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Museum of Victoria

## **The Never Ending Story: The Repatriation of Ancestral Remains from Museums**

The active lobbying by Aboriginal and Torres Strait Islander people in Australia since at least the 1970s has led to both a new order and new understandings within museums regarding the rights of Indigenous people in asserting ownership and control of their cultural patrimony. In particular, this has related to ancestral remains.<sup>1</sup> The greatest changes occurred in the 1980s, a decade that:

saw the emergence of an understanding within the wider Australian population that Aboriginal people had responsibilities that they have been trying to undertake for generations... Cultural ownership and control is the reclamation of responsibilities that are a right of Indigenous Australians. It is the reclamation of pride and belonging for those who felt lost, and the regeneration of power and pride for those who were able to retain their responsibilities and their connections.<sup>2</sup>

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1 The definition of 'ancestral remains' has varied over time, and the Australian Government's definition applied for determining projects to be funded from its Indigenous Repatriation Program provides an important baseline. The definition includes: a) whole or part skeletons, individual bones or fragments of bone and teeth; b) soft tissue including organs; or c) samples of hair taken from individuals, both deceased and living, at the time of removal. It excludes objects made from human hair or modified human bone, hair or teeth used for ceremonial purposes. MV understands the sensitivities that can apply to an object that includes human remains, and as such exercises due care and caution in relation to such material not defined as ancestral remains per se, classing them as 'sensitive'. See Lissant Bolton, 'The Object in View: Aborigines, Melanesians and Museums', in *Museums and Source Communities*, eds. Laura Peers and Alison K. Brown (London: Routledge, 2003), 42–54; Robert Edwards and Jenny Stewart, *Preserving Indigenous Cultures: A New Role for Museums* (Canberra: Australian Government Publishing Service, 1980).

2 Shannon Faulkhead and Jim Berg, *Power and the Passion: Our Ancestors Return Home* (Melbourne: Koori Heritage Trust, 2010), xvii, xviii.

Over the last fifty years in Australia, museums have become contested spaces as they confront and address the moral and ethical issues associated with their roots in the colonial and post-colonial past, and as they seek to redress the injustices of past practices. Simultaneously, dramatic shifts in policy and practice have occurred: for the first time, the authority of Indigenous people has been recognised. This has been formalised in many policy frameworks and documents; for example, Museum Australia's policy document, *Continuous Cultures, Ongoing Responsibilities—Principles and Guidelines for Australian Museums Working with Aboriginal and Torres Strait Islander Cultural Heritage*,<sup>3</sup> and the *National Policy Framework for Aboriginal and Torres Strait Islander Library Services and Collections*.<sup>4</sup>

While these documents establish principles of good governance and practice, and recognise the rights of Aboriginal and Torres Strait Islander peoples in relation to their cultural property, museums continue to be cast in popular imaginings and political dialogues as trophy houses embedded in the colonial past. Engagements by source communities with museums are often cast in terms of 'getting the things back', rather than as an essential strategy for source communities to confirm and rediscover knowledge and strengthen community and identity. Faulkhead and Berg encapsulate the feelings of Koorie people in Victoria on the issue of repatriation of ancestral remains from museums:

The issue at the centre of the conflict is not just the removal of human remains from their graves, but their subsequent treatment—how they are stored and who has access to them; what is done to them as part as part of the research... respect should be afforded to both the living and the dead... repatriation became synonymous with the return of our Ancestors and later, with the return of artefacts ... [It is] not just the reclamation of intergenerational responsibilities to our Ancestors and land but also acts of decolonisation—the methods of changing the inequality and physical effects of colonisation upon the colonised.<sup>5</sup>

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3 Museums Australia, 1993, revised 2005, [http://www.museumsaustralia.org.au/dbdoc/ccor\\_final\\_feb\\_05.pdf](http://www.museumsaustralia.org.au/dbdoc/ccor_final_feb_05.pdf)

4 National and State Libraries Australasia, 2007, <http://www.nsla.org.au/publications/policies/2007/pdf/NSLA.Policy-20070129-National.Policy.Framework.for.Indigenous.Services.pdf>

