

Past regained, future lost: the Kow Swamp Pleistocene burials

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The Kow Swamp collection of Pleistocene human remains from southeast Australia is perhaps the largest skeletal collection ever recovered from a single Pleistocene context. It was 'returned' for re-burial last year. John Mulvaney, a senior Australian prehistorian, reports on a situation in which the issues concerning the bones of ancient people are at their most acute.

Acting under an order from the Governor-in-Council late in August 1990, a State instrumentality, the Museum of Victoria, presented to the Echuca Aboriginal Cooperative the Kow Swamp collection of human remains and associated grave goods. That Aboriginal community, which borders on the Murray River in central Victoria, affirmed its intention to accord those 9000- to 15,000-year-old remains a mass re-burial. It refused to consider the less destructive option of their custodianship within a secure depository, known as a Keeping Place in Australia. Their subsequent fate remains obscure to all but the Echuca people.

From July I became involved in a vain public and behind-the-scenes campaign to save the collection. Together with Alan Thorne, the palaeoanthropologist who discovered, excavated, and later donated the finds to the museum, we received heartening encouragement from many younger Aboriginal people. For those few academics who attempted public intervention it proved a traumatic and lonely period. As I am retired and never was a physical anthropologist, I cannot be labelled a self-interested 'scientist', although that cliché was affixed.

Whether my actions were approved by colleagues or not (and many thought it was provocative to challenge Aboriginal 'ownership' of the past), the case merits record for its impli-

cations for intellectual freedom. The outcome represents, in my opinion, a triumph of bureaucracy and irrationality over prudence and positive, collaborative, racial relations. The time has arrived to speak frankly. White treatment of Aboriginal society has been shameful, as I have documented (Mulvaney 1989a). But past repressive colonialism does not mean that the present academic generation must pay the price, by never opposing strident claims and demands by radical Aboriginal leaders. Not to do so, will be to replace white violence and repression with black intellectual totalitarianism. It is not simply the Kow Swamp relics which are at stake, but the future of past Aboriginal culture, and the freedom of all peoples of any race to study it.

The salient features of the affair as they concerned myself, and the prevailing intellectual climate which they reveal, are best appraised after some general explanations. These involve a layman's guide to the Kow Swamp collection and an account of the legislation which effectively destroyed it.

The Kow Swamp population

The discovery of the burials near the shore of the reservoir that was Kow Swamp, resulted from imaginative detective work by Alan Thorne in 1967, followed by his excavation of some 40 individual burials between 1968 and

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1972 (initial accounts: Thorne 1971; Thorne & Macumber 1972; West 1977). It is relevant that Victoria then lacked any protective site legislation, or any system for fieldwork permits; the present formal Aboriginal community groupings did not exist.

Thorne violated no laws. This was a salvage operation alongside an irrigation channel. Most of the remains had been disturbed and damaged by earth-moving machinery, but a dozen intact burials were uncovered, exceptionally well preserved through heavy carbonate mineralization. Cultural indicators included artefacts and pigment as grave goods, and great variety in interment methods. Apart from its importance for

revealing Pleistocene intellectual history, this represented the world's largest collection of *Homo sapiens* of late Pleistocene/early Holocene age from a single site. A total of 17 ^{14}C age determinations established that most burials (and all the robust examples) spanned the period 9000 to 15000.

Two or three times older than New Grange or the pyramids, these people were some hundreds of generations removed from living Aboriginal Australians, as opposed to merely the several generations which separate white Australians from Sydney's settlement in 1788. In life, this rugged population differed markedly in appearance from contemporary Abori-



FIGURE 1. KS14 burial at Kow Swamp, exhibiting robust cranial features. The grave is delineated by carbonate deposition. This flexed burial had a ^{14}C age of about 11,000 years. Two quartz artefacts lie within the grave, beside the left hand and over the right shoulder; a mussel bed is visible in the centre, while the skull lay on a bed of shells; ochre fragments were present. The chance survival of the burial may be gauged from the irrigation channel which was cut immediately on the left of the cranium. (Photo Robert Edwards.)

gines, especially their heavy-boned faces, enormous teeth and jaws, receding foreheads and flask-shaped skulls when viewed from above.

