


GUIDELINE 5 Section 35 of the *Aboriginal Heritage Act 1988*

Divulging information contrary to Aboriginal tradition



**Government
of South Australia**

Department of the
Premier and Cabinet



Section 35 deals with the protection of Aboriginal tradition - in particular, preventing the dissemination or publication of information that, according to Aboriginal tradition is confidential. The form of information might be, for example, verbal, written, photographic or electronically stored. It is the information content which is the subject of this section of the Act, regardless of the medium by which the information is carried.

Section 35 of the *Aboriginal Heritage Act 1988*

35. (1) *Except as authorised or required by this Act, a person must not, in contravention of Aboriginal tradition, divulge information relating to:*

(a) an Aboriginal site, object or remains; or

(b) Aboriginal tradition

Penalty: \$10,000 or imprisonment for 6 months.

(2) Such information may be divulged with the authority of the Minister.

Section 37 of the *Aboriginal Heritage Act 1988*

The Act is intended to protect and preserve Aboriginal heritage and section 37 ensures that any actions undertaken as part of traditional observances and customs by Aboriginal people do not constitute offences against the Act

37. *Nothing in the Act prevents Aboriginal people from doing anything in relation to Aboriginal sites, objects or remains in accordance with Aboriginal tradition.*

Who do I contact for further advice?

For assistance or further information regarding these Guidelines please contact:

The Aboriginal Heritage Branch
Aboriginal Affairs and Reconciliation Division
Department of the Premier and Cabinet
PO Box 2343
ADELAIDE SA 5001
Phone 08 8226 8900
Facsimile 08 8226 8999

Cover: Scar tree - showing a typical shield or dish scar in the Murraylands [Supplied by Aboriginal Heritage Branch (DPC-AARD)]
Strip: Pituri bag - a vegetable fibre and woollen bag from northeast South Australia, filled with the narcotic pituri. [Supplied by SA Museum]

Disclaimer: This document is a guide only and should not be relied upon to ensure compliance with the *Aboriginal Heritage Act 1988*. Persons proposing to undertake activities that may damage, disturb or interfere with Aboriginal sites, objects or remains should seek specific advice.