

# Asserting Aboriginal polity and nationhood: The campaign for the return of Indigenous Ancestral Remains

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**Abstract:** Mapping the history of the repatriation movement in Australia, this article will argue that the movement to repatriate Ancestral Remains was an expression of Aboriginal nation-building and self-determination. Indigenous remains were collected in Australia over at least 180 years in the name of discovery, in the purported interest of science and anthropology, as ‘trophy of empire’ or as ‘curios’ of a supposedly ‘dying race’. The demand for the return of Ancestral Remains has been led by Indigenous peoples. Their abiding interest to recover Ancestors held in institutions in Australia and overseas has been a long campaign. Aboriginal organisations were a critical interface advocating the return of Ancestral Remains to government and institutions, challenging museums and applying political pressure. As Indigenous rights claims developed, the newly emerging Aboriginal forms of government made repatriation of Ancestral Remains a central focus. In asserting Indigenous power, identity reclamation and responsibility to the dead, these claims posed significant provocations to the history, role and purpose of collecting institutions. Legislative, institutional and political responses to Aboriginal claims for repatriation in Australia will be explored, as well as the current proposal to establish a National Resting Place to provide a long-term, Indigenous-centred response to the care of Ancestral Remains.

## Introduction

The collecting of Indigenous Ancestral Remains began in the opening days and weeks of colonial contact and continued with different motivations and outcomes over a near 200-year period. These bodies, robbed from old and more recent burials and from morgues, were taken without consent and against the wishes of their descendants and mourners. Then and since, descendants variously resisted and ultimately forged a reckoning with those institutions that hold their Ancestors *to bring them home*. The challenges posed by Aboriginal repatriation claims have given rise to legislative, institutional and political responses in Australia and now the establishment of a National Resting Place as a long-term, Indigenous-centred approach to the care of Ancestral Remains. In this paper we consider the politics that underpinned the movement for repatriation of Ancestral Remains and argue that the Indigenous labour to return Ancestral Remains that is most readily aligned with the broader political agenda of self-determination gives expression to something much deeper – the assertion of Aboriginal polity and nationhood.

The demand for the return of Ancestral Remains has been a movement led by Indigenous peoples. This abiding interest to recover Ancestors held in institutions in Australia and overseas has been a long campaign: its history is as long as the acts of collecting.<sup>1</sup> Aboriginal organisations were a critical interface advocating the return of Ancestral Remains to government and institutions. Many delegations led by Indigenous peoples challenged museums and compelled politicians to support the return of Ancestral Remains. Mapping the history of the repatriation movement in Australia, this article will argue that the movement to repatriate Ancestral Remains was an expression of Aboriginal polity and nation-building.<sup>2</sup> As Indigenous rights claims developed, the newly emerging Aboriginal forms of government made repatriation of Ancestral Remains a central focus. In asserting responsibility to the dead, Aboriginal people are asserting that their identity and culture survive and continue within the life of the settler state. These assertions posed significant provocations to the history, role and purpose of collecting institutions.<sup>3</sup>

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1 Lyndon Ormond-Parker, interview with Heidi Norman, 22 June 2020.

2 By nation-building we are adapting the terminology developed by scholars to explain processes of 'acting like a nation' and efforts to reconstitute in social, economic and cultural terms Aboriginal sovereignty within the life of the nation state. See Cornell, 'Processes of Native Nationhood', 1–27.

3 See, for example, Cubillo, 'Repatriating Our Ancestors'; Fforde, *Collecting the Dead* and 'From Edinburgh University to the Ngarrindjeri Nation, South Australia'; Fforde and Ormond-Parker, 'Repatriation Developments in the UK'; Griffin, 'Previous Possessions, New Obligations'; Hallgren, 'Eric Mjöberg and the Rhetorics of Human Remains'; Moreton, 'The Legacies of the Repatriation of Human Remains'; Pickering, 'Rewards and Frustrations'; Turnbull, "'Ramsay's Regime'", 'Managing and Mapping the History of Collecting Indigenous Human Remains', and *Science, Museums and Collecting the Indigenous Dead in Colonial Australia*. How Australian museums have responded to Indigenous demands for repatriation has been carefully detailed by leading scholars and practitioners in the sector and is therefore not the focus of this paper.

The broad overlapping patterns of collecting Ancestral Remains that occurred over time were undertaken by motivated individuals, mostly working with scientific institutions. Remains were collected in the name of discovery, in the purported interest of science and anthropology, as ‘trophies of empire’ or as ‘curios’ of a supposedly ‘dying race’. Western institutions in Australia and across the world – including museums, universities, academic societies and medical training facilities – held, and continue to hold, thousands of Ancestral Remains. There are also an unknown number of remains in private hands. The core fascination that underpinned collecting relates to the search for the ‘missing link’ in human evolution and a hierarchy that placed Indigenous peoples in Australia at the bottom of the evolutionary scale, thus giving rise to racial typologies and methodologies, later described as ‘scientific racism’. Colonial families were sometimes the inheritors of Indigenous Ancestral Remains, perhaps taken as trophies and curios supporting their own ancestors’ newly claimed place over landscapes; narratives about Aboriginal people as a ‘dying race’ helped absolve settlers’ guilt over dispossession.<sup>4</sup>

## The struggle for repatriation

Although repatriation gained momentum in the 1970s and 1980s, it has a much longer history, reflecting long-held Indigenous concerns about the removal of the dead.<sup>5</sup> By the 1970s, as Aboriginal people were organising locally and nationally for land and a ‘rightful place’ in the political life of the nation, campaigns for the return of Ancestral Remains gathered pace. Self-determination policy, adopted from the end of 1972, commenced government funding for an autonomous Aboriginal service and representation realm; these organisations were a critical interface advocating the return of Ancestral Remains to government and institutions. At this time repatriation demands were also gaining momentum in other countries with colonial pasts to confront, such as the United States, Canada and New Zealand. The movement saw Indigenous peoples in these nations reclaim authority over the remains of their ancestors.<sup>6</sup> Direct approaches to institutions proved most effective in these early stages, with important government support coming later. The repatriation movement began in earnest in Australia in the 1970s with the campaign for the return of Truganini’s remains from the Tasmanian Museum and Art Gallery.<sup>7</sup> The 1980s saw several key repatriation cases, including the Murray Black Collection from the University of Melbourne<sup>8</sup> and international repatriation from the University of Edinburgh.<sup>9</sup>

4 Brantlinger, ‘Dark Vanishings’.

5 See, for example, Fforde, *Collecting the Dead*; Turnbull, ‘Indigenous Australian People, Their Defence of the Dead and Native Title’, 63–86; Hallgren, ‘Eric Mjöberg and the Rhetorics of Human Remains’, 135–44.

6 Seideman, ‘Bones of Contentment’, 545–88; Herewini, ‘The Museum of New Zealand Te Papa Tongerawa’, 405–6; Aranui, ‘Restitution or a Loss to Science?’, 19–29.

7 Turnbull, ‘Managing and Mapping the History of Collecting Indigenous Human Remains’.

8 Faulkhead and Berg, *Power and the Passion*; Pickering, ‘Where Are the Stories?’, 79–95.

9 Fforde and Ormond-Parker, ‘Repatriation Developments in the UK’.

When Tasmanian Aboriginal man Michael Mansell wrote in 1986 to the Royal College of Surgeons of England (RCS) seeking repatriation, the RCS replied explaining the absence of a policy on repatriation and the personal view that remains were valuable 'teaching material', but that 'human remains of ethnic groups which worship their ancestors should, however, be given special consideration'.<sup>10</sup> This correspondence, as Morton argues, reveals the tensions inherent in the repatriation debate: on the one hand, the conceptualisation of human remains as specimens and evidence, and on the other, the concept of these remains as ancestors. Morton suggests this correspondence from Michael Mansell in 1986 impacted the way museum curators thought about groups of remains. In December 2001, the RCS agreed to return all human remains of Tasmanian Aboriginal origin they held to the Tasmanian Aboriginal community.<sup>11</sup> The repatriation of the remains took place in April 2002 and consisted of five bones that had been prepared and bound for traditional use, one skull and a slide of the hair and skin of Truganini.<sup>12</sup> The repatriation pursued by the Tasmanian Aboriginal community addressed their alarm that these remains were taken against the express wishes of their people and for the purposes of proving the 'missing link' in the human chain. The narrative of their elimination, the 'last of their tribe', made Tasmanian Aboriginal remains valuable commodities in the auction houses and to collecting institutions. In asserting the return of their Ancestors, Palawa people were working to restore the dignity of the dead and assert their own survival. While other repatriations have followed, an important point to note here is that many remains are yet to find their way home, and instead are held in limbo in other museums, albeit now ones located in Australia. Many museums are reluctant to now hold Indigenous Ancestral Remains and are not sure why they still have them. In some instances there is complexity around the distinction between 'object', 'artefact' and human or 'Ancestor' – where crania are, for example, made into drinking vessels.

