NSW Heritage Office

Protecting NSW Shipwrecks

Identifying, Protecting and Managing Historic Shipwrecks under the NSW Heritage Act

What is a historic shipwreck?

Shipwrecks are an important part of our heritage. Like buildings, places, relics and movable objects they are protected under the Heritage Act 1977 (NSW).

Historic shipwrecks within NSW may be located in rivers, harbours and lakes, or on riverbanks and foreshores. A protected historic shipwreck includes articles associated with the ship.

Under the Heritage Act all shipwrecks within NSW that took place more than 75 years ago are protected.

It is also possible to extend this protection to important shipwrecks less than 75 years old through an order by the Minister of Urban Affairs and Planning published in the NSW Government Gazette.

Specific provisions for historic shipwrecks were included in amendments to the Heritage Act in 2001.

Shipwrecks off the NSW coast are subject to the Commonwealth Historic Shipwrecks Act 1976.

What is the Historic Shipwrecks Register?

There are about 1800 shipwrecks in NSW and along the NSW coast. Of these, hundreds are in NSW rivers and harbours and may be protected under the Heritage Act.

The Heritage Council of NSW now keeps a Historic Shipwrecks Register to record shipwrecks in NSW currently protected under the Heritage Act.

You can find out which shipwrecks are protected under State or Commonwealth legislation, where they are located and the maritime history of your area through the NSW Shipwreck Database at NSW Maritime Heritage Online:

www.heritage.nsw.gov.au_maritime
**What is a historic shipwreck protection order?**

The Minister for Urban Affairs and Planning may declare the remains of any ship situated in State waters to be a historic shipwreck, regardless of when it was shipwrecked.

Such an order can relate to one or more ships or articles.

The order must identify the nature and location of the shipwreck.

**Why do we need to provide specific protection for historic shipwrecks?**

Previous controls under the Heritage Act did not adequately protect shipwrecks in State waters from the destructive activities of a minority of people. Deliberate removal of parts for souvenirs and other disturbance of shipwrecks causes irreparable damage.

Shipwrecks are also habitats for underwater flora and fauna, including rare and endangered species and they can be easily damaged.

If shipwrecks are not cared for, their potential for archaeological research, tourism and recreation for other divers is greatly diminished.

The new provisions better reflect growing public interest in historic shipwrecks and the need to improve the way we identify, promote and conserve them.

The provisions have been carefully drafted so as not to regulate or interfere with responsible recreational diving, fishing or other activities where the historic shipwreck is not moved or damaged.

These provisions are complementary to the Commonwealth *Historic Shipwrecks Act 1976*.

**Is it an offence to damage a historic shipwreck?**

Yes! It is an offence to damage or remove a historic shipwreck or associated items unless a person has a historic shipwreck permit.

The Act recognises that there may be circumstances where the above requirement is unintentionally breached. These defences include saving human life, securing the safety of a ship or dealing with an emergency involving a serious threat to the environment.

**How do I obtain a historic shipwrecks excavation permit?**
Occasionally, good heritage practice means that archaeological excavation of a historic shipwreck may be desirable or necessary.

Where appropriate in specific cases, the Heritage Council of NSW can authorise the movement of part or all of the shipwreck by issuing a historic shipwreck permit.

Will the new provisions interfere with recreational divers and fishers?

No! Shipwrecks are of major interest to recreational divers and fishers. The protection of these structures benefits diving and fishing interests and will ensure that they remain available for everyone’s enjoyment and interest in the future.

Where can I get more Information?

You can obtain more information from the NSW Heritage Office. Contact details are as follows:

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