

MEMORANDUM OF UNDERSTANDING

between

The Cultural Heritage Agency of the Netherlands ((Rijksdienst voor het Cultureel Erfgoed (RCE)) located at Smallepad 5, 3811 MG, Amersfoort;

and the

Australian Government Department of the Environment and Energy (“DoEE”) located at John Gorton Building, King Edward Terrace, Parkes, Australian Capital Territory 2601;

**FOR THE PURPOSE OF
COLLABORATION IN RESEARCH AND MANAGEMENT OF
UNDERWATER CULTURAL HERITAGE**

I. PARTICIPANTS AND PURPOSE

- A. This Memorandum of Understanding (MOU) is between the Cultural Heritage Agency of the Netherlands (Rijksdienst voor het Cultureel Erfgoed (RCE)) and the Australian Government Department of the Environment and Energy (DoEE).
- B. The purpose of this MOU is to provide a contemporary framework to undertake maritime heritage activities between Australia and the Netherlands. Through this MoU the protection and management of old Dutch shipwrecks in Australian waters can be undertaken to the benefit of both countries through the ongoing close cooperation of the two.

The MoU will facilitate cooperative underwater cultural heritage research and management, education and capacity building between RCE, through its 'Dutch Shipwrecks Overseas' and 'Shared Heritage Programme' and DoEE, through the Commonwealth Historic Shipwrecks Program that includes the Western Australian Museum. This MoU will support collaborative projects on shared heritage; increase public awareness of the maritime heritage of both nations and provide educational programs for the public. Additionally, this MoU will support skill sharing and professional development opportunities and hands-on marine educational opportunities for learning and participating in maritime archaeology and maritime history.

- C. All activities and projects related to the implementation of this MoU will be conducted in accordance with international best practice as outlined in the UNESCO 2001 *Convention on the Protection of the Underwater Cultural Heritage* - Annex Rules concerning activities directed at underwater cultural heritage.

II. BACKGROUND

- A. The Netherlands and Australia are both maritime nations with a shared heritage that extends over 400 years. The Netherlands claim the ownership of Vereenigde Oost-Indische Compagnie (VOC), Geoctroyeerde Westindische Compagnie (WIC), Admiralty and other warships. The ownership of the four historic VOC shipwrecks located on the west coast of Australia (*Batavia*, *Zeewyk*, *Vergulde Draeck* and *Zuytdorp*) were formally transferred to the Australian Government through the 1972 *Agreement between the Netherlands and Australia Concerning Old Dutch Shipwrecks* (ANCODS).

Both countries are leaders in maritime archaeology and maritime cultural heritage management. Their collaboration not only has the potential to enhance their own national programs, but also to benefit regional partners involved in the Shared Heritage Program and Maritime Program of the Netherlands, and Australia's partners in the Asian and Indian Ocean regions. Both countries are also involved in the international maritime archaeological community through the non-government organisation (NGO) International Council on Monuments and Sites - International Committee on the Underwater Cultural Heritage (ICOMOS/ICUCH) and the *United Nations*

Educational, Scientific and Cultural Organization (UNESCO).

The RCE will be supported by the Embassy of the Kingdom of the Netherlands in Canberra, Australian Capital Territory in the execution of this MoU.

- B. DoEE administers the Commonwealth *Historic Shipwrecks Act 1976* that protects shipwrecks and their associated relics that are older than 75 years. The Historic Shipwrecks Act applies to Australian waters that extend from the low tide mark to the end of the continental shelf. Australia also directly administers historic shipwrecks in certain territories, which include Christmas Island and the Cocos Keeling Islands in the Indian Ocean Region.

Individuals in the Commonwealth, the States, Northern Territory and Norfolk Island are delegated by the Minister for the Environment and Energy for certain day to day functions of the HS Act. These Historic Shipwrecks Delegates are supported by senior maritime archaeologists (Historic Shipwrecks Practitioners) and other staff.

The Historic Shipwrecks Act is administered collaboratively with state and territory jurisdictions through the Historic Shipwrecks Program (HSP). The Historic Shipwrecks Act's objectives are to research, explore, document and protect Australia's historic shipwreck heritage. Each state or territory offers different opportunities for community participation in heritage management and protection. While the agencies or departments of all Historic Shipwrecks Delegates are encompassed by this MoU, and may choose to participate, in line with the 1972 Agreement between the Netherlands and Australia concerning old Dutch shipwrecks (ANCODS) Article 4, this MoU recognises the significant role of the Western Australian Museum.

The Western Australian Museum is the keeping place for ninety percent of the ANCODS collection and is the Australian lead management agency responsible for documenting, interpreting, conserving, exhibiting and protecting the old Dutch shipwreck sites off Western Australia and their associated relics. Australia's ANCODS collection is held by the Australian National Maritime Museum who are also included within the collaborative intent of this MoU.

A responsibility of DoEE is to provide national leadership through the development of policies and programs to support Australia's national maritime heritage. An objective of the 2016 Australian Heritage Strategy is to work with South-East Asian States (such as Indonesia and Papua New Guinea) to better protect our shared underwater cultural heritage. Linking with RCE through this MOU may provide a platform for regional capacity building and collaborative work of an international character in Australian, Dutch, Asian and Indian Ocean waters.

III. AUTHORITIES

- A. The authority for RCE to enter into this MoU is by signature of the Secretary General of the Ministry of Foreign Affairs of the Kingdom of the Netherlands.
- B. The authority for the DoEE to enter into this MoU is by signature of the Secretary of the Department of the Environment and Energy.

