



# Aboriginal Heritage Registers

## Introduction

The *Aboriginal Heritage Act 1988* (the Act) prescribes the establishment of three registers that contain information about Aboriginal heritage and heritage management processes under the Act:

- The Register of Recognised Aboriginal Representative Bodies
- The Register of Agreements
- The Register of Aboriginal Sites and Objects

The Department of State Development, Aboriginal Affairs and Reconciliation (DSD-AAR) maintains each register on behalf of the Minister for Aboriginal Affairs and Reconciliation (the Minister) and in the case of the Register of Recognised Aboriginal Representative Bodies (RARBs), the State Aboriginal Heritage Committee (the Committee).

DSD-AAR recognises its responsibility to collect, manage, use and disclose information in accordance with legislative requirements and prevailing community expectations of best practice. Maintaining the privacy of information is a vital part of government's relationship with Aboriginal communities and other stakeholders. DSD-AAR has a range of legislative and common law responsibilities related to maintaining confidentiality of information.

## The Register of Recognised Aboriginal Representative Bodies

The Committee must establish a register of Recognised Aboriginal Representative Bodies. DSD-AAR maintains the Register of RARBs on behalf of the Committee. The *Aboriginal Heritage Regulations 2016* requires the register to include:

- the name and address of the body corporate constituting the RARB
- the name of each person who is a director or member of the body corporate constituting the RARB
- the address and contact details of the principal place of business of the RARB
- subject to section 10<sup>1</sup> of the Act, a description of the area, Aboriginal site, Aboriginal object or Aboriginal remains in respect of which the RARB is appointed.
- If the RARB was appointed under section 19B(9) of the Act – a copy of the relevant Native Title claim or Indigenous Land Use Agreement (as the case requires)
- The Register of RARBs may also contain other information as required by the Committee from time to time.

Information on the Register of RARBs would normally be collected as part of an application to become a RARB process and prior to an organisation's approval of appointment as a RARB. RARBs are required to notify the Committee of any changes to this information within three months.

## Access

Information available to the public from the Register of RARBs is determined by the Committee and may include the corporation's name and number, date of registration, the boundary and description of the area of appointment and the name and address of a contact person. The

<sup>1</sup> Section 10 of the Act requires the confidentiality of certain information entered into the central or local archives to be maintained.

Register may also show links to key public documents, such as the corporation's rule book, held by the Office of the Registrar of Indigenous Corporations.

### **Register of Agreements**

The Minister must establish and maintain a register consisting of –

- (a) local heritage agreements; and
- (b) agreements to which Division A2 applies.

DSD-AAR maintains the Register of Agreements on behalf of the Minister. The *Aboriginal Heritage Regulations 2016* set out the following provisions and information that must be included on the Register of Agreements:

- (a) in the case of a local heritage agreement –
  - the name, address and contact details of the RARB that is a party to the agreement;
  - the name, address and contact details of the proponent of the agreement;
  - a copy of the application for authority under section 21 or 23 of the Act to which the agreement relates;
  - details of any variations to the agreement (including the date on which the variation takes effect);
  - details sufficient to identify any report or survey referred to in the agreement or upon which the agreement is wholly or partly based;
- (b) in the case of an agreement to which Division A2 of the Act applies
  - the name, address and contact details of each party to the agreement;
  - details of any variations to the agreement (including the date on which the variation takes effect);
- (c) in any case –
  - a copy of the local heritage agreement or agreement to which Division A2 of the Act applies (as the case requires);
  - the address and contact details of the principal place of business of the Recognised Aboriginal Representative Body;
  - the name and address of each party to the agreement.

The Register of Agreements may also contain other information determined by the Committee from time to time. Agreements are placed on the Register once approved by the Minister.

### **Access**

As specified by the *Aboriginal Heritage Regulations 2016*, information held in the Register of Agreements may only be inspected with the consent of each of the parties to the relevant agreement, and in accordance with any requirements specified by the Committee.

### **Register of Aboriginal Sites and Objects**

The Minister must keep central archives relating to Aboriginal heritage. Part of the central archives is the Register of Aboriginal Sites and Objects, which must contain entries described with sufficient particularity to enable them to be readily identified sites or objects determined by the Minister to be Aboriginal sites or objects.

The central archive and the Register of Aboriginal Sites and Objects contain confidential and non-confidential information, including site cards, cultural heritage reports and other records of Aboriginal heritage. Information is held both electronically and in hard copy.

The Central Archive, which includes the Register of Aboriginal Sites and Objects, is maintained by the Minister for Aboriginal Affairs and Reconciliation and contains confidential and non-confidential information about Aboriginal sites, objects and ancestral remains (burials) across South Australia.

Divulging confidential information from the Central Archive and divulging information in contravention of Aboriginal tradition each have serious penalties under the Act. The Department therefore strictly follows a process to manage all requests for information from the Central Archive and Register of Aboriginal Sites and Objects.

The Central Archive is not an exhaustive record of all Aboriginal heritage sites in South Australia. RARBs, local heritage committees and other Aboriginal organisations may maintain their own local archives of Aboriginal heritage. It is recommended that proponents seeking information about Aboriginal heritage in a project area deal directly with the relevant RARB (if appointed).

### **Access**

Applications for access to information are made in writing and can be lodged via the DSD-AAR Heritage website or email to [dsdaarheritagesites1@sa.gov.au](mailto:dsdaarheritagesites1@sa.gov.au). An application should include:

- a clearly defined and described area of interest
- lot/plan details, certificate of title number, tenement number, map, shapefile and/or grid references
- a reason for the request and a description of how the information will be used.

### **Release of information**

Two levels of information are released, depending upon the requirements: basic or extended.

**Basic** – This is the standard basic level of information released.

If you are seeking information about the location of Aboriginal heritage so that you can avoid, as far as possible, damage, disturbance or interference to Aboriginal heritage during development activities, please request a basic search. You will receive a letter identifying whether there is an entry on the Central Archive or Register of Aboriginal Sites and Objects within your interest area. If there are records of Aboriginal sites or objects, you will be given a basic map that indicates approximate locations.

**Extended** – If you require a more detailed understanding of the potential interaction between Aboriginal heritage and development, you will need to seek the authority of the traditional owners and/or original informants of the site information. This is done using the *Access to Central Archive* form available on the DSD-AAR website. The form will prompt you to include evidence of permission from the relevant traditional owner and/or original informant of the site information to release the information to you. Access to site cards and cultural heritage reports is dependent on whether information is confidential and if the relevant individuals and/or informants have endorsed the release of confidential information.

### **Recognised Aboriginal Representative Bodies**

Subject to section 10 and section 35 of the Act, Central Archive information may be released to a RARB for the area, site, object or remains of which their appointment has been approved.

Please allow up to 21 days for response to basic site search request and up to 28 days for the release of information from site cards and/or cultural heritage reports.

**Further Information**

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