



Discovery of Aboriginal Sites, Objects and Remains

- ✓ Section 20 of the *Aboriginal Heritage Act 1988* (the Act) requires that any Aboriginal sites, objects or remains, discovered on the land, are to be reported to the Minister.
- ✓ The Act defines an Aboriginal site as: 'An area of land that is of significance to Aboriginal tradition or Aboriginal archaeology, anthropology or history.'
- ✓ Any land, developed or undeveloped, can contain Aboriginal sites relating to traditions, spiritual beliefs and ceremonial activities, living patterns and the use of environmental resources such as water, animal and vegetable foods and stone.
- ✓ These may be prominent or easily disregarded features in the landscape. Historical sites may have very little material evidence left, but are still known in the oral history of Aboriginal people.

Certain landforms are more likely to be Aboriginal sites or to contain archaeological evidence of Aboriginal occupation. These include:

- Claypans, lakes, rivers and estuaries (stone artefact scatters, shell middens, rock art, stone arrangements, campsites or ovens)
- Rocky outcrops (quarries, rock art, rock holes, stone arrangements, ceremonial/religious sites, stone artefact scatters)
- Dunes, sand hills and sand bodies, especially in the vicinity of water sources, wells, springs, water holes
- Craters and sinkholes
- Areas within 200 metres of Coast and waterways
- Areas within 100 metres of the banks of all other creeks, rivers, watercourses, lakes, waterholes, rock holes, wells and springs, especially in arid areas
- Unusual land features can be likely to have mythological significance
- Bush or forested areas (stone artefact scatters, campsites or ovens)
- Areas of natural vegetation or intact ground surface such as parks, open space and road verges
- Place names are a visible link of the association of a society with the land. Places bearing Aboriginal names, or place names that are English translations of Aboriginal names or reflections of Aboriginal interaction with the landscape (including words such as "Black" or "Spear"), may have significance to Aboriginal people.

Reporting the discovery of Aboriginal sites, objects and remains ...

If you are the owner or occupier of a parcel of land including the lessees of crown land and of mining tenements or an agent of these (staff, contractor, subcontractor) you must report the discovery of any Aboriginal sites, objects or remains to the Minister for Aboriginal Affairs and Reconciliation (the Minister).

Any activity which may be impacting on a site must STOP immediately and contact should be made with the Department of State Development, Aboriginal Affairs and Reconciliation (DSD-AAR) on (08) 8226 8900.



Any skeletal remains found should be left completely undisturbed and the South Australian Police should be notified immediately on 131 444. See guideline 13.

Notifications of the discovery of sites, objects or remains can be made to the Minister through the Aboriginal Heritage Team at DSD-AAR.

When reporting a discovery, provision of the following information is important:

- Location of the site, object or remains – preferably through the use of a GPS in northings and eastings, or indicated on a map
- Approximate area of the site
- Description of how to get to the site
- Your name and contact details
- Name and contact details of the person who discovered the site
- When the discovery occurred
- Photos of the site
- Any other details which may be relevant.

When sites have been located, either incidentally or through cultural heritage surveys, they must be recorded to the highest standard and protected to ensure compliance with the Act. The standard for site recording in South Australia is site cards; these are available from DSD-AAR.

It is expected that cultural heritage practitioners will submit site cards for sites located during cultural heritage surveys to assist land owners or lessees in discharging their responsibilities under section 20 of the Act.

Subject to Section 23 of the Act; A person must not, without the authority of the Minister damage, disturb or interfere with any sites, object or remains. Disturbing Aboriginal sites can cause strong offence to Aboriginal people. The cultural and archaeological values of a site can also be diminished if parts of it are removed or disturbed. Anyone discovering an Aboriginal site should take care not to disturb or damage it. Low impact activities such as re-vegetation or grading may also impact on sites.

DISCLAIMER: This document is a guide only and should not be relied on to ensure compliance with the *Aboriginal Heritage Act 1988*. Persons proposing to undertake activities that may damage, disturb or interfere with Aboriginal sites, objects or remains should seek specific advice.

