remains Keeping Place shall be kept in a locked facility by the Senior Curator, Gallery of Aboriginal Australia. A second set of keys shall be kept in a locked facility by the Registrar. The keys held by the Registrar shall be available to Carers within the Conservation and Registration Departments for regular tasks, including environmental monitoring, as approved by the Senior Curator, Gallery of Aboriginal Australia.

6. Access to Human Remains

Access to the Human Remains Keeping Place is to be approved by the Senior Curator, Gallery of Aboriginal Australia. The Museum shall not grant access to any person or group apart from those listed in this section.

6.1 Museum Staff

Only identified Museum staff shall have access to human remains for collections management purposes. These staff are termed "Carers". Entry to the Human Remains Keeping Place by Museum staff other than Carers carrying out approved tasks is not permitted without first obtaining written permission from the Senior Curator, Gallery of Aboriginal Australia. The written approval must clearly identify the staff member and the reason for and duration of entry to the Human Remains Keeping Place.

6.2 Contract Museum Staff

The Museum may require tasks to be undertaken in relation to human remains for which the Museum does not have in-house expertise. The Museum shall engage consultants or utilise other personnel to perform these tasks. Persons or groups undertaking this work must be approved in writing by the Senior Curator, Gallery of Aboriginal Australia. The written approval must clearly identify the personnel and the nature and duration of the task being undertaken.

6.3 Aboriginal and Torres Strait Islander People and their Appointees

Upon request, Aboriginal and Torres Strait Islander people, or their appointees who have written

community authority, may have access to human remains that come from that community's area of responsibility and any associated documentation.

6.4 Researchers

Researchers wishing to examine human remains in the Museum's custody must have written permission from the relevant community. If copies of documentation or photographs are required the written permission from the community must state this requirement. The Museum must receive at least four weeks notice in writing from the researcher and a copy of the written permission must accompany the written request for access. The request should specify the nature and time-frame of the project. Researchers must abide by any conditions imposed by the community and the Museum.

The Museum shall facilitate visits by researchers with appropriate permission by providing a private workspace. Human remains shall be brought from the Human Remains Keeping Place to the researcher.

6.5 Register of Entry to the Human Remains Keeping Place

The Museum shall keep a register of all persons entering the Human Remains Keeping Place. It is a condition of entry to the Human Remains Keeping Place that the register be filled out by or on behalf of all persons entering the Keeping Place.

6.6 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 and shall not be readmitted under any circumstances.

In the event that a person has been required through misconduct to leave the Human Remains Keeping Place while inspecting human remains on behalf of or with the permission of a community, the Museum shall immediately contact that community to inform them of the reasons why that person was removed from the Keeping Place.

7. Administrative Arrangements

7.1 Appointment of Carers

Only full-time Museum staff recommended by the Senior Curator, Gallery of Aboriginal Australia,

and approved by the Director of the Museum shall be appointed Carers. At least one staff member from each of the Gallery of Aboriginal Australia, Conservation Department and Registration Department shall be appointed Carers. Museum staff shall only be recommended once they have read this policy, agreed to implement it and agreed to be appointed. Appointments shall be reviewed every two years. Appointments shall terminate when a Carer leaves the Museum or transfers from one of the above named Museum departments.

7.2 Appointment of Temporary Carers

The Museum may require tasks to be undertaken for which the Museum does not have in-house expertise or which are beyond the capacity of existing Carers. The Museum may appoint Temporary Carers to undertake or assist with specific tasks. Temporary Carers shall be approved in writing by the Senior Curator, Gallery of Aboriginal Australia. The written approval shall name the Temporary Carer and the nature and duration of the task.

7.3 Conduct of Carers

Carers shall conduct themselves in a culturally appropriate manner at all times when in the Human Remains Keeping Place and when dealing with human remains outside the Keeping Place. Carers conducting themselves in a disrespectful manner shall have their appointment as a Carer immediately terminated and shall not be eligible for reappointment at any time. Carers shall observe their obligations outside of working hours and when away from Museum premises.

7.4 Termination of Carers' Appointments

The appointment of Carers shall only be terminated by the Senior Curator, Gallery of Aboriginal Australia. This shall be done in writing, stating the reasons for the termination with copies given to the person whose appointment is terminated and to the Director. Upon request, the person whose appointment is terminated may request to be counselled on the reasons for their termination as a Carer.

7.5 Incorporation of Human Remains into the National Historical Collection

The Museum shall not incorporate human remains into the National Historical Collection.

7.6 Documentation of Human Remains

All Aboriginal and Torres Strait Islander human remains shall be documented as comprehensively as possible by Carers in the Gallery of Aboriginal Australia through archival and published sources. This documentation shall be housed in the Keeping Place along with the remains and under the same restricted conditions. All documentation relating to human remains in the Museum's custody shall be made available to relevant communities or to others who have their written permission for access to this information.

One copy of this documentation shall be kept in the Museum's archive and shall be subject to the same access conditions applying to the original documentation.

