

The Advertiser

Final indignity for tiny atomic tests' victim

By Nigel Hunt
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An Aboriginal baby who died following the Maralinga atomic tests is at the centre of a dispute after its remains were exhumed by police from a sacred burial cave on the APY lands, writes NIGEL HUNT

THE exhumation of an Aboriginal infant's remains from a sacred burial cave in the state's Far North has provoked outrage from community elders, who are demanding an inquiry to determine how it was allowed to occur.

The State Government has agreed to fund the reburial of the skeletal remains of the child – which a respected Aboriginal elder says died following the Maralinga atomic testing more than 50 years ago.

Coroner Mark Johns has ordered a comprehensive report from police, which will likely determine if an inquest will be held.

Traditional owners of the APY Lands, who are devastated that the remains were disturbed, have engaged a barrister to push for the inquiry and to seek changes to state and federal legislation to ensure such sites are better protected.

Aboriginal Affairs Minister Kyam Maher has also written to police and Coroner Mark Johns, asking both to ensure “appropriate policies are in place and followed” to avoid future incidents.

“I understand the removal of historical remains from the APY Lands has caused distress among members of the community,” Mr Maher said yesterday.

“I have spoken with one of the traditional owners affected, whom I have known for well over a decade and a half, and made sure he is aware the Government will pay for the reburial of the remains.” The bizarre case has created tensions within the APY community, with traditional owners and elders upset the remains were removed from the burial cave, near Mimili, in the Sandy Bore indigenous Protected Area.

Traditional owner Rex Tjami, who is also a director of APY corporation, has engaged barrister Rosanne McInnes, a former magistrate, to seek further protection for burial sites from such action.

In letters to Mr Johns, Mr Maher and his federal counterpart, Senator Nigel Scullion, Ms McInnes has raised elders' concerns about the circumstances in which the remains were removed.

The skeleton was discovered on November 30 last year by workers from the APY corporation land management section. Police at Mimili, 28km from the cave, were

notified and detectives in Adelaide were then alerted.

On December 13, pathologist Dr Roger Byard, forensic anthropologist Dr Ellie Simpson, forensic officers and detectives gathered at the cave to examine the remains – which are to be returned to the cave within the next fortnight after being released by Mr Johns.

Other items also seized from the site, including hair and vegetation used to wrap and protect the remains, a bone needle and stone tools and soil, will also be returned to Mimili on a police plane.

Dr Byard and Dr Simpson have not yet provided Mr Johns with reports on their examinations of the remains, which will include their opinions on the age of the baby.

Mr Johns said while he could not discuss specifics of the case, he revealed he had a phone discussion with Dr Byard about the state of the child's remains while he was at the burial cave.

"He informed me that he believed they (the remains) were possibly as recent as within the last 10 years and sought my permission for their removal, which I gave," Mr Johns said.

Mr Johns said when he became aware of the concerns being expressed through Ms McInnes, he requested a comprehensive report from the officer in charge of the Coronial Investigation Section at SAPOL, detailing how the discovery arose and the events and processes that followed it.

"I said the report should also comment on the various community members who arrived and were involved in the discussions about the provenance of the remains and their views about the removal of the remains," he said.

"I also asked that it include a statement from the pathologist and the forensic anthropologist regarding their involvement in the process, and why they determined the remains might not be historical and why they determined they should be transferred to Adelaide for proper examination.

"I have not yet received that report that I requested. I need that before I can decide for myself whether things should have been done differently or not." Mr Johns said he had not yet decided if there would be an inquest into the child's death. All police protocols concerning the discovery of Aboriginal remains were followed.

Ms McInnes yesterday said "something has gone wrong and the systems had broken down" in this case, and said an inquiry was needed to determine if changes needed to be made.

She said that, on January 11, she was told the remains were seized because of "a smell" in the cave.

She said Mr Johns had agreed to release some statements to her and these may "answer some of the questions" surrounding the incident, but an application under

federal legislation for protection of the site would require a full investigation.

Ms McInnes said there was likely to be many more caves containing ancient remains in the area that needed protection if they were discovered in future.

The traditional re-burial ceremony at the cave is likely to involve considerable logistics with a large number of attendees. The Government funding would pay for the hire of vehicles, including a school bus to transport children, petrol, water and food and provision for any emergency medical treatment.

An affidavit sworn by Mr Tjami, who is chairman of Mimili community and director of administration at Anangu Pitjantjatjara Yankunytjatjara (APY) states the child and its parents “came from the area where there was nuclear testing” and had left the Maralinga Lands and were staying in the cave when the child died.

While Mr Tjami, a Yankunytjatjara traditional owner, was aware of the burial cave, the Land Management employees who found the remains were not and so could not provide police with details of the origins of the remains.

Mr Tjami’s affidavit states when he went to the cave region near Sandy Bore – after being alerted to the discovery – he recognised the area and recalled the story his mother had told him about the burial cave.

“The child and the parents of the child died a long time ago. They were related to my mother and my uncle and other families. They came from the area where there was nuclear testing,” he states.

“My mother and my uncle told me the parents were staying in the large cave. They and the child became sick. The child died. The parents cut their hair, wrapped it around the child and wrapped the child in special plants. They put the child’s body in a smaller cave opening into the wall of the large cave to protect it. They used sticks from a special plant to fence out predators. After they buried the child, the parents left the cave. Before they died, the parents told their relatives – our family – about the cave in the hill where the child was buried.” Mr Tjami’s affidavit outlining the origins of the remains has been provided to Mr Johns by Ms McInnes.

Mr Tjami said the removal of the child’s skeleton had “upset people and raised tension in the communities, especially among the old people”.

“We are upset the child’s grave was disturbed and the child’s body taken away with nothing being said to APY anthropologists or traditional owners,” he said. “We want protection for our heritage. Not people from Adelaide digging up old graves and taking away the bodies of our people without telling us.”