

South Australian Museum

Repatriation of Ancestral Remains and Burial Goods
Policy

Table of Contents

1.	Context	2
2.	Purpose.....	2
3.	Scope	2
4.	Principles	2
5.	Policy Statement.....	3
6.	Roles and Responsibilities	7
7.	Approval and Review.....	8
8.	Supporting Documents.....	8
9.	Glossary of Terms and Definitions used in this Policy.....	9

1. Context

The Board of the South Australian Museum is caring for thousands of ancestral remains collected since the late 1800s. More than three-quarters of the ancestral remains held by the Board are from Aboriginal people who were originally buried in South Australia prior to or possibly in the early days of European colonisation and within 100 kilometres of the Greater Adelaide area.

These people did not consent to donate their bodies to science. Medical officers, ethnologists, anthropologists and others removed many of the ancestral remains from their original burial locations through expedition, excavation or inadvertent discovery.

The belief systems and expectations of Aboriginal Traditional Owners call for the culturally appropriate and safe return of displaced ancestors back to Country so that spirits can settle and contemporary Aboriginal communities can honour long-standing Aboriginal traditions.

2. Purpose

This policy sets out the processes and procedures for managing and repatriating ancestral remains and associated burial goods acquired, held, taken on loan or received via exchange by the Board and its precursor entities. This includes ancestral remains and burial goods not listed on the Board's registers of anthropology or archaeology or ethnology.

3. Scope

This policy applies to Museum staff, honorary research associates, visiting fellows, students, volunteers, contractors, external researchers and Aboriginal and Torres Strait Islander community members seeking to gain access to or conduct research about ancestral remains held by the Board.

4. Principles

This policy aims to reflect Aboriginal tradition and authority by placing Aboriginal communities at the centre of decision making about Aboriginal ancestral remains, including decisions about scientific testing.

This policy is consistent with the *Australian Government Policy on Indigenous Repatriation* and with the *South Australian Aboriginal Heritage Act 1988*. This policy's definition of *Aboriginal ancestral remains* combines the Australian Government's definition of *ancestral remains* used to govern the *Australian Government Indigenous Repatriation Program* with the South Australian legislated definition of *Aboriginal remains*.

The Board adopts the principles set under the *United Nations Declaration on the Rights of Indigenous Peoples*, which says in part:

Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.

States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with Indigenous peoples concerned².

The Museum will continue to apply the national policy protocols identified in the *Australian Government Policy on Indigenous Repatriation 2016* and is committed to repatriation as a primary outcome of this policy.

5. Policy Statement

5.1 Hold, Accession and Deaccession

- The Board will only hold ancestral remains and burial goods:
 - at the request of the relevant Aboriginal representative body or international cultural group and with the intention of returning them to the appropriate body or group.
 - at the request of the State Forensic Pathologist or delegate; where the remains are of poor or limited provenance and have been determined by the State Coroner as Aboriginal.
 - on behalf of another institution, at the request of that institution, while working with the State Coroner to determine whether remains are Aboriginal ancestral remains. Where they are not, the remains will be returned to that institution.
 - at the request of the Australian Government; for ancestral remains returned from overseas but with only a broad regional provenance in South Australia.
 - at the request of living descendants of a known person, following a consultation process and formal notice from the descendants that the remains of the known person cannot be repatriated to the living descendants.
- The Board will only hold ancestral remains and burial goods if they can be housed securely and cared for respectfully, and must take all reasonable measures to protect them.
- The Museum's Head of Humanities is responsible for managing requests to hold ancestral remains.
- Ancestral remains and burial goods will not be accessioned into the Museum's collections or loaned out.
- Wherever the Board has formally deaccessioned ancestral remains, it will continue to care for those remains, and this policy will continue to apply, until the agreed repatriation process and return to Country has been completed.
- The Board will document mutually agreed arrangements, consistent with this policy, for the care of Aboriginal ancestral remains and burial goods in conjunction with the relevant Aboriginal representation body.

5.2 Keeping Place

- All ancestral remains will be kept in a culturally appropriate and secure Keeping Place that is separate from general collections and includes a respectful space for community members' visits.
- The Senior Collection Manager – Humanities and World Cultures will ensure associated collection management plans are implemented and annually reviewed and seek advice from the Aboriginal Partnership Committee on the collection management plan for Aboriginal ancestral remains.

5.3 Access to the Keeping Place

- Access will be restricted to key Museum staff approved by the Head of Humanities, Aboriginal individuals and their representative bodies, and maintenance contractors under supervision.
- Access will be managed by the Senior Collection Manager – Humanities and World Cultures, who will keep detailed records.
- All access will be recorded by name, associated organisation, and date and time of entry and exit.
- Only items that are part of an active repatriation process may be removed from the Keeping Place and

only for the purposes of the agreed repatriation process.

