

**ABORIGINAL NATIONS  
CONSULTATION & ENGAGEMENT  
PROTOCOLS**

**FOR**

**NATURAL RESOURCE MANAGEMENT**

**EYRE PENINSULA  
INTEGRATED NATURAL RESOURCE MANAGEMENT REGION**



**Natural  
Heritage  
Trust**

*Helping Communities  
Helping Australia*

## **Acknowledgments**

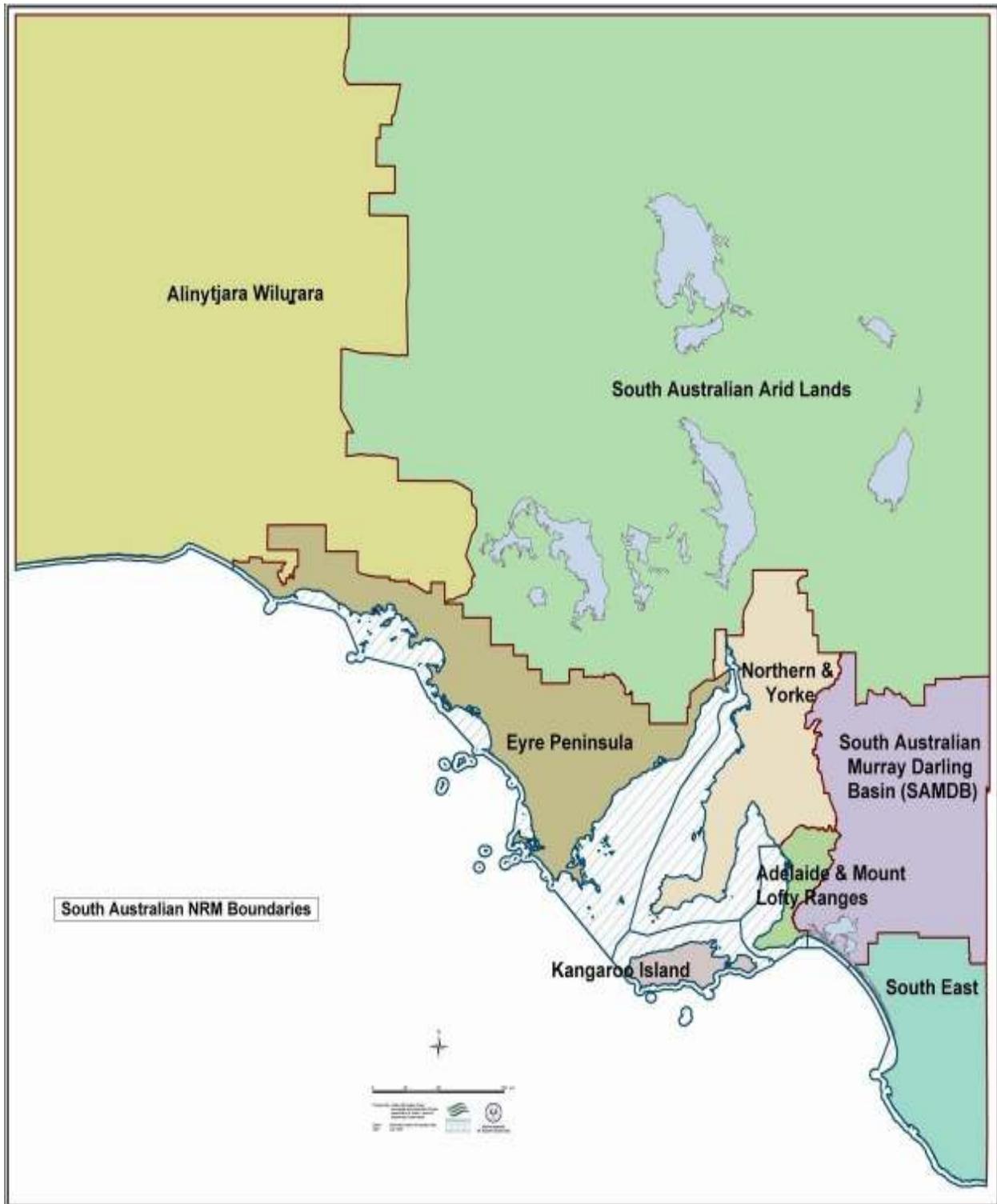
We wish to recognise the contribution of the Eyre Peninsula Indigenous Focus Group in the development of this document. We also wish to acknowledge Eyre Peninsula Natural Resource Management Board for its role in funding the development of this pathway forward. The pathway, set out in this document, will show the way for meaningful Aboriginal participation in the good management of the region's natural resources and for Aboriginal involvement in the forward planning process.

We wish to also acknowledge the Adelaide and Mt Lofty Ranges Four Nations NRM Governance Group in providing a basis for the development of protocols for this region.

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## NRM Regions in South Australia



## **The Protocols Document**

The Following document represents the combined knowledge and input of the four nations; Wirangu, Kokotha, Barngarla and Nauo; which have traditional ties to country within the EP NRM Region. The document is meant as a guide for practitioners in their field to assist them to best engage with the numerous indigenous organizations and interest groups across the region.

