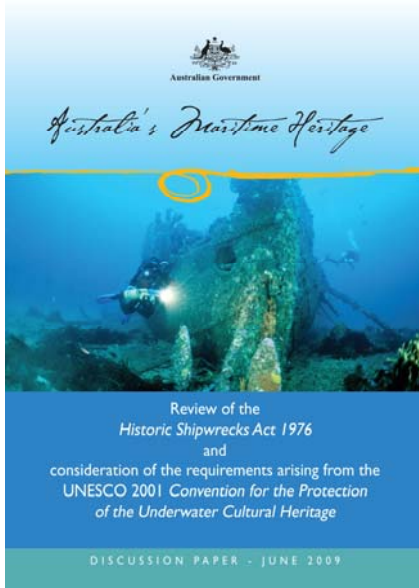




Review of Legislation that protects Australia's Historic Shipwrecks



- The *Historic Shipwrecks Act 1976* is being reviewed.
- Community participation is encouraged, and written submissions are invited until 17 July 2009.
- The review is looking at the operation of the legislation and whether it is achieving its objectives.
- The review will also consider whether Australia should amend its legislation to meet international best practice for the management of its underwater cultural heritage.

History of the legislation

The *Historic Shipwrecks Act 1976* commenced operation on 15 December 1976. Australia led the world in enacting the Historic Shipwrecks Act. It was a groundbreaking piece of legislation, which established that historic shipwrecks and their associated relics are of value to all Australians and not to be treated as commercial salvage, either by governments or private individuals. The Act enabled historic shipwrecks and associated relics around Australia to be managed according to the best cultural heritage management practices of the day.

What it protects

The *Historic Shipwrecks Act 1976* protects historic shipwrecks over 75 years old and associated relics. Most States have similar legislation to cover shipwrecks and relics in their inland waters within the seaward limits of the State.

Why it protects

Australians value their underwater cultural heritage and the evocative stories of those who tried but failed to make landfall in Australia either in a ship or aircraft lost in the sea. Without legislation to protect its underwater cultural heritage, Australia could suffer significant losses of its cultural heritage. Australia needs effective legislation to protect the large amount and diversity of underwater cultural heritage in our waters. Over 6,500 wrecks have been identified as having foundered off the Australian coast, and of those about 2,000 have been located.

How the legislation is applied

The Historic Shipwrecks Act is administered in a partnership between the Commonwealth and the States. The Minister appoints a delegate in each State and the Northern Territory to undertake some administrative work on his behalf.



UNESCO 2001 Convention for the Protection of the Underwater Cultural Heritage consideration

In January 2009 the UNESCO 2001 *Convention for the Protection of the Underwater Cultural Heritage* came into force and sets a new international standard for managing underwater cultural heritage. The principles of the UNESCO Underwater Cultural Heritage Convention are very similar to the way that Australia currently protects and manages its historic shipwrecks. The Historic Shipwrecks Act mostly complies with the requirements of the UNESCO Underwater Cultural Heritage Convention, although there are some gaps in Australia's legislation that would need to be addressed if Australia was to ratify the UNESCO Underwater Cultural Heritage Convention.

The review

This is the first time that the Historic Shipwrecks Act has been reviewed. As the current legislative regime is now over 30 years old and the Australian Government does not have legislation in place to protect other types of archaeological sites and artefacts found in Australian waters, such as aircraft, a review is timely.

While the process of considering ratification of the Underwater Cultural Heritage Convention is separate to that of reviewing the Historic Shipwrecks Act, both issues are closely related. This review is therefore considering whether the Act should be amended having regard to both the UNESCO Underwater Cultural Heritage Convention and international best practice.

The review of the Historic Shipwrecks Act will consider the operation of the legislation and the extent to which it is achieving its purpose, the new international framework for managing underwater cultural heritage and current heritage policy needs.

The review is to be completed by 30 October 2009 and public submissions are invited until 17 July 2009 to ensure consideration of a wide range of views.

Submissions can be directed to

Secretariat to the Review of the Historic Shipwrecks Act
GPO Box 787
Canberra ACT 2601

Or

HSreview@environment.gov.au

Submissions will be published on the review website unless marked confidential, at www.environment.gov.au/heritage/shipwrecks/review

Questions about the review can be directed to the Secretariat:

HSreview@environment.gov.au

Phone: 1800 018 903