- The Head of Humanities, or delegate, is responsible for approving the removal of any ancestral remains or burial goods and only for the purposes of the agreed repatriation process.

5.4 Conduct in the Keeping Place

- All persons entering the Keeping Place shall be inducted into the appropriate and respectful conduct expected. Any person acting disrespectfully may be instructed to leave immediately.
- Traditional owners may conduct appropriate ceremonies within the Keeping Place. Appropriate arrangements will be made for smoking ceremonies.

5.5 Display

- The Board will not display (or lend for display) any Australian Aboriginal ancestral remains or Aboriginal burial goods.
- Modified remains that include Aboriginal ancestral remains (e.g. hair belts attached to shell objects) may be displayed in a cultural context at the request, or with the permission, of the relevant Aboriginal representative body.
- The Head of Humanities will seek the views of the relevant representative bodies, including the host Aboriginal representative body, as to the appropriateness of a culturally contextualised display (or loan for display) of ancestral remains and burial goods from overseas communities.
- The Head of Humanities will manage requests for the removal of ancestral remains, modified remains and burial goods from public display expeditiously, with respect and sensitivity.

5.6 Responsible Research

- The Board supports the *Australian Government Policy on Indigenous Repatriation*.
- The Board acknowledges the historical attitudes towards Aboriginal people and the treatment and study of their ancestral remains and will ensure all ancestral remains are treated with respect and not as specimens of scientific or historic interest.

Invasive research

- The Board will not carry out or approve the conduct of **invasive research**³ on any ancestral remains, modified remains or burial goods in its care.
- For the sake of clarity, the Australian Research Council funded Aboriginal Hair Project, led by the University of Adelaide's Australian Centre for Ancient DNA, was approved by the Board before this policy was introduced. The project's methodology of destructive analysis of Aboriginal hair samples held by the Museum led the project staff to seek an authorization under the *Aboriginal Heritage Act 1988*, which was granted by the Minister responsible for the Act and is valid until November 2025. Access to the hair samples that fall under the authorization is dealt with in the next section.

Hair Samples of Known Aboriginal People

- The Board acknowledges the unique collection of human hair samples in its care attributed to known individuals, the complex ethical questions surrounding the historical collection of this hair, and propositions that the hair samples be used for purposes that may affect the broader Aboriginal community in the future.

- The Board will view the question of the value of the hair samples as one to be determined by Aboriginal people in accordance with the traditions, customs, observances and beliefs ascribed by Aboriginal tradition.
- To access a hair sample authorized under the Act for the purpose of the Aboriginal Hair Project, the Board will require evidence of consultation with the relevant Aboriginal representative body, the fully informed consent of the original donor (or if they have passed away, their direct descendants), evidence of an offer of repatriation of the hair sample to the individual as part of the consultation process, and copies of the Minister's authorisation under the *Aboriginal Heritage Act 1988* and research ethics approval.
- All other requests for research of the Aboriginal hair samples will be managed in full accord with the clauses governing all other Aboriginal ancestral remains under this policy as will any further request following expiry of the authorization for the Aboriginal Heritage Project in November 2025.

Non-invasive research

- When requested to do so by the relevant Aboriginal representative body, the Board may carry out or approve **non-invasive research** on Aboriginal ancestral remains and Aboriginal burial goods provided this research serves a primary purpose towards repatriation and is conducted in a culturally competent and safe way.
- When supported by the relevant representative body, the Board may carry out or approve culturally competent, **non-invasive research** on ancestral remains and burial goods originating from overseas and modified remains.
- A representative body making a request to the Board for approval to conduct non-invasive research must demonstrate it has ascertained and represents the views of the relevant traditional owners.
- All researchers involved in Board-approved non-invasive research must demonstrate compliance with relevant legislative obligations, including those under the *Aboriginal Heritage Act 1988*.
- The Museum's Aboriginal Partnership Committee is responsible for reviewing all proposals for access to ancestral remains, modified remains and burial goods for research purposes and will provide advice to the Board on such proposals, prior to the Board's consideration.

5.7 Ancestral Remains without Provenance

- The Board will care for ancestral remains without provenance in a safe and secure area of the Keeping Place. All elements of this policy shall apply equally to the ancestral remains without provenance.
- The Board will maintain a watching brief on the AIATSIS National Resting Place project discussion about Aboriginal ancestral remains without provenance and contribute to consultation on the issue based on advice from the Aboriginal Partnership Committee.