Calls for repatriation of Ancestral Remains were gaining momentum at a time when they had been of limited if any scientific interest since their collection, although as we discuss below, Ancestral Remains were at this time newly becoming the focus of scientists seeking to apply emerging technologies to resolve debates about the origins of modern humans. When the repatriation of the Ancestral Remains collected from the Kimberley region in the Swedish scientific expedition of 1910–11 was requested, the museum discovered that they had been sent to an osteological institute in the 1960s. The eventual records to support the repatriation request revealed that not only were the Ancestral Remains of no current scientific interest, but they had never been of scientific use since they were first collected in 1910–11.<sup>13</sup>

10 Correspondence cited in Morton, 'The Legacies of the Repatriation of Human Remains from the Royal College of Surgeons', 13–14.

11 Morton, 'The Legacies of the Repatriation of Human Remains from the Royal College of Surgeons', 12.

12 Morton, 'The Legacies of the Repatriation of Human Remains', 15.

13 Hallgren, 'Eric Mjöberg and the Rhetorics of Human Remains', 136. Hallgren notes one exception, a dentist who 'collected various skulls from different parts of the world to do research on their teeth'; 'the results of this research could not be located'.

The return of remains is complicated by the original act of procurement and how those collections came to be stored, as museum practices and motivations for research and collecting have shifted. This is evident in the example of the repatriation of Ancestral Remains from the Anatomy Department of Edinburgh University in Scotland. While the intention was to return the collection in 1991, it later emerged that the substantial return amounted to but a small part of a much larger collection. As Cressida Fforde documents in her longstanding work and advocacy in this area,<sup>14</sup> it was originally estimated that the university had acquired 300 sets of remains dating from the early nineteenth century. Eventually, 87 individuals were returned to the Larrakia people in Darwin and 300 Ancestors to Ngarrindjeri people in South Australia. In effect this represented just 40 per cent of the collection; further research located some 603 individuals.<sup>15</sup> This example illustrates how the classification of Ancestral Remains, into, for example cranial, and postcranial categories, was collapsed from the late 1940s as collections were aggregated in the postwar period. This aggregation of Ancestral Remains, and the sale and shifting of collections to different institutions, has contributed to further loss of recording about the origins of those remains.

## The provocations and possibilities posed by Ancestral Remains

First Peoples have posed a significant provocation to collecting institutions. There have been significant challenges (and refusals) to repatriation requests, but collaboration between community groups and museums has led to many success stories in Australia, leading to the repatriation of remains from the United Kingdom, United States, Canada, Sweden, Germany, Netherlands, Ireland, Austria and Czech Republic, among others.<sup>16</sup> Ongoing research continues to reveal the holding of Ancestral Remains in public institutions in many more nations. As the Australian Government's repatriation of Ancestral Remains data reveals, repatriation of Ancestral Remains is underway from many institutions across the globe.<sup>17</sup>

As the movement for the repatriation of Ancestral Remains was gaining momentum, two key developments were emerging. One was that First Peoples' assertion of connection to Ancestral Remains as family, rather than as objects, posed serious provocations to the collecting history and the organisation of knowledge within museums, universities and medico-scientific institutions. These institutions were challenged to account for the treatment of Aboriginal Ancestral Remains as objects, their role in colonial history and

14 See Fforde, 'From Edinburgh University to the Ngarrindjeri Nation', 41–47.

15 Cubillo, 'Repatriating Our Ancestors', 23.

16 For a detailed examination of the history of repatriation from a range of countries see Fforde, *Collecting the Dead*; Fforde, 'From Edinburgh University to the Ngarrindjeri Nation', 41–47; Pickering and Gordon, 'Repatriation: The End of the Beginning'; Hemming and Wilson, 'The First "Stolen Generations"', 183–98; Gustafsson Reinius, 'The Ritual Labour of Reconciliation'; Roginski, *The Hanged Man and the Body Thief*; Sullivan, Kelly and Gordon, 'Museums and Indigenous Peoples in Australia', 208–27.

17 See Australian Government, 'International Repatriation', accessed 30 May 2022, [www.arts.gov.au/what-we-do/cultural-heritage/indigenous-repatriation/international-repatriation](http://www.arts.gov.au/what-we-do/cultural-heritage/indigenous-repatriation/international-repatriation).

their responsibility to restore familial relations. From the 1990s collecting institutions in Australia, with a few exceptions, accepted the return of Ancestral Remains and began reviewing their policies and building relationships with Aboriginal communities, however, an anti-repatriation argument was made by some, who argued that museums are giving up their longstanding cultural authority to protect material culture should they engage in repatriation.<sup>18</sup> Some museums have expressed concern that their holdings would be significantly diminished if they started to give material back to Traditional Owners. Historically, this has been strong in the UK, although there has been a shift towards facilitating repatriations from several key institutions in recent years.<sup>19</sup> Shifting museum practice has increasingly comprehended the problems associated with classifying Ancestral Remains and other items as 'objects' disassociated from the people who are connected to them. Museums increasingly appreciate the benefits of building relationships with community, and thus, rather than repatriation being viewed as 'loss', it is understood as an opportunity to gain knowledge through exchange and to develop ongoing relationships.<sup>20</sup> 'Objects' are therefore being transformed through the process of repatriation.

The second key development emerged with the rise of genetic research in the last decades of the twentieth century, seen in initiatives such as the Human Genome Project, leading scientists to assert a new interest in Ancestral Remains. Observing earlier accounts that showed very little interest in the remains that had been held in institutions for decades, new technology created a new, or perhaps more accurately first, scientific interest in the study of Ancestral Remains. Whereas earlier research on Ancestral Remains sought to prove theories of evolution and racial hierarchy, scientists now announced research about the origins of modern humans and argued that the remains belonged 'to all mankind'.<sup>21</sup> A key debate emerged between scientists, who felt their disciplines were under threat should Ancestral Remains be reburied, and Indigenous people, who asserted their right to bury their Ancestors.<sup>22</sup> Some scholars have sought to find middle ground between these two poles, noting Indigenous participation and interest in archaeology,<sup>23</sup> while others argue that the remains have only been used infrequently in scientific studies,<sup>24</sup> and that much of this research is biased by the poor record-keeping and collection methods of the era in which remains were stolen.<sup>25</sup>

18 See, for example, Jenkins, *Contesting Human Remains in Museum Collections*; Jenkins, 'Who Are We to Decide?'.  
 19 Fforde and Ormond-Parker, 'Repatriation Developments in the UK'; Rimmer, "'Travelling Bones'"; Morton, 'The Legacies of the Repatriation of Human Remains'.

20 Esme Ward, 'The Tide of Change: An Open Letter from Our Director Esme Ward', The University of Manchester, undated, accessed 26 May 2020, [www.museum.manchester.ac.uk/about/thetideofchange/](http://www.museum.manchester.ac.uk/about/thetideofchange/).  
 21 Morton 'The Legacies of the Repatriation of Human Remains', p. 76.

22 Lewin, *Bones of Contention*; Mulvaney, 'Past Regained, Future Lost'; Donlon, 'Aboriginal Skeletal Collections'; Turnbull, 'The Vermillion Accord'.

23 See, for example, Pardoe, 'Repatriation, Reburial, and Biological Research in Australia'; Wilson, 'Indigenous Research and Archaeology'.

24 Russell, 'Reflections on Murray Black's Writings'; Jones, 'Medical Schools and Aboriginal Bodies'.

25 Robertson, 'Sources of Bias in the Murray Black Collection'.

A key debate in assessing repatriation claims concerns notions of kinship, and on what basis claims-making groups assert remains as their Ancestors. There have been instances where museums have refused repatriation without proof of direct lineage.<sup>26</sup> Western notions of kinship based primarily on genetic descent were challenged by repatriation movements that put forward ideas regarding a ‘continuous culture’, underpinned by notions of geographical, social and spiritual connection. Notably, this meant that the strength of one’s relationship to one’s Ancestors was not undermined by the age of the remains.<sup>27</sup>

Some professions – anatomy, physical anthropology and archaeology – resisted repatriation and appeared to have difficulty comprehending Indigenous demands for remains that had been held for many decades.<sup>28</sup> Archaeologist Colin Pardoe describes the impact of Aboriginal demands for ‘control, accountability and recognition’ as having a ‘cyclonic impact’ on archaeology, which continued to have interest in working on remains,<sup>29</sup> and the Australian Archaeological Association publicly defended their members who they felt were wrongly accused of Victorian-era scientific racism by the Tasmanian Aboriginal Centre and the Foundation for Aboriginal and Islander Research Action in media discourse.<sup>30</sup> Prominent researchers such as eminent archaeologist John Mulvaney questioned the motives of repatriation activists, labelling their interests political, while others disparaged repatriation interests as ‘black creationism’, failing to comprehend that repatriation was motivated by customary obligations to one’s Ancestors.<sup>31</sup>

## Navigating the minefield: Legislative, institutional and political responses to repatriation

Since early colonial times, human remains have been a marketable commodity. The Anatomy Acts put in place at state level between the 1860s and 1880s legislated that bodies must be disposed of according to a set of guidelines, such as needing to be buried in a proper coffin in consecrated ground.<sup>32</sup> However, this legislation was ambiguous, and did not account for ‘parts’ of bodies. As a result, a trade in these materials developed between collectors in Australia, as well as between Australian and overseas collectors, particularly in Europe, where Aboriginal skulls and skeletal material generated significant interest among the intellectual networks in the medico-scientific communities.<sup>33</sup>

26 Fforde and Ormond-Parker, ‘Repatriation Developments in the UK’.

27 Faulkhead and Berg, *Power and the Passion*; Hubert, ‘Dry Bones or Living Ancestors?’; Krmpotich, ‘Remembering and Repatriation’.