Most of the few other Australian Pleistocene crania feature different and more modern 'gracile' anatomical features, suggesting the possibility that the present Aboriginal race is an amalgam of different groups. Whatever the explanation, and this enigma arouses controversy (Flood 1963: 60–61), these finds were a crucial statistical assemblage for any investigation of Aboriginal origins.

Their importance for Aboriginal self-knowledge is undoubted, but its global significance may be equally great. As Australia, Europe and the New World were colonized by *Homo sapiens* in what may be a near-synchronous surge across the continents, this was one of the major events of humankind. Such a large group of ancient remains could contribute vital clues to some future resolution of that global quantum leap in intellect and adaptability.

That some Aboriginal people deny their common ancestry with other races is discussed later, but already, Indonesian scholars accept close links between remote Solo and the Kow Swamp people. No other race has condemned to destruction comparable remains. East Africans, Chinese, Indonesians, for example, all treasure their presumed ancestral Pleistocene remains.

The legislation

The law under which the museum handed over registered accessions is an unorthodox and loosely-phrased statute. Some elucidation is in order. The Commonwealth government assumed responsibility for Aboriginal affairs in 1967, after a constitutional amendment. Tacitly, however, it left most administration to the State governments. Consequently, by 1975 each State developed separate legislation to administer places of current Aboriginal significance and archaeological sites and relics. (This outcome resulted largely from pressure by archaeologists and their associates, for which they receive little credit from Aborigines.)

The first Victorian legislation was the *Archaeological and Aboriginal Relics Preservation Act 1972*, amended in 1984 by the Labor Party government. This enabled the Victorian Aboriginal Legal Service to challenge the right of the

University of Melbourne to hold the Murray Black collection of some 600 skeletons, which were transferred to the Museum of Victoria as an interim measure (Lewin 1984).

Two years later, when further legislation was rejected by the Victorian Opposition majority in the Legislative Council (the Upper House), the government appealed to the Hawke Commonwealth administration, which had passed the *Aboriginal and Torres Strait Islander Heritage (Interim Protection) Bill* in 1984. The Victorian request was incorporated into the *Aboriginal and Torres Strait Islander Heritage Protection Amendment Act 1987* (No. 39 of 1987).

The preamble to this Commonwealth statute makes extraordinary reading, because it contains the disclaimer: 'Whereas the Commonwealth does not acknowledge the matters acknowledged by the Government of Victoria, but has agreed to the enactment of such an Act.'

Those sentiments insisted upon by the Victorian government, despite Commonwealth reservations (and these latter still stand), merit quotation:

WHEREAS it is expedient to make provision for the preservation of the Aboriginal cultural heritage in Victoria:

AND WHEREAS the Government of Victoria acknowledges:

- (a) the occupation of Victoria by the Aboriginal people before the arrival of Europeans;
- (b) the importance to the Aboriginal people and to the wider community of the Aboriginal culture and heritage;
- (c) that the Aboriginal people of Victoria are the rightful owners of their heritage and should be given responsibility for its future control and management;
- (d) the need to make provision for the preservation of objects and places of religious, historical or cultural significance to the Aboriginal people;
- (e) the need to accord appropriate status to Aboriginal elders and communities in their role of protecting the continuity of the culture and heritage of the Aboriginal people;

Regrettably, Clause (c) failed to define the meaning of 'heritage', what material or ideological categories it included, or whether it was spatially restricted; but artificially so, because it applied only within Victoria, although prehistoric people knew no such boundary. 'Ownership' also was undefined. This is a Western concept of capitalism. Nobody in Aboriginal

society 'owned' culture or places in the sense that they were personal property capable of disposal. The obligation of each generation to transmit its culture ('heritage') to the next is more appropriately designated 'custodianship' or 'curatorship'.

