



Australia's Historic Heritage: Shipwrecks, Sunken Aircraft and their Artefacts

There are more than 8000 protected shipwrecks, sunken aircraft and other underwater heritage sites around Australia's coastline. Each has stories to tell and they are a unique part of Australia's heritage. Underwater heritage contributes to our understanding of important aspects of our history. As a continent isolated from the rest of the world by water, Australia owes much of its early cultural development to transport by sea. Aircraft have also played an important role in the continued development and defence of Australia.

Australia's shipwrecks and sunken aircraft often contain collections of artefacts that provide us with a snapshot in time. More than 500,000 shipwreck and aircraft artefacts are held in the collections of Australian museums or government institutions and many thousands are held in private collections or by individuals.

Underwater heritage sites

How is underwater heritage protected?

The *Underwater Cultural Heritage Act 2018* (Underwater Heritage Act) protects shipwrecks, sunken aircraft and their associated artefacts, that occurred 75 or more years ago, regardless of whether their location is known. Other types of underwater heritage, and more recent shipwrecks or aircraft, may be protected through a declaration under the Underwater Heritage Act. Some underwater heritage sites also have a protected zone around them.

The Australian Government works collaboratively with State and Territory Government agencies to protect and conserve Australia's irreplaceable underwater heritage to ensure our shared heritage can be enjoyed now and by future generations.

What are my responsibilities in regards to underwater heritage?

People are free to visit and enjoy the vast majority of Australia's protected underwater heritage sites, provided they observe the requirements of the Underwater Heritage Act. These requirements are:

- do not disturb or damage underwater heritage and its surrounding environment or remove artefacts, during the course of your visit;
- observe the requirements of protected zones and obtain a permit to enter a zone if its required;
- provide authorities with a notification of any new underwater heritage discovery within 21 days; and
- apply for a permit if you have an unregistered underwater heritage artefact, which includes any part of a protected shipwreck or sunken aircraft.

Artefacts

Who owns shipwreck and sunken aircraft artefacts?

Most artefacts from shipwrecks, including all old Dutch shipwreck artefacts, are legally 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, ownership of sunken military aircraft and vessels resides with the Department of Defence or the military authorities of a relevant foreign country.

What are my responsibilities in regards to artefacts?

- All persons must report their possession of protected underwater heritage artefacts under the Underwater Heritage Act.
- Individuals, businesses, museums and other institutions may retain custody of underwater heritage artefacts providing they comply with the permit requirements of the legislation.
- Artefacts with certificates issued under the repealed *Historic Shipwrecks Act 1976* and the *Western Australian Museum Act 1959-1964* must now obtain a replacement transferable permit issued under the Underwater Heritage Act.
- The Underwater Heritage Act allows the sale or transfer of legally held artefacts from one custodian to another, providing the required notification of the transfer is made within 14 days following the sale or transfer of artefacts.
- Advertisements for sale or auction of artefacts must include the permit number for the artefact.
- New custodians of permitted artefacts, following a sale or transfer, must submit an online notification within 14 days of coming into possession.
- It is illegal to export or import underwater heritage artefacts without a permit issued under the Underwater Heritage Act.
- Assessment is also required under the *Protection of Movable Cultural Heritage Act 1986*.



Photo: Coins from an 18th Century protected Dutch shipwreck
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- Custodians should ensure the condition and provenance i.e. the history and origin of the artefact, are maintained. Access to artefacts may also be required for the purposes of re-certification, conservation, research and exhibition.
- In practice, it is unlikely that a permit for removal from Australia would be issued to a custodian. Custodians do not have legal title over artefacts and once removed from Australian jurisdiction the Commonwealth would effectively lose heritage protection and ownership control over the artefacts.
- Museums and government institutions may be granted a permit for temporary removal from Australia to another country for the purposes of display, research or conservation of an underwater heritage artefact.
- Permit applications and notifications can be made through the Australasian Underwater Cultural Heritage Database at:

<https://dmzapp17p.ris.environment.gov.au/shipwreck/public/wreck/search.do>

Who can help with advice?

There are specialist staff located at State, Territory or Commonwealth heritage agencies who can assist you with advice. 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

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