



Department of  
**Local Government, Sport  
and Cultural Industries**

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Joint Standing Committee on Treaties  
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Dear Sir/Madam

***UNESCO 2001 Convention on the Protection of the Underwater Cultural Heritage (Paris, 2 November 2001).***

The Western Australian Government's Department of Local Government, Sport and Cultural Industries (DLGSC) makes this submission in support of Australia's ratification of the *UNESCO 2001 Convention on the Protection of the Underwater Cultural Heritage* (UNESCO 2001 Convention).

The DLGSC includes within its Portfolio the Western Australian Museum (WA Museum), which is the agency responsible for administering the *Maritime Archaeology Act 1973* (WA). In addition, the WA Museum Chief Executive Officer, Alec Coles, is the Commonwealth Delegate responsible for the administration of certain provisions of the *Underwater Cultural Heritage Act 2018* (Cth) in Western Australia.

Western Australia pioneered the protection of shipwrecks and underwater cultural heritage (UCH) when it enacted the *Maritime Archaeology Act*—the world's first specific legislation to protect UCH.

This pivotal decision by the State led to a remarkable 10-year period between 1971 and 1981, where seven early European shipwrecks off the Western Australian coast, including *Batavia* (1629) and Australia's earliest recorded European shipwreck *Trial* (1622), were investigated by a newly formed group of archaeologists and conservators at the WA Museum. Protected from uncontrolled looting and 'treasure hunting', these historic excavations placed Australia at the forefront of maritime archaeology and conservation globally.

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These excavations led to a number of world-first achievements in underwater excavation and recording techniques that are still studied and referenced today by Australian and overseas researchers and archaeologists.

The raising of the *Batavia* hull timbers and some 7,000 associated artefacts, along with artefacts excavated from *Vergulde Draeck* (1656), *Zuytdorp* (1712) and *Zeewijk* (1727), has resulted in one of the world's premier maritime archaeological museums, the WA Shipwrecks Museum in Fremantle. One of a handful of museums dedicated solely to maritime archaeological material, it is home to the largest collection of 17<sup>th</sup> century VOC material anywhere in the world. In operation since 1979, the Shipwrecks Museum along with the Museum of Geraldton are often cited as successful examples of the long-term educational and economic benefits to communities when shipwrecks are professionally managed, preserved and interpreted to a wide variety of audiences.

Today, the WA Museum is responsible for the protection of over 1,600 Commonwealth and State historic shipwrecks, and over 50,000 historic shipwreck artefacts. Over the last five decades, the WA Museum has conducted world-leading maritime archaeological research, public outreach, and the specialised conservation of UCH sites and artefacts, both in Australia and around the world.

WA Museum staff have decades of experience and involvement in training and capacity-building programs in Australia, Sri Lanka, Africa, Southeast Asia and Pacific nations, promoting global public awareness and the professional management of UCH. Internationally, the WA Museum has collaborated with the Kingdom of the Netherlands, Sweden and other countries with VOC shipwrecks such as Sri Lanka and the United Kingdom, as well as with many other countries with developing maritime archaeology and conservation programs such as Thailand, China, the Philippines, Mozambique, Indonesia and South Korea.

Western Australia is a signatory to the *2010 Australian Underwater Cultural Heritage Intergovernmental Agreement* (IGA) that clarifies the jurisdictions, roles and responsibilities of the Commonwealth, States and Northern Territory in the management of Australia's UCH.

<https://www.awe.gov.au/parks-heritage/heritage/publications/australian-underwater-cultural-heritage-intergovernmental-agreement>)

All signatories to the IGA agreed to adopt the Rules in the Annex to the UNESCO 2001 Convention as international best practice for the management of Australia's UCH and ensure legislative consistency with Commonwealth legislation and the 2001 UNESCO Convention.