Clause (d) significantly omits any reference to objects or sites of scientific importance to Aboriginal people. Intrusive here is another Eurocentric notion, that scientific matters are of no concern to the Aboriginal mind.

Those responsible for advising the legislators proved impervious to advice, as I found when I attempted to highlight these flaws for the relevant Victorian Minister's Department. At a much higher level, the Consultative Committee of Australia's four learned Academies vainly wrote to the Federal Minister for Aboriginal Affairs in 1987. It also emphasized the necessity of closer definition of terms and it stressed that future Aboriginal scholars may see merit in scientific aspects of their inheritance.

The passage of the Act, unchanged, resulted in successful claims for the transfer of the Murray Black collection from the Museum of Victoria to communities for re-burial. My appraisal of that issue is on record (Mulvaney 1989b). Because late Pleistocene human remains from Coobool Creek were involved, the then President of the Australian Archaeological Association, Scott Cane, and myself visited Swan Hill, another Murray River town, to talk with the local Aboriginal community. Such was the level of disinformation, that some of those who attended the meeting assumed we had come to discuss housing problems; an activist interloper from another community obviously countered our attempts at consultation. Inevitably, once the Murray Black collection had been re-buried, attention turned towards Kow Swamp.

Aborigines and archaeologists

In the universally sensitive area of human remains, emotional reactions are familiar, as proposals for raising the *Titanic* and the fate of the crew of the *Mary Rose* highlighted overseas.

Australian archaeologists are blamed by Aboriginal critics for grave-robbing. In fact such depredations, including those by Murray Black, had ceased before the first qualified archaeologists entered the field. These latter quickly urged legislation to suppress those very actions which they are accused of promoting.

The combination of activist Aboriginal politics with the guilt-ridden consciences of white academics overwhelmed by the savagery and wrongs of British land-takers, produces an emotional mix. Angels may fear to tread this moral mire, but the media wallow in it, magnifying 'skeletons' as newsworthy, quoting Aboriginal activists, but ignoring the archaeologists who urge the cultural meanings of these same bones. Such activists appear to gain audience with many government Ministers, but I have found that access to some Ministers is guarded by 'minders'.

Let us be clear about the issues involved. Science and archaeology are not white racial monopolies. Present advances in Aboriginal tertiary education and developments in research techniques make it certain that Aboriginal biologists, anthropologists, earth scientists and historians will seek to add to their people's understanding of their cultural and biological origins. Recent discoveries of DNA in ancient bone, of human blood used as a binder in Pleistocene rock art, for example, must prove crucial in tracing genetic interconnections between regional populations. (What were Tasmanian links with mainlanders? Do genetic affiliations correlate with linguistic or other cultural groupings? For how long have 'tribes' occupied a territory, and so bolstered their claims to the land?)

Many Aboriginal people, both tertiary scholars and in local communities, have stated their preference that human remains are preserved. Most relevant testimony is a report prepared in June 1990 by the Victorian Koorie Heritage Trust, which surveyed opinion in many communities. (Koorie is the preferred term adopted by Victorian Aboriginal people.) It concluded that 'ancient skeletal remains should be available for research', because they 'may assist mankind in general', and should not 'be lost forever'.

There is a rather standard response from many Aboriginal people that archaeologists don't consult with them, or fail to inform them about research results. That this was correct years ago is admitted, but it is difficult to accept today, at least for most fieldworkers. The Australian Institute of Aboriginal and Torres Strait Islander Studies, for example, maintained two biological anthropologists as liaison officers to explain the nature of their work throughout the

Riverina region (Webb 1987; Pardoe 1988). The Victorian Archaeological Survey maintains close connections with Aboriginal communities.

