

[REDACTED]

From: Ocean Trek Diving Resort [oceantrek@shoal.net.au]
Sent: Thursday, 16 July 2009 5:17 PM
To: Historic Shipwrecks Act Review
Subject: submission to Historic shipwreck act review

Thank you for this opportunity to respond to the review of the historic Shipwreck Act
Below is my response and comments

Jurisdiction of the Act

Q.1 Should the Act continue to apply to all waters from the low water mark extending to the outer limit of the continental shelf? if not, what waters should the Act apply to?

Yes

Q.2 Should the Act allow the Minister to continue to delegate some powers to State and Territory officials as is currently the case? if not, what other models could be used to administer the Act effectively?

Yes

Scope of the Act

Q.3 The Act protects by declaration all shipwrecks that are at least 75 years old and their associated articles, and articles (associated with a ship) that entered waters at least 75 years ago. Should this protection continue or be varied?

Yes

Q.4 Should the Act continue to protect only shipwrecks and associated relics or should its protection include other underwater historical archaeological sites and relics such as sunken aircraft in line with the requirements of the Underwater Cultural Heritage Convention?

Yes....agree very strongly

Q.5 Should, as is currently the case, the Minister be able to declare underwater sites of historical significance if they are less than the prescribed date e.g. HMAS *Sydney* ii? if so, what criteria, if any, should be used in making decisions or declarations?

Yes

Q.6 Should human remains be specifically protected to ensure the dignity of the remains and recognition and preservation of their resting place, and if so how should this protection be provided?

Yes

More compliance

Register of Historic Shipwrecks and Historic Shipwreck Relics

Q.7 Should there be a central national register of shipwrecks and shipwreck relics? if so, does the current Australian National Shipwreck Database meet this need?

Yes

Q.8 Are the current reporting requirements for the discovery of shipwrecks and relics sufficient?

if not, what information should be reported and how should it be reported?

Yes

Q.9 Should the capacity to provide monetary rewards for reporting of shipwrecks continue to be provided for in the Act? if not, how could those reporting the discovery of shipwrecks be acknowledged?

Yes

Management of Historic Shipwrecks

Q.10 Should the Act continue to allow open access to most shipwrecks? if not, what should be required?

Yes

Q.11 Do the current permit requirements of the Act meet best practice? if not, what should be required?

Yes

Q.12 Should the Act explicitly state how archaeological surveys and excavations should be conducted and reported on?

Yes

Q.13 Should the Act continue to provide for protected zones (that have the effect of restricting site access) to be declared? if protected zones are to be declared, what criteria should determine if a shipwreck site requires a protected zone?

Yes

Q.14 Should there be a maximum limit on the size of the protected zones or should the needs of the site define the area?

Yes

Q.15 Currently, historic shipwrecks are not integrated into the planning regimes of the Commonwealth, States and Territories. Should they be, and what would be the preferred mechanism?

Yes

Q.16 What approach should be taken towards dive tourism to ensure that it does not adversely impact on underwater archaeological sites?

Dive tourism should be still allowed with the current provisions of protection to allow access and appreciation of wreck sites

Management of Historic Shipwreck Relics

Q.17 Does the current permit system assist in the protection of historic shipwreck relics? if not, what would be a preferred model to manage and conserve Australia's historic shipwreck relics?

Yes

Q.18 Should isolated archaeological artefacts found in the sea (such as Cook's cannon and anchor from the HMB *Endeavour* and the recent discovery of a pistol from HSK *Kormoran*) whether associated with a known shipwreck site or not, be protected?

Yes

Q.19 Should the Act state principles guiding how historic shipwreck relics should be conserved and curated?

Yes

Q.20 Should Australia ban all future trade in historic shipwreck relics or continue to allow trade in relics with proven provenance that have previously been traded?

Yes

Q.21 Should the Act prescribe where underwater relics that have been excavated should be stored and who should manage them?

Yes

Compliance and Enforcement

Q.22 Are the current provisions for appointing inspectors under the Act and Regulations sufficient? if not, what additional requirements would be appropriate?

Yes

Q.23 Are the offence and penalty provisions appropriately framed to encourage compliance with the Act?

Yes

Do they provide a satisfactory level of deterrence to provide for the adequate protection of matters covered in the Act?

Are there other measures that should be incorporated into this Act to support the objectives of the Act?

No

Q.24 Does the Act contain a sufficient, comprehensive and appropriate range of enforcement mechanisms?

Yes

Are those mechanisms capable of deterring and responding to contraventions of the Act?

No

Are there any other measures which would assist to ensure compliance with the Act?

Not sure

Q.25 Are the seizure and forfeiture provisions within the Act adequate?

Yes

Can they be improved to provide a better level of protection and repatriation of items illegally taken from historic shipwrecks? if so, in what way can they be strengthened?

Yes

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

Q.26 if Australia decided to ratify the Underwater Cultural Heritage Convention, the Act would need to be amended to prohibit Australian nationals, Australian companies and Australian vessels from participating in illegal excavations or salvage in another country. Would you support such a proposal? if not, what other mechanisms would you support to ensure that other countries' underwater cultural heritage is protected?

Yes

Q.27 Should the Act be amended to comply with international best practice for protection of underwater archaeological sites and artefacts?

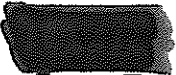
Yes

Q.28 Should Australia ratify the Underwater Cultural Heritage Convention and the Annex which defines the Rules of the Convention?

Yes

Q.29 Are these Rules appropriate for conservation of Australia's underwater heritage?

Yes


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