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Foreword

Heritage includes ‘those places and events which define and sustain the Australian character and provide a living and accessible record of the nation’s history. It represents the important examples of our landscapes, the critical moments in our development as a nation and the joys and sorrows in the lives of our varied inhabitants’ (Australian Heritage Commission, 1997). Our cultural heritage, both indigenous and non-indigenous, contributes significantly to the quality of life we value. Our heritage is a living heritage and will be continually added to.

Protection of cultural heritage is a key issue in the development and maintenance of transport infrastructure and Transport SA maintains significant road, marine and rail heritage assets such as heritage bridges, jetties, wharves and railway buildings.

The Environment Strategic Plan sets out key directions for Transport SA which are:

- To sustain the natural environment
- To enhance the social and cultural environment of the community
- To be an environmentally responsible organisation
- To build relationships for the benefit of the environment.

In the Environment Strategic Plan 1997, Transport SA is committed to ‘respect and conserve cultural heritage’.

These Heritage Guidelines provide information and advice on cultural heritage issues to assist in addressing these issues in relation to work activities undertaken within Transport SA.

The guidelines are divided into three parts: the protection of Aboriginal heritage sites, the protection of Native Title and the protection of non-Aboriginal heritage sites and places.
Aboriginal Heritage

Aboriginal people have been living in Australia for at least 40,000 years. The arrival of Europeans had profound consequences for Aboriginal people in South Australia, through the spread of disease and settlement of the land.

The affects of European settlement on Aboriginal people varied throughout the State. In the southern higher rainfall areas colonisation resulted in loss of land, movement of Aboriginal people onto the missions, and control of their activities by the government. In the northern and western areas of the state there was less impact, with some remote desert dwelling Aboriginal people seeing their first white person in the 1950s.

Aboriginal culture is very different to European culture. Aboriginal people were hunter-gatherers who hunted and collected food in season within their own territories. Their religion, kinship systems and social organisation are complex. Central to Aboriginal culture is a relationship with the land through the Dreaming – a series of religious stories that explain the creation of the world and connect the past with the present.

Sites which show evidence of Aboriginal use of the land, their history, culture and religious traditions are protected by legislation. This legislation places a strong emphasis on the role of Aboriginal people in deciding which sites are important and how they should be protected.

For many Aboriginal people these sites are a tangible link with their culture confirming their relationship to the land. The significance placed on types of sites may vary from area to area depending on local knowledge and traditions. Archaeological studies can provide valuable scientific information on past settlement patterns and ways of life. Once these sites are lost the information these sites contain is gone forever.
Aboriginal heritage legislation

2.1 Aboriginal Heritage Act 1988 (State)
Aboriginal cultural heritage in South Australia is protected under the *Aboriginal Heritage Act 1988*.

What is protected?
This Act provides for the protection and preservation of Aboriginal sites, objects and human remains (including burials).

An Aboriginal site or object is defined by the Act as an area of land or an object that is significant according to Aboriginal tradition; or of significance to Aboriginal archaeology, anthropology or history. Aboriginal remains are the whole or part of the skeletal remains of an Aboriginal person.

Under the Act, Aboriginal tradition includes the traditions, observances, customs or beliefs of Aboriginal people practised before the arrival of Europeans as well as those that have evolved since that time.

Site register
The Division of State Aboriginal Affairs (DOSAA), in the Department for Environment, Heritage and Aboriginal Affairs, keeps a record of the location of known Aboriginal sites and objects. Information on the site register is confidential and cannot be released without the permission of the traditional owners.

Advice on whether there are any known Aboriginal sites or objects in areas where work is planned, can be obtained by applying in writing to the Minister for Aboriginal Affairs. Advice will be given on whether there are any known sites. Before information on sites and objects can be released from the site register, the Minister is required to consult with the relevant Aboriginal community.

Damage and disturbance
It is illegal to damage, disturb or interfere with any Aboriginal site, object or remains, without the authority of the Minister. If a site is to be disturbed, written authorisation must first be obtained from the Minister for Aboriginal Affairs under Section 23 of the *Aboriginal Heritage Act, 1988*. Before issuing such an authorisation, the Minister is required to consult with any Aboriginal people and organisations with interests in the area, and the State Aboriginal Heritage Committee.
2.2 Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Commonwealth)

Aims
The aim of the Aboriginal and Torres Strait Islander Heritage Protection Act 1984 is to protect areas, sites and objects which are of significance to Aboriginal people in accordance with their traditions. Aboriginal people can apply to the Federal Minister for Aboriginal Affairs for an emergency declaration to protect a threatened site or area. Emergency declarations would only be made if it were considered that the South Australian heritage legislation did not adequately protect a site or object.

What does it protect?
The Aboriginal and Torres Strait Islander Heritage Protection Act 1984 protects areas and objects that are of particular significance to Aboriginals in accordance with Aboriginal tradition. Sites and objects can be protected both from physical threat and from the threat of desecration. Aboriginal tradition means the body of traditions, observances, customs and beliefs of Aboriginals generally or of a particular community or group of Aboriginals and includes any such traditions, observances, customs or beliefs relating to particular persons, areas, objects or relationships.

Consultation
Before making a declaration, the Federal Minister must consult with the State Minister for Aboriginal Affairs to determine whether State legislation gives the necessary protection to the site or objects. If the Federal Minister is satisfied that the State or Territory laws offer protection, then a declaration will not be made.

What protection does it offer?
The Minister can make emergency declarations, giving temporary protection to a site or object. These emergency declarations can apply for 30 or 60 days. If the Minister is satisfied that the site or objects are still under threat, long-term protection can be provided. Contravention of declarations made in relation to significant Aboriginal areas or objects is an offence.
Traditional Aboriginal culture in South Australia

Tribes
At the time of European contact, there were approximately 50 culturally distinct Aboriginal groups (tribes) occupying the South Australian portion of the continent (see Figure 1). The number of people in each tribal group varied, as did the size of the territory they occupied. In the northern part of the state, where water and food resources were small and scattered, tribal areas were large, the boundaries were ill defined and the tribal groups rarely had more than 450 people. Along the coast and River Murray, the small tribal areas had clearly defined boundaries. While the concept of the tribe is convenient for classifying pre-contact language groups, the members of the tribe would have rarely, if ever, met as a whole. The most common grouping was the band which consisted of up to 50 people related by birth and marriage, who formed the basic land-using group.

Subsistence
The focus of everyday Aboriginal life in pre-contact times was on gathering plant and animal foods. In coastal areas and along the River Murray fish and shellfish were important and fish traps were built along the shore. In some resource-rich areas such as near the River Murray, villages of sturdy huts were built where people remained for weeks or months to exploit the available foods. Mostly, however, traditional Aboriginal people remained for only short periods in each place.

2.3 The Australian Heritage Commission Act 1975 (Commonwealth)

The Australian Heritage Commission, established under this Act, keeps a register of buildings, places and sites of national significance (Register of the National Estate). This Register includes Aboriginal sites.

Under Section 9, the Act requires Federal statutory agencies to assist the Commonwealth in carrying out the functions of this Act. This includes taking all practical measures to protect listed sites. This also applies to work funded by Commonwealth agencies (such as federally funded roadworks). Under these circumstances, adverse impact to a listed site or object will only be permitted if there is no feasible alternative. The Heritage Commission must assess and comment on any proposal that might affect a listed site.
Figure 1
Aboriginal groups and culture regions in South Australia at the time of the arrival of the Europeans

1 Pitjantjatjara
2 Jangkundjara
3 Matuntara
4 Antakarinja
5 Aranda, Lower Southern
6 Wongkangaru
7 Jeljendi
8 Karanguru
9 Ngameni
10 Karuwali
11 Jauraworka
12 Jandruwanta
13 Dieri
14 Tirari
15 Arabana
16 Kokata
17 Nakako
18 Ngalea
19 Pindiini
20 Miring
21 Wirangu
22 Kujani
23 Pilatapa
24 Wadikali
25 Ngurunta
26 Jadilaura
27 Adnyamathanha
28 Pangkala
29 Nukunu
30 Ngadjuri
31 Wiljakali
32 Danggali
33 Maraura
34 Ngintait
35 Erawirung
36 Ngawalt
37 Ngaiawang
38 Kaurna
39 Narangga
40 Nuao
41 Peramangk
42 Nganguruku
43 Ngarkat
44 Meintangk
45 Marditjali
46 Bunganditj
47 Unoccupied
48 Potaruwudj

Ngarrindjeri
A Ngaralta
B Portaulun
C Warki
D Ramindjeri
E Jarldeekald
F Tanganekald

From: Tindale
Reference: ATSIC 1992 Aboriginal People of South Australia
**Material culture**

Aboriginal people produced a wide range of different tools and weapons. These were made from timber or a combination of timber, resin, sinew, shell and stone.

While most of the raw materials to make the tools, utensils and ornaments came from local sources, other materials were obtained from neighbouring regions. Trade was one means for securing the exotic raw materials needed or desired by people throughout the state. Extensive trading networks saw materials moving thousands of kilometres. Items including stone suitable for knives, grinding stones or hatchet heads, marine shell ornaments, ochre and completed tools and weapons were exchanged.

**Religious life**

Religion permeated all aspects of Aboriginal life with the spiritual and physical worlds being closely interrelated. In the creation time or Dreaming, the mythic Dreaming beings established the social and kinship systems under which Aboriginal society operated. These ancestral beings also transformed themselves into plants, animals and landscape features and their activities are remembered in ceremonies, art, song and sacred objects.