28 Turnbull, ‘The Vermillion Accord’, 117.

29 Pardoe, ‘Eye of the Storm’, 16.

30 Turnbull, ‘The Vermillion Accord’.

31 Atkinson quoted in Morton, ‘The Legacies of the Repatriation of Human Remains from the Royal College of Surgeons’, 75; Mulvaney, ‘Past Regained, Future Lost’.

32 Macdonald, ‘A Body Buried Is a Body Wasted’.

33 See Turnbull, “‘Ramsay’s Regime’” and *Science, Museums and Collecting the Indigenous Dead*.



While much of this trade in body parts appears to have been a gift economy, there were instances of purchasing Indigenous remains. Furthermore, anatomy legislation was commonly ignored, and rarely led to punitive action against those who transgressed the law.<sup>34</sup> The law prescribes no ownership in a body or corpse, but there are instances where proprietary interests can be established, namely where the skill of a preparator has turned the body, or associated biological material, into something else, or there is a conceptual or physical detachment that renders it different to the original form of the body.<sup>35</sup> These aspects of the law have been used to assert ownership of Ancestral Remains and, in some cases, to facilitate successful repatriation.<sup>36</sup>

As Indigenous rights claims gained greater audibility and resources, the newly emerging Aboriginal forms of government, such as the Aboriginal and Torres Strait Islander Commission and its support for the Foundation for Aboriginal and Islander Research Action, made repatriation of Ancestral Remains a central focus. These claims posed significant provocations to the history, role and purpose of collecting institutions and prompted them to develop protocols and policies guiding repatriation from the 1980s.

In the 1980s in particular, legislation and policies were enacted governing the trade in human remains. States and territories amended nineteenth-century Anatomy Acts to reflect changing practices; trade in human tissues was only permitted in certain instances for therapeutic reasons.<sup>37</sup> Around the same time, legislation specifically relating to Aboriginal and Torres Strait Islander remains served to limit the trade and movement of these materials. The *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth) did not cover human remains already held within museums and private collections; but since the 1980s, museums put in place policies to prevent the acquisition of and trade in Ancestral Remains. The *Archaeological and Aboriginal Relics Preservation Act 1972* (Vic.) was amended in May 1984 to insert Section 26B, concerning skeletal remains pre- and post-1834; an institution's right to the possession of collected Aboriginal remains was lost upon the enactment of this amendment, although some institutions, such as the Museum of Victoria, were granted exemptions and continued to act as a legal custodian of such remains.

At the international level, an emerging area of international human rights law relevant to the issue of Ancestral Remains has been whether the dead have human rights. Currently, the legal trend is towards recognising more rights of deceased persons; 'dignity and autonomy are the driving forces behind the creation of many posthumous legal rights'.<sup>38</sup> The dead are recognised as having 'the right to be treated with dignity'.<sup>39</sup>

34 See MacDonald, 'Reading the "Foreign Skull"', 'A Scandalous Act' and 'A Body Buried Is a Body Wasted'; Turnbull, "Ramsay's Regime" and *Science, Museums and Collecting the Indigenous Dead*.

35 Davies, 'Property Rights in Human Remains and Artefacts'; Falconer, 'Dismantling Doodeward'.

36 Mansell, 'The War of the Dead'; Falconer, 'Dismantling Doodeward'.

37 *State Human Tissue and Transplantation Acts* (Vic, NSW, SA, WA, SA) between 1980 and 1985.

38 Smolensky, "Rights of the Dead", 775.

39 Moon, 'Human Rights, Human Remains', 11.



International law conventions pertaining to identifying human remains, appropriate burial practices in keeping with the belief systems of the deceased, return to family and the respectful treatment of human remains are applicable to Ancestral Remains; international law also dictates that the cultural beliefs and practices of Indigenous peoples need to be considered and respected wherever possible. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) also confirms at Article 12 ‘the right to the repatriation of their human remains’.<sup>40</sup>

## Changes to museum policy and practice

In ‘Repatriating Our Ancestors: Who Will Speak for the Dead?’, Franchesca Cubillo reflected on her longstanding work in museums on the repatriation of Ancestral Remains. Cubillo highlighted that museums in Australia have been involved in repatriation since the late 1980s, but that the effectiveness of repatriation initiatives is mixed and the measure of ‘success’ is unclear; she argues that the process was hampered in the initial stages by a lack of national coordination.

Cubillo writes of her excitement of working at this time at the South Australian Museum as they were commencing the process of negotiating and building relations with community for repatriation; she describes the museum being ‘in the midst of the process of developing new and productive relationships with Indigenous people’.<sup>41</sup> At this time the development of policies governing the repatriation of ‘Indigenous Human Remains’ and the repatriation of ‘Restricted Secret/Sacred objects’ commenced. The development of these two documents provided ‘best practice standards’ for engaging with Indigenous people in relation to the two collections. A key factor, according to Cubillo, was for museums to be receptive to community requests for repatriation of their Ancestors and for repatriation to be unconditional.

One limitation was the lack of capacity and personnel on the part of museums to oversee repatriation. Museums were under no obligation to employ staff to work on repatriation, conduct inventory research and work with community. Cubillo describes the repatriation of Australian collections of Ancestral Remains commencing in an ad hoc and uncoordinated way. It was reactionary and largely subsidised within the budgets of state museums. Notwithstanding the intention and earnest interest and goodwill of board members and staff to facilitate repatriation, ‘it really was not the best approach to take’.<sup>42</sup> Other countries were setting better standards.

In the United States, repatriation was developing in a more organised way. American Indians successfully worked with US Congress to pass the National Museum of the American Indian Act in 1989. This law made reference to both human remains

40 United Nations Declaration on the Rights of Indigenous Peoples, adopted 13 September 2007, [www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html](http://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html).

41 Cubillo, ‘Repatriating Our Ancestors’, 21.

42 Cubillo, ‘Repatriating Our Ancestors’, 21.

and 'funerary' objects. It required the Smithsonian Institute, in consultation with communities, to research the holdings and contact the relevant community notifying them of the collection. The National Museum of the American Indian Act 1989 was followed in 1990 by the Native American Graves Protection and Repatriation Act. These laws mandated the process for repatriation of human remains, funerary objects and objects of cultural patrimony, along with ownership protection of Indigenous materials revealed on federal and tribal lands to their ancestral community.<sup>43</sup>

Museums, prompted by the provocation from Aboriginal activists, were developing policies for the return of human remains held in their collections. For example, in 1972 the Queensland Museum made the decision to no longer accept newly disinterred Indigenous remains.<sup>44</sup> Other museums followed. In 1993, the Council of Australian Museum Associations launched a policy document entitled 'Previous Possessions, New Obligations: Policies for Museums in Australia and Aboriginal and Torres Strait Islander Peoples'.<sup>45</sup> By 2005, this policy developed into principles and guidelines for Australian museums working with Indigenous cultural heritage, titled 'Continuous Cultures, Ongoing Responsibilities'.<sup>46</sup>

Many with experience in the repatriation and museum governance area highlight the informality and 'goodwill' that informed the repatriation process in Australia, rather than a legislative framework. This also accounts for the very different approaches to repatriation adopted by the states and by individual museums. Cubillo flags the need for more effective policies and dedicated personnel and funding to ensure a more effective and efficient repatriation process. The National Museum of Australia has a dedicated unit focused specifically on repatriation that supports, among other things, the writing of a report to assist the repatriation process and ceremonies. One key criticism that Cubillo notes is that, in contrast, most state-level museums respond to repatriation and research requests from operational budgets and without dedicated specialist staff.<sup>47</sup> While repatriation can be expensive, the cost of not repatriating also needs to be considered, which as Turnbull explains includes 'devaluing cultural practices which are fundamental to the indigenous Australian continuum of self, life in the land and eventual return to the realm of the spirit'.<sup>48</sup> A second area where improvement is required is in relation to communication and coordination across the museum sector<sup>49</sup> and the GLAM (galleries, libraries, archives and museums) sector more broadly<sup>50</sup> in their repatriation work. As Cubillo notes, Aboriginal communities are approached sporadically by museums to take receipt of their Ancestors' remains.