The Australian Archaeological Association took a positive lead in setting a reasonable agenda. It supported the transfer of post-1788 remains to communities, as in Tasmania. In 1984, its President wrote to the Victorian government as follows (Meehan 1984: 127):

- The AAA supports the disposal of Aboriginal skeletal remains of known individuals according to the wishes of the deceased, where known, and if not, by being transferred to the appropriate Aboriginal community to dispose of as they see fit.
- The AAA believes that all other Aboriginal skeletal remains are of scientific importance and should not be destroyed by being re-buried or cremated.
- The AAA believes that the Aboriginal community and the archaeological profession share a common concern to protect and preserve prehistoric sites and material of significance.
- The AAA believes that it is possible for Aborigines and archaeologists to reach a compromise about what should happen to Aboriginal skeletal remains. The employment and training of Aborigines as museum joint projects carried out by Aborigines and archaeologists are examples of such compromises.
- The AAA urges the Victorian Government to instigate a programme enabling the construction of Aboriginal Keeping Places and the training of Aboriginal people in the skills necessary for employment in these Keeping Places as well as in the State's museums.

Implicit in this advice was the urgency of collaboration between government and communities in developing mutually-acceptable Keeping Places. It was ignored. Archaeologists support the return of remains from recent generations to local communities for re-burial, because social and spiritual considerations outweigh other factors. The Kow Swamp bones, however, are rare survivals from the millions of burials which have occurred and vanished across the past 15,000 years. Their kin cannot be presumed to have shared the same cultural values or religious concepts of this generation. Neither can a few people 'own' them, in the sense of being free to destroy them.

Indeed, this vast time factor, combined with

their distinctive physical differences, ensure that any line of descent is to the Aboriginal race everywhere, not to Echuca people alone. Whatever justifications the local people advance for re-burial, future generations of Australians of any skin colour will term it vandalism.

Criteria for custodianship

So, if skeletons two centuries old should not be in museums, but Pleistocene remains should be distinguished as possessing universal and less direct ties with the present, where is the line to be drawn? An attempt to define this 'grey' area separating AD 1788 and 8000 BC, was made in 1984 and 1987 by the Australian Archaeological Association in conjunction with the Museum of Victoria. Biological anthropologists Alan Thorne and Steven Webb were asked to draw up objective criteria, but excluding the Murray Black collection. They considered features such as the completeness of the skeleton, pathology, traumas, morphology, evidence for cultural practices, or representativeness for particular time-periods. Under these criteria, any sample retained by the museum would have consisted only of a minority of existing collections, and those the most significant for their scientific and/or cultural information (A.G. Thorne, S. Webb pers. comm.).

Another approach suggested by Webb was to adopt an objective physical criterion – that date around 7000 years ago when Greater Australia shrank in size to the present continental boundaries. The National Museum of Australia accepts an antiquity of 2000 years as its guideline, between retention and transfer. Even that time interval, the length of the entire Christian era, stretches the concept of territorial and cultural continuity beyond realistic limits. The destruction of remains spanning from about 10 to 80 human generations before the present may count adversely against Aboriginal interests.

It is worth reflecting that, if archaeological models covering the last two millennia or more prove valid, there occurred demographic growth, economic intensification and the development of complex exchange systems across the land. The DNA and other genetic and chemical indicators crucial in demonstrating health and dietary shifts, or irrefutable evidence that a group claiming land tenure had occupied it for centuries, depend upon testing human bones as a basic source of such information.

Many Aboriginal people unfortunately still believe that all such criteria, tests and inferences are inventions of devious, self-interested white academics. Activists play upon these prejudices, ignoring the reality that there are numerous Aboriginal students now entering tertiary studies, and that they are positively interested in such matters. Total destruction today, or the with-holding of permission to undertake field research, not only negates the spirit of open inquiry for all people, it denies that freedom for present and future Aboriginal scholars.