**Kinship**

Aboriginal society was tightly regulated to ensure harmony within the band, defining the group of people who were acceptable marriage partners, helping to protect resources, sacred objects and sites and to define the role of the individual in religious activities. Relationships between individuals within the extended family and outside the family were also clearly defined by the kinship system.
Aboriginal sites

Aboriginal sites contain evidence of Aboriginal cultural activities. An archaeological site is any location showing physical evidence of past human activity. These sites range from a scatter of a few stone artefacts or buried campsites to large quarries, shell middens and traditional cemeteries. Historic sites are usually those which have been created since settlement, however some quarries or camps used for hundreds of years may have continued to be used since the arrival of Europeans, and are therefore historic sites as well as archaeological ones. Sacred sites relate to locations where key cultural traditions are undertaken or important cultural events or myth stories are represented.

4.1 Stone artefacts

In pre-contact and early colonial times Aboriginal people used a wide range of different materials to make their tools, utensils, weapons, clothes and ceremonial or artistic works. These included wood, roots, bark, resins and gums, plant fibre, shells, skins, fur and hair. While tools made from these materials rarely survive, the stone tools used to make them can remain for many thousands of years. Stone tools, and the waste material produced during the manufacture of these tools, are called stone artefacts. Stone artefacts are the most common surviving evidence of past Aboriginal life.

In South Australia stone artefacts were made from a range of ‘glassy’ rocks, such as flint, quartz, chert, silcrete and volcanic rocks. These stone types were used for tool-making because they produce a sharp edge and break with a controlled fracture, a property used by Aboriginal craftsmen to modify the stone into a range of different tools.

All stone artefacts are protected under the Aboriginal Heritage Act 1988 if they are determined to be objects of significance. It is an offence to disturb or collect artefacts without prior written authorisation from the Minister for Aboriginal Affairs.
4.2 Campsites

Campsites contain the everyday debris left by Aboriginal people at the places they camped, stopped to make or sharpen tools or where they simply ate meals while they travelled from place to place. These sites contain discarded stone tools and the debris produced during their manufacture, food remains and fireplaces. In caves and rockshelters in very dry areas, or where there has been constant moisture, organic materials such as bark, wood shavings, netting and hair string and resin may survive. Campsites are found in the open, in rock shelters and in caves.

4.3 Shell middens

A shell midden is a type of campsite that contains occupation material, mostly the shells thrown away after shellfish had been cooked and eaten. Shell middens are usually found near large, permanent water bodies like the River Murray, waterholes, estuaries, lakes and the sea. While other food remains, such as animal, bird and fish bones may be found in these sites, shells are the most important feature of a shell midden. In some cases burials are also found in shell middens.
4.4 Mounds

In some areas, especially in areas where there is seasonal flooding, Aboriginal people chose sandy rises for campsites. These were especially important on the floodplain, where the clay soils became damp and sticky during floods. There is evidence that sandy soil was deliberately added to some mounds to artificially raise their level. Often these habitation mounds also contain the debris from numerous raked out earth ovens. Repeated occupation of the same site led to a build-up of debris, which in turn added to the height of the mounds. Mounds vary in size from 4–50m across and up to 1.5m high. They contain materials found in other occupation sites including stone artefacts, bones from birds and animals, shells, charcoal and stone or baked clay heat retainers. Burials can also be found in mounds. Numerous mounds have been found on the northern Adelaide Plains, as well as other areas of the state.

4.5 Hearths (earth ovens and fireplaces)

Hearths are the remains of ancient campfires and earth ovens. In the past Aboriginal people often used earth ovens to cook game and vegetable foods. The food was placed on heated stones or lumps of clay in a pit and covered with leaves and earth, and allowed to cook slowly. These small clusters of fire-shattered stones or baked clay lumps are often exposed by erosion. In the dunefields and floodplains of the State’s north, a shortage of stone led to the use of other materials including pieces of termite mound.
4.6 Tool-making workshops

Workshops contain the flaking debris from making stone tools. These are common in areas where there is good tool making stone. The fragments of stone broken off during tool-making are often found near the raw material source.

4.7 Raw material sources (including quarries)

Stone for making stone tools came from different raw material sources and quarries. Different types of stone were used for flaked and ground stone tools, grinding stones and ochre. Stone was quarried from outcrops using large hammer stones, wooden picks and levers or with the aid of fire.
4.8 Dwellings

The most common structures built by Aboriginal people in the past, particularly in desert settings, were semi-circular windbreaks made from branches. These would have been used for one or two nights, then left when the camp was abandoned. These were quickly blown away, burnt or decayed. More permanent winter structures were built with wooden frames and the remains of these can survive. These are now likely to be very old, except in remote parts of the State’s north west. Because of the effects of fire and termites, these wooden structures are rare, and once collapsed are often difficult to recognise. When standing, these hut frames often maintain a distinctive beehive or tent-like shape.

4.9 Water sources

In many parts of the State, particularly in the north, water was often in short supply. In these areas survival depended on an intimate knowledge of water sources. Deep wells were dug into dry riverbeds and natural rock hollows were enlarged to increase their capacity. Shallow grooves were scraped and ground into rock surfaces to channel water into natural hollows. Rockholes were often capped with stones or logs to slow evaporation and to stop animals from fouling the water. Water sources were so important that their location was usually recorded in songs and stories.
4.10 Scarred trees

Aboriginal people used wood and bark for most of their implements, tools and weapons. These included spears, shields, containers, digging sticks and canoes. Removal of bark and timber left scars on the trees and branches, some of which have remained for many years. Scars caused by the removal of bark containers are the most common.

Their constant use and limited life span led to regular replacement and large numbers of scarred trees. Sheets of river red gum bark were stripped from the trunks of large trees to make the thin bark canoes used along the River Murray and in the South East. Canoe trees are common along the River Murray.

Scars were also formed when toeholds were cut into tree trunks allowing hunters to climb trees to raid bird nests, catch possums and dig out native honey. Most scarred trees are old and many have been destroyed by fire or termite attack.
4.11 Stone arrangements (ceremonial sites, markers, hut circles, fish traps)

Aboriginal people created many different types of stone arrangements. Stone circles linked by pathways are likely to have been ceremonial sites, used for initiations. Simple standing stones and cairns were possibly used as direction markers. Hunting blinds were sometimes built to hide hunters in areas without tree cover, allowing them to spear game that passed by. Small circles of stones were built up around the base of hut, helping to support timber frames. Stones and wooden stakes were also arranged to form fish traps along the coast and in watercourses.
Rock art (paintings, drawings, rock engravings)

Aboriginal rock art is found throughout South Australia. Painting sites are found on the sheltered walls of caves, rock overhangs, in rock shelters and on the sheltered faces of large boulders. Motifs include stencils of hands and tools, human-like figures, animals, tracks and geometric designs. The dominant colour in the drawn, painted and stencilled art is red from ochre, although a wide range of other pigments was used.

Rock engravings are also found on exposed surfaces. These were produced either through pecking using a hammerstone and sometimes a punch, or were ground into the rock. Because of the slow and difficult task of engraving in hard rock, the patterns and figures are usually simple in design: circles, lines and crescents, grooves and animal tracks.
4.13 **Burials**

In South Australia Aboriginal people disposed of the dead in different ways. Burial was the most common method. In the north east, people were placed in shallow graves dug into the sandy soil. The grave was covered with earth and then logs were arranged on the surface, to mark the grave and to keep animals out. In areas where there was no timber, or on rocky ground, stones were placed on the graves. In the south east the dead were placed in hollow logs and cremated, while along the Lower Murray River and the Coorong, the dead were placed on platforms and covered with reeds until the body had dried. The remains were then brought down for burial.

4.14 **Sacred sites**

The term sacred site covers a wide range of sites which have a ceremonial, religious or historical significance to Aboriginal people. While painting, engraving, arrangement, burial and even habitation sites may be related to particular myths and ceremonies, the greatest range of sacred sites in South Australia include natural features in the landscape, from single trees to whole mountain ranges.

Sacred sites represent a tangible manifestation of Aboriginal belief, both religious and ideological, in physical form. Because the ideology of a particular society acts to reinforce social behaviour, Aboriginal people often refer to the mythologies or legends which physically link sacred sites in the landscape as their ‘law’.

In recent years, Aboriginal people have become increasingly aware of the need for the preservation of all types of sites which relate to their culture and heritage, and the term sacred site has often been loosely applied to sites which do not have a strictly mythological or ceremonial significance.

An example of a dreaming story is that of Ngurunderi which describes the creation of the River Murray and the fish species in it (see page 20).
4.15 Aboriginal historical sites

Aboriginal historical sites date from the time since the arrival of Europeans in the State. These include a range of sites such as reserves, ration depots, missions and town camps, massacre sites and prisons, ceremonial sites and trading centres. These locations are very important to Aboriginal people, due to their contemporary associations and are protected under the South Australian *Aboriginal Heritage Act*. 