43 Cubillo, 'Repatriating Our Ancestors', 21.

44 Ormond-Parker, 'A Commonwealth Repatriation Odyssey'.

45 Museums Australia, *Previous Possessions, New Obligations*.

46 Museums Australia, *Continuous Cultures, Ongoing Responsibilities*.

47 Cubillo, 'Repatriating Our Ancestors'.

48 Turnbull, 'Indigenous Australian People, Their Defence of the Dead and Native Title', 64.

49 Cubillo, 'Repatriating Our Ancestors'.

50 Thorpe, Faulkhead and Booker, 'Transforming the Archive'.

The possibility of a coordinated repatriation process, rather than proceeding on an ad hoc basis institution-by-institution, would prove less of a strain on community and be more cost effective for the sector.<sup>51</sup>

Managed by the South Australian Museum, the first national approach to repatriation emerged with the National Skeletal Provenancing Project in 1995. The intention of the project was to provide federal and state governments with an inventory of collections and the locations from which remains were procured. For this work the South Australian Museum examined every set of human remains held by Australian museums alongside the related archival records. While this research was completed, Cubillo contends that it did not inform policy or emerge as a useful Aboriginal community resource to aid the return of Ancestors.<sup>52</sup>

The federal government committed resources to support repatriation of human remains with the commencement of the 1998 Return of Indigenous Cultural Property (RICP) program. The program was initially funded from 2000 for a period of three years with a \$3 million budget. The RICP recognised the need to engage and assist with repatriation efforts that included funding for provenancing and repatriation in a culturally appropriate way. Cubillo highlights that RICP-funded projects were managed independently by the Department of Environment, Water, Heritage and the Arts and there appeared to be a gap in the working relations with and across museums to work together to coordinate their repatriation efforts. The result, as Cubillo observes, is that Indigenous communities were potentially engaging with multiple institutions simultaneously.<sup>53</sup>

The repatriation of Ancestral Remains in Australia has been driven by an 'evolved philosophy' within activism, the museum industry, and explicit support through policies at federal and state level, rather than dedicated legislation.<sup>54</sup> Encompassing state and federal legislation as well as policy and professional guidelines concerning the repatriation of Ancestral Remains, the broad sweep of responses has been characterised as a 'minefield' given the complexity and spatial overlay.<sup>55</sup> There is, however, a generally progressive mindset towards repatriation in Australia.

51 Cubillo, 'Repatriating Our Ancestors'.

52 Cubillo, 'Repatriating Our Ancestors', 22.

53 Cubillo, 'Repatriating Our Ancestors', 22.

54 See Pickering, 'Dance through the Minefield', 'Rewards and Frustrations', and 'Where Are the Stories?'; Feikert, 'Repatriation of Historic Human Remains'; Galloway, 'Legal Grey Area Hinders Aboriginal Repatriation'; Smith, 'The Repatriation of Human Remains'; Griffin, 'Previous Possessions, New Obligations'; Truscott, 'Repatriation of Indigenous Cultural Property'; Sullivan, Kelly and Gordon, 'Museums and Indigenous People in Australia'.

55 Pickering, 'Dance through the Minefield'. Pickering argues that 'The mines represent the ethical and legal codes of various professions, institutions, governments, and indeed, individuals, usually discovered only in the transgression', p. 256.

## Political responses to the repatriation of Ancestral Remains

The return of Ancestral Remains has been led by Indigenous peoples. In 1990, for example, Aboriginal men Michael Mansell, Lionel Fogarty and Karno Walker formed a delegation to the United Kingdom to take possession of Ancestral Remains from the Australian Embassy in Dublin, Peterborough City Museum, Bradford Museum and Pitt Rivers Museum in Oxford. While in the United Kingdom, they picketed the London Natural History Museum. Later that year, in September, Bob Weatherall, Monty Prior and William Toby repatriated Ancestral Remains from Glasgow Museum and Art Gallery. The following year, in 1991, Bob Weatherall returned to the UK as part of a delegation led by Elder and lawman David Mowaljarlai to collect the remains of some 300 skulls from the University of Edinburgh in what turned out to be the beginning of large-scale repatriation.<sup>56</sup> The many delegations by Indigenous peoples continued to challenge museums and – with the accompanying media interest – pressure politicians.

As the repatriation of Ancestral Remains pushed collecting institutions to develop policy, the political and legislative response has developed, albeit slowly. Proclamations made in 1911 and 1913 had placed some restrictions on the export of Aboriginal remains, which resulted in more Ancestral Remains staying in Australian museums and scientific institutes. Continuing up until the 1980s, police, land holders and archaeologists brought Ancestral Remains to those holding institutions.<sup>57</sup> As the Indigenous service and representative self-determination realm grew from the 1970s, direct petitioning of collecting institutions facilitated repatriation of Ancestors. The passing of the Aboriginal and Torres Strait Islander Heritage Protection Act in part acknowledged Indigenous rights and interests in Ancestral Remains, making reference to ‘prescribed authority’s’ safekeeping of Ancestral Remains if they cannot ‘return the remains to an Aboriginal [organisation or family] ... willing to accept, possession, custody or control of the remains’.<sup>58</sup>

At the same time, Aboriginal community-led responses were emerging. In one example, Gunditjmara Elder and former chief executive officer of the Victorian Aboriginal Legal Service Jim Berg worked to secure the memorial site in the heart Melbourne for the burial of unprovenanced Koorie Ancestral Remains in November 1985.<sup>59</sup> The reburial ceremony saw a procession of some 200 Koories from across Victoria carrying the 38 sets of bark-wrapped remains to the memorial.<sup>60</sup>

Greater coordination of Aboriginal community approaches to institutions began to emerge in 1987 when an Aboriginal Community Liaison Program was run in conjunction with the Australian Institute of Aboriginal and Torres Strait Islander

56 Ormond-Parker, interview with Heidi Norman, 22 June 2020.

57 Fforde et al., “Inhuman and Very Mischievous Traffic”.

58 *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*, subsection 21(1).

59 Berg, ‘This Is My Journey’, 22.

60 Berg, ‘This Is My Journey’, 24–26.

Studies (AIATSIS). This program, led by Steven Webb, raised the concept of a government-funded, Indigenous-run 'keeping place'.<sup>61</sup> This followed several 'keeping places' being developed, such as at Shepparton, and in New South Wales, Local Aboriginal Land Councils were also showing interest in 'keeping places' as they dedicated space for reburial of Ancestral Remains.<sup>62</sup> With the establishment of the Aboriginal and Torres Strait Islander Commission (ATSIC) in 1991, significant development in advocacy, institutional support and policy reform relating to repatriation of Ancestral Remains occurred. ATSIC was the leading agency in Australia for the return from overseas of Indigenous human remains, and, along with the Department of Foreign Affairs and Trade (DFAT), carried out the federal government's responsibilities for the return of significant Indigenous human remains from overseas collecting institutions,<sup>63</sup> up until ATSIC's disestablishment in 2004–5.

By 1993 ATSIC had drafted a national policy on the protection and return of significant cultural property to Aboriginal and Torres Strait Islander peoples. The draft policy recognised Indigenous peoples' ownership rights and cultural obligations in relation to property held by collecting institutions, and called for governments to advocate on behalf of Indigenous peoples for the return of cultural property held in Australian and overseas public and private collections.<sup>64</sup> This was further developed as the National Principles for the Return of Aboriginal and Torres Strait Islander Cultural Property (1993), which included that Aboriginal and Torres Strait Islander people should have access to reasonable facilities and places for the safekeeping of repatriated significant cultural property.<sup>65</sup>

The Foundation for Aboriginal and Islander Research Action (FAIRA) had long been advocating for repatriation, and ATSIC commissioned them to broaden their work beyond Queensland to the national and international level.<sup>66</sup> This included research to document and catalogue Indigenous human remains held in British and European institutions, assisting Indigenous communities with repatriation issues, ongoing work in the UK negotiating the return of Ancestral Remains, and further consultation. The return of the University of Edinburgh collection was an initial and significant repatriation that ATSIC supported.<sup>67</sup> By 1994 FAIRA identified the need for a national keeping place for unprovenanced and other Ancestral Remains. As the Native Title Social Justice package was being negotiated, ATSIC advocated a national policy for the protection and return of significant cultural property from federal and state collecting institutions, making specific reference to 'Human skeletal remains,

61 Webb, 'Aboriginal Human Remains: Policy Statement'.

62 Norman, *'What Do We Want?'*.

63 Australian Government, Memorandum submitted to the Select Committee on Culture, Media and Sport.

64 Janke, *Our Culture: Our Future*, 243.

65 Cited in Janke, *Our Culture: Our Future*, 245.

66 Ormond-Parker, interview with Heidi Norman, 22 June 2020.

67 Hanchant, 'Practicalities in the Return of Remains', 314–15.

tissue material and burial artefacts'.<sup>68</sup> Over this period ATSIC consulted widely on its policy on the return of human remains and in 1997 found a National Resting Place was 'wholeheartedly supported by Indigenous organisations'.<sup>69</sup>