5 Faulkhead and Berg, *Power and the Passion*, xviii–xxi.

This paper focuses on local experiences of repatriating ancestral remains from Museum Victoria (MV), rather than providing a broad scan of what is happening in museums. It must be said that all state museums in Australia experience similar issues and concerns. It is unclear when the first reburial of ancestral remains from museums took place; however, MV has a history of repatriating ancestral remains that spans four decades. The first reburial took place on 22 November 1985 in the Domain Gardens off St Kilda Road in Melbourne. A plaque set into a large boulder marks the resting place of the 38 Ancestors representing the ‘tribes’ of Victoria. While it was contentious at the time—and still remains so for Victorian Aboriginal community members who refused or declined to participate—it represents a significant milestone:

The ceremony was more than just a reburial. It was also a celebration of the reclamation of Koorie control and ownership of culture. For some participants the reburial was one of the first contemporary ceremonies. Bringing them home. ... [And] While this controversy existed throughout the actions leading up to the big day, it did not touch the people who came together at [MV]. The day was respectful with some solemnity, but for many it was joyful and they felt pride that they were a part of it. As with most funerals it was a celebration of life.<sup>6</sup>

Similarly, on a chilly yet sunny morning on 27 March 2012, the remains of another 130 ancestors were laid to rest on beds of fresh gum leaves in a moving ceremony at Weeroona (a cemetery on the northern outskirts of Melbourne run by the Weeroona Aboriginal Trust). Again, a lack of consensus persisted despite seven years of careful and extensive negotiations, brokering and consultation across Victoria. However, a group of committed Elders was not deterred from making the decision to rebury these men, women and children whose origins, like those in the Domain, were not known other than that they were from Victoria. Again like any other funeral, these unknown individuals were afforded a respectful funeral: they were reburied on Wurundjeri country along with ochres, leaves, soil brought from across Victoria and placed into the graves by members of the Victorian Aboriginal community. A young girl brought a toy to be placed with the children buried that day.

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6 Faulkhead & Berg, *Power and the Passion*, 33.

Many more of these funerals have occurred and will continue to take place across Victoria as many remains are yet to be collected and/or claimed. To date, over 1700 Ancestors have been handed over to the 'rightful/traditional owners' in accordance with MV's policy, the *Repatriation of Aboriginal and Torres Strait Islander Cultural Property* (2003), and since the enactment of the *Aboriginal Heritage Act 2006*, to Registered Aboriginal Parties (RAPs), which have specific responsibilities for cultural heritage management.<sup>7</sup> Another 182 individuals have been formally deaccessioned from the state collections and await reburial, with 262 Ancestors provenanced to Victoria yet to be claimed.<sup>8</sup>

Changes in legislation pertaining to the management of ancestral remains in Victoria over the same period have resulted in a significant increase in remains transferred to MV from other relevant state agencies. Of the 262 individuals yet to be claimed by Victorian communities, only 51 are from the MV's own historical holdings pre-1984. The remainder include close to 3,000 remains that have been transferred to the museum since 1984, mainly as a consequence of changing legislative requirements. So, while MV has essentially dealt with its nineteenth and early twentieth century legacy, a new legacy has emerged. MV is listed in the legislation as an official repository; however, it appears to have become the *only* repository for ancestral remains.<sup>9</sup> As a consequence, on the surface it would appear that the numbers of ancestral remains being held by MV continue to be unacceptably high given the passage of time. Accusations of the museum having done little to progress repatriation continue to arise. When the federally funded *Indigenous Repatriation Program—Museum Grants* (previously *Return of Indigenous Cultural Property*) commenced in 1999, the eight

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7 MV is recognised in the *Aboriginal Heritage Act (2006)* as an official place of lodgement for ancestral remains in Victoria. Section 14 designates the museum to receive Aboriginal human remains in the custody of the state at the time of commencement of the Act; Section 15 (i) states that the museum can receive and consider requests from Aboriginal owners of Aboriginal human remains for either the return of those remains or to continue to be the custodian of the remains; and Section 20 allows the museum to take mandatory receipt of Aboriginal human remains from the Secretary.