Aboriginal historic campsite found beside the Strzelecki Track near Innamincka in NE South Australia.
In the Dreaming, Ngurunderi travelled down the River Murray in a bark canoe, in search of his two wives who had run away from him. At that time the river was only a small stream, below the junction with the Darling River. A giant cod fish (Ponde) swam ahead of Ngurunderi, widening the river with sweeps of its tail. Ngurunderi chased the fish, trying to spear it from his canoe. Near Murray Bridge he threw a spear, but it missed and was changed into Long Island (Lenteilin). At Tailem Bend (Tagalang) he threw another; the giant fish surged ahead and created a long straight stretch in the river. At last, with the help of Nepele (the brother of Ngurunderi’s wives), Ponde was speared after it had left the River Murray and had swum into Lake Alexandrina. Ngurunderi divided the fish with his stone knife and created a new species of fish from each piece.

Meanwhile, Ngurunderi’s two wives (the sisters of Nepele) had made camp. On their campfire they were cooking bony bream, a fish forbidden to Ngarrindjeri women. Ngurunderi smelt the fish cooking and knew his wives were close. He abandoned his camp, and came after them. His huts became two hills and his bark canoe became the Milky Way.

Hearing Ngurunderi coming, his wives just had time to build a raft of reeds and grass-trees and to escape across Lake Albert. On the other side their raft turned back into the reeds and grass-trees. The women hurried south. Ngurunderi followed his wives as far south as Kingston. Here he met a great sorcerer, Parampari. The two men fought, using weapons and magic powers, until eventually Ngurunderi won. He burnt Parampari’s body in a huge fire, symbolised by granite boulders today, and turned north along the Coorong beach.

Here he camped several times, digging soaks in the sand for fresh water, and fishing in the Coorong lagoon. Ngurunderi made his way across the Murray Mouth and along the Encounter Bay coast towards Victor Harbor. He made a fishing ground at Middleton by throwing a huge tree into the sea to make a seaweed bed. Here he hunted and killed a seal: its dying gasps can still be heard among the rocks. At Port Elliot he camped and fished again, without seeing a sign of his wives. He became angry and threw his spears into the sea at Victor Harbor, creating the islands there.

Finally, after resting in a giant granite shade-shelter on Granite Island (Kaike), Ngurunderi heard his wives laughing and playing in the water near King’s Beach. He hurled his club to the ground, creating the Bluff (Longkuwar), and strode after them.

His wives fled along the beach in terror until they reached Cape Jervis. At this time, Kangaroo Island was still connected to the mainland, and the two women began to hurry across to it. Ngurunderi had arrived at Cape Jervis though, and seeing his wives still fleeing from him, he called out in a voice of thunder for the waters to rise. The women were swept from their path by huge waves and were soon drowned. They became the rocky Pages Islands.

Ngurunderi knew that it was time for him to enter the spirit world. He crossed to Kangaroo Island and travelled to its western end. After first throwing his spears into the sea, he dived in, before rising to become a star in the Milky Way.
Ngurunderi fights a sorcerer

Ngurunderi continues the chase

Ngurunderi makes camp by the lake

Ngurunderi chases his wives who escape by raft

Ngurunderi enters the spirit world

Ngurunderi and the Murray cod

Ngurunderi chases the Murray cod

The cod is speared

Ngurunderi camps by the Coorong

Ngurunderi fights a sorcerer

Ngurunderi’s Dreaming Track

Source: SA Museum
5 Transport SA procedures – Aboriginal heritage sites

The following procedures are designed to ensure that Aboriginal heritage issues are considered before any activities are carried out by Transport SA. This process is normally undertaken by Planning Investigations and the Northern and Western Region. Any other staff proposing a heritage survey should first consult the Environmental Operations Unit.

5.1 Infrastructure projects

5.1.1 Need for a survey

The section outlines the process to be followed for infrastructure projects, which is summarised in Figure 2.

At the earliest opportunity in the planning process, advice from the Environmental Operations Manager, Environmental Operations Unit should be sought on the risk of impact to sites and the need for a heritage survey. Addressing this early in the planning process will enable alternative options to be considered if sites are found. The risk of construction impacts on Aboriginal heritage needs to be considered in the assessment of environmental impact and should be documented in the Environmental Impact Assessment Report (EIAR) or Planning Report, or Environmental Impact Statement (EIS).

If there is a potential for sites to be found or disturbed, an archaeologist should be engaged to undertake a survey in conjunction with representatives from the relevant Aboriginal community or communities. This survey should identify any archaeological, anthropological or historical sites, or sites of significance according to Aboriginal tradition.

Where Aboriginal traditions are still strongly maintained, a separate anthropological survey, involving both a male and female anthropologist, may be necessary to identify if sites of special spiritual significance (sacred sites) are affected by the proposed project.

At least three months should be allowed for the heritage survey process to be completed.

It should be noted that sites can be found anywhere, even in areas farmed since settlement. Sites are highly likely to be found along the coast, rivers and by other water sources.
Figure 2 Flow chart of Aboriginal heritage survey process

**TSA Officer**

**Project manager**
- Seek advice from Environmental Operations Manager on the need for a survey

**Project manager**
- Arrange for preparation of brief

**Planning Investigations/ Northern and Western Region**
- Identify Aboriginal groups to be consulted
- Engage archaeologist/ anthropologist
- Site survey with representatives of the relevant Aboriginal community(s) and native title claimants
- Prepare report
- Prepare site record cards
- Obtain letter from Aboriginal community(s) endorsing recommendations of the survey report

- On completion of field studies, receive verbal report from archaeologist/ anthropologist to inform of any sites
- Receive draft report and review
- Send agency comments on report to archaeologist/ anthropologist
- Receive final report and invoice
- Ensure copy of final report has been sent to DOSSA

**Organisational responsibility**

- TSA
- TSA
- TSA
- Archaeologist/ anthropologist
- TSA
- TSA
- TSA/ archaeologist/ anthropologist

### Actions if Aboriginal sites located during archaeological survey

#### Site threatened
- Consult with Aboriginal community about sites threatened by construction, their significance and any mitigation measures required
- Consider project options to avoid or minimise disturbance
- Consult with DOSSA about appropriate mitigation measures
- If there is no alternative that will avoid the sites request authorisation from the Minister for Aboriginal Affairs to disturb the site under Section 23 of the *Aboriginal Heritage Act 1988*
- If site damage or destruction is authorised, ensure that any conditions of authorisation are implemented. This may include monitoring, surface collection or excavation of site

#### Site not threatened
- Appropriate protection measures during construction to ensure site protection
5.1.2 The survey process

Prior to defining the scope of the survey, the full range of construction activities associated with the project should be identified, to ensure that all affected areas will be assessed. Areas to be assessed should include all aspects of a project which may impact on sites including borrow pits, stock pile sites, depot locations areas subject to batter and fill, diversion roads and access tracks.

- Contact the Division of State Aboriginal Affairs (DOSSA) for advice on which Local Aboriginal Heritage Committee(s) should be consulted.
- Consult the National Native Title Tribunal to ascertain whether there are any native title claims over the project area and if so, the details of the claimants, as these people should also be consulted.
- Check whether there are any recorded sites in the Register of Aboriginal sites and objects maintained by DOSAA. Application should be made in writing to the Chief Executive of the Division of State Aboriginal Affairs. This should be made on the relevant application form, together with a map of the area potentially affected by the proposed work. (See Appendix 1).
- Check whether there are any known sites within the project area listed in Transport SA’s Roadside Significant Sites Database (RSSD).

5.1.3 Archaeological report

The archaeologist will undertake a survey of the project area with the relevant Aboriginal representatives and will document the following in a report:

- any known sites in the area recorded in the Aboriginal Heritage Register and records from other heritage studies.
- information on Aboriginal sites and objects that are found during the survey. This will include maps and descriptions of the sites and recommendations for the management of the sites.
- the views of the traditional owners and/or of the Local Heritage Committee(s) and/or native title claimants, on whether any significant sites are affected by the project.
- the nature of consultation and involvement, eg. survey assistance, community meetings at which the project was discussed, meetings with the archaeologist.
- advice on the significance of any Aboriginal sites and the agreement or objection to disturbing those sites. If disturbance is agreed to recommendations may be made such as excavation, collection of artefacts and dating of the site.
- site cards for any sites found during the survey to be forwarded to DOSAA with a copy in the survey report.

The archaeologist will provide a draft copy of the report on the findings of the survey to the Aboriginal Heritage Committee(s), any other Aboriginal groups that were consulted, DOSAA and Transport SA. Once any comments are incorporated, the final report will be forwarded to the Aboriginal groups, Transport SA and DOSAA.
5.1.4 Approval to disturb an Aboriginal site

If significant Aboriginal sites will be potentially affected, alternative project options should be investigated and the project amended, if feasible. If alternatives are not available, it will be necessary to seek permission to damage or destroy the site, or sites, from the Minister for State Aboriginal Affairs under Section 23 of the *Aboriginal Heritage Act 1988*.

This process will take a number of months. Test excavations by the archaeologist together with representatives from the Aboriginal Community, may be required to determine the extent of a site, before the Section 23 application is submitted.

A Section 23 Authorisation may contain conditions of approval. These conditions must be implemented. These may refer to monitoring of topsoil stripping on the project, collection of artefacts or other matters.

If Aboriginal sites are found on, or nearby, a project there may be opportunities for interpretation of Aboriginal culture in association with the project, as on the Berri Bridge project. This could involve aspects such as signage, art work or interpretive information.
5.1.5 Construction monitoring

In some locations, such as near water sources, there may be a strong likelihood that sites will be present even though there is no cultural material on the surface. This is most common along the coast, creek and river banks and in coastal and inland sand dunes. In such areas it may be advisable for members of the Aboriginal community, usually assisted by an archaeologist, to monitor initial soil disturbance during construction (‘a watching brief’).