In my opinion, the best interests of these latter are not well served by those sympathetic non-Aboriginal academics who defer to the concept of all-inclusive Aboriginal 'ownership' of all past relics, human, artefacts or the art on rock surfaces, rather than emphasizing the 'custodianship' principle, which is more in harmony with the ethos of traditional culture.

Be that as it may, it is unfortunate if the needs of future generations of Aboriginal scholars are forgotten. It seems, for example, that human biologist Colin Pardoe (1988: 11) accepts that bones may be retained for white experts, if Aboriginals so choose, without allowing for potential black specialists: 'If you want to keep them to learn about life in the past,' he advised, 'you can now make effective demands on people like myself who want to study the bones.' In sentiments obviously at variance with mine, Pardoe continued, 'I am not interested in bargaining for parts of the collection, especially the oldest and most symbolic. Again, this is because I will abide by any decision made by the Aboriginal communities on whether or not to rebury.'

My concern is that, despite this seemingly democratic and conciliatory approach, it is wrongly assumed that local communities fully appreciate the future implications of re-burial and the emotional appeal of populist leaders is allowed full scope. I accept that this smacks of superior paternalism. My response is simply to appeal to communities to exclude non-Aboriginal academics if they must, but to retain human remains (or artefacts) in Keeping Places, until there are tertiary-trained Aborigines who are able to provide expert guidance.

In any case, the consequences of unconditional transfer and re-burial of 'the oldest and most symbolic' category were pointed out by

myself when I wrote to the responsible Victorian Ministers on 24 July 1990:

In that case the evidence of the 'scientists' whom the radicals despise, will hold a monopoly of evidence concerning ancient Australians. Their published conclusions would become the definitive evidence.

Aboriginal critics understandably assume that, because museums have stored bones in their laboratories for years, surely time has sufficed for their total examination and record, so that their re-burial cannot matter. The answer is, of course, that research is never complete, not because this is an excuse for retaining remains, but because new techniques or concepts arise. The recent recovery of DNA from ancient bone specimens, or chemical testing for diet and its related cultural and environmental evidence are examples.

Regrettably, even a professor of archaeology contributed to this misapprehension, by writing to a Melbourne newspaper at the climax of the Kow Swamp debate (Bowdler 1990). 'Not only Aboriginal people must be wondering why the particular remains in question "have not been fully studied or described",' she observed, 'when they were excavated between 1969 and 1972.' The implicit note of professional point-scoring against a colleague, which sharpens this barb, was more appropriate to the seminar room than the public press, given that archaeological data of global significance were at stake.

From my recent book, *Encounters in place* (1989a), it is obvious that I condone neither racism nor the pillage of Aboriginal land and culture. It must be fairly admitted, however, that, over the past three decades, prehistoric research has been influential in altering public perceptions of Aboriginal culture; it has also revealed a creativity and an antiquity of which Aboriginal people may be proud.

It is not claimed that Aborigines should express their gratitude or pleasure to archaeologists for these discoveries. I simply observe that controlled scholarly enquiry and racial collaboration, which synthesizes these finds and re-assessments with traditional Aboriginal knowledge, benefits all in a free society. Despite claims by some activists that all these archaeological discoveries were known already, but were kept secret by Aboriginal people, it is evident that such discoveries are incorporated

into their political and land claim agendas. In Tasmania there is an almost instantaneous correlation between archaeological discoveries and land claims to and control over these places.

It is disturbing to detect amongst the archaeological community a failure of nerve, or an unwillingness to state unpopular truths in the face of exaggerated Aboriginal claims that archaeologists are simply appropriating Aboriginal culture; that white people may not write black history; that they 'own' their past absolutely.

It is relevant that possibly only five professional academics intervened in the public debate on Kow Swamp, to urge the Keeping Place option, while perhaps three others exercised their intellectual right to support the unconditional transfer of those remains. Of concern, however, is the silent, passive, majority of professionally-trained archaeologists and their disciplinary kin.