One pivotal moment where repatriation of Ancestral Remains came to prominence on the international political stage was in July 2000, when the British and Australian governments agreed to facilitate repatriation of Indigenous materials held by government-funded museums and universities in the United Kingdom. On the occasion of this shared announcement with British prime minister Tony Blair, Australian prime minister John Howard agreed to 'increase efforts to repatriate human remain to Australian Indigenous communities'.<sup>70</sup> The joint statement recognised the 'special connection that indigenous people have with ancestral remains' and committed both countries to develop a 'cooperative' and 'coordinated long-term approach by governments involving Indigenous communities and collecting institutions'.<sup>71</sup> The agreement outlined consultation with Indigenous organisations, including their aspirations regarding the treatment of the remains and a means for addressing these, and future work to catalogue Indigenous human remains in public institutions. The British Natural History Museum had already catalogued the 450 Indigenous human remains in its collection and provided this information to the Australian Government. The announcement saw the creation of a working group that invited submissions regarding repatriation, and the Select Committee on Culture, Media and Sport heard extensive evidence, including from the FAIRA representative then living in the UK, Lyndon Ormond-Parker. The report from this select committee, tabled in the British Parliament, called for policy reform supporting reparation where collecting institutions agreed. Importantly, as Fforde and Ormond-Parker emphasise, this was a critical moment whereby the repatriation of Ancestral Remains was elevated to the political arena.<sup>72</sup>

Back in Australia, in August 2000 the Australian Cultural Ministers Council developed the Strategic Plan for the Return of Indigenous Ancestral Remains.<sup>73</sup> The Cultural Ministers Council committed \$3 million over three years to support the return of Ancestral Remains and secret/sacred objects via grants and had four main objectives, including to:

- identify the origins of all ancestral remains and secret/sacred objects held in the museums where possible
- notify communities who have ancestral remains and secret/sacred objects held in the museums

<sup>68</sup> Cited in Janke, *Our Culture: Our Future*, 245.

<sup>69</sup> Cited in Advisory Committee for Indigenous Repatriation, *National Resting Place Consultation Report*, 4.

<sup>70</sup> Cited in Fforde and Ormond-Parker, 'Repatriation Developments in the UK'.

<sup>71</sup> Australian Government, Department of the Prime Minister and Cabinet, 'Joint Statement with Tony Blair on Aboriginal Remains', PM Transcripts, 4 July 2000, [pmtranscripts.pmc.gov.au/release/transcript-11611](http://pmtranscripts.pmc.gov.au/release/transcript-11611).

<sup>72</sup> Fforde and Ormond-Parker, 'Repatriation Developments in the UK'.

<sup>73</sup> Fforde and Ormond-Parker, 'Repatriation Developments in the UK'.

- appropriately store ancestral remains and secret/sacred objects held in the museums at the request of the relevant community
- and arrange for repatriation where and when requested.<sup>74</sup>

The work of the RICP program was extended until 2007, but with no extra funding. A further extension was announced at the 2007 budget for four years with \$4.7 million additional funding. This followed new research estimating that the eight major Australian museums participating in the RICP held 7,070 Ancestral Remains.<sup>75</sup>

ATSIC continued to undertake advocacy and representation in relation to Ancestral Remains. In 2001, ATSIC policy was amended to state its support for 'a national Indigenous repository for unprovenanced cultural property'. This was followed up by the 'service' arm (known as ATSIIS) commissioning the National Museum of Australia to undertake consultation on options regarding the storage and disposal of poorly provenanced Ancestral Remains.<sup>76</sup> In 2005, Prime Minister John Howard, operating without a structured Aboriginal voice to government following the abolition of ATSIC, and with growing Aboriginal community frustration, requested advice on how best to respond in a culturally appropriate way in the future to the repatriation of Ancestral Remains where provenance was uncertain. The federal Indigenous affairs minister appointed an Indigenous Repatriation Reference Committee in 2006 although the committee's term expired with the community consultation process still to get underway.<sup>77</sup>

In 2009, the Office of Evaluation and Audit released its Performance Audit of the International Repatriation Program and also noted the need for greater coordination, resources and management arrangements for unprovenanced Ancestral Remains.<sup>78</sup> Further recommendations included financial and other resources to support community care for Ancestral Remains and long-term management arrangements for unprovenanced remains. In the following years, a new Australian Government Indigenous Repatriation Policy was announced (2010–11) that consolidated the domestic and international repatriation programs and new Advisory Committee for Indigenous Repatriation to Government on repatriation issues.<sup>79</sup> Commencing work in 2012, the group agreed that the current arrangements for poorly provenanced Ancestral Remains were not culturally acceptable, endorsing the view 'that museums are not an appropriate location for holding poorly provenanced ancestral remains'.<sup>80</sup> The advisory committee released a discussion paper in 2013 seeking views on the

74 Truscott, 'Repatriation of Indigenous Cultural Property'.

75 Australian Government, 'Budget 2007–08 Indigenous Affairs: Extension of the Return of Indigenous Cultural Property Program', 'Extension of the Return of Indigenous Cultural Property Program', accessed 15 May 2020, [www.dss.gov.au/sites/default/files/files/about-fahcsia/publication-articles/budget/07\\_indigenous\\_complete.pdf](http://www.dss.gov.au/sites/default/files/files/about-fahcsia/publication-articles/budget/07_indigenous_complete.pdf).

76 National Museum of Australia, 'Consultancy on the Long Term Storage or Disposal of Unprovenanced Indigenous Human Remains'.

77 Advisory Committee for Indigenous Repatriation, *National Resting Place Consultation Report*, 4–5.

78 Quoted in Advisory Committee for Indigenous Repatriation, *National Resting Place Consultation Report*, 5.

79 Department of Communication and the Arts, 'Australian Government Policy on Indigenous Repatriation'.

80 Advisory Committee for Indigenous Repatriation, *National Resting Place Consultation Report*, 6 and 10.



long-term care and management of poorly provenanced Aboriginal and Torres Strait Islander Ancestral Remains; this was followed by a sector survey and wide consultation that culminated in the 2014 National Resting Place Consultation Report. This report marked a significant shift in the public discussion about the care of Ancestral Remains. In the preceding decades we observed the regular identification of the need for a keeping place, for greater coordination and for management of Ancestral Remains with limited provenance. By 2014 the character of a 'resting place', including what physical form it would take, where it would be located and how it would function, began to be mapped out. The language of 'resting place' was preferable to a 'keeping place' to better distinguish it from a museum and to reflect its role – the aspiration to 'move the current process for care and storage of ancestral remains away from the museum sector, and vesting the future long-term care of these ancestral remains to Aboriginal and Torres Strait Islander peoples'<sup>81</sup> and for the National Resting Place to be a site for the care of Ancestral Remains provenanced only to 'Australia'.<sup>82</sup> The report recommended a location within the Parliamentary Triangle as a 'beacon of consciousness' to remind all Australians of the past injustices involved in the collection and display of Ancestral Remains.<sup>83</sup>

Amendments to the Australian Government Policy on Indigenous Repatriation in 2016 confirmed the government's commitment 'to addressing the injustice of Australia's shared past as it relates to the removal of ancestral remains and secret sacred objects to empower Aboriginal and Torres Strait Islander peoples to meet their cultural obligations and contribute to the wider Australian society'. The amended policy stated that the 'Australian Government seeks, on behalf of Aboriginal and Torres Strait Islander communities, the voluntary and unconditional return of their ancestral remains and associated notes and data' and expressed commitment to 'supporting Aboriginal and Torres Strait Islander peoples to develop the capacity to maintain their cultural rights, knowledge and practices'.<sup>84</sup> To enact the policy, the government committed funding to repatriation work and appointed an all-Indigenous advisory committee to advise on policy and program issues in relation to overseas and domestic Indigenous repatriation.<sup>85</sup>

In this paper we have highlighted the work of Indigenous people in bringing about significant changes to museum practice and legislation. This influence has also extended to politicians and ambassadors who have played an important role in facilitating the repatriation of Ancestral Remains. In 2013, Parliamentary Secretary for the Arts Michael Danby helped facilitate the return of Ancestral Remains from

81 Advisory Committee for Indigenous Repatriation, *National Resting Place Consultation Report*, 10.

82 Advisory Committee for Indigenous Repatriation, *National Resting Place Consultation Report*, 12.

83 Advisory Committee for Indigenous Repatriation, *National Resting Place Consultation Report*, 14.

84 Department of Communication and the Arts, 'Australian Government Policy on Indigenous Repatriation', 5–6.

85 Department of Communication and the Arts, 'Australian Government Policy on Indigenous Repatriation', 8.

the Charité Medical University in Berlin.<sup>86</sup> Former Australian ambassador to the United States Kim Beazley worked to promote the return of Ancestral Remains during his posting, writing to a number of American collecting institutions seeking information about their holdings of Ancestral Remains, as well as participating on panels discussing the importance of international repatriation efforts. He was personally involved in several repatriations and hosted two repatriation ceremonies at the Australian Embassy for remains repatriated from the Harvard Peabody Museum of Archaeology and Ethnology in 2012<sup>87</sup> and the Dunghutti repatriation.<sup>88</sup> In 2014, Prime Minister Tony Abbott and French president Emmanuel Macron issued a joint statement outlining their commitment to establishing a consultative process to facilitate the return of Ancestral Remains from French public institutions,<sup>89</sup> particularly significant as France has been a longstanding opponent to calls for repatriation. In the United Kingdom, Australian high commissioners Alexander Downer<sup>90</sup> and George Brandis<sup>91</sup> have also supported repatriation efforts.