5.1.6 Discovery of sites during construction

If suspected Aboriginal heritage items, including stone artefacts, hearths or burials are exposed during any Transport SA activities, work must stop. The Environmental Operations Unit and the Senior Cultural Heritage Officer of DOSAA (Phone [08] 8226 8930) should be contacted immediately. DOSAA has undertaken to respond promptly to any requests.

If human skeletal remains are found, these must immediately be reported to the nearest Police Station. If these remains are suspected to be of Aboriginal origin, DOSAA should also be advised.

A burial site was uncovered during construction of the Blanchetown Bridge over the River Murray. After consultation with the local Aboriginal communities and the Division of State Aboriginal Affairs, the site was backfilled and construction continued. Radio carbon dating indicated the site was more than 7,000 years old.

An aerial view of the new Blanchetown Bridge
5.2 **Maintenance work**

Before road maintenance work is carried out, the Roadside Significant Sites Database (RSSD) should be consulted to ensure that known sites are avoided. For marine maintenance work a check should be made of the State Heritage Register. Appropriate work practices should be adopted in the vicinity of any recorded site to ensure that it is not damaged.

5.2.1 **Discovery of sites during maintenance**

If suspected Aboriginal heritage items, including stone artefacts, hearths or burials are located, any work affecting the site must stop. The Environmental Operations Unit and the Senior Cultural Heritage Officer of DOSAA (Phone [08] 8226 8930) should be contacted immediately. DOSAA has undertaken to respond promptly to any requests.

If human skeletal remains are found, these must immediately be reported to the nearest Police Station. If these remains are suspected to be of Aboriginal origin, DOSAA should also be advised.
Native Title

Native title is a complex area of law. If there is any doubt as to whether native title interests may exist in the subject land, or clarification on how to deal with native title rights or interest is needed, legal advice should be sought from the Crown Solicitor before proceeding.

7

Native Title legislation

7.1 Native Title Act 1993 and Native Title Amendment Act 1998 (Commonwealth)

In 1992 the High Court, in its *Mabo (No 2)* decision, recognised the existence of traditional land ownership by Aborigines where traditional connections with the land had been maintained and where the title had not been extinguished by acts of the government.

In December 1993 the principles of native title articulated by the High Court were legislated with the enactment of the *Native Title Act 1993*. This legislation:

- recognised native title rights in Australia,
- provided for the validation of past acts, that might otherwise have been invalid because of the existence of native title,
- established conditions for the protection of native title rights against future acts,
- provided a process for the establishment of native title rights and the determination of compensation for the loss of native title,
- established the National Aboriginal and Torres Strait Island Fund, designed to fund acquisition of land for Aboriginal people whose native title rights had been extinguished,
- established the National Native Title Tribunal to deal with uncontested native title claims and uncontested claims for compensation and mediate contested claims (judicial decisions on contested claims were to be dealt with by the Federal Court) and
- established a statutory right to negotiate over proposed mining leases or the compulsory acquisition of native title rights.
7.1.1 Wik decision
In December 1996 the High Court ruled in its Wik judgement that certain Queensland pastoral leases did not necessarily extinguish native title rights because neither the leases themselves nor the legislation under which the leases were issued indicated an intention to confer exclusive possession on the lessee to the exclusion of native title holders. The court decided that where there was any inconsistency between the rights of the lessee and the native title holders, then the rights of the lessee would prevail.

7.1.2 1998 Amendments to the Native Title Act (Commonwealth)
The Federal Government responded to the Wik decision and to criticism of the Native Title Act 1993, by amending the Act. Changes to the Act included:

- lodgement of claims with the Federal Court, rather than the National Native Title Tribunal,
- establishing a more extensive registration test for claims that must be passed before claimants obtain a right to negotiate in relation to mining and land acquisition,
- the need for claimants to demonstrate that they have the authority of the relevant Aboriginal people to lodge a claim,
- expanding provisions that allowed for the creation of equivalent bodies in the States and Territories, to assume all or some of the responsibilities under the Act that are now the responsibility of the National Native Title Tribunal,
- precluding lodgement of claims over the extinguishing tenures listed in Schedule 1,
- allowed for the tenures listed in Schedule 1 and
- allowed for the negotiation of indigenous land use agreements.
**Registration test**

Under the new legislation, no overlapping claims involving the same persons or claimants will be allowed to be registered. If a claim fails the registration test, the claimants lose their right to negotiate though the claim can still proceed through the Federal Court. The new registration test is likely to result in some existing claims being removed from the Register, particularly those where members of the same Aboriginal group have multiple claims. Some claims in more settled areas are likely to reduce in size due to the inability to continue to claim native title over exclusive tenures listed in Schedule 1. Some existing claims include vast tracts of land, overlapping other claims, and are unlikely to pass the registration test in their present form.

To pass the registration test, claimants must now identify:

- the nature of the native title rights and interests claimed,
- the factual basis of the claim-identifying: ancestors living in the claim area; traditional laws and customs that give rise to the native title claim; and continuance of the native title in accordance with those traditional laws and customs,
- a prima facie case for the existence of each native title right or interest claimed,
- a continuing physical connection between one or more of the claimants and the land on which the native title rights are asserted. (Previous removal of the claimants through government or lessee action is sufficient to excuse discontinuity of the physical connection for a further generation) and
- if any of the claimants are party to any other native title claim.

**Right to negotiate and infrastructure development**

In addition to making native title claimants provide evidence of the legitimacy of their claims before they are entitled to negotiate over developments likely to diminish existing native title rights, the new Act removes the right to negotiate from certain types of development, including infrastructure development (The right to negotiate still remains for claims lodged before 27 June 1996 where application for arbitration has been made to the National Native Title Tribunal). In certain cases, the right to negotiate has been replaced by a more limited right to be consulted. The right to be consulted applies to land subject to compulsory acquisition by government for infrastructure development, or for other types of development in towns and cities. The right to be consulted includes the right:

- to be notified,
- to lodge an objection,
- for objectors to comment,
- to be heard by an independent person (such as a judge) and
- to seek compensation for loss or impairment of native title rights and interests.
7.2 Native Title (South Australia) Act 1994 (State)

The Commonwealth Native Title Act made provisions for the enactment of parallel legislation in each of the States and Territories. South Australia is the only State to have an alternative native title scheme in place. The starting point in considering the State scheme is the Native Title (South Australia) Act 1994 (NTSA) which was enacted to parallel the Commonwealth Act before the 1998 amendments were made. Legislation to reflect the 1998 amendments to the Commonwealth Act is currently before parliament (June 1999). The NTSA continues to operate until amended. The NTSA provided for the validation of past government acts (Sections 32-4). It allowed the Supreme Court and the Environment Resources and Development Court (the ERD Court) to determine native title questions. It provided for the appointment of native title commissioners to assist with native title matters (Section 7). It required that before commencing a formal hearing, the court must hold a conference of the parties to a dispute concerning native title matters, in an attempt to reach agreement (Section 8). The mediator is selected from the judges and/or native title commissioners of the Court (Section 9). Agreements reached as a result of the conference process may be ratified by the Court (Section 10). Native title claimants may lodge their claims with the Registrar of the ERD Court, providing details of the claim which must include:

- identification of the claimed area,
- details of the nature of the native title rights claimed, and
- evidence to support the claim.

If native title rights have not been extinguished over the claimed area, then the Registrar must register the claim, unless it appears to be frivolous or vexatious (Section 18). The test is proposed to be altered in the amendments to the NTSA currently before parliament in order to be consistent with the 1998 Commonwealth amendments.

Under Section 19, application can be made to the ERD Court by claimants and other interested parties (ie; non-claimants) for a declaration of whether native title rights exist on a particular parcel of land.

This may be a useful procedure for identifying potential native title issues on land where development is proposed. After hearing evidence and submissions, the Court may decide either that native title exists or that it no longer exists on a particular area, and make a declaration to that effect (Section 23).
Transport SA procedures – Native Title

If land is to be acquired for any activities, the possible existence of native title over the land or water in question needs to be investigated. The current land ownership and history of ownership will often reveal whether native title over the land has been extinguished. Advice should be obtained from the Native Title Section of the Crown Solicitor’s Office. That Office can advise of any native title claims that have been made over the relevant land.

If a title search reveals that the land has previously been subject to an act conferring exclusive possession (freehold and exclusive possession leases) then native title will have been extinguished. Other particular Crown leases may, by their legislative basis or terms, not be clearly intended to confer exclusive possession. Additionally Crown to Crown grants or government reserves, depending on the use to which the land has been put, may not have been inconsistent with native title rights and interests. In this case, some native title rights may survive.

If the land search reveals that native title may exist (pastoral leases, other ‘non-exclusive’ Crown leases, Crown land, national park) it will be necessary to obtain advice from the Crown Solicitor, on a case by case basis, regarding the most appropriate approach to dealing with native title claimants.

8.1 Land acquisition procedures

If land is to be compulsorily acquired under the Land Acquisition Act 1969 for a government project, native title holders or claimants have no right to negotiate, but must still be consulted. Notice must be given under the Land Acquisition Act to both native title holders and others with an interest in the land.

