

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 the Aboriginal Affairs and Reconciliation Division of the Department of Premier and Cabinet.](#)

The 1965 Act's European heritage functions were superseded with the proclamation of the *South Australian Heritage Act 1978*, which inter alia established a South Australian Heritage Committee.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The 1978 Act was repealed with the proclamation of the *Heritage Act 1993* on 15 January 1994.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, 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. Hence, local heritage became a responsibility of local government and the Department of Planning & Local Government, with the Heritage Council performing an advisory role (see Section 5 of the *Heritage Places Act 1993*. State Heritage Areas are also established under the Development Act 1993 via the Development Plan Amendment process.

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 the reduction of its administrative role.

The Council was required to establish a Register Committee to assist it in its role of administering 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.