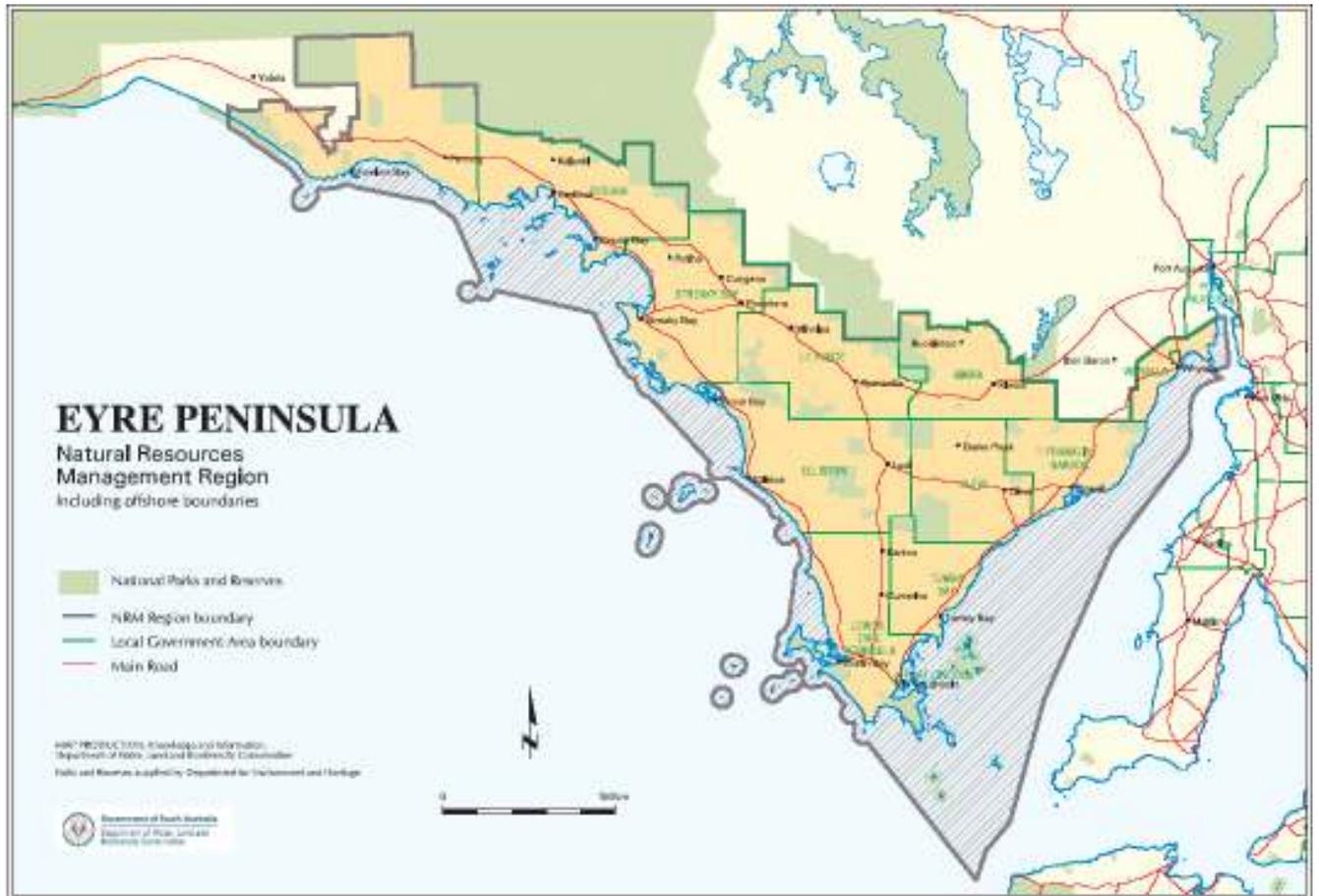
The Protocols Documents consists of

- ◆ Introduction
- ◆ Protocols
- ◆ Aboriginal Heritage Site Information

***The Australian continent is alive with evidence of the actions of the spirit beings of the Dreamings: walking, slithering, crawling, flying, chasing, hunting, weeping, dying, giving birth. Performing rituals, distributing the plants, making the landforms and water, establishing things in their places, making the relationships between one place and another. Leaving parts or essences of themselves...***

***Where they traveled, where they stopped, where they lived the events of their lives, all these places are sources and sites of Law. These tracks and sites, and the Dreaming associated with them, make up the sacred geography of Australia; they are visible in paintings and engravings; they are sung in the songs, depicted in body painting... they form the basis of a major dimension of the land tenure system for most Aboriginal people. To know the country is to know the story of how it came into being, and that story also carries the knowledge of how the human owners of that country came into being.***

# Eyre Peninsula Region



## **Introduction**

The Eyre Peninsula Natural Resource Management Board (EPNRM board) acknowledges the past and present Aboriginal custodians of the land within the Eyre Peninsula NRM Region. It also values their knowledge and looks forward to the contribution they can make to enhance the understanding and good management of the region's natural resources. The NRM Board is committed to developing ongoing partnerships with the regions Aboriginal people and has recognized from the outset, that a long-term commitment and coordinated effort is vital to address the interrelated outcomes required in the Eyre Peninsula NRM Strategic Plan.

The first purpose of this document is to provide NRM *Regional Boards* and *staff* with an understanding of some of the important protocols of the Aboriginal communities across Eyre Peninsula. This document details a process that has been developed and endorsed by the NRM Indigenous Focus Group (IFG) for Eyre Peninsula. It is recommended that the process be followed for discussions relating to the broad-scale management of natural resources with the Aboriginal communities of the region.

The second role of this document is to enable *project proponents* to more effectively consult with Aboriginal communities in regards to Natural Resource Management on-ground works in the region. It is essential to allow for the time needed by Aboriginal communities and organisations to properly consider issues before they make a decision within the constraints of the funding process.

Please note that aspects of the protocols will require that NRM staff continue to consult with the Indigenous Advisory Committee representatives about how and when to alter the approach to consultations in order to fit in with prevailing conditions within specific indigenous communities. It is important to recognise and understand, when using this document, that there are some similarities and differences between these NRM protocols and protocols relating to other issues such as Health or Education. These similarities and differences highlight the diversity of Aboriginal groups of the region.