8 Over 120 of the unclaimed remains from Victoria have been provenanced using biometric analysis; however, many communities are unwilling to take responsibility for these, and the question is being dealt with on a case-by-case basis.

9 Ancestral remains have been transferred from the Office of Aboriginal Affairs Victoria (OAAV) as well as the State Coroner's Office (via OAAV) since 1984; around 800 remains 'discovered' at the University of Melbourne were transferred in 2002; around 110 were surrendered by the Freemasons of Victoria and transferred; and small numbers of remains are handed in by members of the public from time to time.

participating Australian museums held an estimated 7,070 ancestral remains. Given Victoria's experience, it would be interesting to compare these with current figures, to see if they have increased or remain the same, despite the activity that has gone on (these figures are not available).

### **Identifying rightful owners**

MV invests a good deal of time and resources to negotiate with Indigenous communities in Australia, to identify the 'traditional/rightful owners'. When the museum appointed Jamie Thomas, a Gunai-Kurnai and Peek Wurrung man, to a newly created position of Senior Project Officer, Repatriation and Community Support,<sup>10</sup> he was tasked with negotiating with Aboriginal communities and traditional owners—particularly in Victoria where the emphasis is currently placed—and in supporting those communities in returning ancestors to their rightful resting places. Even when the 'rightful/traditional owners' are identified, their readiness to receive repatriated ancestral remains may be problematic. Discussions have at times revealed a range of social, cultural and political issues notwithstanding the logistical difficulties that can prevent repatriation going ahead. The ever present issue of competing claims for repatriation is very complex and often beyond the scope of the museum to resolve. The terms of reference of the Aboriginal Cultural Heritage Advisory Committee (ACHAC) to the MV Board include advising on matters relating to the repatriation of ancestral remains. ACHAC considers all claims for repatriation and makes recommendations to the Museums Board, which has the authority to approve and deaccession ancestral remains.

While MV actively seeks to repatriate remains to communities across Australia (and to a lesser extent to overseas), the priority continues to be the repatriation of ancestral remains from Victoria. Protocols and sensitivities associated with human remains vary across Australia and the world. Although the museum always affords respect to the wishes and concerns of the rightful owners of remains, no single protocol is applied. For overseas remains, the museum seeks advice on the cultural policy of sovereign states and more often is directed by the protocols applied by the relevant national museums. With a repatriation to New Zealand a number of years ago,

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10 This full-time position is partly funded by the Commonwealth's Indigenous Repatriation Program—Museum Grants provided from the Office for the Arts.

ancestral remains were sent to Te Papa Museum, where they could be dealt with appropriately and according to local protocols. Similarly, other state museums can be points of contact for MV's interstate remains. The Western Australian Museum has taken responsibility for brokering discussions with their relevant communities regarding remains that MV has transferred to their care.

## **Recent progress**

The addition of Jamie Thomas to the repatriation team<sup>11</sup> has seen significant movement on claims for the repatriation of ancestral remains from Victorian Aboriginal communities where the staff had previously been unable to progress discussions. His role is to make as much headway as possible with communities in Victoria, to ensure that the ever diminishing numbers of Ancestors from across the state are returned and reburied on country. At the same time, he recognises that remains continue to come in (as discussed already). The process is one of healing, which MV has acknowledged. When remains are handed over, a member of the museum's Executive Management Team reads the following apology:

Museum Victoria expresses sincere regret for the indignity suffered by your ancestors whose remains we are now returning. We apologise for the ongoing distress their removal has caused your community, and can only hope that the return of your people can in some way repair the damage that their mistreatment has caused.

We acknowledge and respect your unique culture, and your cultural autonomy. In returning these people to you we affirm our support and commitment to your fundamental human right to unqualified ownership of your culture, and your ongoing struggle to protect and control your cultural heritage.

In honouring your rights to self-determination, we recognise your leadership in directing how we manage and care for your cultural materials in our keeping. We respect your initiatives, and commit to a future of working together based on mutual respect and dignity.