In the period 2018–19, the commitment for a National Resting Place gained high-level support from parliament. The 2018 Parliamentary Inquiry into Constitutional Recognition that considered the Uluru Statement from the Heart's call for 'Voice, Treaty and Truth' recommended establishing a National Resting Place for Aboriginal and Torres Strait Islander Ancestral Remains in the nation's capital. The parliamentary inquiry viewed the National Resting Place as a vital part of truth-telling about our history and for healing and reconciliation as a 'place of commemoration, healing and reflection'.<sup>92</sup> In April 2019, the report on the inquiry into Canberra's national institutions, *Telling Australia's Story – and Why It's Important* noted the lack of 'acknowledgement and demonstration of Australia's rich Aboriginal and Torres Strait Islander history, language, heritage and culture'. The report recommended 'AIATSIS be expanded with a new home in the Parliamentary Zone and a broader role in representing the story of Australia's Aboriginal and Torres Strait Islander people' that

86 Timna Jacks, 'Danby Repatriates Remains', *Australian Jewish News*, 7 May 2013, accessed 16 June 2020, [ajn.timesofisrael.com/danby-repatriates-remains/](http://ajn.timesofisrael.com/danby-repatriates-remains/).

87 Commonwealth of Australia, 'International Repatriation Highlights', Office of the Arts, undated, accessed 16 June 2020, [www.arts.gov.au/what-we-do/cultural-heritage/indigenous-repatriation/international-repatriation/international-highlights](http://www.arts.gov.au/what-we-do/cultural-heritage/indigenous-repatriation/international-repatriation/international-highlights).

88 George Brandis, 'Media Release: Traditional Custodians Bring Aboriginal Ancestral Remains Home from the US', 1 July 2015, accessed 16 June 2020, [parlinfo.aph.gov.au/parlInfo/download/media/pressrel/3925384/upload\\_binary/3925384.pdf;fileType=application%2Fpdf#search=%22media/pressrel/3925384%22/](http://parlinfo.aph.gov.au/parlInfo/download/media/pressrel/3925384/upload_binary/3925384.pdf;fileType=application%2Fpdf#search=%22media/pressrel/3925384%22/).

89 Australian Government, Department of Prime Minister and Cabinet, 'Prime Minister's Joint Press Statement with the President of the French Republic', PM Transcripts, 19 November 2014, accessed 16 June 2020, [pmtranscripts.pmc.gov.au/release/transcript-23987](http://pmtranscripts.pmc.gov.au/release/transcript-23987); we note that support from the French Ministry of Culture for repatriation of Ancestral Remains has not always upheld this stated intention.

90 SBS, 'Aboriginal Remains to Return from the UK', SBS News, updated 15 October 2016, accessed 16 June 2020, [www.sbs.com.au/news/aboriginal-remains-to-return-from-uk](http://www.sbs.com.au/news/aboriginal-remains-to-return-from-uk).

91 Mitch Fifield, '37 Ancestral Remains Returned to Australia', Ministry for Communication and the Arts, 27 March 2019, accessed 16 June 2020, [webarchive.nla.gov.au/awa/20191107181733/https://www.minister.communications.gov.au/minister/mitch-fifield/news/37-ancestral-remains-returned-australia](http://webarchive.nla.gov.au/awa/20191107181733/https://www.minister.communications.gov.au/minister/mitch-fifield/news/37-ancestral-remains-returned-australia).

92 Joint Select Committee on Constitutional Recognition Relating to Aboriginal and Torres Strait Islander Peoples, *Final Report*, xviii.

‘should include a national resting place for repatriated ancestral remains that cannot immediately return to country’;<sup>93</sup> the new institution was to be ‘developed under the leadership and comprehensive consultation with Indigenous Australians’.<sup>94</sup>

Just a few months later, Prime Minister Scott Morrison and Minister for Indigenous Affairs Ken Wyatt announced their government’s support for ‘the establishment of a National Resting Place for Aboriginal and Torres Strait Islander remains as a place of commemoration, healing and reflection’, and committed \$5 million to AIATSIS to undertake a scoping study and consultation. The prime minister characterised the National Resting Place as an ‘important memorial’ that ‘will recognise the unique contribution of Aboriginal and Torres Strait Islander cultures and history to our nation’; he went on to say that the ‘Government’s commitment to a National Resting Place also supports the process of truth telling’.<sup>95</sup> The 2020–21 federal budget committed funding to develop a detailed business case as part of the government’s Indigenous Advancement Strategy for the establishment of the National Resting Place within a broader cultural precinct in Canberra.<sup>96</sup> In January 2022, the prime minister and minister for Indigenous Australians jointly announced that a new National Aboriginal and Torres Strait Islander Cultural Precinct, Ngurra, would be established in Canberra. Wyatt commented: ‘At [Ngurra’s] heart will be a national resting place where the remains of Indigenous Australians taken from their country will be cared for until they are able to be returned to their communities’.<sup>97</sup>

## Conclusion

In this paper we have detailed the significant transformation that has occurred in relation to the collecting of Ancestral Remains. We have foregrounded the provocation and challenge Indigenous Australians have presented to collectors and, over the last 40 years, to collecting institutions and disciplinary knowledge. Refusing the category of object, Indigenous peoples have insisted on connection and responsibility to Ancestors. This dedicated labour has yielded significant change in policy and practice of collecting institutions and legislation. The combined work of museums and government alongside Indigenous peoples now comprehends Indigenous interest to care for and respect the dead, to restore dignity and spirit to Ancestral Remains. This can only be seen as a significant transformation and successful culmination of the work of Indigenous people here and across the globe. But more so, we have

93 Joint Standing Committee on the National Capital and External Territories, *Telling Australia’s Story*, ix.

94 Joint Standing Committee on the National Capital and External Territories, *Telling Australia’s Story*, xviii.

95 Liberal Party of Australia, ‘Support Indigenous Australians’, 15 May 2019, accessed 3 November 2021, [parlinfo.aph.gov.au/parlInfo/download/library/partypol/6725182/upload\\_binary/6725182.pdf;fileType=application%2Fpdf#search=%22library/partypol/6725182%22](http://parlinfo.aph.gov.au/parlInfo/download/library/partypol/6725182/upload_binary/6725182.pdf;fileType=application%2Fpdf#search=%22library/partypol/6725182%22).

96 Australian Government, ‘2021–22 Budget: Benefits for Aboriginal and Torres Strait Islander People across the Commonwealth’, 13 May 2021, accessed 3 November 2021, [www.indigenous.gov.au/news-and-media/announcements/2021-22-budget-benefits-aboriginal-and-torres-strait-islander-people](http://www.indigenous.gov.au/news-and-media/announcements/2021-22-budget-benefits-aboriginal-and-torres-strait-islander-people).

97 Australian Government, ‘Ngurra: The National Aboriginal and Torres Strait Islander Cultural Precinct’.

highlighted that the dignity of the dead and care for Ancestral Remains is also an assertion about the survival of their descendants. Indigenous people objected to, variously resisted and ultimately forged a reckoning with those institutions that hold their Ancestors, to bring them home.

In asserting their responsibility and connection to Ancestral Remains, the claims made by Aboriginal people and Aboriginal organisations in relation to repatriation have posed significant provocations to the history, role and purpose of collecting institutions. While some institutions have responded by recognising the opportunity provided by the return of Ancestral Remains to build new relationships with Indigenous communities, others have remained resistant, and significant practical challenges to repatriation remain. The National Resting Place, proposed to be established as a new Indigenous-led cultural institution, has a vital role to play in restoring dignity and providing ongoing care for those Ancestral Remains unable to be returned home, and in acknowledging the responsibility Indigenous people hold for their Ancestors.

