NOTICE OF GENERAL MEETING

The third General Meeting of the Society for 1979 will be held in the Museum Education Building, North Terrace, Adelaide at

8.00PM MONDAY 28 MAY 1979.

AGENDA

1. Apologies.

2. Minutes of General Meeting held Monday, 26 March 1979, to be confirmed. A copy of these minutes is attached. Note that the meeting on Monday, 23 April 1979 was held in conjunction with the University of Adelaide to hear an address by Rhys Jones.

3. New Members.
   The following new members have been elected to the Society.
   Professor John PRESCOTT
   Mrs. Josephine PRESCOTT.

4. Papers and Journals.
   Papers and Journals from other Societies and Organizations will be tabled at the meeting.

5. Business.
   The Secretary to report on the following :-
   (a) 'Field Project for 1979. 9 Sites'
   (b) 'Magic & Medicine' Seminar, 14 July 1979.

6. Speaker.
   DOROTHY BENNETT will address the meeting on the subject of :-

   "OENPELLI ART."

   Dorothy Bennett is a Field Officer in Arnhem Land. Her first contact with Aboriginals and their art was with Dr. Scougal's expedition to study Orthopaedic problems among Aboriginal people. Her interest in Aboriginal art stems from that expedition and has continued unabated since. The collection, documentation and promotion of Aboriginal art has become Dorothy Bennett's life. She accompanied the New South Wales Art Gallery expeditions in 1957 and 1958. Collected and exhibited a very large collection in Japan in 1966, which was an enormous success. Subsequently she became an Art Consultant with the Aboriginal Arts Board of the Australia Council.

7. Supper.
   Field Officer & Aboriginal Arts & Crafts.
   Coffee and tea with biscuits.

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NOTICES CONT'D.

2. PETITION re ABORIGINAL AND HISTORIC SITES.

The following is an explanation of the new legislation, given to the House of Assembly, South Australian Parliament, 15 February 1979, by Mr. Corcoran.

"EXPLANATION OF BILL."

Honourable members will recall that last year the Government introduced legislation to protect our European cultural heritage. This was effected by the passage of the South Australian Heritage Act, 1978. The current Bill aims to improve the means of protection of the indigenous cultural heritage of this State. Currently, protection is provided for Aboriginal heritage through the Aboriginal and Historic Relics Preservation Act, 1965, which has not been amended since its introduction. Now it is intended to repeal that Act and introduce a new Act, to be called the Aboriginal Heritage Act, which will remedy the deficiencies of the current legislation, rationalise heritage legislation in this State, and, more importantly, will give greater recognition to the unquestionable right of Aboriginal people to have a say in what happens to their heritage.

In recent years, the Aboriginal people have been seeking recognition of, and searching for, better ways of maintaining an alive and vital relationship with their cultural traditions. There is no exaggeration in saying that after many decades of cultural shock and disintegration, there is a renaissance of indigenous Australian culture in the sense of renewed pride in the significance and relevance of these ancient and unique traditions by the Aboriginal people of this State, and indeed in Australia as a whole. The European cultural traditions that are embodied in this very House have often not displayed sympathy and understanding for these very different traditions. Increasingly, though, those of us who carry the cultural baggage of Europe are coming to recognise the validity of these traditions as a highly significant source of social identity for the Aboriginal people.

No cultural tradition can survive or remain vital without aware members of its society to pass its meanings and significance from one generation to another. No cultural tradition can survive if the artifacts, buildings, paintings, and site which are the products of that tradition are destroyed or allowed to disintegrate. Aboriginal cultural traditions are particularly sensitive to the depredations of other cultures - the populations are small - but more importantly, the landscape itself assumes great significance in these traditions. It is essential that we provide for the protection of sites of significance for these traditions if the traditions themselves are to survive and prosper. This legislation seeks to do this.

There has been a tendency in the past to regard Aboriginal cultural traditions as interesting fossils of defunct social formations irrelevant to our own times. It is that kind of attitude which resulted in legislation about relics. This new Act recognises that Aboriginal Cultural traditions are not dead with only the remains to be protected but are alive traditions which Aboriginal communities themselves must play the major part in conserving, preserving and passing on for the benefit of their future generations. This proposed new legislation will substantially improve the protective measures for preservation of Aboriginal heritage in this State, enhance the social identity of Aboriginal communities and stimulate greater appreciation of Aboriginal
"EXPLANATION OF BILL" Cont'd.

culture and history in the community generally.

As I have indicated, there are a number of deficiencies in the current legis-
lation. A major deficiency is that the Aboriginal and Historic Relics
Advisory Board, as constituted under the existing Act, does not provide for
Aboriginal representation. It is proposed that the board be replaced by an
Aboriginal heritage committee of nine members appointed by the Governor, of
whom at least three would be Aboriginals. I will be seeking at least one
representative from a tribal group. This will enable Aboriginal people to
have much greater involvement in matters relating to the preservation and
protection of places and objects of sacred, ceremonial, mythological or
historical significance, and the protection of Aboriginal remains.

The Government is also concerned to rationalize heritage legislation in this
State. At present there is some overlap between the Aboriginal and Historic
Relics Preservation Act and the Heritage Act.

It is proposed that the new legislation will be wholly concerned with the
protection of Aboriginal items and sites, and not the pre-1865 European
heritage as it is at the moment. This will focus the proposed new legislation
on Aboriginal heritage.

Another major deficiency in the current Act is that it provides inadequate
protection for sacred sites. The present Act provides only a trespass clause
for protection of relics in prohibited areas but does not provide adequate
protection for sacred sites. The lack of effective protection is becoming
more serious because of the increasing demands on remote areas in which most
sites are located. The effects of recreation and mineral exploration activ-
ities on Aboriginal artifacts and sites, and the inaccessibility of sites in
such remote areas, all mean the current legislation has not been successful in
providing the proper protection. The proposed legislation therefore aims at
greater protection of sacred sites through restrictions on entering such areas
without the permission of the Minister.