**Enquiries about the Indigenous Advisory Committee should be directed to:**

**Kate Clarke**

**General Manager**

**Eyre Peninsula NRM Board**

**Telephone: 8682 5655**

An important part of showing respect for different cultures is acknowledging and accepting that we have different codes of behavior and ways of interacting. Working across cultures is not always easy and requires the patience, understanding and commitment of both parties. While mistakes will inevitably be made, the attempt to observe the protocols of Aboriginal communities and organisations is appreciated by Indigenous people, and demonstrates a genuine commitment to, and respect for, Aboriginal culture, heritage and environment.

## Terminology

- **Protocol**

A protocol simply means an understanding between parties that sets out a mutually agreed process relating to how a particular issue or issues will be addressed.

- **Indigenous or Aboriginal**

The terms Indigenous and Aboriginal are acceptable in most circumstances; it is appropriate to ask which term the community prefers.

- **Traditional owners or Custodian**

The terms “Traditional Owner” or “Custodians” are used when referring to Inhabitants of an area, past and present. It is best to check with the Elders in the community as to which term they prefer to use.

- **Country**

A Nations territory or land

An Aboriginal depiction of country: “People talk about country in the same way they talk about a person; they speak to country, sing to country, visit country, worry about country, feel sorry for country and long for country. Country knows, hears, smells, takes notice, and is sorry or happy. Because of this richness, country is home. Peace and nourishment for the body, mind, spirit and eases the heart.” *Deborah Bird Rose, Nourishing Terrains.*

- **Nation**

A particular group of indigenous people who originally occupied the same traditional lands. Like the European concept of Nationality, these people originally shared a unique language and a set of customs particular to their group. In former times the term 'Tribe' has been used to describe the concept of Nation - it is now an inappropriate term.

The Nations that originally occupied the area now covered by the EPNRM region are Barngarla, Kokotha, Nauo and Wirangu. It is useful, and respectful, to ask which nation people belong to. Be aware that many Indigenous people will relate to more than one Nation through blood ties (mother and fathers country) and marriage.

- **Spiritual Connections**

Indigenous people have a unique relationship to land and waters of their country. This relationship embraces a certain responsibility to look after the spiritual and environmental wellbeing of country, responsibilities include:

- ◆ Acknowledge and paying respect to the spirit ancestors who created the land and introduced customs and language
- ◆ Responsibility to care for country and defined through traditional lore. Although creation beliefs and customary practices vary greatly across Australia they are all based on the journeys or pathways of ancestral being and events, which took place during the creation period.

- **Elder**

A person who holds a high and respected position in the community.

A person of status who possesses specific skills and knowledge of cultural practices and beliefs.

- **Welcoming Visitors to Country**

Generally, welcoming visitors takes on a conventional western form, but on some special occasions, a formal welcome address involving aspects of traditional ceremony may be undertaken.

Local groups each have their own customs and protocols about welcoming visitors to their land. Traditional owners and communities take the role and responsibility of welcoming visitors to their country seriously. They do this with great pride, and gaining recognition of, and respect for country, and their role as custodians, is very important.

- **Acknowledgment of Country**

Acknowledgment of Country is when people acknowledge and show respect for the Traditional Owners of the land on which an event is taking place. This acknowledgement is a sign of respect and should be conducted at the beginning of a meeting, event or ceremony. Acknowledging country may also take place when Elders are not available to provide an official welcome to country. It is important to note in the acknowledgment that Aboriginal people continue to reside in the region or stated area to which they have ongoing spiritual and cultural connections. It is best to check with the Elders in the community as to the wording of any acknowledgement of country.

- **Natural Resource Management (NRM)**

The protection and development of Soil, Water, Geological Features & Landscapes, Native Animals, Native Vegetation, and Ecosystems for the future benefit.

- **NRM activities**

Any planning for on-ground works and/or the act of on-ground works on and around country. On-ground works activities include research, planning, capacity building and information provision

- **Capacity Building**

Raising the ability and understandings of all groups to be actively involved in planning and delivery of outcomes.

- **Program proponents**

People and or groups involved in the planning and delivery of activities which generate NRM outcomes.

- **Cultural Courtesy**

Being respectful and respecting. Following social and cultural courtesies where possible and appropriate. Appreciating the beliefs and cultural practices of Aboriginal people in the region.

- **Stake holders**

Refers to people or groups who have a key interest in the process or processes being discussed. In certain circumstances this term is considered inappropriate to use and can offend when referring to Aboriginal groups. It is best to check with the Elders in the community as to which term they prefer.

## Abbreviations

NRM	Natural Resource Management
IFG	Indigenous Focus Group (old structure)
IAC	Indigenous Advisory Committee (new structure)
EP	Eyre Peninsula
PIRSA	Primary Industries and Resources South Australia
RSSA	Rural Solutions South Australia
NHT	Natural Heritage Trust
AW	Alinytjara Wilurara (NRM region)

**Use of the Protocols will not necessarily guarantee the result sought by a particular investor or program proponent. This document is intended as a respectful guide that will lead to an outcome. It is an evolving document which may be further refined by subsequent Indigenous Advisory Committees.**

## Principles

The following outlines the principles of good engagement with Indigenous Communities.

- **Engage early in the processes of NRM**

The earlier groups are involved, the more integrated and beneficial the outcomes will become. Local Indigenous people have an inherent understanding of country and there is much to be learnt .

- **Mutual respect is beneficial respect**

Respect for these protocols and culture will lead to respect from Indigenous organisations and communities, and establish a positive relationship for the long term.

- **Acknowledgement creates understanding**

Acknowledging the IFG and the processes underway reinforces the commitment required to integrate NRM.

- **Create realistic timeframes**

IFG representatives, and most Indigenous Elders, have extensive commitments across a wide range of issues, and require consideration in their response time to NRM issues.