Native title holders must be notified of the proposal to acquire land through their registered representative and the relevant representative Aboriginal body. If there is no registered representative, notice must be given to all persons who hold, or may hold, native title in the land. A copy of the notice must also be given to the Registrar of the ERD Court. The Crown Solicitor can assist you with this notification.

Under the Land Acquisition Act, those with a native title interest in the land are permitted 30 days within which to request an explanation of the reasons for acquisition and the legislation that allows this acquisition to take place. Within 30 days after having been given notice of intention to acquire the land, or within 30 days of an explanation being provided, those with an interest in the land may object to the acquisition. They may:

- request that the land not be acquired,
- request an alternation of the boundaries of the land, or
- request that a part of the land not be acquired.
Grounds for making the objection may include:

- that acquisition of the land is unnecessary,
- that acquisition would seriously impair the scenic qualities; seriously damage or interfere with objects or places protected under the *Aboriginal Heritage Act 1988*, and
- that acquisition would destroy or impair a site of architectural, historic or scientific interest.

It is necessary to respond to the objection within 14 days of receipt.

The objector may, within 7 days of receiving notice of refusal to accede to his/her request, apply in writing to the relevant Minister for a review of the decision (Section 12A).

Acquisition of the land does not necessarily extinguish native title rights or interest in the land, but can if the purpose of the acquisition is necessarily inconsistent with the continuation of native title rights (Section 15).

Notice of acquisition must be given to all those who may hold native title to land, whether or not they have registered their claim with the National Native Title Tribunal or the State based ERD Court (Section 15). This notice must also include a statement of compensation payable to native title holders under this Act.

If there is an intention to acquire native title land for the purpose of conferring proprietary rights or interests on a person other than the Crown, it is necessary to first negotiate in good faith with the native title parties in an attempt to reach agreement about the acquisition of the land (See sections 18 and 19). The ERD Court may be asked by any of the parties, to mediate between the parties to assist in obtaining their agreement (Section 20).

If no agreement can be reached within 6 months of the giving of the notice of intention to acquire the land, any party can apply to the ERD Court for a determination as to whether or not the compulsory acquisition can go ahead and if so on what conditions. In making the decision, the ERD Court must take into account the effect of the acquisition and use of the land on the Aboriginal people whose native title rights are being affected (Section 21).

The ERD Court must make a decision within 6 months unless there are special reasons why it cannot do so.

### 8.2 Borrow pits and quarries

Before new borrow pits or quarries can be opened up, it is necessary to establish whether or not native title has been extinguished over the relevant land. If native title survives, it will be necessary to identify the native title holders and claimants. Advice from the Crown Solicitor's office should be sought about the need for negotiations and the procedures that should be followed in these negotiations.
Non-Aboriginal Heritage

Protection of cultural heritage is a key issue in the development and maintenance of transport infrastructure. In addition Transport SA maintains significant road, marine and rail heritage assets.

South Australia's heritage sites help maintain our cultural identity and document the State's development from the initial period of European exploration, through the early industries of sealing, whaling and mining, the development of agriculture and pastoralism and town and urban development. Many different types of historical sites and places are located throughout the state. While stately buildings are an important component of the State's cultural heritage, other important heritage places include railways, jetties, bridges, shipwrecks, walls, gardens, trees and archaeological sites.

10.1 Heritage Act 1993 (State)

The purpose of the Heritage Act 1993 is to conserve places of heritage value to South Australia. Heritage places can be buildings, land, ruins and structures or sites (of historical or archaeological, geological or palaeontological significance).

Site criteria

Criteria for registering a site include:

- representative of important aspects of the evolution or pattern of the State's history,
- rare, uncommon or endangered qualities that are of cultural significance, yields information that will contribute to understanding the State's history (including its natural history),
- outstanding representative of a class of places of cultural significance,
- demonstrates a high degree of creative, aesthetic or technical accomplishment or represents a particular construction technique or design characteristic,
- has strong cultural or spiritual associations for the community or a group within it, or
- has a special association with the life or work of a person, organisation or event of historical importance.
**The State Heritage Register**

The State Heritage Register, a database maintained by Heritage SA (Department for Environment, Heritage and Aboriginal Affairs), contains a record of all sites protected under the Act. Surveys have been carried out across the State, however, there remain sites and places which are yet to be assessed and which may qualify for inclusion in the register.

The Heritage Unit of the Department of Administrative and Information Services is responsible for providing advice on the protection, preservation and use of the State's heritage assets held in Government ownership.

**Stop orders**

Under the *Heritage Act 1993* a stop order preventing work threatening the heritage value of a place can be issued. The stop order permits the assessment of a place's significance, to determine whether it should be placed on, or removed from, the Register.

**10.2 Development Act 1993 (State)**

**Protection for State Heritage Places**

The *Development Act 1993* deals with planning and development measures in the State and specifically deals with any proposal that will materially affect a heritage place or the context within which the place is situated. If development is proposed that will affect a registered State Heritage Place, it is necessary for an application to be lodged with the Development Assessment Commission, for a report and referral to the Minister for Transport Urban Planning and the Arts.

Development in relation to a State Heritage Place includes demolition, removal, conversion, alteration or painting, or in fact any other activity which might affect the heritage value of a site or place. While reconstruction, repair or maintenance of any road, bridge, railway, wharf or jetty, undertaken by the Crown, are exempted from the need for approval under the *Development Act 1993*, any activities, including transport works affecting State Heritage Places are not.

Locations with a concentration of items of historical importance to the State may be protected through creation of a *State Heritage Area*, under the Development Act. A State Heritage Area comprises a precinct within which the buildings, open areas, and streets combine to create a cohesive group, significant for historical, aesthetic or cultural reasons. The creation of State Heritage Area serves to protect more than just the buildings, but the buildings within their setting. Controls governing use of the area will also be specified in the Development Plan, and these will vary from area to area.
Protection for local heritage items

The Development Act 1993 also enables local councils to include places of local heritage value in the Development Plan. Places of local heritage value are listed in an inventory attached to the State Heritage Register, but are not entered in the Register.

Local councils may create through the Development Plan, Historic (Conservation) Zones and Historic (Conservation) Policy Areas. These include planning provisions to protect local heritage places. The local council should be consulted on development within these zones.

10.3 National Trust of South Australia Act 1955 (State)

The National Trust is a non-government conservation body whose aim is to conserve items of heritage value. Classification by the Trust recognises the value of the place, but confers no legislative protection. Most places classified by the National Trust are now entered on the national, state or local registers. The National Trust also maintains a Significant Trees Register.

10.4 Historic Shipwrecks Act 1981 (State)

The South Australian Historic Shipwrecks Act 1981 protects historic shipwrecks and relics of historic significance within South Australian waters, that is, in the rivers, bays and estuaries (River Murray, Gulf St Vincent, Spencer Gulf, Rivoli Bay, Lacepede Bay, Encounter Bay and Anxious Bay) see Figure 3.

The paddle steamer William R Randell sunk near Waikerie and the South Australian, a wooden barque sunk in 1837 at Rosetta Harbour west of Victor Harbor are two such wrecks protected by the Act.

The Minister for Environment, Heritage and Aboriginal Affairs, may declare shipwrecks and relics coming from shipwrecks to be of historical significance and to make a provisional declaration if wrecks or relics are suspected to be of historical significance. A protection zone may be declared around an historic shipwreck to exclude activities that might pose a threat to its integrity.

Historic shipwrecks and relics in South Australian waters are listed on the Shipwrecks Register maintained by Heritage SA.

Under this Act it is an offence to damage, destroy, interfere with or dispose of a historic shipwreck or a historic relic, or to remove an historic relic from the State’s territorial waters, without a permit issued by the Minister for Environment, Heritage and Aboriginal Affairs. Should the remains of a ship, or articles associated with a ship, be found, they should be reported to Heritage SA. The police, officers in a range of government agencies as well as marine safety officers in the Marine Operations Section of Transport SA, are authorised inspectors under this Act.
Figure 3
Areas of control under the Commonwealth and South Australian Historic Shipwrecks Acts

Commonwealth waters
State waters
10.5 **Historic Shipwrecks Act 1976 (Commonwealth)**

The Commonwealth *Historic Shipwrecks Act 1976* aims to protect all wrecks and relics from historic wrecks older than 75 years old in Australian coastal waters, excluding state waters, bays and rivers as listed in 10.4 (see Figure 3). The Federal Minister for Environment and Heritage may make a provisional declaration to cover shipwrecks or relics that are suspected to be of historical significance. The Minister may declare an area containing an historic shipwreck, or historic relics to be a protected zone. Activities such as diving or taking diving equipment into a protected zone are prohibited, without authorisation.

A Register of Historic Shipwrecks is maintained by the Commonwealth. Under the *Historic Shipwrecks Act 1976* it is illegal to damage or destroy, interfere with, dispose of, or remove from Australia or Australian waters, a historic shipwreck or a historic relic from such a shipwreck. Those finding historic shipwrecks or items from historic shipwrecks, are required to report them to the Federal Minister through Heritage SA. Marine safety officers in the Marine Operations Section of Transport SA are authorised inspectors under this Act.

In South Australia responsibility for the recording and protection of wrecks under the Federal Act has been delegated to Heritage SA. Enquiries about wrecks in South Australian and offshore waters should in the first instance be directed to Heritage SA.