5.8 Requests for Repatriation

- The Board is responsible for considering requests for repatriation of ancestral remains and burial goods in an open and transparent manner.
- The Board will consider a request for repatriation as follows:

Domestic

- From an Aboriginal representative body, when it is demonstrated that the representatives have the authority to submit a request on behalf of that community. Where there is more than one group of applicants, the representatives submitting the request should demonstrate the full support of all the applicant groups.

- While the Board prefers to deal with requests directly from Aboriginal communities, it may consider a request from an intra/interstate government or agency, when it is made on behalf of an identified Aboriginal community which has cultural affiliations with the ancestral remains and/or burial goods in question or it is clear the government/agency is working with the relevant community to repatriate the ancestral remains/burial goods.
- The Board may proactively approach an Aboriginal representative body to discuss a potential repatriation process.

International

- From an international community, when it is made through the relevant national government or national agency. Where the applicants do not make their request through their relevant national government or agency, the Board will take account of the reasons why.

Known People

- The Board will consult with the relevant Aboriginal representative body, national government or national agency in responding to requests for repatriation of the ancestral remains of known people.
- When family links to a named ancestral remain have been established, the Board may consult directly with the known descendants.
- To approve a repatriation request, the Board should be satisfied that the provenance of the ancestral remains is clear and that the claimant is the appropriate body representing the views and interests of the relevant Traditional Owners of the relevant ancestral remains.
- When the Board approves a repatriation request, the ancestral remains and/or burial goods will be formally deaccessioned where necessary. Remains will stay in the Keeping Place and this policy will continue to apply until the agreed repatriation process is completed.
- The Board will provide the relevant Aboriginal representative body, interstate government/agency or international applicant with information⁴ it has available with regard to the repatriated ancestral remains and/or burial goods.

5.9 Returns to Country and reburials

- When a repatriation request has been approved by the Board, the Aboriginal Heritage and Repatriation Manager will work closely with the claimants to develop an agreed return to Country plan that may include cultural protocols to guide any preparations required at the Museum prior to the return, transportation and reburial/ceremony arrangements.

5.10 Inventory and Audit

- An up-to-date inventory of the Keeping Place will be maintained electronically on the Museum's primary collection management database system.
- The inventory will form the basis of an annual ancestral remains and burial goods repatriation report to the Board by the Head of Humanities and may be provided to the Commonwealth upon request.
- Access to the inventory will be restricted to the Senior Collection Manager – Humanities and World Cultures and other staff approved by the Head of Humanities.
- Auditing of the inventory will be consistent with the Museum's Collections Policy and Procedure and the relevant collection management plan.

5.11 Resourcing

- The Museum will continue to participate in the Australian Government's Domestic Indigenous Repatriation Program as the primary funding source for community led repatriation projects.
- Museum staff will continue to advocate for State government and non-government resources to supplement the Federal funding that supports specific projects and repatriation overall.

6. Roles and Responsibilities

6.1 Museum Board

The Museum Board is responsible for ensuring obligations under Australian heritage protection laws are reflected in Museum policy and for considering requests for repatriation of ancestral remains and burial goods. The Board will seek advice from the Aboriginal Partnership Committee prior to deciding a repatriation request.

6.2 Aboriginal Partnership Committee

The Aboriginal Partnership Committee is responsible for providing advice to the Museum Board. The Committee will take into account both a desire for openness and the sharing of information while recognising the sensitivity of some information.

6.3 Research and Collections Committee

The Research and Collections Committee is responsible for reviewing requests for repatriation and ensuring all requests are presented to the Board in a timely manner.

6.4 Museum Director

The Museum Director is responsible for ensuring the Museum Board and Museum staff are fully inducted into responsibilities under heritage protection legal frameworks, internal policy and cultural protocols associated with the ancestral remains and collections of burial goods.

6.5 Museum Discipline Team and Responsible Senior Staff for this Policy

The Head of Humanities is responsible for managing the Museum's custodianship of Aboriginal ancestral remains and burial goods, including negotiating with the Commonwealth for Indigenous Repatriation Program funding each year. The Aboriginal Heritage and Repatriation Manager is responsible for coordinating community led repatriation projects on behalf of the South Australian Museum.

6.6 Museum Employee

All SA Museum employees are responsible for complying with all Australian heritage protection laws, including the *Aboriginal Heritage Act 1988*, museum policy, public sector policy and *The Code of Ethics for the South Australian Public Sector* issued under the *Public Sector Act 2009*.

6.7 Museum Volunteers and Contractors

All SA Museum volunteers (including honoraries, students and contractors) are responsible for complying with all Australian heritage protection laws, museum policy, public sector policy and the *Code of Ethics for the South Australian Public Sector* issued under the *Public Sector Act 2009*

7. Approval and Review

This Policy will be reviewed every three (3) years by the Museum Board, with advice from the Aboriginal Partnership Committee.