- **Building relationships is important**

Establishing understanding and working relationships can value add NRM activities. NRM activities can enhance Indigenous Community activities.

- **Create collaborative partnerships**

Collaboration builds integrated programs with multiple partners and other potential agency investors.

- **Culture is a part of NRM**

Culture is inherent in NRM, it has always been important and it has the potential to add significant value to program outcomes.

- **Awareness is the start of the process and is ongoing**

Awareness builds relationships that create opportunities for all participants in NRM.

- **Find the right people to speak to about each site or region**

It needs to be accepted that a Traditional owner will only comment on sites, places, objects and associations within their traditional country and that they are not able to make comment on someone else's country, sites, places, objects or associations. There may also be an expected need for either or if not all interested traditional owners to meet and discuss shared cultural responsibility and expectation required from NRM proponents and projects requirements.

# EYRE PENINSULA NRM INDIGENOUS ENGAGEMENT AND CONSULTATION PROTOCOL

## 1. Involvement

It is important to consult from the start with the Traditional Owners, the Custodians and or their representatives and other community member's that have a role or responsibility associated with a particular project or issue. Indigenous people should be consulted on the way in which their land, cultural heritage, knowledge, beliefs, customs, history, community, interviews, lives and families are represented and used. It is recommended that the intent of any visit or consultation from the outset is explained and ongoing relationships occur.

## 2. Respect

It is inappropriate to name or show photographic images of deceased persons unless agreed to by relevant family. It is respectful to ask permission before taking photos of people or places.

## 3. Appropriate Resources

Participation of Indigenous people will require appropriate, fair and equitable resources to achieve outcomes. Generally, Aboriginal people lack personal resources to enable them to be closely involved in NRM. Proponents are advised to consider resources required to be provided to Aboriginal participants for services rendered in the pursuit of achieving NRM outcomes.

Resources may include:

- Meeting organization expenses
- Admin support
- Catering
- Transport
- Legal services

## **4. Statement of Acknowledgement & Welcome to Country**

An appropriate person such as a recognized Elder within the local area should conduct a welcome to country as a courtesy and acknowledgment of the traditional owners.

The IFG recommend that meetings held on EP should consider using the following statement, at the start of each official meeting, as a sign of respect and acknowledgement to the Barngarla, Kokotha, Wirangu and Nauo people.

To obtain a list of appropriate people to conduct a Welcome to Country on the Eyre Peninsula please contact one of the organizations below:

- ◆ PLACC - Port Lincoln Aboriginal Community Council : 86826677
- ◆ TWT - Tjutjunaku Worka Tjuta : 86253210
- ◆ Whyallina Aboriginal Heritage Corporation - 8645 2745

### **Recommended Statement of Acknowledgement**

We acknowledge and respect the traditional custodians whose ancestral lands we are meeting upon here today. We acknowledge the deep feelings of attachment and relationship of Aboriginal people to country. We also pay respects to the cultural authority of Aboriginal people visiting/attending from other areas of South Australia/Australia present here.

We acknowledge Aboriginal people as the custodians of the land and that their cultural and heritage beliefs are still as important to the Aboriginal people living today.

## **5. Timing**

It is important to recognize that engaging the Indigenous Community will take time, and sufficient time for proposals will be required for consideration by the appropriate people. This will vary from case to case.

## **6. Acknowledge Elders**

The term “Elders” does not always mean men or women over fifty or sixty years of age. A relatively young man or woman may be considered an Elder because of their highly respected position in the community. They may possess specific skills and knowledge in an area, which endorses their position.

## **7. Understand the importance of attending Funerals**

Aboriginal people will travel long distances to attend funerals. The importance of paying respect to a member of the Clan or Nation will always take precedence over other commitments. The period of grieving may precede and follow the funeral.

## **8. Establish a common purpose**

Indigenous people understand the need to establish a common purpose or shared vision with other agencies and community groups concerning the management of natural resources. It is important for program proponents to establish a common purpose from the outset for any proposed project.

## **9. Acknowledge intellectual property rights**

It is essential that the cultural and intellectual property rights of Indigenous people are recognised and protected. Approval must be given by Wirangu, Nauo, Kokotha and Barngarla on the use and representation of their cultural, heritage, language and intellectual property and copyrights.

The term ‘Aboriginal cultural and intellectual property’ is a general term which includes all aspects of Aboriginal peoples’ culture products and expressions, as well as their intangible cultural knowledge. Aboriginal cultural and intellectual property means the totality of the cultural heritage of Aboriginal people, including, without limitation, their intangible heritage (such as songs, dances, artwork, stories, ecological and cultural knowledge), and cultural property, which includes Aboriginal human remains, artifacts, and any other tangible cultural objects.

## **10. Maintain confidentiality**

Confidentiality and privacy are serious issues with Indigenous people. The purpose for which information obtained is used should be negotiated and agreed. As an example; Information that is “women’s business” or “men’s business” should be acknowledged as such and not recorded or stored in such a way that is likely to be seen as disrespectful or culturally inappropriate. Nation representatives will advise of use of information.

