



# Public access to Historic Shipwrecks

## Guidelines 2010

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### Cover Images (left to right):

*Auckland* (1871)

*Cheviot* (1854)

*City of Launceston* (1865)

Images: Heritage Victoria

References throughout to the heritage website or Heritage Victoria website refer to:

[www.heritage.vic.gov.au](http://www.heritage.vic.gov.au) which includes the searchable Victorian Heritage Database.

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Heritage Victoria / Heritage Council of Victoria  
Level 4, 55 Collins Street, Melbourne 3000  
GPO Box 2392, Melbourne, Victoria 3001

Phone: (03) 8644 8800

Fax: (03) 8644 8811

Email: [heritage.victoria@dpcd.vic.gov.au](mailto:heritage.victoria@dpcd.vic.gov.au)

Web: [www.heritage.vic.gov.au](http://www.heritage.vic.gov.au)

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## 1. Introduction

Shipwrecks have held great appeal to divers since the invention of affordable SCUBA diving equipment in the 1960s and have continued to be a major attraction with the popularisation of SCUBA diving in the 1990s. Shipwrecks continue to be bound up with tales of “treasure” and offer underwater adventure in some of the most picturesque locations on the Victorian coast.

The enactment and continued support of State and Commonwealth legislation to protect historic shipwrecks in Victoria reflects the national awareness of shipwrecks as physical links to a shared cultural heritage. The historic shipwrecks legislation provides a suite of strong provisions to protect and preserve historic shipwrecks. The legislation enables a range of management approaches from passive monitoring for less significant sites, to the complete prohibition of access to sites that are considered to be highly significant and sensitive to disturbance.

While most divers are aware of and respect the heritage values of shipwrecks, a minority still see wrecks as a source of souvenirs and saleable relics. Consequently, the implementation of the historic shipwrecks legislation requires Heritage Victoria to strike a balance between the need to protect fragile and highly significant shipwreck sites and the obligation to provide meaningful site interpretation and, where possible, physical access to sites.

These guidelines clarify the decision making process regarding public access to historic shipwrecks and the restriction of access to some sites by Heritage Victoria. The rationale behind decision making and Heritage Victoria’s use of the historic shipwrecks legislation is explained in relation to current restrictions on public access to Victoria’s most significant and fragile historic shipwreck sites. All decisions regarding historic shipwreck management in Victoria are taken within the framework of the UNESCO convention on the Protection of the Underwater Cultural Heritage (2001).



*J5 Submarine (1926)  
Image Mark Green*

## 2. Background

The cultural heritage value of shipwrecks in Victoria is recognised in the *Heritage Act 1995* and the Commonwealth *Historic Shipwrecks Act 1976*, both of which were enacted with the aim of protecting significant historic shipwrecks. Both Acts have a number of common features relating to access and protection of historic shipwrecks. They both:

- Provide automatic protection to the physical remains of shipwrecks and associated relics which occurred more than 75 years ago.
- Provide for the protection of wrecks less than 75 years old by specific declaration.
- Provide for the restriction of access to select shipwrecks by the declaration of protected zones of up to 100 hectares (State) or 200 hectares (Commonwealth).
- Provide penalties for being near historic shipwrecks with certain items of equipment, and causing damage or disturbance of any kind to historic shipwrecks without a permit.
- Allow for the granting of permits to do things which the Acts would otherwise prohibit.
- Establish a 'register' of historic shipwrecks which is available to the public.
- Are silent regarding access to shipwreck sites not located in protected zones.



City of Launceston

The heritage value of cultural heritage sites is measured by significance. The rolling date provisions of the Victorian *Heritage Act 1995* and the Commonwealth *Historic Shipwrecks Act 1976* recognise that all shipwrecks over 75 years old are significant and automatically confers protection for them and their associated relics. The extra level of protection available, via the protected zone mechanism, has been applied only to sites considered highly significant for particular values and additionally sensitive to unauthorised interference (with the exception of the *Cerberus* where public safety was the primary concern).