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11 The Indigenous Repatriation Program at MV is led by the author. Other staff dedicated to the program are Jamie Thomas, Senior Project Officer, Community Engagement, and Robert McWilliams, Collections Manager, Restricted Collections.

Museum Victoria understands that an ongoing awareness of mutual obligations to treat all with dignity and respect is the only sustainable basis for future fruitful working relationships between the museum and Indigenous communities.

State wide and regional forums have been held in collaboration with the Victorian Aboriginal Heritage Council (VAHC) and OAAV's Joint Steering Committee on repatriation. The museum has also brought groups together who are able to progress repatriation claims. These groups are encouraged to deal firstly with uncontested remains, and then to discuss with neighbouring groups where necessary for subsequent claims. However, areas subject to competing claims continue to be fraught: attention is instead given to the less problematic at this stage.

A major factor that continues to impede the repatriation process is *where* to bury remains. The museum continues to hold deaccessioned remains for a number of years until a site is confirmed, or they are left at, or returned, to the museum because there is nowhere secure to hold them in the interim. While the museum hands over remains unconditionally, it encourages groups to ensure they secure sites for reburial as early as possible in the process, not waiting until remains are deaccessioned. They are encouraged to identify suitable sites that afford ongoing protection. This involves negotiation with various stakeholders, agencies and landholders, and the museum encourages them to engage with relevant agencies like Parks Victoria, which should have the capacity to ensure such ongoing protection.

Another issue impeding the reburial of remains is the desire to return remains to a place as near as possible to their original burial location. The inherent problem with this is the future capacity to manage multiple sites with different tenures. Thomas has recently suggested to one group pursuing this approach that they seek a single private location as a burial site, and place public plaques near the sites of the original burials. In this way, the remains are secure and the public will hopefully gain understanding of the history of burial places.

To assist in planning for the collection and reburial of remains, the repatriation team has prepared a set of relevant check lists for communities involving both the formal and informal processes of repatriation. These include preparation and packing of

remains, whether remains are to be smoked (this is usually carried out in Milarri Garden, situated in the public area of Melbourne Museum), and whether the handover is to be low key or more formal with press coverage. The repatriation team developed content for a repatriation page that was uploaded onto MV's website in early 2014. The aim of this webpage is to assist communities, particularly those interstate, in gaining the most relevant information regarding MV's repatriation program, with the contact details of relevant staff. Its success is impossible to gauge; however, 79 per cent of visitors have arrived and looked at this site independently of the MV website. From this, it appears the site is accessed directly via the GOOGLE search engine. Who these visitors are would be important for the museum to know, so that an assessment can be made about whether the information is relevant and useful.

The museum has never before taken as close a role in brokering the whole process of repatriation, and Thomas's involvement has been significant in the creation of this new environment. This year, the museum received five claims for the repatriation of over 90 Ancestors to Victoria and New South Wales, and these will be approved at the final 2014 meeting of the Museums Board of Victoria (having already been endorsed by ACHAC). It is a significant achievement and hopefully one that will continue for the next year at least. Amendments to the *Aboriginal Heritage Act 2006* are pending that will bring about significant changes, and it is not possible to predict how this will affect the museum's repatriation program. However in the interim, we will continue on the path of applying all the skills and support that can be brought to the process, including project and budget management, co-ordinating events and consultation.

The intention here has been to add context to, and reveal the complexities associated with, 'Bringing Our Ancestors Home'.<sup>12</sup> While this continues to be a highly fractious and emotional environment, it is at the same time very rewarding to be part of handing over Ancestors to those with the current responsibility for their care. The dialogue has clearly moved into discussions about the 'right way' to return these Ancestors home, and how to support communities in their endeavours, ensuring that due respect is afforded to these Ancestors and that they are laid to rest on country.

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12 See VAHC, *Bringing Our Ancestors Home: Responses to the Discussion Paper and Options for Change*, November 2013. This is a document prepared by the VAHC regarding pending changes to the *Aboriginal Heritage Act 2006*.