## References

- Advisory Committee for Indigenous Repatriation. *National Resting Place Consultation Report 2014*. Barton, ACT: Ministry for the Arts, 2015. [www.arts.gov.au/sites/default/files/documents/national-resting-place-consultation-report-2014\\_0.pdf](http://www.arts.gov.au/sites/default/files/documents/national-resting-place-consultation-report-2014_0.pdf).
- Aranui, Amber. 'Restitution or a Loss to Science? Understanding the Importance of Returning Māori Ancestral Remains'. *Museum & Society* 18, no. 1 (2020): 19–29. doi.org/10.29311/mas.v18i1.3245.
- Australian Government. Memorandum submitted to the Select Committee on Culture, Media and Sport. UK Parliament. Appendix 64, Appendices to the Minutes of Evidence. June 2000. Accessed 23 June 2020. [publications.parliament.uk/pa/cm199900/cmselect/cmcumeds/371/371ap76.htm](http://publications.parliament.uk/pa/cm199900/cmselect/cmcumeds/371/371ap76.htm).
- Australian Government. 'Ngurra: The National Aboriginal and Torres Strait Islander Cultural Precinct', Department of Prime Minister and Cabinet. January 2022. Accessed 9 May 2023. [pmtranscripts.pmc.gov.au/release/transcript-43737](http://pmtranscripts.pmc.gov.au/release/transcript-43737).
- Berg, Jim. 'This Is My Journey'. In *Power and the Passion: Our Ancestors Return Home*, edited by Shannon Faulkhead and Jim Berg, 3–30. Melbourne: Koorie Heritage Trust Inc., 2010.
- Brantlinger, Patrick. *Dark Vanishings: Discourse on the Extinction of Primitive Races, 1800–1930*. Ithaca, NY: Cornell University Press, 2003.
- Cornell, Stephen. 'Processes of Native Nationhood: The Indigenous Politics of Self-Government'. *International Indigenous Policy Journal* 6, no. 4 (2015): article 4, 1–27. doi.org/10.18584/iipj.2015.6.4.4.

- Cubillo, Franchesca. 'Repatriating Our Ancestors: Who Will Speak for the Dead?'. In *The Long Way Home: The Meaning and Values of Repatriation*, edited by Paul Turnbull and Michael Pickering, 20–26. Oxford: Berghahn Books, 2010.
- Davies, Chris. 'Property Rights in Human Remains and Artefacts and the Question of Repatriation'. *Newcastle Law Review* 8, no. 1 (2004): 51–64.
- Department of Communication and the Arts. 'Australian Government Policy on Indigenous Repatriation'. September 2016. Accessed 3 November 2021. [apo.org.au/node/246501](http://apo.org.au/node/246501).
- Donlon, Denise. 'Aboriginal Skeletal Collections and Research in Physical Anthropology: An Historical Perspective'. *Australian Archaeology* 39 (December 1994): 73–82.
- Falconer, Kate. 'Dismantling *Doodeward*: Guided Discretion as the Superior Basis for Property Rights in Human Biological Material'. *UNSW Law Journal* 42, no. 3 (2019): 899–927. [doi.org/10.53637/DYYM2512](https://doi.org/10.53637/DYYM2512).
- Faulkhead, Shannon and Jim Berg. *Power and the Passion: Our Ancestors Return Home*. Melbourne: Koorie Heritage Trust Inc., 2010.
- Feikert, Clare. *Repatriation of Historic Human Remains: Australia, New Zealand, United Kingdom*. Washington DC: The Law Library of Congress, Global Legal Research Center, 2009. Accessed 20 June 2020. [tile.loc.gov/storage-services/service/ll/lglrd/2018298376/2018298376.pdf](https://tile.loc.gov/storage-services/service/ll/lglrd/2018298376/2018298376.pdf).
- Fforde, Cressida. *Collecting the Dead: Archaeology and the Reburial Issue*. London: Duckworth, 2004.
- Fforde, Cressida. 'From Edinburgh University to the Ngarrindjeri Nation, South Australia'. *Museum International* 61, no. 1–2 (2009): 41–47. [doi.org/10.1111/j.1468-0033.2009.01673.x](https://doi.org/10.1111/j.1468-0033.2009.01673.x).
- Fforde, Cressida, Amber Aranui, Gareth Knapman and Paul Turnbull. "Inhuman and Very Mischievous Traffic": Early Measures to Cease the Export of Ancestral Remains from Aotearoa New Zealand and Australia'. In *The Routledge Companion to Indigenous Repatriation: Return, Reconcile, Renew*, edited by Cressida Fforde, Timothy McKeown and Honor Keeler, 381–99. London: Routledge, 2020.
- Fforde, Cressida and Lyndon Ormond-Parker. 'Repatriation Developments in the UK'. *Indigenous Law Bulletin* 5, no. 6 (2001): 9–13. [search.informit.org/doi/10.3316/agispt.20012210](https://search.informit.org/doi/10.3316/agispt.20012210).
- Galloway, Kate. 'Legal Grey Area Hinders Aboriginal Repatriation'. *Eureka Street* 26, no. 11 (2016).
- Griffin, Des. 'Previous Possessions, New Obligations: A Commitment by Australian Museums'. *Curator: The Museum Journal* 39, no. 1 (1996): 45–62. [doi.org/10.1111/j.2151-6952.1996.tb01074.x](https://doi.org/10.1111/j.2151-6952.1996.tb01074.x).
- Gustafsson Reinius, Lotten. 'The Ritual Labor of Reconciliation'. *Museum Worlds* 5, no. 1 (2017). [doi.org/10.3167/armw.2017.050108](https://doi.org/10.3167/armw.2017.050108).

- Hallgren, Claes. 'Eric Mjöberg and the Rhetorics of Human Remains'. In *The Long Way Home: The Meaning and Values of Repatriation*, edited by Paul Turnbull and Michael Pickering, 135–44. Oxford: Berghahn Books, 2010.
- Hanchant, Deanna. 'Practicalities in the Return of Remains: The Importance of Provenance and the Question of Unprovenanced Remains'. In *The Dead and Their Possessions: Repatriation in Principle, Policy and Practice*, edited by Cressida Fforde, Jane Hubert and Paul Turnbull, 312–16. London: Routledge Taylor & Francis Group, 2004.
- Hemming, Steve and Chris Wilson. 'The First "Stolen Generations": Repatriation and Reburial in Ngarrindjeri Ruwe (Country)'. In *The Long Way Home: The Meaning and Values of Repatriation*, edited by Paul Turnbull and Michael Pickering, 183–98. Oxford: Berghahn Books, 2010.
- Herewini, Te Herekikie. 'The Museum of New Zealand Te Papa Tongarewa (Te Papa) and the Repatriation of Kōiwi Tangata (Māori and Moriori Skeletal Remains) and Toi Moko (Mummified Māori Tattooed Heads)'. *International Journal of Cultural Property* 15, no. 4 (2008): 405–6. doi.org/10.1017/S0940739108080399.
- Hubert, Jane. 'Dry Bones or Living Ancestors? Conflicting Perceptions of Life, Death and the Universe'. *International Journal of Cultural Property* 1, no. 1 (1992): 105–28. doi.org/10.1017/S0940739192000079.
- Janke, Terri. *Our Culture: Our Future – Report on Australian Indigenous Cultural and Intellectual Property Rights*. Surry Hills, NSW: Michael Frankel & Company, 1998. nla.gov.au/nla.arc-55164-20060210-0000-www.frankellawyers.com.au/media/report/culture.pdf.
- Jenkins, Tiffany. *Contesting Human Remains in Museum Collections: The Crisis of Cultural Authority*. Routledge Research in Museum Studies. New York: Routledge, 2011.
- Jenkins, Tiffany. "Who Are We to Decide?" Internal Challenges to Cultural Authority in the Contestation over Human Remains in British Museums'. *Cultural Sociology* 6, no. 4 (2012): 455–70. doi.org/10.1177/1749975512445432.
- Joint Select Committee on Constitutional Recognition relating to Aboriginal and Torres Strait Islander Peoples. *Final Report*. Canberra: Commonwealth of Australia, 2018. Accessed 7 April 2020. parlinfo.aph.gov.au/parlInfo/download/committees/reportjnt/024213/toc\_pdf/Finalreport.pdf;fileType=application%2Fpdf.
- Joint Standing Committee on the National Capital and External Territories. *Telling Australia's Story – and Why It's Important*. Report on the Inquiry into Canberra's National Institutions. Canberra: Department of the Senate, 2019. apo.org.au/sites/default/files/resource-files/2019-04/apo-nid228746.pdf.
- Jones, Ross. 'Medical Schools and Aboriginal Bodies'. In *Power and the Passion: Our Ancestors Return Home*, edited by Shannon Faulkhead and Jim Berg, 50–55. Melbourne: Koorie Heritage Trust Inc., 2010.
- Krmpotich, Cara. 'Remembering and Repatriation: The Production of Kinship, Memory and Respect'. *Journal of Material Culture* 15, no. 2 (2010): 157–79. doi.org/10.1177/1359183510364077.