The Museum is currently reviewing Western Australia's *Maritime Archaeology Act*, to ensure that new, fully revised legislation is consistent with both the Commonwealth's *Underwater Cultural Heritage Act* and the 2001 UNESCO Convention. If Australia is to proceed with ratification, then the instrument of ratification should note that State jurisdictions (such as Western Australia) require further time to review and amend their own legislation in this area.

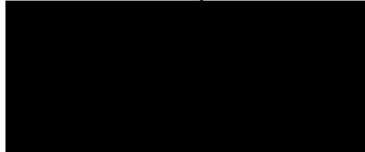
The DLGSC supports Australia's ratification of the UNESCO 2001 Convention for the following reasons:

- As of November 2021, a total of 71 countries have ratified the UNESCO 2001 Convention, however, in the Indian Ocean and South-East Asian regions only two nations (Cambodia and Madagascar) have done so. Australia and the UNESCO Asia-Pacific region are lagging behind other UNESCO regions in the uptake of ratification of the UNESCO 2001 Convention. As a significant and developed nation in the Indo-Pacific/Asia-Pacific region, Australia can and should lead by example to protect its, and other nations' UCH;
- Articles 11 and 12 of the UNESCO 2001 Convention provide a mechanism by which State Parties can cooperate to protect UCH located beyond States' territorial waters in the high seas. This mechanism is of vital significance to support cooperative international efforts to control treasure hunting and illegal salvage of historic shipwrecks and other UCH. For example, treasure hunting and illegal salvage is a major issue in the destruction of UCH in the Asia-Pacific region. Once UCH is destroyed, it can never be replaced. Treasure hunters and illegal salvors have destroyed entire World War II warships, removing high-value artefacts and metals from sites. Greater cooperation between State Parties to the Convention would significantly limit such damaging activities;
- The UNESCO 2001 Convention protects materials in all territories. The nature of maritime transport and naval warfare means that many archaeologically, socially and historically significant Australian vessels and aircraft are located in other States' territorial waters including the *AE-1* (1914) and *AE-2* (1915) submarines—Australia's first submarines—in Papua New Guinea and Turkish waters respectively; and *HMAS Perth* (1942) and RAAF aircraft lost during World War II in Indonesian waters; with their fallen crew. Similarly, Australian waters are the final resting place for sovereign vessels, aircraft, and in some instances, service personnel, from other countries including The Netherlands, Portugal, Great Britain, USA, Indonesia and Japan;
- The UNESCO 2001 Convention's definition of UCH sites to include not only shipwrecks but other types of sites, including 'prehistoric sites', reflects the true range and diversity of human history, and will lead to broader recognition of Australia's submerged Indigenous heritage, which remains relatively unexplored;
- Article 22 of the UNESCO 2001 Convention specifies the mutual cooperation of State Parties in the management of UCH with shared heritage values. As well as providing increased protection for such values, these activities offer significant opportunities for cultural exchange and diplomacy;
- Article 19 of the UNESCO 2001 Convention specifies the modalities of this commitment by obliging States to assist each other, and to share information, in order to ensure the protection and management of UCH;
- The UNESCO 2001 Convention is important for raising government and public awareness of the importance of all types of UCH, and through the Annex sets out international best-practice guidelines for the management of UCH. The wide application of these guidelines will help better preserve UCH for future generations to study, learn from and enjoy; and
- For the impetus the Convention gives to the following:
  - protection of UCH, through preservation of sites *in situ*;
  - professional scientific research and study;

- the establishment of competent authorities and cultural institutions such as museums and galleries to preserve and display UCH to the public;
- the development of dive and cultural tourism businesses.

Overall, DLGSC through the WA Museum, its partner agencies in Western Australia, and the other Australian States and the Northern Territory, has worked closely with the Commonwealth Government to manage Australia's UCH for the last 50 years. Since the UNESCO 2001 Convention entered into force, these collaborative efforts have extended towards supporting Australia's ratification of the Convention, to meet international best practice, and to collaborate with other State Parties in protecting UCH globally.

Yours faithfully



Lanie Chopping  
**Director General**

16 March 2022

## References

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