Only eight wrecks presently have protected zone status in Victoria. The following table lists the wrecks and the reasons for this enhanced protection.

Shipwreck	Location	Reason for Protected Zone	Jurisdiction
<i>Clonmel</i> (1841)	Port Albert Entrance.	Archaeological, historical and technological significance. Threat (looting).	Commonwealth
<i>Alert</i> (1893)	Off Port Phillip Heads.	Archaeological and historical significance. Threat (looting). Highly intact site.	Commonwealth
<i>Clarence</i> (1840)	Port Phillip Bay: Coles Channel.	Historical and archaeological significance. Highly intact and fragile wooden site. Threat (anchor damage).	State



HMVS *Cerberus* (1926)

<i>Joanna</i> (1857)	Port Phillip Bay: West Channel.	Historical and archaeological significance.	State
<i>William Salthouse</i> (1841)	Port Phillip Bay: Popes Eye Bank.	Archaeological and historical significance. Threat (looting and anchor damage). Highly intact and fragile site.	State
<i>City of Launceston</i> (1865)	Port Phillip Bay: North of West Channel.	Archaeological and historical significance. Threat (looting and anchor damage). Highly intact site.	State
<i>Will o' the Wisp</i> (1843)	Port Phillip Bay: Swan Island	Historical and archaeological significance.	State
HMVS <i>Cerberus</i> (1926)	Port Phillip Bay: Black Rock	Historical and technological significance. Protected at request of local council to reduce risk of injury to members of the public.	State

Heritage Victoria’s database contains records of 634 historic shipwrecks. Despite the eight protected zones listed above, the *William Salthouse* can be accessed by recreational divers with a permit. This reduces the number of restricted historic shipwrecks to seven; 1.1% of Victoria’s historic shipwrecks, and 0.87% of all Victoria’s shipwrecks. In addition, the *City of Launceston* was opened to recreational divers in 2006, and permits are issued to the finders of the *Alert* to continue survey and recording work.

As can be seen in the above table, the main impetus for the declaration of protected zones around wrecks has been the perception of threat, usually by looting. These wrecks have a high level of historic significance and are usually an intact, undisturbed, archaeological deposit.

It is apparent that education campaigns mounted at both State and Commonwealth levels over the last 15 years have resulted in a reduction in the number of reports of looting. However Heritage Victoria staff continue to find evidence of damage and removal of artefacts or shipwreck fabric from historic shipwrecks during field inspections, and looting is still being reported.



*Clonmel* (1841) wreck at Port Albert Entrance

### 3. Availability of shipwreck positions

Both the Commonwealth and Victorian legislation require that a register of historic shipwrecks is maintained and available to the public. The Commonwealth legislation is silent about what information should be included in the register, whilst the Victorian *Heritage Act 1995* specifies that “sufficient details to identify the place” must be included (Section 21 (2)). The Victorian Act also provides that “if the Heritage Council determines that a place or object may be damaged or removed if it is fully identified in the Heritage Register, the Heritage Council may direct the Executive Director to limit the identifying details ... to those specified by the Heritage Council” (Section 21 (3)).

Until recently, the Victorian Government policy has excluded shipwreck positions in the Commonwealth or Victorian shipwreck registers, although positions for most shipwrecks have been available upon request. The basis for this has been to limit the numbers of visitors to shipwrecks and lessen the threat of deliberate damage to and looting of sites. While this approach has been valid and effective in the past, attitudes towards the environment generally, including historic shipwrecks, have changed.

Diver training agencies now encourage a more sustainable approach to diving, using mottos such as PADI’s tagline ‘Take only photos, leave only bubbles’, and teaching wreck appreciation courses. Heritage Victoria has been delivering short courses in maritime archaeology, which highlight the archaeological and historical importance of historic shipwrecks, to divers and interested groups for more than 10 years. Over the years divers have demonstrated a change in attitude, and generally, most endorse and support a ‘look but don’t touch’ approach to shipwreck diving.