To enable the Minister to be aware of which sites and items are under threat
from mining, pastoral and other land use activities, a new register of
Aboriginal sites and items will be prepared as soon as possible. Much effort
will be expended in achieving this objective. When an accurate documentation
of sites, items and protected areas has been compiled the Government will
consider amendments to the Mining Act, the Pastoral Act and the Crown Lands
Act. These amendments will be designed to give greater protection to the
Aboriginal heritage of this State. Provision is also made in the Bill for
the control of trade in secret or sacred Aboriginal relics. Occasionally,
there is offering for sale of such objects by the general public which cause
offence to traditionally-orientated Aboriginal people in the State. The Bill
will ensure that items of the Aboriginal heritage are not offered for public
sale or display without the Minister's consent.

Under the current legislation, arrangements for declaring prohibited areas or
historic reserves entail obtaining permission of the owner which is very
cumbersome in practice. Protection should be afforded even if the present
owner is not entirely willing. It is pointed out that under the Heritage Act
there is no provision for owner consent to registration of items of European
cultural heritage. The current Bill dispenses with consents. Indeed it

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would be derogatory to the Aboriginal people if such consents were required in relation to their heritage but not in relation to our European heritage.

Clauses 1, 2 and 3 are formal. Clause 4 repeals the Aboriginal and Historic Relics Preservation Act, 1965. Clause 5 sets out the definitions used for the purposes of the Bill. Clause 6 provides that the Act should not be interpreted so as to prohibit Aboriginal customs. Clause 7 sets out the duties of the Minister under the Act including the keeping of a register of Aboriginal sites and items and ensuring the protection and preservation of such items and sites.

Clauses 8 and 9 provide for the establishment of an Aboriginal Heritage Fund which will provide for the acquisition of items and sites of Aboriginal heritage significance, for maintenance, restoration, research and measures which would promote greater awareness in the community of our indigenous cultural heritage. Clause 10 provides for the delegation of powers of the Minister.

Clause 11 formally establishes the Aboriginal Heritage Committee, which is to be made up of nine persons appointed by the Governor. The committee’s roll will be to provide advice to the Minister on all matters associated with the State’s Aboriginal heritage. It is envisaged that the committee will include at least three Aboriginal members to enable the Aboriginal people to play a much greater role than in the past in the management of the protection and preservation of their heritage. I will be seeking at least one representative from a tribal group. Other members will be appointed from Government departments having concern in this area and persons having recognised skills in archaeology and anthropology with knowledge of Aboriginal mythology.

Clause 12 sets out the terms and conditions of office of the members of the committee. Clause 13 provides for the payment of allowances and expenses of committee members. Clause 14 provides for a quorum of the committee being five out of its nine members and for general procedural arrangements. Clause 15 provides for a secretary to the committee. Clause 16 sets out the functions of the committee. These will include recommending to the Minister on the declaration of protected areas and the acquisition of Aboriginal items and consideration of any matters relating to Aboriginal heritage protection referred to it by the Minister. Clause 17 provides for the appointment of inspectors who will be members of the Police Force or any Aboriginal persons appointed by the Minister. The valuable role which Aboriginal inspectors have played in the past is well appreciated. This Bill provides for involvement of the Aboriginal people in the protection of sites and objects.

The powers of inspectors are set out under Clause 18. Responsibilities include surveillance of sites declared under the Act, preventing entry of unauthorised persons into protected areas and the power to retain any item of Aboriginal heritage for investigation or legal proceedings. Clause 19 provides for compliance with the instructions of an inspector. Clause 20 establishes the processes for declaring a protected area. This includes, in respect of Crown lands, that the Minister concerned is informed of the proposed declaration and, in respect of private lands, that the owner and occupier be informed of the proposed declaration. Provision is also made for the restriction of access to protected areas except with the written permission of the Minister and the publication of notices indicating such restrictions.

Cont’d.
2. PETITION re ABORIGINAL AND HISTORIC SITES CONT'D.

"EXPLANATION OF BILL" Cont'd.

Clause 21 provides for the erection of signs at or in the vicinity of protected areas or registered Aboriginal sites. Clause 22 provides for the endorsement of title deeds with details of registered Aboriginal sites or protected areas. This will provide greater protection against damage from, for example, proposed subdivision. Clause 23 enables the Minister to acquire land in the interests of Aboriginal heritage preservation. Clause 24 provides that no land shall be excavated for the purpose of exploring for an Aboriginal heritage item without the consent of the Minister. Restriction is also placed on the removal or interference with any item of the Aboriginal heritage.

Clause 25 provides for the excavation and removal of items of the Aboriginal heritage with the Minister's consent. This may be necessary in some cases to ensure the protection and preservation of objects which are under threat from the natural elements or pilfering. Clause 26 establishes penalties for damaging or destroying a registered item. Clause 27 requires the discovery of items of Aboriginal heritage to be reported to the Minister.

Clause 28 provides for the surrender of such items to the Minister for classification if required by the Minister. Clauses 29 and 30 provide for proceedings for offences against the Act and for forfeiture and seizure of an Aboriginal heritage item if the owner is convicted of an offence in relation to that item. Clause 31 enables the Government to make regulations under the Act.

The Government recognises the importance of the State's indigenous cultural heritage and the need to protect it for the present and future generations of both the Aboriginal people and other sectors of the community.

This Bill represents the Government's resolve to strengthen the measures for protection and preservation of that culture.