



Government
of South Australia

Department of the
Premier and Cabinet

Aboriginal Heritage Registers Guideline 4

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Introduction

The *Aboriginal Heritage Act 1988* (Heritage Act) requires the maintenance of three registers:

- the Register of Recognised Aboriginal Representative Bodies (RARBs)
- the Register of Agreements
- the Register of Aboriginal Sites and Objects, part of the Central Archive.

The Minister for Aboriginal Affairs and Reconciliation collects, manages, uses and discloses Aboriginal cultural heritage information in accordance with legislative requirements and prevailing community expectations of best practice. The State Government is keenly aware that maintaining the privacy of any confidential information is a vital part of maintaining a positive relationship with Aboriginal communities and other stakeholders. The Government strictly complies with its responsibilities in this regard.

The Register of RARBs

The Register of RARBs is a public register listing all the people and groups approved as RARBs in South Australia. It is a first point of contact for land use proponents (eg miners, developers, government departments) and others looking to find out if a RARB has been appointed to speak for heritage in a particular part of the state. The *Aboriginal Heritage Regulations 2017* (Regulations) require the Register of RARBs to include:

- the name and address of the RARB
- the name and contact details of a public officer, director or secretary who will act as the RARB's contact person
- the RARB's principal place of business and contact details
- subject to considerations of confidentiality, a description of the heritage for which the RARB was appointed

- where the RARB is a Native Title claimant or Aboriginal Indigenous Land Use Agreement (ILUA) party, but subject to considerations of confidentiality, a copy of certificate of registration of the Native Title claim or the ILUA.

The Committee may impose conditions on the inspection of any entry on the Register of RARBs for any reason it thinks fit. This may include restrictions on publishing confidential provisions in ILUAs or Native Title claims.

Information on the Register of RARBs is normally collected from applicants during the application process. RARBs must notify the Committee of any changes to this information within 45 days of the change.

The Register of RARBs is accessible online. You may ring AAR for information on the register.

Register of Agreements

The Heritage Act empowers RARBs to make local heritage agreements directly with land use proponents. The Act also recognises certain agreements made outside of the Heritage Act, such as agreements made under the *Native Title Act 1988* (Cth). The Heritage Act calls these Division A2 agreements.

Both local heritage agreements and Division A2 agreements must be approved by the Minister before they are recognised under the Heritage Act. The Minister must keep a register of all approved agreements – the Register of Agreements. The Regulations require the Register of Agreements to contain the following information:

For local heritage agreements:

- the name, address and contact details of the parties
- a copy of any application to damage, disturb, interfere with or excavate heritage under the Heritage Act related to the agreement

- the date and details of any subsequent variations to the agreement
- information identifying any report or survey referred to in the agreement.

For Division A2 Agreements:

- the name, address and contact details of the parties
- the date and details of any subsequent variations to the agreement.

In both cases:

- a copy of the agreement
- the name, address and contact details of any relevant RARB.

The Register of Agreements is closed to the public. The Regulations specify that an agreement on the Register for Agreements may only be inspected with the consent of each of party to it, and in accordance with any requirements of the Committee.

Register of Aboriginal Sites and Objects

The Register of Aboriginal Sites and Objects is part of the Central Archive established in accordance with the Heritage Act. It contains information about Aboriginal heritage in the state. Information about Aboriginal heritage can be extremely sensitive, and there are legislative and cultural restrictions related to whether and how this information is shared.

Cultural restrictions may be related to gender, age or cultural status. For example, there are sites restricted to either men or women. Some sites may be visited by both men and women, but the traditional knowledge associated with the site may be different for each.

Other sites may be restricted to those who have attained a specific status, or restricted to only those from a specific Aboriginal group or groups. Information about the location of sites and why they are significant may be confidential according to Aboriginal tradition.

Divulging confidential information from the Register of Sites and Objects other than in accordance with the Heritage Act or Aboriginal tradition carries penalties of up to \$10,000 or 6 months' jail.

The Register of Aboriginal Sites and Objects is not an exhaustive record of all Aboriginal heritage sites in South Australia. RARBs, local heritage committees and other Aboriginal organisations may all maintain independent local archives. It is recommended that anyone wanting information about heritage in a specific area speak with the relevant RARB (if appointed) in the first instance.

DPC-AAR manages all requests for information from the Register of Aboriginal Sites and Objects. Applications for access to information on the register must be made in writing.

For more information about the release of information from the Register of Aboriginal Sites and Objects, please see DPC-AAR Aboriginal Heritage Fact Sheet, 'Access to information in the Central Archive'.

Further Information

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