

ABORIGINAL CULTURAL HERITAGE LAWS IN SOUTH AUSTRALIA

Last updated in March 2026

Aboriginal Heritage Act 1988 (SA)

Aboriginal Heritage Regulations 2017

What is Aboriginal heritage?

In South Australia, Aboriginal **sites**, **objects** and **remains** are protected under the *Aboriginal Heritage Act 1988 (SA)* (the **Act**) and the *Aboriginal Heritage Regulations 2017*. Aboriginal heritage means objects or areas of land or water that are significant according to Aboriginal tradition, archaeology, anthropology or history.

Examples of Aboriginal sites

- ancestral burial areas and ceremonial sites
- historical sites such as missions and cemeteries
- quarries/ stone arrangements
- campsites and middens
- craters and sinkholes
- rock art sites and stone artefact scatters

Examples of Aboriginal objects

- Artefacts made of stone, wood or bone
- Grinding and cutting tools
- Culturally modified trees, stones
- Paintings and engraved caves and objects

How is Aboriginal heritage protected?

The Act protects Aboriginal heritage by prohibiting any person from damaging, disturbing or interfering with an Aboriginal site or object, whether or not the site or object is registered. A person needs approval from the SA Minister of Aboriginal Affairs (**Minister**) if they want to take an action that interferes with any site or object. Recognised Aboriginal Representative Bodies (RARB) play an important role in protecting Aboriginal heritage under the Act. They can speak for Traditional Owners and make decisions and agreements on their behalf about their heritage.

You can find out more about RARBs in this [Guideline](#) and on the SA Attorney-General's Department [website](#).

It is an **offence** to:

- unlawfully damage, disturb or interfere with sites, objects or remains;
- not report the discovery of a new Aboriginal site, object or remains on private land (this does not apply to the traditional owner of the site or object)
- dig up land to uncover any Aboriginal heritage without the authority of the Minister; or
- sell or dispose of an Aboriginal object or remove the object from the State.

A person does **not** commit an offence if they have authorisation from the Minister, or the agreement of a RARB under a local heritage agreement (or another type of agreement such as an Indigenous Land Use Agreement under the *Native Title Act 1993 (Cth)*).



1800 626 239



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What can I do if Aboriginal heritage is under threat?

1. Request an Aboriginal site be registered

If you are worried that an action may damage, disturb or interfere with an Aboriginal site or object, you can apply to the Minister for the site or object to be registered on the [Register of Aboriginal Sites and Objects](#). Registration of a site or object gives it stronger legal protection.

You can send an application to the Minister through the [Register of Aboriginal Sites and Objects](#) website, or through the online access via [Taa wika](#).

2. Negotiate a local heritage agreement

A local heritage agreement between a RARB and a proponent sets out measures for the protection of Aboriginal heritage which may involve heritage surveys and restricting the types of work or work areas.

For more information on Aboriginal landowners in SA, see [South Australian Native Title Services Ltd](#), which is the peak native title representative body for SA.

3. Have your say about applications under the Act

If you are a Traditional Owner or interested Aboriginal person and you are worried about an Aboriginal site or object being damaged, disturbed or interfered with, you can make a submission on the application. You can voice your concerns in writing or verbally either in person or over the phone.

You can find a list of current applications [here](#) and find out more by emailing Heritage Submissions at:

✉ AAR.Heritagesubmissions@sa.gov.au

4. Report concerns to Aboriginal Affairs and Reconciliation

You can report discoveries of or damage to Aboriginal heritage to the Aboriginal Affairs and Reconciliation (AAR) team in the Attorney-General's Department. This is the government agency responsible for managing Aboriginal heritage in SA.

Contact Aboriginal Affairs and Reconciliation at:

☎ 1800 127 001

✉ AboriginalAffairsandReconciliation@sa.gov.au

5. Apply to the Federal Government for a Declaration

If you have run out of options under SA laws, you can apply for a declaration to protect cultural heritage under the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth). Visit EDO's factsheet on [First Nations Cultural Heritage and Federal Law](#) for more information.

You can apply for a **declaration** at:

☎ 1800 751 242

✉ atsihpa@dcceew.gov.au

You can call the Environmental Defenders Office on **1800 626 239** for free legal advice.

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