



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

On 24 August 2018, the Australian Parliament passed the *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. Underwater heritage artefacts continue to be protected after removal from the water.

## Underwater heritage sites

### Why are shipwrecks and sunken aircraft important?

Australia's underwater heritage sites belong to all of us. They are important links to our country's history and our shared heritage with other countries. They provide a unique recreational experience for divers and others to enjoy the marine environment. Many of these sites are important to local tourism and to the economies of those regions. Many of these sites are also the final resting place of friends, relatives or ancestors who died during these historical events.

By assisting in the identification and protection of underwater heritage sites, you are helping to maintain an irreplaceable cultural resource, not only for the benefit of current Australians but as a legacy for future generations to learn about our history.

### What are my responsibilities?

People are free to visit and enjoy the vast majority of Australia's underwater heritage sites, provided they:

- Do not disturb or damage underwater heritage and the surrounding environment.
- Do not remove artefacts or other articles from underwater heritage sites without a permit.
- Observe the requirements of protected zones and to obtain a permit to enter a zone if necessary.
- Provide authorities with a notification of any new underwater heritage discovery.

## Who could be affected?

- Divers and other persons who visit shipwrecks, sunken aircraft or underwater heritage sites.
- Proponents of offshore marine developments.
- Environment or heritage consultants.
- Businesses or contractors working in the marine environment.
- Commonwealth, State and Northern Territory agencies involved with marine planning.
- Local Government and Port Authorities.

## What happens in July 2019?

There will be a number of changes to the way underwater heritage is protected following the Underwater Cultural Heritage Act will commence on 1 July 2019.

- The current historic shipwreck protected zones will be replaced by new zones declared through the Underwater Heritage Act. These new zones will include both shipwreck and sunken aircraft sites.
- The new protected zone declarations will specify conduct that is prohibited within each zone. For example, some protected zones may allow free transit of vessels across the zone but prohibit underwater activities, which require a permit.
- The location and details of current and new protected zones can be found at: [www.environment.gov.au/heritage/historic-shipwrecks/protected-zones](http://www.environment.gov.au/heritage/historic-shipwrecks/protected-zones)
- All existing protected zone permits issued under the Historic Shipwrecks Act will be re-issued under the Underwater Heritage Act immediately after its commencement. Existing permit holders will be contacted prior to the commencement.

## Who owns shipwrecks and sunken aircraft?

Most shipwrecks and all old Dutch Shipwrecks, including all artefacts removed from these shipwrecks, 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*.

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

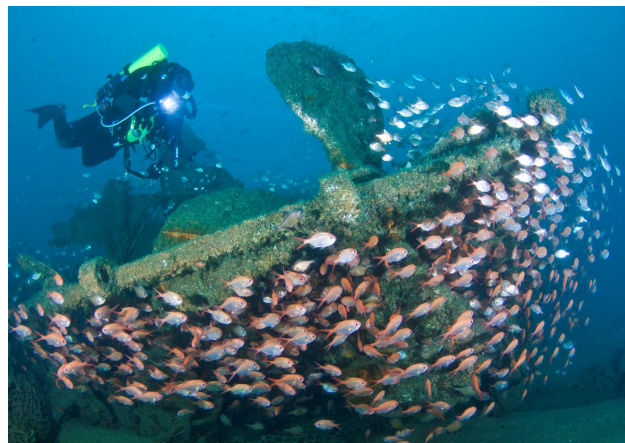


Photo: SS *Birchgrove Park* (1956) wrecked off Sydney's northern beaches © Damien Siviero.

## What do I need to do now?

It is important that persons who have discovered the remains of a shipwreck, sunken aircraft and other underwater heritage, or have been made aware of their location, immediately provide a notification as required under law. Don't assume that someone else has previously reported the site; the precise locations of two thirds of known shipwreck and aircraft wrecks in Australian waters remain unknown.

## How do I report a discovery?

The easiest way to report that you have discovered a shipwreck, sunken aircraft or other underwater heritage 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. The on-line notification form can be found at:

<https://dmzapp17p.ris.environment.gov.au/shipwreck/public/forms/notification.do?mode=add>

## Who can advise me?

If you need help with making a notification of discovery or require other advice, there are specialist government staff located at State, Territory or Commonwealth heritage agencies who can assist you.

Your inquiries 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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