Approval and Review	Details
Approval Authority	SA Museum Board;
Advisory Committee to Approval Authority	Aboriginal Partnership Committee
SA Museum – Responsible Executive Position	Head of Humanities.
Approval/Effective Date	13 Dec 2018
Next Review Date	July 2024
Approved Amendment Date	Amendment Details
1 July 2021	Board approval of amendments following review process.

8. Supporting Documents

United Nations Declaration on the Rights of Indigenous Peoples

<https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>

South Australian Museum Act 1976

<https://www.legislation.sa.gov.au/LZ/C/A/SOUTH%20AUSTRALIAN%20MUSEUM%20ACT%201976.aspx>

Aboriginal Heritage Act 1988

<https://www.legislation.sa.gov.au/LZ/C/A/ABORIGINAL%20HERITAGE%20ACT%201988.aspx>

Australian Government Policy on Indigenous Repatriation (2016) SA Museum Destructive Analysis Policy (2016)

<https://www.arts.gov.au/what-we-do/cultural-heritage/indigenous-repatriation>

AIATSIS Code of Ethics for Aboriginal and Torres Strait Islander Research

<https://aiatsis.gov.au/research/ethical-research/code-ethics>

SA Museum Collection Policy and Procedures (2018-2023)

[M:\Policies and Procedures\Research and Collections\Collection Management\Collection Policy\Policy\SAMA Collection Policy and Procedure 2018-2023 \[RC1-1.1\].docx](M:\Policies and Procedures\Research and Collections\Collection Management\Collection Policy\Policy\SAMA Collection Policy and Procedure 2018-2023 [RC1-1.1].docx)

SA Museum's Access to Personal Information Policy and Procedures

<M:\Policies and Procedures\Research and Collections\Archives\Access\Policy\SAM Access Policy 2015v5.pdf>

9. Glossary of Terms and Definitions used in this Policy

Aboriginal Advisory Committee: means an advisory committee established by the Board under section 9 of the *South Australian Museum Act 1976*.

Aboriginal burial goods: are 'Burial Goods' as defined by this policy and are also 'Aboriginal objects' as defined by the *Aboriginal Heritage Act 1988*.

Aboriginal ancestral remains: includes Aboriginal remains as defined by the *Aboriginal Heritage Act 1988* and *ancestral remains* as defined in the *Australian Government Indigenous Repatriation Program Grant Agreement*.

Aboriginal representative body: means a Recognised Aboriginal Representative Body as defined by the *Aboriginal Heritage Act 1988*, or a Registered Native Title Body Corporate defined by the *Native Title Act 1993* (Cth) or where neither are established, an incorporated Aboriginal organisation constituted to manage Aboriginal heritage in respect of a specified area of land or specified Aboriginal remains.

Aboriginal tradition: as defined by the *Aboriginal Heritage Act 1988*.

Accession: as defined by SA Museum Collections Policy and Procedure.

Ancestral remains: include the whole or part of human skeletons, individual bones or fragments of bone and teeth, including any calcifications; soft tissue including organs; samples of hair and blood taken from individuals both deceased and living at the time of the removal; and casts taken from any of these. Ancestral remains does not include modified remains.

Board: means the Museum Board under the *South Australian Museum Act 1976*.

Burial goods: are objects that as part of the death rite or ceremony of a culture are reasonably believed to have either been entombed with individual ancestral remains or mark a grave site either at the time of death or later.

Casts: are objects made by shaping material into a mould, primarily from osteological ancestral remains, the body of a recently deceased person or modelled over a living person.

De-accession: a formal process of permanently removing an item from the Museum's collection as defined by SA Museum *Collections Policy and Procedure*.

Destructive analysis: means any procedure that destroys or alters all or a portion of ancestral remains or burial goods.

Invasive research: means the use of research methods that damage, deface, destroy, disturb or interfere and includes scrapings of calculus from teeth.

Keeping Place: means a physical facility managed by the Board for the purposes of this policy.

Modified remains: are objects which incorporate human hair or bodily material which is not obviously recognisable as being human hair or human bodily material.

Museum: means the South Australian Museum under the *South Australian Museum Act 1976*.

Non invasive research: means the use of research methods that do not physically damage, deface, destroy, disturb or interfere with the ancestral remains.

Repatriation: means the unconditional return of ancestral remains and associated burial goods to Country of origin and includes all notes and data associated with the disturbance of the ancestral remains.

Repatriation process: means a repatriation program funded under the Australian Government's Indigenous Repatriation Policy or a Museum program endorsed by the Board.

Representative body: other than an Aboriginal representative body, is a peak body recognised by the Board as authorised to represent the relevant international community.

Traditional Owners: as defined by the *Aboriginal Heritage Act 1988*.