7.7 Photography of Human Remains

Photography of human remains in the Museum's custody shall only be undertaken with the permission of the relevant community. This shall be done by the Museum except where researchers have community permission to take their own photographs.

7.7 Museum Files

Separate files shall be created for discrete groupings of human remains. These shall be confidential files and kept in the Human Remains Keeping Place.

8. Display of Human Remains

The Museum shall not place human remains in any display or make available human remains for display by another organisation unless authorised by the relevant community.

9. Inspection of Human Remains by Community Representatives

Upon request, community people may examine human remains from their area of responsibility and associated documentation in the Museum's custody. The Museum shall facilitate this by providing a private facility for inspection of remains and associated documentation. No-one other than those approved by the community members may be on the premises and all entrances to the Keeping Place are to be locked and clearly sign-posted advising entry is forbidden until further notice. Human remains shall be brought from the Human Remains Keeping Place to the community members.

10. Loan of Human Remains

The Museum shall not loan any human remains to any person, group or organisation unless authorised by the relevant community. If permission is given by the community the person, group or organisation borrowing the human remains must abide by the wishes of that community. The Museum shall keep such records of the loan as is required for the Museum to fulfil its obligations to safeguard the remains in its custody.

11. Movement of Human Remains by the Museum

The Museum shall negotiate with the relevant communities when moving human remains as to how this should be done. Only Carers shall move human remains. When being moved, human remains shall be completely and securely covered with at least one Carer in their company at all times. The human remains are to be housed in locked containers and the Carers travelling with them are to keep the key/s with them at all times. When travelling with human remains for more than one day, those remains are to be kept overnight in a secured place as determined by the Carers travelling with them.

12. Advising Communities About Human Remains

Within the limits of its resources, the Museum shall advise communities in an appropriate manner of any human remains from that community's country which are in its custody and shall seek advice from all appropriate people within that community in order to determine the future of those remains.

When communities request information about human remains from their area of responsibility, the Museum shall promptly respond with the requested information.

13. Return of Human Remains

The Museum is committed to returning human remains to the relevant community upon request. The Museum shall not place any conditions governing the future of those remains on the community to whom human remains are returned.

13.1 Determining Communities

The Museum shall conduct appropriate and diligent consultations to identify the correct communities responsible for human remains in its custody.

13.2 Consultations with Communities

The Museum shall consult, in an appropriate manner, with the relevant community or their appointees in order to determine the community's wishes for the future of human remains from that

community's country held in its custody. The Museum shall provide all documentation about the human remains to the community concerned.

13.3 Method of Return

The Museum shall consult with the appropriate community concerning their wishes about the method whereby human remains shall be returned. Upon request, the Museum shall deliver the human remains to the appropriate communities or their appointees, or make available to communities or their appointees, relevant human remains to be picked up. Unless otherwise requested by the community, the Museum shall pack human remains for transport. This shall be done according to current museum standards.

13.4 Documentation of Human Remains Which are Returned

A full copy of the documentation for all human remains returned to the appropriate community shall be provided to that community or their appointees. Unless otherwise directed by the community, the Museum shall retain the original documentation for all human remains returned to the community. Where this documentation comprises part of the documentation for general Aboriginal and Torres Strait Islander material, the Museum shall negotiate with the community how to best make this documentation available without making information about human remains generally available.

13.5 Photographs of Human Remains Which are Returned

Unless otherwise directed by the Community, the Museum shall return all photographs of all human remains returned to that Community.

13.6 Scientific Reports

At the request of the community to whom human remains are returned the Museum shall provide that community with a scientific report about those remains. The Museum shall retain a copy of all scientific reports except where a community requests the Museum not to. This shall be done at the Museum's expense.

13.7 Order of Dealing with Human Remains

Human remains that are documented sufficiently to initiate discussions in order to determine the future of the remains shall be handled first. With regard to remains which are not documented sufficiently as to place or community or origin, the Museum shall discuss, in an appropriate manner, the future of those remains with peak Aboriginal and Torres Strait Islander organisations.

13.8 Advice from the Museum

Upon request the Museum shall provide whatever advice it can to assist communities look after cultural property in their control.

14. Holding Human Remains on Behalf of Communities

Upon request, the Museum shall hold human remains on the behalf of communities. Once the remains are in the Museum's care they shall be governed by all relevant clauses of this policy. Upon request, the community may have these remains returned to them at any time in the future.

15. Grave Goods

The Museum shall treat cultural objects associated with human remains in the same manner as human remains.

16. Secret/Sacred and Private Cultural Objects Made from Human Remains

Secret/Sacred and Private material is dealt with in the Museum's *Policy on Aboriginal and Torres Strait Islander Secret/Sacred and Private Material*.

17. Casts

The Museum shall treat casts of human remains in the same manner as actual human remains. Where a community requests the Museum to retain casts they shall be governed by all relevant clauses of this policy. Upon request, the community may have casts held in the Museum's custody at their request returned at any time in the future.

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