In response to this change in attitude, and the increasing availability of information on-line, Heritage Victoria provides shipwreck positions for most shipwreck sites, through the Victorian Heritage Database (<http://vhd.heritage.vic.gov.au/vhd/heritagevic>) and on hydrographic charts.

New shipwreck sites continue to be discovered in Victoria, many of which are highly intact and fragile, and often in deeper water. The Heritage Council of Victoria has directed the Executive Director of Heritage Victoria to ‘limit the identifying details in the Heritage Register of all historic shipwrecks and underwater archaeological sites for a period of 10 years after the official reporting of the site, and for historic shipwrecks, underwater archaeological sites and historic shipwreck relics deemed to be at risk from damage or removal for an undefined time period’ (HC minute 147.4.7). This allows finders of sites to undertake surveys and research, and for Heritage Victoria to assess the significance of the sites. In some cases, the 10 year period may need to be extended to allow completion of research programs.

Withholding site positions provides protection for sites which might be easily located if a protected zone was established and its position published in government gazettes. The withholding of site positions has been used to protect the *Queensland* and *Kanowna*, which are considered to be at high risk of looting.



Seasonal erosion in 2009 uncovered the remains of *Pretty Jane* (1882) on the 90 Mile Beach. Image Parks Victoria.

## 4. When is a protected zone needed?

Under the *Heritage Act 1995*, the Executive Director of Heritage Victoria may recommend to the Heritage Council that a protected zone be established around a historic shipwreck or historic shipwreck relic which lies within State waters or on the land in Victoria.

In the case of historic shipwrecks and historic shipwreck relics in Commonwealth waters, the Executive Director, who has delegated responsibilities for the *Historic Shipwrecks Act 1976*, may recommend to the Federal Minister that a protected zone be established around a site.

When assessing whether a historic shipwreck site requires a protected zone, a number of risks to the site are assessed including, but not limited to:

1. Significance
2. Threats (human and environmental)
3. Fragility
4. Public interest
5. Ease of access/monitoring

These risk categories can be broken down into a number of areas and questions, which help assess whether a site is at high risk from damage or disturbance, and the impact this would have on the archaeological and historic shipwreck resource in Victoria.

### 1. Significance

Significance is assessed under the Heritage Council of Victoria criteria.

- a. Importance to the course, or pattern, of Victoria’s cultural history.
- b. Possession of uncommon, rare or endangered aspects of Victoria’s cultural history.
- c. Potential to yield information that will contribute to an understanding of Victoria’s cultural history.
- d. Importance in demonstrating the principal characteristics of a class of cultural places or objects.
- e. Importance in exhibiting particular aesthetic characteristics.
- f. Importance in demonstrating a high degree of creative or technical achievement at a particular period.
- g. Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions.
- h. Special association with the life or works of a person, or group of persons, of importance in Victoria’s history.

### 2. Threats to a site include:

- a. Looting (including the removal of artefacts, ships timbers or the damage caused by searching for artefacts)
- b. Anchor damage (usually by fishing boats)
- c. Commercial development
- d. Erosion (natural or as a result of human activity)



A diver inspects the *Kanowna* (1929). Image Greg Hodge



The bow of the *Glenelg* (1900). Image James Parkinson

### 3. Fragility

- a. Is the site and/or relics exposed?
- b. Are there fragile artefacts?
- c. Is the site structurally fragile?

### 4. Public interest

- a. Is the site likely to or has it already generated media interest?
- b. Are many people likely to want to visit the site?

### 5. Ease of access/monitoring

- a. Is the site accessible on foot, from the shore or by boat?
- b. Is the site close to a town/boat ramp/tourist spot?
- c. Are there surveillance resources readily available to monitor the site?



Bollards on the *Alert* (1893).  
Image David Hurst.

The following diagram illustrates how each of the risk categories are assessed against the estimated level of impact it will have on the site, and the probability of each risk occurring. In some cases, as illustrated in the previous table, a site is so significant as to merit a protected zone even when all other issues may pose a low risk to the site.