Cross-cultural values or racial monopoly?

ANTIQUITY published a polemic by Sandra Bowdler (1988: 521) against 'heritocrats', amongst whom I must be numbered. She concluded that to assert claims of universal heritage 'is a means of excluding anyone who might have a particular interest in it'. If by that cynical remark she meant that it prevented Tasmania's Franklin River valley and its Pleistocene sites being submerged by a hydro-electric scheme, unrestricted uranium-mining in the Kakadu Park, or the Barrier Reef being drilled for oil, I am in agreement.

However, her criticism appears to be directed against archaeologists. Despite her dismissive remark, 'the Aboriginal value of the sites does not seem to have concerned them', that is precisely my concern. Though she implicitly dismisses aesthetics or research significance as relevant to Aborigines in this matter, it seems that it is she who is echoing the Eurocentric fallacy in regard to the Aboriginal potential for 'science'. In referring to the skeletal controversy, Bowdler (1988: 523) asserts 'a conflict between archaeologists claiming a professional hegemony over what they consider a scientific resource, and Aboriginal people asserting a more significant and spiritual custodianship sanctioned by history and tradition'.

What, then, of future scientific concerns of Aboriginal scholars, or the cultural information

encapsulated within human burials of considerable importance to Aboriginal self-knowledge of the past? Can custodianship be logically equated with the right to destroy?

Bowdler's chief purpose was to defend the Aboriginal traditional right (and obligation) to perform properly sanctioned rituals and to curate appropriate painted rock surfaces. No archaeologist questions such rights. However, it was the implication for the future of sites or paintings which were 'prehistoric', which concerned many of the despised 'heritocrats'. That is, there are many designs, styles and techniques on rocks which are unrelated to present ceremonial life. Unquestioning Aboriginal opinion is that they have existed since their Dreaming creation, and they survive untouched, because they simply constitute part of the environment. Some may be as old as the Kow Swamp people (cf. Loy *et al.* 1990).

There appeared some possibility that such 'pre-existing' art might be overpainted as a contemporary political expression of title of 'ownership', or due to a sincere attempt to rekindle traditional behaviour amongst those whose cultural ties had been weakened through white land-taking. Had this happened, it would raise issues analogous to the destruction of Kow Swamp bones by 'owners'. Bowdler notes that only a few sites were involved, so that all the fuss was not worthwhile. Had the project continued, however, the number of sites would have been considerable and the risk greatly magnified.

It is worth reflecting that outrage would extend far beyond the ranks of the 'heritocracy' should French nationalist 'owners' re-bury the Cro-Magnon human remains or overpaint Lascaux, if Ethiopians cremated 'Lucy', or the pyramids became a stone quarry and the Taj Mahal was razed to build apartments. People of all races, creeds and cultures would appeal to those same universal human values which govern UNESCO principles. In those supreme examples which document the diversity of human types and the richness of cultural response, why should Australia's Aboriginal past, or its present indigenes, be exempt from applying considerations of cross-cultural values? This is not the colonial dominance of the white race.

That is my answer to Ros Langford (1983: 4), who criticized me for holding the notion that

some heritage is universal property. 'The mankind that view refers to is, of course, the white one,' she wrote, the '... view itself sounds quite reasonable, but it has enabled and justified the domination of other groups by the powerful, and stands condemned on that basis.'

A new fundamentalism

Regrettably, Australian society faces an anti-intellectual creationism. This aggressive cultural imperialism is centred in southeastern Australia. While it is important to encourage reactions against earlier European cultural dominance, this movement asserts an infallibility far beyond the concepts of traditional Aboriginal culture. It represents an amalgam of Dreaming beliefs and anti-evolutionary Christian fundamentalism.

