

Information Sheet: Collection Management & Legislation for Shipwreck Artefacts in Museums

This factsheet has been created for Victorian museums who are custodians of shipwreck artefacts. It explains the legislation that protects shipwrecks and provides guidance on collection management for shipwreck objects in museums.

SHIPWRECKS IN AUSTRALIA

As an island nation, shipwrecks are an important part of Australian heritage. They are not only evidence of a tragic event – the shipwreck itself – they can also offer glimpses into all aspects of our past. Shipwrecks and their associated artefacts are a finite resource that holds a wealth of information and as keepers of heritage, museums have a responsibility to care for and preserve this finite resource in their collections.

HISTORY OF PROTECTING SHIPWRECKS AND THEIR ARTEFACTS

Thousands of shipwrecks have come to grief in Australian waters since the first shipwreck of the *Trial* on the Western Australian coast in 1622. In the 1950s divers started souveniring artefacts from shipwrecks which caused some concern about the preservation of Australian maritime heritage. In reaction to this a series of acts were introduced to protect Australian shipwrecks and their associated artefacts.

1976 *Historic Shipwrecks Act* (Commonwealth) enacted to prevent private people or commercial organisations from disturbing or removing any part of a located wreck or any artefact associated with it.

1981 *Historic Shipwrecks Act* 1981 (Victoria) enacted to protect shipwrecks in Victorian waters.

1993 - *Historic Shipwrecks Act* 1976 changed to provide blanket protection to all shipwrecks 75 years or older whether or not they had been located.

1993 - Amnesty was held allowing all people who had artefacts from shipwrecks older than 75 years declare them to the state and Commonwealth governments with no charges laid.

1995 – *Historic Shipwrecks Act* 1981 repealed and shipwreck protection provisions for wrecks in state waters included in the *Heritage Act* 1995 (Victoria)

SHIPWRECK LEGISLATION IN VICTORIA

In Victoria there are two pieces of legislation protecting shipwrecks and their associated artefacts depending on where they are located.

Historic Shipwrecks Act 1976: covers shipwrecks in Commonwealth waters, which for this act is from the low water mark to the continental shelf.

Victorian Heritage Act 1995: protects shipwrecks in State waters which covers enclosed waters including bays and rivers such as Port Phillip, Yarra River and Western port.

Major aims of the Acts

- Protects all shipwrecks and their artefacts that have been in Victorian waters for 75 years or more, whether or not their existence or location is known.
- Allows for shipwrecks and artefacts less than 75 years old to be protected
- Prohibits the removal of shipwreck artefacts, and the buying, selling, exchanging or disposing of shipwreck artefacts without a permit.
- Allows for the declaration of Protected Zones (no-go areas) around certain shipwrecks.
- Allows divers to visit shipwreck sites for recreational purposes as long as they look but don't touch unless they are within Protected Zones
- Requires a person who finds a shipwreck or artefact to notify the relevant authority as soon as practicable

CONTROL AND CUSTODIANSHIP OF SHIPWRECK ARTEFACTS

The Crown controls all Historic Shipwreck artefacts through the protective legislation and can give directions in relation to custody of historic shipwreck artefacts. It is possible for private people and museums to be custodians of shipwreck artefacts but not owners. A custodian has a responsibility to keep and protect relics in their care and cannot sell or tamper with them and also has a responsibility to conserve artefacts and prevent them from deterioration.

WHAT TO DO IF YOU FIND A SHIPWRECK ARTEFACT IN YOUR COLLECTION

It is not uncommon for uncatalogued shipwreck artefacts to turn up in the back of museum cupboards and storage sheds. Alternately, sometimes research can reveal that an artefact that had been in the collection for sometime originally came from a shipwreck. And as the legislation has a rolling date of 75 years there will be shipwreck items in museum collections that will become historic over time. If this situation occurs, ensure that the item is appropriately catalogued in the museum database and then immediately complete a wreck notification form from Heritage Victoria.

WHAT TO DO IF A SHIPWRECK ARTEFACT IS DONATED TO YOUR MUSEUM

If a member of the public offers to donate a shipwreck artefact to your museum, there are two main options to consider:

- There are legal ramifications for accepting and possessing historic shipwreck artefacts without a permit so it is best to collect the contact details of the donor and pass them on to Heritage Victoria to pursue.
- If the donor is unwilling to leave details and there is the chance that the artefact will disappear or be destroyed, it is best to take temporary responsibility for the artefacts. Record as much information as possible and then pass this information on to Heritage Victoria.

HOW TO IMPROVE COLLECTION MANAGEMENT OF SHIPWRECK ARTEFACTS

To improve the collection management of shipwreck artefacts, the museum committee should consider adding a clause to the Collection Policy. An example clause is -

The museum accepts -

- *Material raised from local historic shipwrecks by private divers prior to the enactment of protective legislation and donated*
- *Material raised by private divers from a local shipwreck not protected by legislation and donated*

All shipwreck artefacts that are donated to the museum and are from a shipwreck 75 years or older will be registered with Heritage Victoria.

As a general rule, it is best to report any shipwreck artefacts in the collection to Heritage Victoria as is a legal requirement to report the location of all shipwrecks and their associated artefacts no matter their age.

Incorporating this information into museum collection management practices will ensure appropriate care for shipwreck artefacts within your collection.

LINKS AND RESOURCES

Legislation

<http://www.dpcd.vic.gov.au/heritage/maritime/maritime-legislation>

[Victorian Heritage Act \(1995\)](#)

[Historic Shipwrecks Act \(1976\) \(Commonwealth\)](#)

Shipwreck FAQs from Heritage Victoria

<http://www.dpcd.vic.gov.au/heritage/maritime/shipwrecks/faq>

Australian National Shipwrecks Database

<http://www.environment.gov.au/heritage/shipwrecks/database.html>

AIMA/NAS avocational maritime archaeology training

<http://www.aima-underwater.org.au/parts-i-iv/>

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