



# Important changes to the Protection of Australia's Underwater Heritage: Artefacts

On 24 August 2018, the Australian Parliament passed the new *Underwater Cultural Heritage Act 2018* (Underwater Heritage Act) that will replace the *Historic Shipwrecks Act 1976* (Historic Shipwrecks Act). The Underwater Cultural Heritage Act will commence on 1 July 2019.

## What's the current situation?

The existing Historic Shipwrecks Act protects all shipwrecks, and their associated relics, that occurred 75 or more years ago, regardless of whether their precise location is known. More recent shipwrecks may be protected through individual declaration by the Minister under the Historic Shipwrecks Act. Some historic shipwrecks have a protected zone which may include an area of up to 200 hectares. Shipwreck relics that have been removed from protected shipwreck sites, remain protected after their removal.

## What's changing?

The Underwater Heritage Act will continue the successful policy framework of the Historic Shipwrecks Act, but broaden it to extend protection to all of Australia's underwater cultural heritage.

All shipwrecks and their associated artefacts that have been underwater for 75 years remain protected and this level of protection will now be extended to sunken aircraft. Shipwrecks and aircraft that have been underwater less than 75 years, and other types of underwater cultural heritage, can be protected through individual declaration based on an assessment of heritage significance. A new and more flexible system of protected zones is being introduced. Underwater heritage artefacts continue to be protected after removal from the water.

## Artefacts

### Why are artefacts from shipwrecks and sunken aircraft important?

Artefacts from shipwrecks and sunken aircraft are important in piecing together the stories of events and the lives of people associated with those stories. By assisting in the identification, documentation and protection of these artefacts, you are helping to create an irreplaceable cultural resource, not only for the benefit of current Australians but as a legacy for future generations. These artefacts are also links to our shared heritage with other countries.

### What are my responsibilities?

To have legal possession of shipwreck relics (artefacts), the person in possession must have provided a notification under the Historic Shipwrecks Act. Once notified, the artefact is added to the national shipwreck register. This requirement to notify possession of artefacts has been Australian law since 1976.

### Who could be affected?

- Individuals who have protected artefacts.
- Antique, second hand or coin dealers.
- Local museums, associations or historical societies.
- Commonwealth, State and Northern Territory museums or Government agencies.
- Local Government authorities (monuments containing protected artefacts e.g. ships anchors)
- Commercial businesses or clubs.

## What happens in July 2019?

There will be a number of changes to the way shipwreck artefacts are handled, following the Underwater Cultural Heritage Act will commence on 1 July 2019.

The previous registration certificates will be replaced by a new transferable permit that authorises possession and includes both images and the registered details of the artefact.

Only artefacts that have been correctly notified under the Historic Shipwrecks Act will be eligible to receive a transferable permit issued under the Underwater Heritage Act. Artefacts without a transferable permit cannot be legally traded or sold.

Un-notified artefacts that remain in the possession of persons after commencement of the Underwater Heritage Act will be considered as illegal and may be subject to seizure and/or fines.

Existing shipwreck relic (artefact) registration certificates will no longer be recognised. This includes certificates issued under the repealed Western Australian Museum Act 1959–1964 and the Historic Shipwrecks Act.

## Artefacts from sunken aircraft

Artefacts that have been removed from aircraft that become protected under the Underwater Heritage Act will also need to be permitted. There will be a period of amnesty against prosecution for illegal possession of protected aircraft artefacts commencing in July 2019. This will allow time to obtain a permit for possession, however you may notify your possession at any time prior to the amnesty, which is recommended.

## Who owns shipwreck and sunken aircraft artefacts?

Most artefacts from shipwrecks, and all old Dutch Shipwreck artefacts, are owned by the Commonwealth of Australia under the Commonwealth *Navigation Act 2012* and the *1972 Agreement Between the Netherlands and Australia Concerning Old Dutch Shipwrecks*, regardless of who may currently have the item in their possession.

Under international convention, the ownership of sunken military aircraft and vessels resides with the Australian Department of Defence or the military authorities of a relevant foreign country.

## What do I need to do now?

It is important that persons in possession of un-notified shipwreck artefacts immediately provide the required notification under the Historic Shipwrecks Act.

It is also highly recommended that persons who have possession of registered artefacts, especially those held under old certificates, should make a notification as well. This will ensure that the national register is updated with your current contact details, so replacement transferable permits can be issued to you once the Underwater Heritage Act commences.

## How do I make a notification of possession?

The easiest way to provide a notification that you have possession of protected shipwreck or sunken aircraft artefacts is to submit it on-line through the Australian National Shipwrecks Database. It's a quick and easy process that should only take a few minutes.

A special web page has been established to guide you through the process of making a notification of possession of shipwreck artefacts, which is at:

[www.environment.gov.au/heritage/historic-shipwrecks/underwater-cultural-heritage-act](http://www.environment.gov.au/heritage/historic-shipwrecks/underwater-cultural-heritage-act)

## Who can advise me?

If you're uncertain that artefacts in your possession are protected, need help with making a notification or require other advice, there are specialist government staff located at State, Territory or Commonwealth heritage agencies who can assist you.

Your enquiries should be sent to the following email address and it will be directed to the person best able to provide assistance:

[UnderwaterHeritage@environment.gov.au](mailto:UnderwaterHeritage@environment.gov.au)

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