## 11. Engagement Guidelines

1. Contact the NRM Indigenous Advisory Committee (IAC), via the EPNRM Board, where you will be directed to the appropriate representative/s for the particular area of land you are planning to work on.
2. Contact the representatives you are directed to, by phone, explain that you would like to talk about a particular piece of country, and that you have been referred to them by the IAC.
3. Arrange a time to sit down and talk with the appropriate representatives. Ask them where they would like to meet.
4. Establish relationships before talking about business. It is useful to establish a mutual understanding about people's back-grounds (i.e. birth places, growing up, work history etc.) in a relaxed manner.
5. Discuss the business at hand. Keep jargon and acronyms to a minimum and be sure to explain any NRM terms you use. The people you will be dealing with are always going to be intelligent but prefer to use plain language.
6. In closing a discussion, confirm the main points made by Indigenous representatives to ensure that your interpretation of what they have conveyed to you is accurate.
7. Explain the need for meeting deadlines while understanding that Indigenous community consultation and decision-making processes take time.
8. Understand the resource capacity and capability of the community i.e. skills, knowledge, infrastructure
9. Protocols should be reinforced by formal written agreements
10. Acknowledge the decision making process that Aboriginal communities and organisations apply
11. Be aware that NRM is only one issue facing Indigenous communities and organizations.
12. Be flexible in service delivery and outcomes to meet the aims and objectives to that of the community
13. Maintain the relationship, provide feedback, seek support and ensure communication is consistent and constant

## References

- Four Nations NRM Governance Group Protocols
- MBD Indigenous protocols for Engagement
- FATSIL Guide to Community Protocols (for Indigenous Language Projects 2004)
- Protocol for linguistic work (on Aboriginal lands).
- Central Land Council (Protocols for research work on Aboriginal land)
- Aboriginal and Torres Strait Islander Draft Protocols 15/11/05
- The IAA Guidelines (Best Practice for Interpreting Aboriginal Culture and Country)
- Australian Cultural Heritage Management (Recommended Aboriginal Heritage Procedures 2004)
- Nov 2002- Northern and Yorke Agricultural District (Integrated Natural resource Management – Draft Consultation)
- “Ninna Marni” Statement of Acknowledgement, produced by the Government of South Australia
- Rural Solutions SA, Indigenous Services Team

The Department of the Premier and Cabinet  
Aboriginal Affairs And Reconciliation Division



## Aboriginal Heritage Branch

The Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department for Premier and Cabinet administrates the Aboriginal Heritage Act 1988 on behalf of the Minister for Aboriginal Affairs and Reconciliation

The aim of the Branch is to improve the administration of the Aboriginal Heritage Act 1988 and to ensure understanding of and compliance with the Act. The Branch also aims to promote and maintain standards for site recording, survey and conservation to ensure quality and consistency in the preservation of Aboriginal heritage in South Australia.

The following information may be of interest to land owners, land managers and NRM officers. If you have any enquires please contact the Aboriginal Heritage Branch for assistance.

### THE ABORIGINAL HERITAGE ACT 1988

#### Definitions under the Aboriginal Heritage Act 1988 (section 3)

**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, living patterns and the use of environmental resources such as water, animal and vegetable foods and stone, spiritual beliefs and ceremonial activities and historic events

To assist with cultural heritage management, Aboriginal sites are recorded under eight general categories, as summarised below:

**Archaeological, mythological** (anthropological), **historic, quarry**, (stone, ochre) **painting and engraving, stone arrangements** (fish traps, ceremonial stone arrangements and hunting hides), **burial** and **scar trees**.

**The Act defines an Aboriginal object as:**

‘An object of significance to Aboriginal tradition or Aboriginal archaeology, anthropology or history’

These objects include items made of stone, shell and wood that may be found at some of the sites mentioned above, and items that are not made for sale, such as stone and wooden implements, ceremonial goods and dress. These objects may be held by either public institutions or be in private possession.

**The Act defines Aboriginal remains as:**

‘The whole or part of skeletal remains of an Aboriginal person but does not include remains that have been buried in accordance with the law of the State

### **The Act defines Aboriginal tradition as**

Traditions, observances, customs or beliefs of the people who inhabited Australia before European colonisation and includes traditions, observances, customs and beliefs that have evolved or developed from that tradition since European colonisation.

## **UNDERSTANDING THE ABORIGINAL HERITAGE ACT 1988**

The Aboriginal Heritage Act 1988 (the Act) covers all areas of South Australia, providing blanket protection for Aboriginal remains and Aboriginal sites and objects of significance to Aboriginal **archaeology, anthropology, history and tradition.**

### **Maintaining compliance with the Act**

Breaches of the Act mean that the requirements of the Act in relation to the protection and preservation of Aboriginal sites, objects or remains have not been followed.

Being familiar with your responsibilities, following the correct procedures and allowing enough time to address heritage issues in your project can all assist in maintaining compliance.

The following sections carry responsibilities for **all persons** in South Australia

### **Section 12**

A person who proposes an action, **which may breach the Act**, can seek a determination from the Minister whether sites or objects exist in their project area and are considered as significant as Aboriginal sites or objects under the Act. If sites or objects are determined to be sites or objects as defined by section 3 of the Act then they become registered and the provisions of the Act then apply.

### **When do I need to consider applying for a section 12 determination under the Aboriginal Heritage Act 1988?**

If a person proposes to take action in relation to a particular area that 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 for Aboriginal Affairs and Reconciliation to determine the significance of the site under section 12 of the Aboriginal Heritage Act 1988 (the AHA). This requires the Minister to give advice on any Aboriginal sites or objects in the area.

Through this process, The Aboriginal Heritage Branch is responsible for undertaking an Aboriginal cultural heritage survey of the proposed development area, and all consultation with the Aboriginal community.

To ensure compliance with the AHA, this approach may be advisable for large projects. However, for small projects, a cultural heritage survey may be sufficient.

### **Section 20**

The owner or occupier of land, or an employee or agent of an owner or occupier must report the discovery of Aboriginal sites, objects and remains to the Minister for Aboriginal Affairs and Reconciliation as soon as practicable and to follow any directions given by the Minister for the protection or preservation of the site, object or remains.

### **Section 21**

States that it is an offence for **any person** to excavate land for the purpose of uncovering Aboriginal sites without authority from the Minister.

### **Section 22**

Requires landowners to allow persons authorised by the Minister to enter the land, search for sites objects or remains and excavate the land, following the receipt of reasonable notice in writing.

**•Section 23**

Makes it an offence for **any person** to damage, disturb or interfere with Aboriginal sites or objects without authorisation from the Minister.