10.6 **The Australian Heritage Commission Act 1975 (Commonwealth)**

The Australian Heritage Commission, established under this Act, keeps a register of places and sites of national significance (Register of the National Estate) which includes buildings, places, natural areas, shipwrecks and Aboriginal sites. This Register includes places that have aesthetic, historic, natural, scientific or social significance for present and future Australians.

Under Section 9, the Act requires Federal statutory agencies to assist the Commonwealth in carrying out the functions of this Act. This includes taking all practical measures to protect listed sites. This also applies to work funded by Commonwealth agencies. Under these circumstances, adverse impact to a listed site or object will only be permitted if there is no feasible alternative. The Heritage Commission must assess and comment on any proposal that might affect a listed site.
11 Non-Aboriginal sites and places

As there are many different types of historical places, many with associated archaeological sites, it is simplest here to consider these in broad classes, based on the phases of State development with which they are associated. They can include aspects of the built environment, natural places as well as a record of key or typical events. The Heritage registers reflect key features, styles and events within the community from settlement to present times.

11.1 European maritime exploration

The earliest reported sighting of the South Australian coastline was in 1627 when the Dutchman Peter Nuyts sailed along the Great Australian Bight. Later voyagers ventured ashore, conducting exploring expeditions to find water or to investigate the potential for settlement although most landfalls left little or no trace. Sites associated with maritime exploration include shipwrecks and historic landing sites.

11.2 Whaling and sealing

Sealing was carried out along the South Australian coastline from the early 1800s. The sealing crews were often left on islands to harvest the seals and ready the skins for shipping, before they and their cargo were picked up. Whaling along the coast commenced around the same time. There were a number of whaling stations along the South Australian coastline commencing from the late 1820s, with some stations reopening in the 1870s and 1880s. These were scattered along the coast from Fowlers Bay in the west to Beachport in the South East, including Kangaroo Island and other islands.

Whaling and sealing sites include the remains of stations and buildings occupied by the crews, and whale bones and associated artefacts from the try works used for boiling down the whale blubber to extract the oil.

11.3 Land exploration

Charles Sturt was the first European explorer to reach South Australia by an overland route. He travelled overland from Sydney and then along the Murrumbidgee and Murray Rivers by whale boat. He reached Lake Alexandrina and walked to the River Murray mouth in February 1830. After the foundation of the province in 1836 there were a number of expeditions into the interior, initially in search of an inland sea or large continental river. Later expeditions were mounted to cross the country or to search for explorers who had been lost in the desert.

The early explorers left few traces of their expeditions. Monuments at the locations where they died, trees carved with their initials and meagre relics left at their camps are among the few traces of their expeditions.
11.4 Early settlements

The first official European settlement in the colony of South Australia, was founded at Kingscote on Kangaroo Island in July 1836, with the arrival of the South Australian Company’s ship, *Duke of York*. Colonel William Light arrived at this settlement in the brig *Rapid* on the 20th August that year and it was obvious that the location, without a permanent source of water, was unsuitable for settlement. A search for a permanent settlement site began and Colonel Light decided on the present site of Adelaide, in December.

The ruins of the early settlement on Kangaroo Island are highly significant. The first remaining road work in South Australia, is the small cutting at Reeves Point. Other sites and places associated with early settlement include buildings, brick and lime kilns, quarries, stone walls, churches and schools.
11.5 Pastoralism

Agriculture in the newly founded colony was delayed by the need to complete a survey of the region surrounding Adelaide. During this time those with sheep and cattle simply moved to suitable pasture and squatted on the land.

Despite the often unfavourable reports furnished by explorers who ventured into the interior, squatters seeking new pasture ventured further outward into marginal terrain, often paying the price for their optimism with financial ruin or death.

Some of the sites and places associated with the pastoral industry include sheep folds, stock yards, abandoned farm buildings and wells, shearing sheds, wool presses and wool scours.

Kanyaka homestead, Flinders Ranges
11.6 **Agriculture**

A wide range of different crops were tried by the early settlers before they realised that the conditions in the new colony were unlike those that they had known in England. Grain growing proved to be successful and large areas were placed under cultivation. Wheat from different sources was tried, including rust resistant varieties from South America.

Even as early as 1839 it was realised that the region around Adelaide was well suited to grape growing.

The most important advances in agriculture were wrought by the introduction of agricultural machinery. Low grain prices and the shortage of labour led to a search for a cheaper method of harvesting. In 1843 John Ridley, a Hindmarsh miller, designed a stripping machine that cut and threshed the grain. The machine was able to harvest at least 10 times faster than could be achieved by hand. This single invention led to an expansion of grain growing across the colony.

In 1888 the first irrigation scheme was established in the Riverland. Its success led to further irrigation schemes in the early 1890s, when unemployed people were given irrigated blocks and a small grant to establish themselves.

Historical sites and places associated with early agriculture include plough lands, dry stone walls, irrigation and drainage schemes, nurseries, vineyards, wineries and dairies.
11.7 Mining

In 1841 the first major mineral discovery was made at Glen Osmond. A rich silver deposit was found and was opened up by the Wheal Gawler and later the Wheal Watkins mines. Approximately 2,500 tonnes of silver-lead ore were dug from the mines during this time. A smelter was built on the hill near the mine in 1849 to save on the costs of shipping ore to Wales. The chimney and portions of the flue still survive on the hillside beside the Mt Barker Road.

Copper was found at Kapunda in 1842 and at Burra in 1845. The discovery of copper did much to inspire confidence in the colony, although the discovery of gold in the eastern states led to a period of decline with large numbers of people moving interstate in search of gold. The discovery and mining of further rich lodes at Wallaroo and Moonta from 1859 saw large scale mining that continued until 1923.

There is a rich mining heritage found across South Australia. Sites and places include mines, alluvial workings, quarries, huts occupied by the miners, mining machinery including whims, crushers, boilers and the steam engines they powered, and the ruins of smelters and their chimneys and flues.
11.8 Townships and urban development

Between July 1838 and November 1841 approximately 30 villages were founded within three miles of Adelaide, although not all of them prospered. These townships grew up on tributaries of the River Torrens or on the edges of the parklands, along major transport routes. By 1840 a series of small villages had been established in the area between Mt Barker and Strathalbyn. By the late 1840s a range of agricultural centres had been established to the north and east, in the Barossa Valley and Clare, and at Robe in the lower South East.

Before 1865, Government towns were built to provide essential ports and service centres for the expanding pastoral industry. Early Government towns include Robe, Port Augusta, Port Lincoln and Bordertown. The Government also established towns in areas where private speculators were not tempted to go, such as near the mining centres of Burra, Blinman in the Flinders Ranges and on the Yorke Peninsula.

Many sites and places of historical interest remain in the early towns. These include simple houses, public and commercial buildings.

Resources available from the local district were used for building construction in Adelaide. Limestone was quarried from near the present railway station and Government House and abundant limestone outcrops across the city were used. Clay suitable for brickmaking was also widely available and a brickworks was set up by the South Australian Company in the parklands. Pisé construction was also a common and inexpensive means for building houses. Timber, however, was more difficult to obtain and some of the early Government buildings were made from imported timbers.

11.9 Transport

Roads

Production from farms and mines required transporting to market. Due to the lack of infrastructure in the early years the first settlers kept close to the coast and along easy natural roads where possible. Most early tracks into the hills followed the spurs, which were generally unsuitable for transporting produce. Road construction progressed with routes to the north, south and east either under way, or completed by the end of 1839. These roads encouraged settlement and necessitated inns at staging points along the route to provide service to the travellers.

A road over the Hills was started in January 1840 and opened in October 1841, passing Glen Osmond and Crafers and then to the Onkaparinga via a crossing on Cox’s Creek.

Many of the old road alignments were followed when roads were upgraded, although a few early features can be recognised. Road cuttings, the Toll House on Glen Osmond Road, bluestone kerbing along Portrush Road and the horse drinking trough at Echunga are examples of remaining historical features associated with the early roads. The remnants of inns and staging posts built along the old coach routes also survive.
Bridges

The earliest bridges across the River Torrens were temporary structures and several washed away in floods within the first decade after settlement they were replaced with more substantial structures such as the Albert Bridge on Frome Road, opened in honour of Prince Albert in 1879.

A number of bridges in and around Adelaide date from 1866-7, including one crossing Brownhill Creek in Mitcham and another crossing the Field River at O’Halloran Hill. The oldest known surviving timber arch bridge in Australia is found at Angle Vale, north of Adelaide and dates from 1876. This 25.9m long bridge was built using a laminated construction.
The oldest rail bridges surviving in South Australia are on the line from Roseworthy to Burra, completed in 1870. Concrete bridges were first built in the early years of the 20th Century, and a number still survive. The earliest of these was at Watson’s Gap on the line from Goolwa to Victor Harbor, built in 1905.

Many historically significant bridges of different designs are found throughout the state. These include timber, stone, iron and concrete structures used for road, rail and pedestrian traffic.

**River and marine transport**

By the 1850s pastoral and agricultural expansion along the River Murray, encouraged the Government to offer a reward for the first successful steamer navigation from Goolwa to the Darling River. This voyage was completed in 1853, when Captain Francis Cadell in the Lady Augusta reached Swan Hill from Goolwa, a distance of 1,500 miles (2,400km). Steamers were built and produce from western New South Wales was shipped along the river. This proved to be profitable for a time, until the Victorians built a rail line from Melbourne to Echuca, and most of the river trade was lost.