LIABILITY The Government of South Australia does not accept responsibility for accidents, injuries or loss of income sustained during or because of research or fieldwork supported by DSD-AAR.

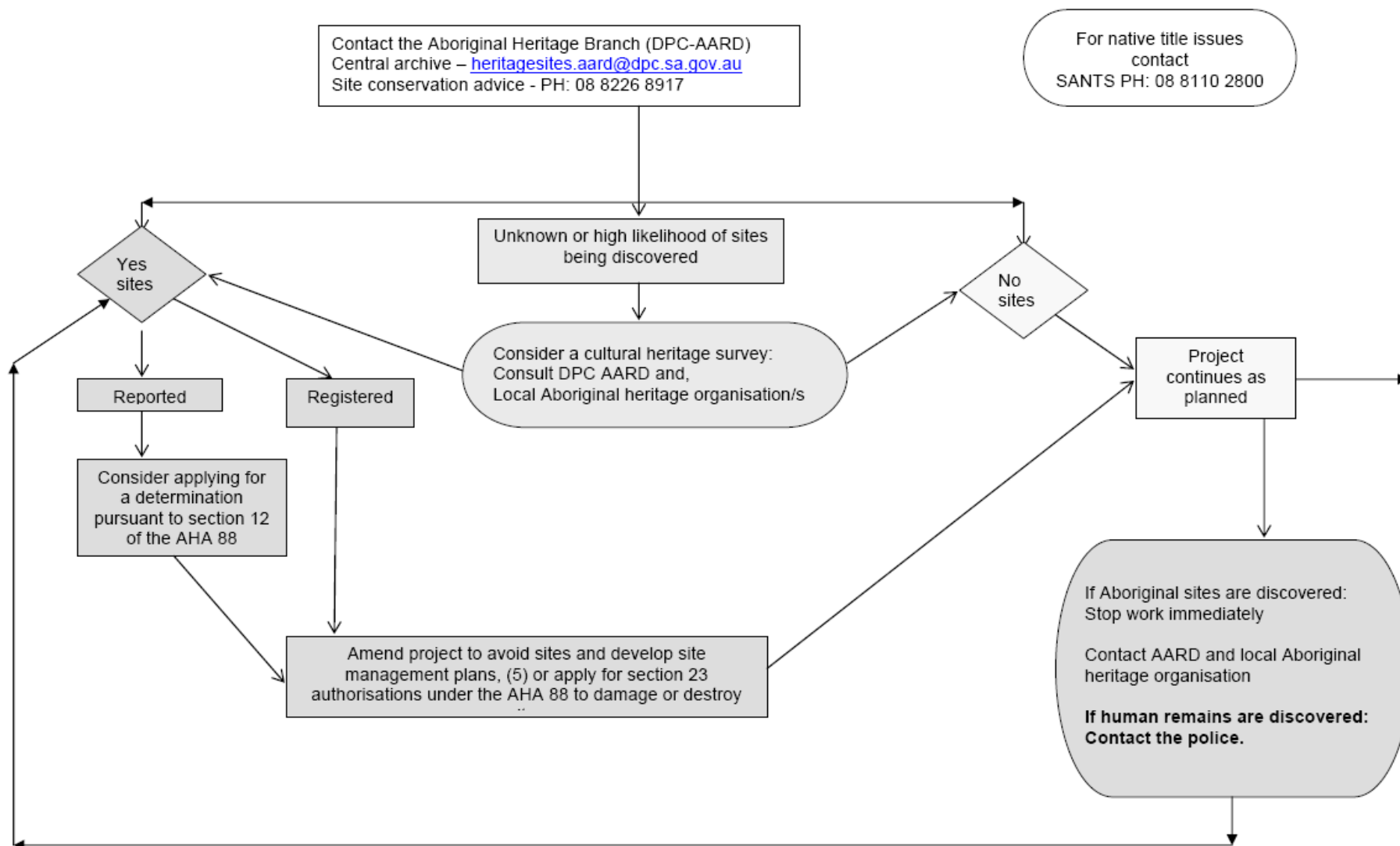
CONTACT DSD-AAR on telephone (08) 8226 8900 or email dsdaarheritagesites1@sa.gov.au



