

I write to you today on behalf of the History Council of South Australia (HCSA) regarding the recent discovery of Indigenous remains and artefacts in the vicinity of Riverlea Park, currently earmarked for housing development.

As a body concerned with South Australia's past – both Indigenous and non-Indigenous – the HCSA is watching developments at the site carefully and with concern. The HCSA would like to stress that it takes seriously the need for the cultural heritage uncovered at this site to be treated primarily as an important historical and cultural discovery and not merely an impediment to the development process.

The HCSA notes with approval the commitment of the South Australian Government to work with traditional owners to find a culturally appropriate path forward, and welcomes the extension of the public consultation period regarding the future of the site until 24 November 2023, but wishes to remind the government of the following:

\* The area under discussion is unique in South Australia. It falls within the boundary of the 2018 Kaurna People's Native Title determination and intersects with Indigenous burial areas, culturally modified (scar) trees, Aboriginal campsites, hearth / oven features and the culturally important Kaurna site associated with Kadlitparri (Gawler River). Correspondingly, the views of the Kaurna Yerta Aboriginal Corporation and the principles underwriting Kaurna native title rights and interests should be prioritised in any decision-making process, as should the views of other Indigenous organisations and interested parties that sit alongside this body.

\* Under the Aboriginal Heritage Act, section 21 makes it an offence to excavate land to uncover any Aboriginal site, object or ancestral remains (together, heritage) without authorisation. Section 23 makes it an offence to damage, disturb or interfere with heritage without authorisation. Section 29(1)(b) makes it an offence to remove an Aboriginal object from the state, without authorisation. The HCSA opposes any such authorisation that would waive these provisions, unless such an exemption is expressly and publicly approved by an overwhelming majority of traditional owners after a full and open-ended consultation period with the full range of community representatives.

\* The HCSA urges the Premier and the relevant Minister/s to consider the unique opportunity for the site to be preserved and restored *in situ* as an important historical site of national significance that shows due respect and consideration to the Indigenous custodians of the land, rather than at a relocation site.

\* The HCSA reminds the Government that should approval be granted to develop this culturally sensitive area, the damage to an important historical and cultural site will be irreparable. It is the opinion of the HCSA that the historical and cultural heritage of the Kaurna people and all South Australians should be foregrounded in this instance.

\* The HCSA urges the Government to maintain its commitment to open, transparent and good faith discussions with the Indigenous owners and the heritage sector to ensure an outcome that reflects best practice preservation methods that will protect this important site in perpetuity.