



MUSEUMS (ABORIGINAL REMAINS) ACT 1984

No. 75 of 1984

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**AN ACT to provide for the vesting of all Tasmanian Aboriginal remains presently held by the Tasmanian Museum and Art Gallery and the Queen Victoria Museum and Art Gallery in the Crown and then in trustees on behalf of the Tasmanian Aboriginal community, and for other purposes.**

[Royal Assent 22 November 1984]

**BE** it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

**1**—This Act may be cited as the *Museums (Aboriginal Remains) Act 1984*. Short title.

Commence-  
ment.

**2**—This Act shall commence on the day on which it receives the royal assent.

Interpretation.

**3**—In this Act, unless the contrary intention appears—

“commencement day” means the day on which this Act receives the royal assent;

“corporation” means the corporation of the city of Launceston continued in existence by section 5 of the *Launceston Corporation Act 1963*;

“Crowther collection” means the remains of the bodies of original inhabitants of Tasmania excavated at Oyster Cove by and under the direction of the late William Loedwyk Crowther in or about 1909 and in the possession of the trustees on the commencement day;

“Queen Victoria Museum” means the Queen Victoria Museum and Art Gallery referred to in Division 2 of Part XIII of the *Launceston Corporation Act 1963*;

“Tasmanian Museum” means the Tasmanian Museum as defined by section 2 of the *Tasmanian Museum Act 1950*;

“trustees” means the board of trustees established by section 3 of the *Tasmanian Museum Act 1950*.

Vesting of  
Aboriginal  
remains held  
by trustees  
in elders  
of the  
Tasmanian  
Aboriginal  
community.

**4**—(1) On the commencement day the remains of the bodies of original inhabitants of Tasmania, and the remains of the bodies of descendants of those original inhabitants, that are in the possession of the trustees shall be vested in, and become the property of, the Crown.

(2) The Minister shall, as soon as is practicable after the commencement day, serve a notice on the trustees requiring them to deliver the remains referred to in subsection (1) to such elders of the Tasmanian Aboriginal community as he may direct in accordance with the terms of the notice and the trustees shall, on being so served, forthwith comply with the notice.

(3) Property in the remains referred to in subsection (1) shall vest in the elders referred to in the notice as trustees of the remains for the Tasmanian Aboriginal community when the remains are delivered to them in accordance with the notice.

(4) The notice referred to in subsection (2) shall be deemed to have been duly served on the trustees if it is served on the Director of the Tasmanian Museum.

**5**—No action, claim, suit, or demand shall lie or be allowed by or in favour of any person against the trustees or against any officer, employee, or agent of the trustees in respect of any obligation or liability for or in relation to, or arising or alleged to have arisen in connection with, the possession by the trustees of any of the remains referred to in section 4 (1) or for or in relation to anything done to or in respect of those remains by the trustees or by any officer, employee, or agent of the trustees before the remains are delivered to the elders named in the notice served on the trustees under section 4 (2).

No action to lie against trustees.

**6**—(1) On the commencement day the remains of the bodies of original inhabitants of Tasmania, and the remains of the bodies of descendants of those original inhabitants, that are in the possession of the Queen Victoria Museum shall be vested in, and become the property of, the Crown.

Vesting of Aboriginal remains held by corporation in elders of the Tasmanian Aboriginal community.

(2) The Minister shall, as soon as is practicable after the commencement day, serve a notice on the corporation requiring it to deliver the remains referred to in subsection (1) to such elders of the Tasmanian Aboriginal community as he may direct in accordance with the terms of the notice (being the same elders as he directs in the notice under section 4 (2)) and the corporation shall, on being so served, forthwith comply with the notice.

(3) Property in the remains referred to in subsection (1) shall vest in the elders named in the notice as trustees of the remains for the Tasmanian Aboriginal community when the remains are delivered to them in accordance with the notice.

(4) The notice referred to in subsection (2) shall be deemed to have been duly served on the corporation if it is served on the town clerk of the city of Launceston.

**7**—No action, claim, suit, or demand shall lie or be allowed by or in favour of any person against the corporation or against any officer, employee, or agent of the corporation in respect of any obligation or liability for or in relation to, or arising or alleged to have arisen in connection with, the possession by the Queen Victoria Museum of any of the remains referred to in section 6 (1) or for or in relation to anything done to or in respect of those remains by the corporation or by any officer, employee, or agent of the corporation during any period that those remains were in the possession of the Queen Victoria Museum before the remains are delivered to the elders named in the notice served on the corporation under section 6 (2).

No action to lie against corporation.

Cremation of remains not to be an offence for purposes of certain Acts.

**8**—If the elders of the Tasmanian Aboriginal community named in the notices referred to in sections 4 (2) and 6 (2) cremate, or cause to be cremated the Crowther collection or any other remains delivered to them pursuant to this Act at the Oyster Cove Historic Site\*, the provisions of—

- (a) sections 4 and 5 of the *Cremation Act* 1934 and the *Cremation Regulations* 1963;
- (b) section 14 (1) (a) of the *Aboriginal Relics Act* 1975;
- (c) section 139 of the *Criminal Code*; and
- (d) regulations 5G (b) and 8 (5) of the *National Parks and Reserves Regulations* 1971,

shall not apply to or with respect to the cremation of those remains, and the disposal of the ashes, at that site.

Death, &c., of elder.

**9**—If an elder of the Tasmanian Aboriginal community named in the notices referred to in sections 4 (2) and 6 (2) dies or otherwise becomes permanently incapable of acting as a trustee for the purposes of this Act, the Minister may, on the recommendation of such persons as he is satisfied represent the Tasmanian Aboriginal community, appoint another elder to be trustee of the remains in the place of that elder for the Tasmanian Aboriginal community.

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\* Declared as a State reserve by Statutory Rules 1981, No. 124.