IV. PROPOSED ACTIVITIES

RCE will: (based on projects approved under this Memorandum of Understanding)

- 1. Assist, when practical, with support and placement of Australian Government Officers (DoEE), Historic Shipwrecks Program Practitioners, and other appropriate Australian researchers, Australian based university masters and doctoral researchers and other appropriate researchers at regional branches with the study and preservation of maritime heritage resources of Dutch origin or shared heritage;
- 2. Encourage its staff, maritime archaeology masters and doctoral students to work with DoEE, Historic Shipwrecks Program Practitioners and other appropriate researchers on mutually determined projects, subject to the availability of funds and personnel;
- 3. Facilitate access to RCE resources, where practical; and
- 4. Work with DoEE and Historic Shipwrecks Program Practitioners to identify sources of financial and other support for mutually determined projects.
- 5. Assist in the capacity building in underwater cultural heritage management and archaeology within Australia and cooperate in capacity building projects in other areas with a focus towards the Indian Ocean and Asian Regions.
- 6. Work closely with the Embassy of the Kingdom of the Netherlands in Canberra in the decision making and organisation of projects within this MoU.

DoEE will:

- 1. Assist, when practical, with support and placement of RCE staff at Delegated agencies under the Historic Shipwrecks Program for the study and preservation of maritime heritage resources, underwater archaeology and underwater cultural heritage management in Australian waters;
- 2. Encourage their staff, Historic Shipwrecks Program Practitioners, Australian based students and other stakeholders, such as appropriate community based research groups, to work with RCE staff on mutually determined projects, subject to the availability of funds;
- 3. Facilitate access to DoEE and Historic Shipwrecks Delegates resources where practical and appropriate; and
- 4. Work with RCE staff and Historic Shipwrecks Program Practitioners to

identify sources of financial and other support for mutually determined projects.

D. Both Participants will:

- Cooperate to establish and implement mutually determined joint research, education and capacity building programs to enhance public and scientific understanding and appreciation of maritime archaeology, history, heritage, resource preservation and underwater cultural heritage management, in support of RCE and DoEE mutual goals, consistent with the UNESCO 2001 *Convention on the Protection of the Underwater Cultural Heritage*, the Netherlands *Heritage Law 2016*, the Commonwealth *Historic Shipwrecks Act 1976* (or its replacement) and other applicable laws, regulations, policies, and procedures;
- Seek opportunities for researchers, students and technical staff to further their qualifications, experience and training;
- Seek opportunities for exchanges of public communication projects including, but not limited to, school education programs, online projects, travelling exhibitions, conferences, workshops and training programs;
- Any cooperative research results in journals and monographs will be published and attributed to RCE, DOEE and Historic Shipwrecks Delegates. The order of logo as well as authorship will be determined by the level of contribution; and
- Publish research that results from the MoU in English with a summary in Dutch or Dutch with a summary in English if applicable.

V. FUNDING, PROGRAMMING, PAYMENT, AND REIMBURSEMENT ARRANGEMENTS

This MoU defines in general terms the basis on which the Participants will cooperate, and as such, does not constitute a financial obligation to serve as the basis for expenditures. Any activities involving reimbursement or transfer of funds between the Participants of this MoU will be handled in accordance with applicable laws, regulations, and procedures of the country where the activity is being undertaken. Such activities will be documented under a separate arrangement.

Expenditures of funds, human resources, equipment, supplies, facilities, training, public information, and technical expertise will be provided by each Participant to the extent that their participation is required and resources are available.

This MoU does not restrict the Participants from participating in similar activities or arrangements with other public or private agencies, organisations or individuals.

This MoU does not obligate the Participants to expend funds or to enter into any other agreements, contracts or other obligations.

VI. CONTACTS

A. The points of contact for activities under this MoU are:

RCE

Martijn Manders. Head of the Foreign Maritime Heritage Programme,
Cultural Heritage Agency of the Netherlands, Smallepad 5, 3811 MG,
Amersfoort. Ph. (+31) 612504382
email: m.manders@cultureelerfgoed.nl

DoEE

David Williams, Assistant Secretary, Heritage Branch, Department of the
Environment, 33 Allara St., Canberra City, ACT 2601, Australia. Ph. (+612)
6274-2015 Alt. (+612) 6274-2015 Fax. (+612) 6274-2095
email: david.williams@environment.gov.au

B. If there is a change regarding the information in this section, the Participants making the change will notify the other Participants in writing of such change.

VII. DURATION, AMENDMENTS, OR TERMINATION

This MoU will become effective upon signature by both Participants, and will expire four years from the commencement date.

This MoU may be amended through the written mutual consent of the Participants.

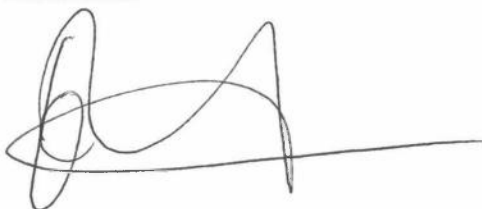
This MoU may be terminated by (1) written mutual consent, or (2) one Participants written notice 60 days in advance.

The Participants will review this MoU at least once every three years to determine whether it should be revised or terminated.

The foregoing record represents the understandings reached between the Cultural Heritage Agency of the Kingdom of the Netherlands and the Australian Government Department of the Environment and Energy on matters referred to therein.

Signed at Canberra on 15 September 2017, in duplicate, in the English language.

For the Cultural Heritage Agency of the
Netherlands



Joke Brandt
Secretary-General, Ministry of Foreign
Affairs of the Kingdom of the Netherlands

For the Department of the Environment and
Energy



Dean Knudson
Deputy Secretary Environment Protection
Department of the Environment and Energy