**Section 23**

A person must not, without the authority of the Minister\_

(a) damage, disturb or interfere with any Aboriginal site; or

(b) damage any Aboriginal object; or

(c) where any Aboriginal object or remains are found\_

(i) disturb or interfere with the object or remains; or

(ii) remove the 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.

Please note that a breach of section 23 includes such actions as:

picking up, collecting or removing objects, artefacts or remains from an Aboriginal site

•displacing objects, artefacts or remains

•damaging or defacing the components of a site

•disturbing the spatial arrangement of artefacts on or in a site in any way, eg by excavating the site, driving a vehicle over a site, or by dumping rubbish or other objects onto the site.

•authorizing the disturbance of a site outside of the section 23 process

•chalking or defacing rock art

**Section 24 and 25**

Requires the public to respect any prohibitions or restrictions placed by the Minister or by an Inspector appointed by the Minister in relation to a site, object or remains.

**Sections 28 and 29**

Places controls on the care, sale and movement of Aboriginal objects as defined in public and private collections. It is an offence to sell, dispose of, or remove an Aboriginal object from the State without the authority of the Minister.

**Section 35**

Makes it an offence to divulge information contrary to Aboriginal tradition unless consultation and authorisation from the Minister takes place under the Act

**Section 36**

Requires landowners to allow an Aboriginal person or group duly authorised by the Minister to enter your property in order to gain access to Aboriginal sites, objects or remains.

**Section 37a-d Aboriginal heritage agreements**

Allows for the Minister to enter into an Aboriginal heritage agreement with the owner of land on which any Aboriginal site, object or remains is situated.

**37A.** (1) The Minister may enter into an Aboriginal heritage agreement with the owner of land on which any Aboriginal site, object or remains is situated.

(2) An Aboriginal heritage agreement attaches to the land and is binding on the current owner of the land whether or not that owner was the person with whom the agreement was made.

(3) The Minister may, by agreement with the owner of the land to which an Aboriginal heritage agreement applies, vary or terminate the agreement.

(4) An Aboriginal heritage agreement is, to the extent specified in the agreement, binding on the occupier of the land.

(5) Before entering into, varying or terminating an Aboriginal heritage agreement the Minister must take all reasonable steps to consult with\_

(a) the Committee; and

(b) any Aboriginal organisation that, in the opinion of the Minister, has a particular interest in the matter; and

(c) any\_

(i) traditional owners; and

(ii) other Aboriginal persons,

who, in the opinion of the Minister, have a particular interest in the matter.

(6) Before entering into an Aboriginal heritage agreement the Minister must take all reasonable steps to give any traditional owners of an Aboriginal site or object on the land (or a representative of those traditional owners) an opportunity to become parties to the agreement.

### **Effect of Aboriginal heritage agreement**

**37B.** (1) An Aboriginal heritage agreement may contain any provision for the protection or preservation of Aboriginal sites, objects or remains.

(2) An Aboriginal heritage agreement may, for example\_

(a) restrict the use of land to which it applies;

(b) require specified work or work of a specified kind to be carried out in accordance with specified standards on the land;

(c) restrict the nature of work that may be carried out on the land;

(d) provide for the management of the land or any Aboriginal site, object or remains in accordance with a particular management plan or in accordance with management plans to be agreed from time to time between the Minister and the owner;

(e) provide for financial, technical or other professional advice or assistance to the owner of the land with respect to the maintenance or conservation of the land or the protection or preservation of any Aboriginal site, object or remains;

(f) provide for remission of rates or taxes in respect of the land.

### **Enforcement of Aboriginal heritage agreements**

**37D.** (1) If\_

(a) a party to an Aboriginal heritage agreement fails to comply with it; or

(b) there is reason to apprehend that a party to an Aboriginal heritage agreement may fail to comply with it, any other party to the agreement may apply to the District Court for an order under this section.

(2) On such an application, the Court may make such orders as are necessary to secure compliance with the agreement, or to remedy the default, and to deal with any related or incidental matters.

## **FINDING OUT WHETHER THERE ARE ANY SITES ON YOUR PROPERTY**

The first step in complying with the Act is to discover whether there are sites, objects or remains in your area of interest.

Under Section 9 of the Act, The Aboriginal Heritage Branch maintains a central archive, which includes the Register of Aboriginal Sites and Objects. The central archive contains over 6600 site recordings, 1200 cultural heritage reports and other published material. Site information is also held electronically on the Heritage Sites Database. Some of the material held is confidential, however material can be accessed providing the correct protocols are followed.

Information which can readily be accessed includes information such as the number and nature of sites on a property.

Any developed or undeveloped land can contain Aboriginal sites relating to traditions, living patterns and the use of environmental resources such as water, animal and vegetable foods, and stone by Aboriginal people, or their spiritual beliefs and ceremonial activities. 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.

## **SENSITIVE AREAS**

Certain landforms which are more likely 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 200m of Coast and waterways
- Areas within 100m 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

**It is a requirement under the Aboriginal Heritage Act 1988 that the discovery of sites is reported to the Aboriginal Heritage Branch.**

The Aboriginal Heritage Branch requires that sites be recorded to a particular standard to comply with the requirements of the Aboriginal Heritage Act 1988. To record sites to the standard required you should use a site card. Copies of site cards and a guide to filling them in are available from the Aboriginal Heritage Branch. Alternatively a site reporting form may be used to report sites in the first instance, pending further investigation. (Please contact us for advice or assistance)

## **WHAT TO DO IF YOU THINK YOU HAVE FOUND A SITE**

Anyone discovering an Aboriginal site should take care not to disturb it. You must stop any activities you may be conducting in that location that are impacting on the site and contact the Aboriginal Heritage Branch for advice.

