

Legislative history

Heritage protection in South Australia



Legislative history

South Australia's first legislation to provide for government controls over built heritage was the [Aboriginal and Historic Relics Act 1965](#), which was proclaimed on 3 August 1967 and administered by the South Australian Museum.

Aboriginal heritage legislation is now administered by Aboriginal Affairs and Reconciliation in the Department of the Premier and Cabinet.

- [Aboriginal Heritage Act 1988](#)

South Australian Heritage Act

The 1965 Act's non-Aboriginal heritage functions were superseded with the proclamation of the South Australian Heritage Act 1978, which inter alia established a South Australian Heritage Committee. The Committee had an advisory role only, and it was the Minister who entered places in what was then termed the Register of State Heritage Items.

The 1978 Act was repealed with the proclamation of the [Heritage Act 1993](#) on 15 January 1994. Changes introduced by that Act included:

- Creating an eight member State Heritage Authority;
- Replacing the term 'item' with 'place';
- Including assessment criteria in the Act for the first time; and, perhaps most significantly;
- Making the Authority and not the Minister responsible for entering places in the Register.

A new planning Act, the Development Act 1993, was proclaimed on the same day as the Heritage Act on 15 January 1994. This Act and the Regulations under it contained provisions for the designation of places of local heritage value, Historic (Conservation) Zones and Historic (Conservation) Policy Areas by local councils in their Development Plans.

2005 Amendments to the Heritage Act 1993

The [Heritage Act 1993](#) was amended on 17 November 2005. The Act was renamed to the [Heritage Places Act 1993](#). Other name changes included:

- State Heritage Authority to South Australian Heritage Council
- State Heritage Register to South Australian Heritage Register
- State Heritage Fund to South Australian Heritage Fund.

This Act constituted the new South Australian Heritage Council with a more strategic role and broader responsibilities, including advising the Minister on national and international developments in heritage policy and practice. It also clarified the functions of the Council, in order to highlight its strategic role and administration of the South Australian Heritage Register.

The 2005 legislative amendments also increased penalties for breaches of the Act; introduced new provisions requiring 'reasonable care' of State Heritage places; allowed for the designation of places for their speleological significance (in addition to geological, archaeological and paleontological significance); and made permits mandatory for archaeological digging anywhere in South Australia.

For more information

Heritage South Australia

GPO Box 1047

Adelaide SA 5001

P (08) 8124 4960

E DEWHeritage@sa.gov.au