<b>Impact</b>	High	Yellow	Red	Red
	Medium	Green	Yellow	Red
	Low	Green	Green	Yellow
		Low	Medium	High
		<b>Probability of Occurrence</b>		

An example of how the above list and diagram can be used to assess the risks to a site, and whether a protected zone is an appropriate management tool, is given below.

The *Alert* was considered to be at high risk due to a number of factors:

#### 1. Significance

- a) How significant is the site?

*The site is of high significance:*

- *The site has high social and historical significance due to the loss of 15 of the 16 people on board, many of whose bodies were washed ashore, and the links to local families involved in rescue attempts.*
- *The site has high archaeological significance due to the integrity of the site because it has not been salvaged and contains a large amount of artefactual material.*

#### 2. Threats to the site:

- a) Looting

*Possibility due to intact nature of site, lack of contemporary salvage and large number of small portable artefacts visible on site.*

- b) Anchor damage

*Unlikely given depth of site*

- c) Commercial development

*Unlikely given depth of site*

- d) Erosion

*Unlikely, but unknown.*

## 3. Fragility

a) Is the site and/or relics exposed?

*Yes the site is exposed, including many visible artefacts.*

b) Are there fragile artefacts?

*Visible artefacts include ceramics and ship's fittings*

c) Is the site structurally fragile?

*Unknown at present, but possible given the date (1893) and build of the wreck (iron hulled steamship)*

## 4. Public interest

a) Is the site likely to/has it generated media interest?

*Substantial media coverage when discovered, and generated a lot of public interest.*

b) Are many people interested and likely to want to visit the site?

*At the time of discovery, when the protected zone was established, there were a number of requests to dive the site from the deep diving community – a relatively new group that was yet to be proactive in engaging with or representing its interests to Heritage Victoria and its partners. Very few of its members were known to be accredited through the AIMA/NAS training program. Third party reports of individuals in this community collecting shipwreck relics from other sites added to concerns that open access to the site was premature.*

## 5. Ease of access/monitoring

a) Is the site accessible on foot, from the shore or by boat

*Relatively easily accessible by boat, and diveable in a day-trip from Port Phillip Bay.*

b) Is the site close to a town/boat ramp/tourist spot?

*The site is visible from the Ships Graveyard, which prompted concerns that divers in the area could locate the site relatively easily.*

c) Are there surveillance resources readily available to monitor the site?

*No because the site is not in an area that is regularly visited by Historic Shipwreck inspectors.*

In summary, the main concerns that led to the implementation of a protected zone were:

1. The high archaeological, social and historical significance of the shipwreck site.
2. The site was easily accessible and visible from popular recreational diving locations.
3. It was fully exposed with portable artefacts.
4. It had attracted considerable media and public interest when discovered.
5. The deep diving community was relatively new. Heritage Victoria had not had yet formed any relationship with this community, as such the attitudes of this group to historic shipwrecks was not yet known.



A diver visits the *Eliza Ramsden* (1975) prior to the collapse of the bow.

## 5. Why are diving permits issued for some sites in protected zones?

Whilst the issues outlined above are also relevant here, specific things to be considered include:

1. How significant is the site?
2. Will diver access negatively impact the site's integrity?
3. Is there a benefit to the site's management by providing access (for example: site recording, mapping, public education)?
4. Availability of information/interpretation resources that encourage a deeper understanding/appreciation of the site.

There are only two sites where permits are regularly issued to divers, the *William Salthouse* and the *Alert*. The *City of Launceston* trial access program in 2006 provided access at a time when public interest was high through media coverage of the excavation program. Further details of this program can be found online at [http://heritage.vic.gov.au/admin/file/content2/c7/Public\\_access\\_report.pdf](http://heritage.vic.gov.au/admin/file/content2/c7/Public_access_report.pdf)

In the case of *William Salthouse*:



Remains of barrels originally filled with pork and beef on the *William Salthouse* (1841).