Its essential totalitarianism was expressed recently by Robbie Thorpe (1990), President of the Koorie Information Centre. He informed museums that collaboration with Aborigines

must be based on the truth about the past, and the truth is –

- a) that your archaeological theories about our origins are just hypotheses supported by very meagre evidence. . . .
- b) that we believe we were created here, a belief supported by our religion, our history which goes back to the creation time telling of the climatic changes, megafauna, etc. . . .

Therefore, he implies, nobody migrated to Australia, and all prehistoric discoveries are appropriated.

Similar creationist views are attributed to Dan Morgan, Cultural Resource Officer, the Echuca Aboriginal Cooperative (Macklin 1990). Cynics may conclude that it suits the anti-evolutionary creationist cause if inconvenient early evidence is destroyed.

Such claims to absolute knowledge of the past, while denying the right of others to question it, challenges the intellectual freedom of every Australian, especially future Koories. They go to the heart of the principle of free inquiry. While it is reasonable to expect museums, or books on prehistory, to present alternative explanations, it is a denial of intellectual freedom to permit only one 'way'. In fact, a separate human species would be unable to interbreed with other races.

Dreaming times

Does the Aboriginal belief system require that race to be a creation unrelated to all other humankind? Surely this is a dangerous doctrine, when the global move is towards the universal rights of a common humanity? During the 1850s Southern slave states used the concept of a separate negro creation to justify slavery, because that race was sub-human. There is, unfortunately, sufficient racial hatred in Australia to capitalize on such doctrines of separateness.

Consideration of Dreaming events and Creation places in tribal Australia suggests otherwise. Many ancestral beings and their associated rituals arrived on northern coasts from across the sea. Sacred sites exist beneath the Arafura Sea, suggesting their occupation before rising seas submerged them (e.g. Berndt 1964: 210–13; Isaacs 1980: 58–9). Inland Australia is criss-crossed by Dreaming tracks linking sacred sites (Bruce Chatwin's 'songlines'). The ceremonial exchange system which characterizes traditional societies uses those routes in its re-creation and celebration of Dreaming events. As Berndt (1980: 201) observed, 'from the point of view of any group of people, most of them came from somewhere else, or went off somewhere else, or both'.

Such indications establish that the ancestral Dreaming was a dynamic concept in which beings and people moved freely across sea and land, just as did members of those other ancestral races of *Homo sapiens*, who colonized southern Africa, western Europe and the Americas, around the time of Australia's colonization.

A Keeping Place

The prudent compromise over Kow Swamp, which kept future options open and did not place the burden of reaching a final solution upon a small community, would have been to place them in a ritual centre under absolute community custodianship. There are precedents in Australia for such Keeping Places. A suitably designed underground vault, entry to which is controlled (or denied) by the community, simulates the burial process.

Although Victorian Koories rejected the Keeping Place option, it is important to note that the concept is acceptable in South and Western Australia. The South Australian Museum, situated in Adelaide's centre, is

respected as a Keeping Place by various local communities, including those in remote Central Australia. Sacred ritual objects and other items are placed there freely. Access to locked stores is available to appropriate individuals, and traditional elders continue to place objects there for safe keeping. Recently, a South Australian community on the Murray River requested an archaeologist to excavate burials and to obtain radiocarbon dates for the bones. Within that State, the emotionalism and anti-evolutionary/science creationism does not appear to be a significant factor. Mutual trust is indeed a goal to be sought outside that State.

Politicians and the public

Kow Swamp is a different matter. Let me detail the sorry story of events in 1990 as they affected me. In November 1989, Alan Thorne made an appointment with the Echuca Community officers to discuss the Kow Swamp issue. Nobody attended, despite his long journey there. When rumours surfaced in July that the remains might be returned for burial, Thorne phoned Echuca and was informed that neither he nor his colleagues would be welcome there.