- Lewin, Roger. *Bones of Contention: Controversies in the Search for Human Origins*. New York: Simon and Schuster, 1987.
- MacDonald, Helen. 'A Body Buried Is a Body Wasted: The Spoils of Human Dissection'. In *The Body Divided: Human Beings and Human 'Material' in Modern Medical History*, edited by Sarah Ferber and Sally Wilde, 9–27. Surrey and Burlington: Ashgate, 2011.
- MacDonald, Helen. 'Reading the "Foreign Skull": An Episode in Nineteenth-Century Colonial Human Dissection'. *Australian Historical Studies* 36, no. 125 (2005): 81–96.
- MacDonald, Helen. 'A Scandalous Act: Regulating Anatomy in a British Settler Colony, Tasmania 1869'. *Social History of Medicine* 20, no. 1 (2007): 39–56. doi.org/10.1093/shm/hkl083.
- Mansell, Michael. 'The War of the Dead'. *Indigenous Law Bulletin* 6, no. 29 (2007): 19–21. search.informit.org/doi/10.3316/ielapa.200711865.
- Moon, Claire. 'Human Rights, Human Remains: Forensic Humanitarianism and the Human Rights of the Dead'. *International Social Science Journal* 65 (2016): 1–15. doi.org/10.1111/issj.12071.
- Morton, Sarah. 'The Legacies of the Repatriation of Human Remains from the Royal College of Surgeons of England'. PhD thesis, University of Oxford, 2017.
- Mulvaney, Derek John. 'Past Regained, Future Lost: The Kow Swamp Pleistocene Burials'. *Antiquity* 65, no. 246 (1991): 12–21. doi.org/10.1017/S0003598X00079266.
- Museums Australia. *Continuous Cultures, Ongoing Responsibilities*. Principles and Guidelines for Australian Museums Working with Aboriginal and Torres Strait Islander Cultural Heritage. Canberra: Museums Australia Inc., 2005. www.amaga.org.au/sites/default/files/uploaded-content/website-content/SubmissionsPolicies/continuous\_cultures\_ongoing\_responsibilities\_2005.pdf.
- Museums Australia. *Previous Possessions, New Obligations*: Policies for Museums in Australia and Aboriginal and Torres Strait Islander Peoples, 1993. Canberra: Museums Australia, 2007. www.amaga.org.au/sites/default/files/uploaded-content/website-content/SubmissionsPolicies/previous\_possessions\_policy\_2000.pdf.
- National Museum of Australia. 'Consultancy to Provide Advice on the Long Term Storage or Disposal of Unprovenanced Indigenous Human Remains'. AIATSIS Contract No. S309/5186. Canberra, 2004.
- Norman, Heidi. *'What Do We Want?': A Political History of Aboriginal Land Rights in New South Wales*. Canberra: Aboriginal Studies Press, 2015.
- Ormond-Parker, Lyndon. 'A Commonwealth Repatriation Odyssey'. *Aboriginal Law Bulletin* 3, no. 90 (1997): 9–12. www8.austlii.edu.au/cgi-bin/viewdoc/au/journals/AboriginalLawB/1997/21.html.
- Pardoe, Colin. 'Eye of the Storm'. *Journal of Indigenous Studies* 2, no. 1 (1991): 16–23.



- Pardoe, Colin. 'Repatriation, Reburial, and Biological Research in Australia'. In *The Oxford Handbook of the Archaeology of Death and Burial*, edited by Liv Nilsson Stutz and Sarah Tarlow, 732–61. Oxford: Oxford University Press, 2013. doi.org/10.1093/oxfordhb/9780199569069.013.0041.
- Pickering, Michael. "'Dance through the Minefield': The Development of Practical Ethics for Repatriation'. In *The Routledge Companion to Museum Ethics: Redefining Ethics for the Twenty-First Century Museum*, edited by Janet Marstine, 256–74. London: Routledge, 2012.
- Pickering, Michael. 'Rewards and Frustrations: Repatriation of Aboriginal and Torres Strait Islander Ancestral Remains by the National Museum of Australia'. In *International Handbook of Museum Studies*. Vol. 2, *Museum Practice: Critical Debates in the Museum Sector*, edited by Conal McCarthy, 455–78. UK: John Wiley & Sons Ltd, 2015.
- Pickering, Michael. 'Where Are the Stories?' *The Public Historian* 32, no. 1 (2010): 79–95. doi.org/10.1525/tpb.2010.32.1.79.
- Pickering, Michael and Phil Gordon. 'Repatriation: The End of the Beginning'. In *Understanding Museums: Australian Museums and Museology*, edited by Des Griffin and Leon Paroissien, 1–8. Canberra: National Museum of Australia, 2011.
- Rimmer, Matthew. 'Travelling Bones: The Repatriation of Indigenous Ancestral Remains'. In *Biomapping Indigenous Peoples*, edited by Susanne Berthier-Foglar, Sheila Collingwood-Whitlick and Sandrine Tolazzi, 369–90. Amsterdam: Brill Rodopi, 2012.
- Robertson, Sarah. 'Sources of Bias in the Murray Black Collection: Implications for Palaeopathological Analysis'. *Australian Aboriginal Studies* 1 (2007): 116–130.
- Roginski, Alexandra. *The Hanged Man and the Body Thief: Finding Lives in a Museum Mystery*. Clayton, Vic.: Monash University Publishing, 2015.
- Russell, Lynette. 'Reflections on Murray Black's Writings'. In Shannon Faulkhead and Jim Berg, *Power and the Passion: Our Ancestors Return Home*, 56–63. Melbourne: Koorie Heritage Trust Inc., 2010.
- Seidemann, Ryan M. 'Bones of Contention: A Comparative Examination of Law Governing Human Remains from Archaeological Contexts in Formerly Colonial Countries'. *Louisiana Law Review* 64, no. 1 (2004): 545–88.
- Smith, Laurajane. 'The Repatriation of Human Remains – Problem or Opportunity?' *Antiquity* 78, no. 300 (2004): 404–13. doi.org/10.1017/S0003598X00113043.
- Smolensky, Kirsten Rabe. 'Rights of the Dead'. *Hofstra Law Review* 37, no. 3 (2009): 763–804.
- Sullivan, Tim, Lynda Kelly and Phil Gordon. 'Museums and Indigenous People in Australia: A Review of Previous Possessions, New Obligations: Policies for Museums in Australia and Aboriginal and Torres Strait Islander Peoples'. *Curator: The Museum Journal* 46, no. 2 (2003): 208–27. doi.org/10.1111/j.2151-6952.2003.tb00087.x.

- Thorpe, K., S. Faulkhead and L. Booker. 'Transforming the Archive: Returning and Connecting Indigenous Repatriation Records'. In *The Routledge Companion to Indigenous Repatriation: Return, Reconcile, Renew*, edited by Cressida Fforde, Timothy McKeown and Honor Keeler, 822–34. London: Routledge, 2020.
- Truscott, M. C. 'Repatriation of Indigenous Cultural Property'. Paper Prepared for the 2006 Australian State of the Environment Committee, Department of the Environment and Heritage, Canberra. 2006. [web.archive.org.au/awa/20080722015730mp\\_/http://environment.gov.au/soe/2006/publications/emerging/repatriation/pubs/repatriation.pdf](http://web.archive.org.au/awa/20080722015730mp_/http://environment.gov.au/soe/2006/publications/emerging/repatriation/pubs/repatriation.pdf).
- Turnbull, Paul. 'Indigenous Australian People, Their Defence of the Dead and Native Title'. In *The Dead and Their Possessions: Repatriation in Principle, Policy and Practice*, edited by C. Fforde, J. Hubert and P. Turnbull, 63–86. London: Routledge, 2004.
- Turnbull, Paul. 'Managing and Mapping the History of Collecting Indigenous Human Remains'. *Australian Library Journal* 65, no. 3 (2016): 203–12.
- Turnbull, Paul. "'Ramsay's Regime": The Australian Museum and the Procurement of Aboriginal Bodies, c. 1874–1900'. *Aboriginal History* 15, no. 2 (1991): 108–21. [doi.org/10.22459/AH.15.2011.08](https://doi.org/10.22459/AH.15.2011.08).
- Turnbull, Paul. *Science, Museums and Collecting the Indigenous Dead in Colonial Australia*. Cham: Springer International Publishing, 2017.
- Turnbull, Paul. 'The Vermillion Accord and the Significance of the History of the Scientific Procurement and Use of Indigenous Australian Bodily Remains'. In *The Long Way Home: The Meaning and Values of Repatriation*, edited by Paul Turnbull and Michael Pickering, 117–34. Oxford: Berghahn Books, 2010.
- Webb, Steven. 'Aboriginal Human Remains: Policy Statement'. 1987. MS 2515, Australian Institute of Aboriginal and Torres Strait Islander Studies.
- Wilson, Christopher L. 'Indigenous Research and Archaeology: Transformative Practices in/with/for the Ngarrindjeri Community'. *Archaeologies* 3, no. 3 (2007): 320–34. [doi.org/10.1007/s11759-007-9043-7](https://doi.org/10.1007/s11759-007-9043-7).

This text is taken from *Aboriginal History*, Volume 46, 2022, edited by  
Crystal McKinnon and Ben Silverstein, published 2023 by ANU Press,  
The Australian National University, Canberra, Australia.

[doi.org/10.22459/AH.46.2022.02](https://doi.org/10.22459/AH.46.2022.02)