Despite the falling revenues from the river trade, the South Australian Government endeavoured to maintain the service, through improvements to the river’s navigability: clearing obstacles and later through building locks from 1914.

Coastal passenger and freight services within the colony were common, particularly in the days before reliable overland transport and a large number of ports and jetties were established to serve their hinterlands. Contact with other colonial ports was conducted regularly using coastal shipping.

Sites associated with the river trade include jetties, wrecks of paddle steamers and barges, wharves, cranes and river-side stores. Maritime sites and places include jetties and wharves and shipwrecks in the bays and estuaries at Port Adelaide and along the coast.
Morgan wharf on the River Murray. The railway was extended and wharf facilities were built in 1878 to recapture the River Murray trade back from Victoria.

Granite Island causeway. Opened in 1874. Built in several stages with the final stage built in 1875 which extended to Granite Island. The causeway is 2260 ft long and 12 ft wide.

Birkenhead Bridge, Port Adelaide. Opened in 1941. Double Leaf Baculcule bridge. It is an opening bridge.
Railways

The first railway in the province, from Goolwa to Port Elliot, was opened in May 1854. The horse-drawn train transported goods, brought down the River Murray and landed at the port of Goolwa, to the ocean going vessels docked at Port Elliot. In 1864 the line was extended to Victor Harbor and to Strathalbyn in 1869. This railway operated in isolation until 1884 when a direct line from Goolwa via Strathalbyn linked it to the Adelaide to Melbourne railway which was then under construction.

By 1880 nine separate and unconnected railway systems radiated from coastal ports to carry goods from the adjacent country. By 1887 all but one had been interconnected, thus establishing Adelaide’s pre-eminent position. While there were regional ports, most goods were transported by rail through Port Adelaide. The trunk rail system was largely complete by 1887.

This centralisation led to a greater degree of industrialisation of Adelaide, rather than the development of regional industry.

Remnants of the early rail network are to be found across the state. These include the narrow gauge lines built in the 1870s and 1880s. The narrow gauge (1.06m as opposed to the broad gauge 1.6m) was adopted as a cost-saving measure. Sites and places associated with the early rail network include the often abandoned tracks, embankments and railway stations along the old lines. Construction camps and fettlers camps are also found near these lines.
Suburban railways and tramways

A railway from Port Adelaide to the town centre was built in 1856. In 1873 the seaside resort of Glenelg was connected by private railway with Victoria Square. In 1879 another coastal railway was built south from Glenelg to Brighton and Marino, but within a year it had closed.

Gaps in the transport network were filled with horse-drawn tramways. The first tramway was built from Kensington to Norwood along Rundle Street into the city, and first started operating in June 1878. Further lines were built from the suburbs surrounding the city in the following years.

While most of the rails used to service the tram and rail routes have been removed, some remain in use. The historic rail alignments can still be seen in places, and the tram barn on Hackney Road remains as a strong reminder of the extent of this past form of suburban transportation.

11.10 Services

As settlement expanded so did essential services such as water supply, sewage treatment and the telegraph. Inter-colonial telegraph lines were opened to Melbourne in 1858 and Sydney in 1867. The Overland Telegraph line linked Adelaide with Darwin and hence England, in 1872.

The River Torrens was the principal source of water supply for Adelaide for many years until the Thorndon Park reservoir came on stream in 1860.

Aqueduct, Gorge Road, Adelaide. Built in 1857 to improve Adelaide’s water supply. State Heritage Register.
11.11 Industry

As primary production increased in the early years of the settlement, there was a need for supporting industry which grew up to make use of the production. A flour mill was built on the edges of the parklands in Kent Town, and another at Hindmarsh. Within five years of first settlement there were four distilleries, a brewery, two tanneries, a candle manufacturer, five steam flour mills and a diverse range of other small industries.

In the 1930s depression it became clear that the dependence on agriculture and mineral exports was disadvantageous to the State and a conscious effort was made to remedy this situation. This led to an increase in industry in Adelaide, and elsewhere: steel making at Whyalla, electricity production at Port Augusta, pulp and timber industries associated with the pine plantations at Millicent and Mt Gambier.

There is a wide range of historical places and sites associated with industrial development in the state. These include: factories and workshops, flour mills, distilleries, breweries and tanneries.
12 Transport SA procedures – non-Aboriginal heritage

12.1 Infrastructure projects and work affecting State Heritage places or items

The procedure for investigating heritage issues for infrastructure projects is outlined below. This is summarised in Figure 4.

12.1.1 Evaluating the potential impact of a project

Early in the planning process an investigation should be undertaken to determine whether the proposed works will affect any non-Aboriginal heritage sites. This should then be documented as part of the environmental impact assessment of the project in the Environmental Impact Assessment Report (EIAR), Planning Report or Environmental Impact Statement (EIS). The following heritage registers should be consulted:

<table>
<thead>
<tr>
<th>National, State and Local Heritage Registers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Register of the National Estate</td>
</tr>
<tr>
<td>State Heritage Register</td>
</tr>
<tr>
<td>Local Council Heritage Listing</td>
</tr>
<tr>
<td>National Trust Classification</td>
</tr>
<tr>
<td>State Historic Shipwrecks Register</td>
</tr>
</tbody>
</table>

For addresses of these organisations, see Appendix 3.

Some sites will be found listed in more than one register. In addition, some sites deemed to be of State or local heritage significance may also be on the Register of the National Estate. Some sites, although significant, may not yet be recorded on a register.
Currently the Historic Shipwrecks Register contains approximately 800 sites. The exact positions of some early shipwrecks are unknown at this stage because although known from historical accounts, they have not yet been located. Therefore, Heritage SA should be consulted for advice about the need to undertake a survey prior to development likely to affect a site.

If sites or places of heritage significance are identified on or near a proposed project, it may be necessary for a detailed heritage assessment to be carried out to determine the potential impact. In these cases a heritage consultant should be engaged to undertake this work. The relevant heritage authority should be consulted concerning development in the vicinity of any registered historic place; or site with potential heritage value (see Figure 4).

Options to avoid or minimise impact should be investigated. If no alternative option is available, approval to disturb the site needs to be obtained. For example, this would be necessary where modifications to a heritage listed building, wall, garden, bridge or jetty is proposed. Such disturbance would also need to consider the likelihood of sub-surface archaeological deposits.

12.1.2 Approvals

Register of the National Estate – If a project is financed by Commonwealth funds and potentially affects an item on the Register of the National Estate, the Australian Heritage Commission must be consulted on the potential impacts of the project on the registered site or place. If the site is potentially affected, advice from the Australian Heritage Commission must be obtained. If the project is state funded then the Heritage Commission should be consulted.

State Heritage Register – Approval under the Development Act must be obtained if a site or place on the State Heritage Register is affected. A heritage site or place may be affected if it is directly disturbed or if work is proposed in the vicinity of the site or place. Approval is required for the demolition, removal, conversion, alteration or painting of, or addition to the place or any other work that could materially affect the heritage value of the place. A Crown Development application needs to be submitted to the Development Assessment Commission for approval (see Appendix 2).

Local Council Heritage Listing – If a local heritage place is affected then consideration should be given to the provisions in the Development Plan that relate to the place or site and the local council consulted, but no approval under the Development Act is required.

National Trust Classification – Classification by the National Trust gives no legal protection, but the National Trust should be consulted if a classified building or place is affected.

Commonwealth Historic Shipwrecks – Shipwrecks in Commonwealth waters are protected, under the Commonwealth Act. The Commonwealth has delegated approvals under the Act to Heritage SA.

State Historic Shipwrecks – Shipwrecks in the River Murray and in coastal waters are protected under the State Act and Heritage SA must be contacted if work is likely to affect a wreck.
Review heritage registers to find out whether any registered non-Aboriginal heritage sites are located in the vicinity of the project area.

- Register of the National Estate
- State Heritage Register
- Local Government Heritage Listing (Development Plans)
- State and National Historical Shipwrecks database
- National Trust Classification
- Transport SA Roadside Significant Sites Database (RSSD)

If a registered place, site, object or wreck cannot be avoided, consult with the following organisations and if necessary obtain approval to permit the alteration to, or damage or destruction of the registered place, site, object or wreck.

**Figure 4**
Flowchart of the non-Aboriginal heritage review process

**Infrastructure projects, marine works or road maintenance work**

<table>
<thead>
<tr>
<th>Register</th>
<th>Federally funded project</th>
<th>State funded project</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Estate</td>
<td>Consult the Australian Heritage Commission</td>
<td>Consult Australian Heritage Commission</td>
</tr>
<tr>
<td>State Heritage</td>
<td>Approval from Development Assessment Commission</td>
<td>Approval from Development Assessment Commission</td>
</tr>
<tr>
<td>Local Heritage</td>
<td>Consult relevant Local Council</td>
<td>Consult relevant Local Council</td>
</tr>
<tr>
<td>National Trust</td>
<td>Consult National Trust</td>
<td>Consult National Trust</td>
</tr>
<tr>
<td>National Historic Shipwrecks</td>
<td>The Commonwealth has delegated responsibility for shipwrecks in Commonwealth waters to Heritage SA. Consult Heritage SA and the Australian Heritage Commission</td>
<td>The Commonwealth has delegated responsibility for shipwrecks in Commonwealth waters to Heritage SA. Consult Heritage SA</td>
</tr>
<tr>
<td>State Historic Shipwrecks</td>
<td>Consult Heritage SA Approval from the Minister for Environment, Heritage and Aboriginal Affairs</td>
<td>Approval from the Minister for Environment, Heritage and Aboriginal Affairs</td>
</tr>
</tbody>
</table>

Construction crews should be vigilant for historical relics which may be uncovered during construction. Heritage SA should be consulted for advice on the most appropriate protection measures should these be found.
12.1.3 Disturbance of a heritage place

If a heritage place will be affected by the project it may be necessary to prepare a conservation plan for that site or place.