The values of a site can be diminished if parts of it are removed or disturbed. Disturbing sites of special significance may cause offence to Aboriginal people. Skeletal material should be left completely undisturbed. If there are sites on your property then care should be taken to avoid causing damage to them. It is an offence to damage a site of significance

Take note that sites can be damaged even through low impact land management activities such as revegetation.

To avoid damaging sites:

### **Find out if there are sites on your property**

You can apply to the Aboriginal Heritage Branch to find out if there are any sites on your property. Your application should include a map of the area (in a 1/100 topographic format if possible). You will be advised whether there are sites in the area and which areas to avoid.

### **Talk to your local Aboriginal heritage organisation**

The Aboriginal Heritage Branch and the Aboriginal Heritage Committee can provide you with contact details for your local Aboriginal heritage organisation that can advise you whether there are Aboriginal sites of significance in your area

## SITE RECORDING

Recording sites increases the documented body of cultural heritage knowledge for an area, leading to better understanding for managers of the cultural heritage landscape and the conservation requirements for regions.

Site recording can assist in protecting sites under threat of damage through the development of conservation plans and implementation of site protection works.

Sites must be recorded if organisations wish to apply for grant funding to protect those sites.

Site recording ensures cultural knowledge can be documented and preserved for the future

Sites recorded to an accepted standard can be nominated for registration  
Should sites be damaged, either deliberately or otherwise, having the site properly recorded at the time of discovery or survey makes it easier to provide evidence of the location, size and content of the site, should an investigation be required.

In areas where the landscape is subject to change eg sandy areas, coastal areas, recording sites helps identify where sites are even when they have been covered over.

The Aboriginal Heritage Branch prefers that wherever possible, new information be submitted to us on our standard site cards. However, site-recording forms have been designed for people who do not have expertise in recording sites, but wish to submit information on sites they have visited or located.

Copies of site cards and site recording guidelines can be obtained from the Aboriginal Heritage Branch on request

## Site cards

Each type of site card has a specific colour coded site card. Each site is recorded on two site cards: an 'A' sheet and a 'B' sheet. The cream coloured 'A' card is the same for all sites. This contains the locational and administrative information on the site. The 'B' card is the colour coded card and is different for each type of site. The 'B' card contains the information on the site itself.

Site cards can be filled out by anyone. The information needed relates to the location of the site, site condition, and type of site. Some of the information required on the 'A' and 'B' cards can be filled out by ticking boxes.

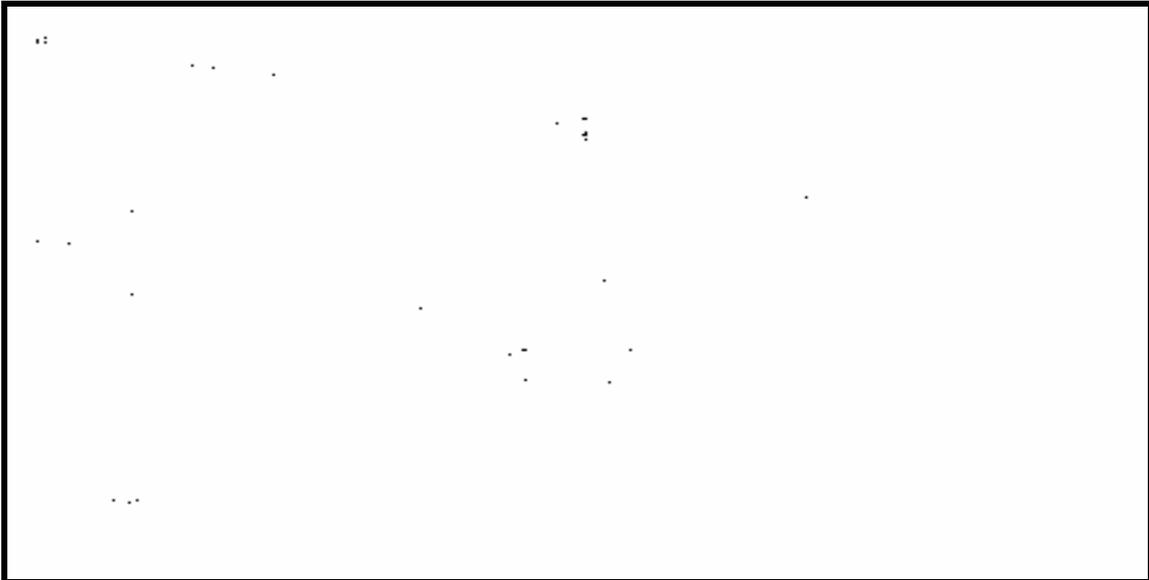
The most important thing to remember when filling in site cards is good mapping. Without good locational information it may not be possible to relocate the site. Good mapping ensures that if the site is threatened by development accurate information can be given about how to avoid impacting upon the site.

#### Equipment needed for site recording

- Topographic maps
- Camera and a scale (can be a ruler)
- Tape measures
- GPS (if possible)
- Site cards or site reporting form
- Compass

To record a site a series of measurements is required; where the site is, how you get there, what kind of site it is and how big it is. This goes on the 'A' site card.

To make a map, firstly establish the distance of the site from a particular point, usually a road or track junction or other prominent physical feature. This should be a permanent feature, not something like a dead tree. Measure how far the site is this particular point. This can be done with the odometer on a car for long distances if the distance is in a straight line. Set the odometer and record the distance at each point of your journey, for example, at each track junction, gate, etc.



This map is an example of the measurements you will need.

You need to survey the area to determine how many sites are present, i.e. is it one large site or a lot of smaller sites? This will give you the size of the area you want to record. You will need to measure the size of the site, the length and the width, and make some comment on the number of artefacts present per square metre.

The locational information, the mapping and the grid reference are very important and must be as accurate as you can make them.