Consequently, on 24 July, I wrote to the then Minister for the Arts, responsible for the museum (copy to Minister for Aboriginal Affairs), concerning the consequences of unconditional return and re-burial. As alternative courses were blocked, I offered, should the Minister arrange it, 'to meet with the Echuca community and explain some of the options and implications'. I never received the courtesy of a formal acknowledgement until 10 October, long after the remains had been handed to that community.

The same wall of silence faced Alan Thorne's letter of 25 July to the same Ministers. As he raised legitimate legal and academic issues in that letter, and posed questions requiring answers, it is inexcusable that his letter also was unacknowledged until 10 October (an identical letter to mine). After all, he was the donor of the remains to the Museum.

Failing to receive any response, I faxed the Premier on 9 and 21 August. No acknowledgement again, until 27 August, significantly the day after the Minister for the Arts ordered the Museum to return the remains unconditionally. The Premier's office acknowledged

'my letter' (which one was unspecified). In best 'Yes Minister' mode, I was informed 'that the matters . . . raised fall within the area of responsibility of the Minister for Aboriginal Affairs', who would make a 'direct reply'. That reply arrived only in mid September.

But was he the appropriate Minister? It was the Minister for the Arts who instructed the Museum, and to whom Thorne and I had directed our offer and queries. Indeed, Thorne correctly drew attention to the fact that, at least on 25 July, the legal authority to dispose of Aboriginal remains under the Archaeological and Aboriginal Relics Preservation Act of 1972 (as amended) lay with a third Minister. Further, under the relevant regulations, Kow Swamp did not fall within the Echuca Community's area. Surely this required some explanation. (Presumably Regulations were quietly altered after Thorne's letter.)

A Victorian Cabinet reshuffle now intervened, and confusion seemed further confounded. My phone calls on 20 August ascertained that the office of the new Minister for the Arts (and Deputy Premier), was unaware that the Minister for Aboriginal Affairs had issued a press release promising unconditional return. Even more astonishing, the Museum of Victoria had not been informed of the decision. Calls to the office of the Federal Minister for Aboriginal Affairs revealed that, although the Minister was concerned about developments and planned talks with his Victorian counterpart, he also was unaware of the Minister's decision and press release.

My confidence in the advisers to the Victorian Minister for Aboriginal Affairs fell even further on 30 August, when a Melbourne journalist phoned me seeking comment. He informed me that the Minister's office had told him that, as the bones had all been measured and photographed, they could be re-buried without any loss to knowledge. This reflects crass ignorance or deliberate misinformation. At another level, emphasis upon cultural affairs serves to disguise governmental inactivity on the social and economic cause of Land Rights.

It is evident that our efforts to have some positive input into the issue were frustrated by various ministerial offices. Because I awaited a response to my offer to mediate at Echuca, I now appear to Aboriginal people to have 'failed to consult'.

The Museum of Victoria

This episode has compromised the museum's rôle as a scientific and cultural institution of international standing. Some years ago that institution honoured me by appointing me an honorary Associate. For that reason I was requested to provide the president of its council with advice during April–May 1990 on the question of Pleistocene remains. I visited Melbourne and discussed issues with some council members. I renewed my advocacy for a Keeping Place, which the president believed might be funded from museum sources.

Although the Echuca community evidently denied knowledge of the Keeping Place concept, there is no doubt that the idea was canvassed with them by museum and other authorities. Certainly Thorne and myself were denied any opportunity to meet the people to discuss that matter.

It seems that Ministerial intervention was premature. By ruling that the Museum must hand over the Kow Swamp collection before exhausting all avenues of discourse, including his failure to meet with the Federal Minister, the Minister compromised the Museum's integrity. It is unfortunate that an uneasy council assented to the virtual destruction of a major collection (although its fate remains obscure).

Surprisingly, no council member resigned. (I terminated my own association.) Those accessioned holdings were amongst the museum's greatest treasures. Both for Aboriginal Australians and the general world community, they possessed greater significance than the museum's most celebrated item, the stuffed hide of the racehorse, Phar Lap.

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