

ARCHAEOLOGY FACT SHEET

Heritage Places Act 1993



Fact Sheet No. 2

Protection of archaeological artefacts

Archaeological sites are an important part of South Australia's heritage and are a tangible reminder of how people lived in the past. However, these sites are a finite resource and once damaged or destroyed, the information they hold is lost forever.

The [Heritage Places Act 1993](#) (the Act) provides protection for significant archaeological sites in South Australia.

Archaeologists refer to locations that contain archaeological deposits (artefacts, features, and any other archaeological remains) as 'sites'. However, the Act does not refer directly to archaeological sites or deposits and instead provides protection to **objects**. These are defined as natural or manufactured objects, including **archaeological artefacts** (as well as geological, palaeontological and speleological specimens).

An **archaeological artefact** is defined as :

any matter forming part of an archaeological deposit, or any artefact, remains or material evidence associated with an archaeological deposit, that relates to the non-Aboriginal settlement of South Australia, or to an activity undertaken by a person as part of the exploration of South Australia, but does not include the remains of a ship or an article associated with a ship.

This means that archaeological artefacts include all the material remains – artefacts, features or ruins for instance – of past land occupation by non-Aboriginal people, otherwise known as 'sites'.

The Act protects archaeological sites in several ways :

- it protects State Heritage Places (SHP), including any archaeological deposits that may be present
- SHPs can be designated places of archaeological significance if they contain, or potentially contain, significant archaeological artefacts
- it prevents actively searching for significant buried archaeological artefacts without a permit



Image courtesy: Independent Heritage Consultants

Stoneware jugs being uncovered during an excavation in the Adelaide CBD in 2017

- it prevents disturbance of *any* land that will, or is likely to, adversely impact significant archaeological deposits without a permit.

For the definition of a significant object/artefact, see [Fact Sheet No. 3: What are significant objects?](#)

The Act provides for substantial fines for unlawful impacts to significant archaeological deposits. It is important to note that it is the responsibility of the landowner or developer to perform due diligence and ensure compliance with the Act. The Act protects places listed in the South Australian Heritage Register, and a permit is also required to excavate or disturb any land that contains, or has a reasonable expectation to contain, significant archaeological artefacts.

Statutory protection

Designation of places of archaeological significance

The Act makes provision for the South Australian Heritage Council to designate any SHP as a place of archaeological significance. A permit is required to excavate or disturb a SHP designated as a place of archaeological significance, to remove archaeological artefacts from such a place, or to subsequently damage, destroy or dispose of an archaeological artefact from such a place.

Find out more in [Fact Sheet No. 6: What are designated places of archaeological significance?](#)



Image: DEW

Dry stone-constructed lookout structure at the Fowlers Bay Whaling Station (SHP 16226), designated a place of archaeological significance in 1997

Archaeological sites outside of SHPs

It is important to note that the Act does not confine its archaeological protection to SHPs and designated places. Significant archaeological deposits *on any other land* are also protected from excavation and/or disturbance without a permit.

For examples, see [Fact Sheet No. 5: When do I need a permit?](#)

Provisional protection

Only SHPs can be designated as places of archaeological significance under the Act. In cases where land that has potential to contain significant archaeological deposits is under threat of disturbance, damage or destruction, the land can be provisionally entered on the register as a SHP while an assessment is being carried out.

Permits

Under the Act, a permit issued by the South Australian Heritage Council is required for any impacts, or potential impacts, to significant objects. For further information on permits, see [Fact Sheet No. 5: When do I need a permit?](#) Permit application forms can be downloaded from Heritage South Australia's [Historical Archaeology Permits](#) webpage.

Non-statutory protection

Non-disturbance survey

Archaeological sites are finite resources and are diminished by any impacts. Once impacted, the archaeological value of the site is lost. Even archaeological excavations can be destructive. With planned developments, it is preferable to



Image courtesy: Flinders University

Remote sensing survey of land adjacent to a cemetery using GPR to locate unmarked graves

design the development to avoid the site. Sometimes, remote sensing techniques, such as ground penetrating radar (or GPR), magnetometry and resistivity, can be used as an initial survey method to determine whether there is likely to be any buried archaeological features and artefacts. Any results should always be confirmed with suitable test excavation.

These techniques may assist with amending development designs to avoid sensitive archaeological sites and avoid unnecessary impacts from invasive archaeological excavations.

Other protections

Objects may also have additional protections under other statutory instruments:

- National parks and reserves: fossils and archaeological remains¹ located in a reserve managed by the SA National Parks and Wildlife Service are protected from intentional disturbance, and must not be removed from the reserve.
- Marine parks: fossils and archaeological remains¹ located in a marine park habitat protection zone or sanctuary zone are protected from intentional disturbance, unless it is in accordance with lawful aquaculture, fishing, scientific observation, or incidentally from some other lawful activity where the disturbance cannot be reasonably avoided. These objects must not be removed from the zone.
- Wilderness protection areas: fossils and archaeological remains¹ located in a wilderness protection area managed by the SA National Parks and Wildlife Service are protected from intentional disturbance, and must not be removed from the reserve.
- Crown land: excavation, disturbance or interference with Crown land or anything on Crown land without lawful authority or excuse is prohibited.
- Commonwealth: underwater cultural heritage sites that are outside the two gulfs, inland waterways and four proclaimed historic bays, and below the low-water mark everywhere else, may also be protected by the Commonwealth's [Underwater Cultural Heritage Act 2018](#).
- International: While the Act can restrict removal of legally collected artefacts and specimens from South Australia, the Commonwealth's [Protection of Movable Cultural Heritage Act 1986](#) restricts transfer of any items out of Australia without a permit or certificate.

1. The term 'archaeological remains' in National Parks and Marine Parks regulations does not differentiate on whether an artefact is 'significant'. All archaeological remains are protected.

What can you do to help?

You can help to protect archaeological sites by:

- Reporting any archaeological sites to Heritage South Australia to assist with compiling an inventory of archaeological sites to develop an archaeology overlay.
- Keep stock and other hard-hooved animals away from known archaeological sites on your land to avoid inadvertent damage.
- Leave any moveable objects (artefacts) where they are. In archaeology, location context is important to help understand a site.
- Take care not to climb on, or lean against, any ruined structures, as they are often fragile and easily damaged.
- Do not disturb any soil in the vicinity of a known archaeological site. If you uncover buried archaeological artefacts, notify Heritage South Australia of the find before excavating further.



*Stoneware ink bottle
excavated from a house
site in Port Adelaide in
2003*

More information

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