To complete the recording you will also need to record some information about the local environment and the condition of the site.

When taking photos ensure that you have photos showing the following:

- Details of the site,
- The extent of the site
- The location of the site in the local environment
- Any recognisable landmarks, to enable relocation of the site in the future.

The following naming guidelines are recommended for use when applying a name to sites.

If the site has an Aboriginal name, the Aboriginal name has priority and should be recorded as the **SITE NAME**, with the English name for the site (if possible) recorded as the **OTHER NAME**. This approach should be undertaken only through consultation with, and permission from, the relevant Aboriginal community.

## **SITE CONSERVATION PLANNING**

Landscapes contain a variety of natural and cultural values and the associations may be of Aboriginal or non-Aboriginal origin, or shared between Aboriginal and non-Aboriginal communities. The same principles of conservation apply in the management of Aboriginal and non-Aboriginal cultural heritage.

Conservation is all the processes and actions of looking after a site or object so as to retain its cultural significance, including protection, maintenance and monitoring of the site or object.

The basic concept for a conservation plan is laid out in the *Australia ICOMOS Burra Charter 1999*. The Burra Charter is a nationally accepted code of conduct defining the principles, processes and practices accepted as a standard for working in conservation in Australia, and can be applied to any place with heritage values.

The Burra Charter is not legislation; it is a professional code of conduct followed by cultural heritage practitioners to achieve consistent measurable results.

The process of developing a conservation plan should make use of all the disciplines and experience that can contribute to the study and safeguarding of a place. This process includes consultation with Aboriginal stakeholders concerning the significance of the site or object and recommendations for management.

A conservation plan is a document outlining the significance of a site or object and how it is to be managed. The objective of a conservation plan is to identify, direct and achieve long-term conservation management outcomes for Aboriginal sites and objects.

**A conservation plan contains the following:**

**Description of the site or object and its setting;**

**Assessment of condition;**

**Assessment of significance;  
Identification of the relevant stakeholders; and  
Conservation actions and implementation.**

The conservation plan should clearly define the works required to achieve site protection and give recommendations for maintenance, monitoring and review. Monitoring is important as it allows for review of the effectiveness of conservation programs. This review is a fundamental element of conservation practice.

Implementing a conservation plan requires a systematic approach including setting a timetable and budget, allocating resources, consulting stakeholders and monitoring results.

By developing a conservation plan, ideas for site conservation are presented in a written format that is easy to understand, providing future site managers with a record of conservation practices at that site.

Conservation measures can incorporate site avoidance, visitor management and the use of buffer zones. Physical works may include the installation of fencing, directional signage and interpretive signage; walk trails and vehicle barriers, re-vegetation and stabilisation. Under the Burra Charter any conservation works applied to a site should be appropriate and in the case of infrastructure, reversible.

When considering signage, certain issues need to be considered, such as whether it is best to draw attention to the site. Interpretive signage informing people why the site is important can be effective in protecting sites.

An Aboriginal site requires a conservation plan when:

- It has high conservation value
- It has high cultural significance
- It is being actively managed
- The impact of an activity e.g. public access or use on the site adversely affects its condition
- A change of use of a site or object is proposed
- It is a complex site with multiple heritage values
- Works are proposed may indirectly impact on the site

A conservation plan is a negotiated agreement between The Aboriginal Heritage Branch, the landowner, the local Aboriginal community and any other relevant stakeholders.

## CONSERVATION PLAN PROFORMA

**Name of Site: (supplied by the Aboriginal Heritage Branch)**

**Site Number: (supplied by the Aboriginal Heritage Branch)**

**Register of the National Estate Site Number (if applicable):**

**Site Recorded By:**

**Date Recorded:**

**Status: (Register of Aboriginal Sites and Objects or central archive)**

**Site Type:**

**Location of the Site:**

**People with traditional affiliations:**

**Address:**

**Informants:**

**Address:**

**Land Owner:**

**Address:**

**Other Stakeholders (lessees etc):**

**Address:**

**Description of the Site:**

**Background Information on the Site:**

**Condition of the site:**

**Significance of the Site under the Aboriginal Heritage Act 1988:**

**Aboriginal Archaeology**            **Aboriginal Anthropology**   

**Aboriginal Tradition**                **Aboriginal History**       

**Statement of significance (why is this place important?)**

**Conservation Strategy: (what is your plan)**

**Conservation Plan: (how will you achieve your plan)**

**Maintenance, Monitoring and Review:**

**Date(s) and results of condition inspection(s):**

**Conservation plan prepared by:**

**References:**

## CULTURAL HERITAGE SURVEYS

### **What is an Aboriginal cultural heritage survey?**

A cultural heritage survey is a process undertaken to verify whether sites, objects or remains significant to Aboriginal tradition or to Aboriginal archaeology, anthropology, or history located in the project area have been identified and will be protected.

The aim of this survey is to locate Aboriginal sites, objects and remains in the project area by field survey and study of archival sources. This will enable the cultural heritage practitioner to identify the limits of available data, and gaps in existing knowledge and evaluate the potential of the landscape to contain sites.

The survey will present all the information in text and on maps, interpret the results, assess the significance of any sites and objects in the project area and advise on conservation of significant sites and objects.

The recommendations in the cultural heritage survey report should include a detailed outline of the client's responsibilities under the AHA.

### **At what stage of the project do we need to do a survey?**

To avoid lengthy delays, Aboriginal heritage issues should be addressed early in the planning stages of the project. A cultural heritage survey report will provide recommendations for site avoidance and conservation strategies for any sites, objects or remains located during the survey.

### **Who does the cultural heritage survey?**

Suitably qualified cultural heritage practitioners (archaeologists and/or anthropologists), in consultation with Aboriginal people.

## CONTACT DETAILS

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