Project Developed - Aboriginal heritage issues should be considered at the planning stage to ensure compliance with the *Aboriginal Heritage Act 1988*

Contact the Aboriginal Heritage Branch (DPC-AARD)
Central archive – heritagesites.aard@dpc.sa.gov.au
Site conservation advice - PH: 08 8226 8917

For native title issues contact
SANTS PH: 08 8110 2800





Aboriginal Heritage Act 1988

EXTRACTS

12—Determination of whether site or object is an Aboriginal site or object

- (1) If a person proposes to take action in relation to a particular object and that action may constitute an offence against this Act if the object is an Aboriginal object, the person may apply to the Minister under this section.
- (2) On an application under subsection (1), the Minister must—
 - (a) if the object is entered in the Register of Aboriginal Sites and Objects, give the applicant written notice that it is so entered;
 - (b) if the object is not entered in the Register, determine whether it should be so entered and give the applicant written notice of the determination.
- (3) If a person proposes to take action in relation to a particular area and that action may constitute an offence against this Act if the area is, is part of or includes an Aboriginal site or if an Aboriginal object is located in the area, the person may apply to the Minister under this section.
- (4) On an application under subsection (3), the Minister must—
 - (a) determine whether any entries should be made in the Register of Aboriginal Sites and Objects in relation to sites or objects in the area that are not so entered and give the applicant written notice of the determination; or

- (b) subject to subsection (5), give the applicant written notice of the location of each Aboriginal site or object in the area that is entered, or that the Minister has determined should be entered, in the Register.

- (5) The Minister must not disclose the exact location of a site or object if, in the Minister's opinion, the disclosure is likely to be detrimental to the protection or preservation of the site or object or to be in contravention of Aboriginal tradition.
- (6) The Minister may, within 20 working days after receiving an application, require an applicant to provide information in connection with the application or to engage an expert acceptable to the Minister to do so.
- (7) Where the Minister requires information to be provided under subsection (6), the Minister must determine the application within 30 working days of receiving that information.
- (8) The Minister may refuse to entertain an application under this section on the grounds—
 - (a) that the area or object is insufficiently identified; or
 - (b) that the application is not genuine; or
 - (c) that the Minister does not have the resources to determine the application.

13—Consultation on determinations, authorisations and regulations

- (1) The Minister must—
 - (a) before making a determination under this Act; or
 - (b) before giving an authorisation under this Act; or



(c) before a site or object is declared by regulation to be an Aboriginal site or object or is excluded by regulation from the ambit of the definition of Aboriginal site or object, take all reasonable steps to consult

with—

- (d) the Committee; and
- (e) any Aboriginal organisation that, in the opinion of the Minister, has a particular interest in the matter; and
- (f) any—
 - (i) traditional owners; and
 - (ii) other Aboriginal persons, who, in the opinion of the Minister, have a particular interest in the matter.

20.—Discovery of sites, objects or remains

(1) An owner or occupier of private land, or an employee or agent of such an owner or occupier, who discovers on the land—

- (a) an Aboriginal site; or
- (b) an Aboriginal object or remains,

must, as soon as practicable, report the discovery to the Minister giving particulars of the nature and location of the site, object or remains.

Penalty:

- (a) in the case of a body corporate—\$50 000;
- (b) in any other case—\$10 000 or imprisonment for 6 months.

(2) This section does not apply to the traditional owner of the site or object or to an employee or agent of the traditional owner.

(3) The Minister may direct a person making a report to take such immediate action for the protection or preservation of the remains as the Minister considers appropriate.

(4) A person must not, without reasonable excuse, fail to comply with a direction of the Minister under this section.

Penalty: \$2 000 or imprisonment for 3 months.