- The site is highly significant for its archaeological integrity, historically as the first vessel with a speculative cargo to come directly from Canada to Australia, flouting navigation laws at the time, and as one of the earliest shipwrecks in Victoria.
- The site has been accessed by divers since discovery in 1982
- Most of the site is buried and only the upper part of hull and cargo is visible, whilst interesting to some, others have dubbed it a 'boring' dive.
- No 'collectable' or pretty artefacts are on the site, only barrels and animal bones.
- The site is fragile, but usually covered in sand. Only the upper hull is exposed.
- The site has been relatively stable since the placement of artificial seagrass in the 1990s and damage by divers is likely to be minimal. Strong currents are known to affect the levels of sand cover, and can expose, loosen or remove artefacts.
- Dive boats are instructed not to anchor on the site
- Interest in the site varies (often depending on whether it is discussed during AIMA/NAS courses).
- Access is easy from Queenscliff boat ramp or Portsea Pier.
- Diver numbers are limited to 12 on site at a time, and the permit system can limit the overall number of visits.
- There are a number of publications on the *William Salthouse*, including a shipwreck discovery trail pamphlet and dive information sheets, and artefacts on display at the Queenscliffe Maritime Museum.

- Benefits of access are:
  - Divers able to visit a highly significant site.
  - Public education about historic shipwreck sites and interpretation

Permits have been issued on this site while it has been stable. The majority of long-term divers in Victoria have already dived the site, and it holds little or no interest for artefact collectors. The site is of interest to newer divers and serves as an excellent illustration of the potential level of preservation of archaeological sites to interested divers.

Permits are being issued to the finders of the *Alert* to enable them to continue surveying and recording the site, which assists with Heritage Victoria’s management of the site. The site lies beyond the safe working limits established for Heritage Victoria divers, and the only way an assessment of its significance can be made is based on information being collected by the finders. Heritage Victoria has encouraged members of the deep diving community to contact the finders if they are interested in diving the site and assisting with the survey and recording work. The protected zone ensures that while initial survey and recording is carried out, the site and the many visible artefacts are not disturbed or damaged in any way.



Items from Victorian shipwrecks held at Heritage Victoria’s Conservation Centre are often used in exhibitions to help educate the public, such as **In the Same Boat** (above) at Queenscliffe Maritime Museum.

Top Left: A light fitting from the *Loch Ard* and (below left) the Minton peacock from the *Loch Ard* at Flagstaff Maritime Museum.

Right: A decorative wooden panel and tableware recovered from the *City of Launceston* saloon.

Below and below right: A ceramic flushing toilet bowl and chamber pot from the *City of Launceston*.



## 6. Summary

The management of historic shipwreck sites is based on a risk assessment process, which allows for a range of threats and situations to be taken into account. This document has outlined the framework within which Heritage Victoria works to protect and preserve Victoria's shipwreck resource, and is based on international best practice<sup>1</sup> for the management of archaeological and historic sites.

Due to the variable nature of shipwreck sites and threats to their continued preservation, there will always be unique situations which require Heritage Victoria to act to protect a shipwreck or associated relics. The *Cerberus* is an example of this, where the protected zone was gazetted at the request of the local council to prevent people potentially injuring themselves.

The risk assessment process works to protect the most significant and most vulnerable historic shipwreck sites, and makes just 0.87% of all Victorian shipwrecks off-limits to recreational divers. These few sites have been protected for their high archaeological significance and fragile nature.

Further information can be obtained from the Heritage Victoria web site:

[www.heritage.vic.gov.au](http://www.heritage.vic.gov.au)

or contact Heritage Victoria on:

[maritime.heritage@dpcd.vic.gov.au](mailto:maritime.heritage@dpcd.vic.gov.au)

1. UNESCO Convention on the Protection of the Underwater Cultural Heritage (2001).  
The Burra Charter (The Australia ICOMOS charter for places of cultural significance)

Below left: *Casino* (1932)  
Below right: *SS Cheviot* (1887)