For example, this may be necessary where modifications to a heritage listed building, wall, garden, bridge or jetty is proposed. Such disturbance would also need to consider the likelihood of sub-surface archaeological deposits.

Where construction is to take place in the vicinity of heritage listed places, it is necessary to seek advice on the extent of buffer zone required to protect the integrity of the building or structure and any associated sub-surface archaeological deposits. Heritage SA (Department for Environment, Heritage and Aboriginal Affairs) is able to provide this advice.

The Heritage Unit of the Department for Administrative and Information Services (DAIS) can provide assistance with the development of a conservation plan for heritage assets owned by the State Government. A qualified heritage architect should prepare such a plan which should be based on the conservation principles outlined in the Burra Charter. For an outline of this process refer to the Historic Buildings conservation Guide by DAIS. The Architectural Unit of Property Services Section can assist in engaging a qualified architect to prepare a conservation plan.

Archaeological deposits may also be threatened by construction activities. As there may be little or no surface evidence of historical archaeological sites, the first evidence of them may only appear with the removal of the surface layers of soil or pavement. Sub-surface deposits are most common near surviving structures, such as buildings, roads and mines of historical significance. By studying the archaeological remains, we are better able to understand the buildings and the activities that were carried out there. By examining the materials used in construction and decoration, and the evidence for alterations and additions, a more complete history can be obtained.

12.1.4 Discovery of sites during construction

Preliminary research carried out prior to construction should identify potential historical sites that warrant further investigation; and identify areas where sensitive construction procedures should be employed so that sub-surface features will be recognised before they are damaged. In some cases undocumented structures or features will only be discovered during the initial stages of construction. If such features are found, work affecting the feature should stop and advice from Heritage SA should be sought.
12.2 Maintenance work

Roadworks
Before maintenance work is carried out, Transport SA’s Roadside Significant Sites Database (RSSD) should be consulted to ensure that the location of sites is known. Appropriate work practices should be adopted in the vicinity of any recorded sites to ensure that the sites are protected. The Roadside Significant Sites Database is maintained by the Environmental Operations Unit.

For work on a State Heritage Registered place, such as a heritage bridge, approval under the Development Act is required for the demolition, removal, conversion, alteration or painting of, or addition to the place or any other work that could materially affect the heritage value of the place. See Section 10.1 for procedures to be followed.

Installation of signs or roadside furniture within a State Heritage Area may require approval under the Development Act. Consult with Statewide Operation Coalition (SOC) on the type of activities which may affect the heritage value of the place and consult with Heritage SA on their proposed location.

Marine works
Before work is carried out, the heritage registers should be consulted to determine whether the work will affect a registered heritage place or shipwreck. If work is planned on a State Heritage registered place such as a jetty, approval under the Development Act will be required. Approval is required for demolition, removal, conversion, alteration or painting of, or addition to the place or any other work that could materially affect the heritage value of the place. See Section 12.1.2 for procedures to be followed.

Rail assets
Transport SA owns a number of rail properties of heritage significance which are included on national, state and local heritage registers. Maintenance work on any State Heritage Place will require approval under the Development Act. Prior to any work being carried out on a heritage place a conservation plan should be prepared based on the principles of the Burra Charter to identify appropriate methods of maintenance or restoration.

12.2.1 Discovery of sites during maintenance
If sub-surface historical features or items from shipwrecks are identified during the activity, work should stop and Heritage SA (Department for Environment, Heritage and Aboriginal Affairs) should immediately be notified so site management options can be considered.
Appendix 1
Application Form for Notification of Sites on the Register of Aboriginal Sites and Objects

DIVISION OF STATE ABORIGINAL AFFAIRS

Application for access to information in the Register of Sites and Objects which is not confidential.

To be filled in by the applicant (please use a separate form for each application):

Name _____________________________________________________________________________________

Address ___________________________________________________________________________________

___________________________________________________________________________________________

_________________________ Postcode ______________ Phone [      ] ______________________________

Signed _____________________________________________________________ Date: ____ / ____ / ____

Client’s name and address __________________________________________________________________

___________________________________________________________________________________________

___________________________________________________________________________________________

___________________________________________________________________________________________

Area for which access is requested or titles of reports: ____________________________________________

State the nature and purpose of the project for which access to this information is required:

___________________________________________________________________________________________

How will this information be used? Eg: report/thesis/book/article for publication

___________________________________________________________________________________________

Attach written approval from the traditional owner(s) or, where the traditional owner(s) cannot be
identified, the State Aboriginal Heritage Committee. Please note that access to the information contained
within the Central Archive cannot be considered unless this form is accompanied by a letter of approval
from the appropriate Aboriginal person(s) or organisation(s). Applicants will be invoiced for photocopies
of documents at 10 cents per copy.

___________________________________________________________________________________________

Office use only: on the back of this form, record the identification numbers of all reports and site cards
accessed.

___________________________________________________________________________________________

Access approved □ /not approved: □ Access endorsed □ /not endorsed □

Chief Executive/Delegated Officer __________________________ Chair _______________________

Division of State Aboriginal Affairs
State Aboriginal Heritage Committee

Date: ____ / ____ / ____ Date: ____ / ____ / ____
I acknowledge that copies of this application and supporting documentation may be provided to interested persons in accordance with the Development Regulations 1993.

SIGNATURE

Dated ____ / ____ / ____
Appendix 3
Cultural heritage organisations and contacts

Transport SA

Environmental Operations Unit
Statewide Operational Coordination Group
33-37 Warwick Street, Walkerville 5081
Telephone [08] 8343 2686
Advice on heritage issues including the need for heritage surveys, Transport SA procedures and legislative requirements, access to databases and consultative requirements and approvals.

Architectural Unit
Property Services Section
33-37 Warwick Street, Walkerville 5081
Telephone [08] 8343 2459
Advice on heritage conservation plans for heritage properties.

Aboriginal heritage

Division of State Aboriginal Affairs
Department for Environment, Heritage and Aboriginal Affairs
1st Floor, 22 Pulteney Street, Adelaide 5000
Telephone [08] 8226 8930
Advice on Aboriginal heritage and legislative requirements. The Division maintains the Register of Aboriginal sites and objects.

Native Title Unit
Crown Solicitors Office
Level 8, 45 Pirie Street, Adelaide 5000
Telephone [08] 8207 1555
Advice on Native Title issues and procedures.

National Native Title Tribunal
91-97 Grenfell Street, Adelaide 5000
Telephone [08] 8201 0605
Details of current Native Title claims.

Non-Aboriginal heritage

Heritage SA
Department for Environment, Heritage and Aboriginal Affairs
Level 8, 91-97 Grenfell Street, Adelaide 5000
Telephone [08] 8204 9261
Information on State Heritage matters, the SA State Heritage Register and Register of State and Commonwealth Historic Shipwrecks.

Heritage Unit
Department for Administrative and Information Services
Level 6, Wakefield House
30 Wakefield Street, Adelaide 5000
Telephone [08] 8226 5068
Advice on conservation measures for heritage places, particularly those in State Government ownership.

Australian Heritage Commission
GPO Box 787, Canberra ACT 2601
Telephone [02] 6217 2111
Information on the National Estate Register.

Councils
Information on planning policies and sites relating to local heritage.

National Trust of SA
27 Leigh Street, Adelaide 5000
Telephone [08] 8223 1655
Information on items recorded by the National Trust.

Development Assessment Commission
136 North Terrace, Adelaide 5001
Telephone [08] 8207 2000
Approval for work affecting a State Heritage Place.
Appendix 4
Bibliography


ATSIC 1992 *Aboriginal People of South Australia.*


Colwell, M. & D. 1985 *Heritage Preserved with the National Trust of South Australia*. Max Colwell Publications: Joslin.


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Threadgill, B. 1922 **South Australian Land Exploration 1856 to 1880.** Board of Governors of the Public Library, Museum and Art Gallery of South Australia: Adelaide.


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**Glossary**

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>DAIS</td>
<td>Department for Administrative and Information Services</td>
</tr>
<tr>
<td>DOSAA</td>
<td>Division of State Aboriginal Affairs in the Department for Environment, Heritage and Aboriginal Affairs</td>
</tr>
<tr>
<td>EIAR</td>
<td>Environmental Impact Assessment Report</td>
</tr>
<tr>
<td>EIS</td>
<td>Environmental Impact Statement</td>
</tr>
<tr>
<td>ERD Court</td>
<td>Environment, Resources and Development Court, SA</td>
</tr>
<tr>
<td>NTSA</td>
<td>Native Title (South Australia) Act 1994 (State)</td>
</tr>
<tr>
<td>RSSD</td>
<td>Transport SA's Roadside Significant Sites Database which contains information on environmentally significant sites on roads maintained by the Environmental Operations Unit of Transport SA</td>
</tr>
<tr>
<td>TSA</td>
<td>Transport SA, Department for Transport, Urban Planning and the Arts</td>
</tr>
</tbody>
</table>