



Heritage Victoria Policy Guideline

MATTERS TO BE CONSIDERED IN DETERMINING PERMIT APPLICATIONS FOR EXPLORATION OR RECOVERY OF HISTORIC SHIPWRECKS AND HISTORIC SHIPWRECK RELICS UNDER SECTION 113 OF THE HERITAGE ACT 1995

Adopted 23 August 2012

Purpose

1. This Guideline is intended to provide guidance as to the matters that should be considered by the Executive Director of Heritage Victoria (the Executive Director) in determining a historic shipwreck permit application under s.113 of the *Heritage Act 1995* (the Act).
2. The Guideline is intended to assist:
 - 2.1. Heritage Victoria staff assessing a permit application in relation to a historic shipwreck, historic shipwreck protected zone or historic shipwreck relic included in the Victorian Heritage Register.
 - 2.2. The Executive Director in determining a historic shipwreck permit application.
 - 2.3. Persons submitting an historic shipwreck permit application to the Executive Director.

Relevant legislation

3. This Guideline relates to s.113 of the Act which specifies:

113(1) A person may apply to the Executive Director for a permit authorising that person and any other persons named or described in the permit to do an act or thing which would otherwise be prohibited under section 110, 111 or 112 or the shipwrecks regulations.



Policy Statement

4. The following policy applies to applications for an historic shipwreck permit lodged under s.113 of the Act.
5. There are no requirements under the Act detailing what the Executive Director must consider when assessing a historic shipwreck permit application. This document is intended to guide the decision making process in the absence of legislative requirements.
6. Section 73 of the Act has been used to guide consideration of these types of permit applications. Section 73 prescribes matters to be considered in determining applications for general heritage permits.

Matters to be considered in determining applications for a historic shipwreck permit under the *Heritage Act 1995*

7. When considering an application for a historic shipwreck permit the Executive Director is to consider the extent to which the application, if approved, would affect the cultural heritage significance of the registered place or registered object; and
8. If the application relates to a listed place or to a registered place or registered object in a World Heritage Environs Area, the ED is to consider the extent to which the application if approved, would affect –
 - a. the world heritage values of the listed place; or
 - b. any relevant Approved World Heritage Strategy Plan; and
9. If the applicant is a public authority, the extent to which the application, if refused would unreasonably detrimentally affect the ability of the public authority to carry out a statutory duty; and
10. Any matters relating to the protection and conservation of the registered place or registered object that are considered relevant; including other policy guidance adopted by the Executive Director; and
11. In determining an application, the Executive Director may consider the extent to which the application, if approved, would affect the cultural heritage significance of other sites on the Heritage Register. For example, the shipwreck graveyard is significant as a group of shipwreck sites, work on a single site may affect the significance of the group; and
12. If the application is to remove an historic shipwreck or historic shipwreck relic, the Executive Director is to consider proposals for the long term conservation and display of the shipwreck or relic; and
13. Any other relevant matter.

Additional information and time frames for determination

14. The Executive Director may ask the applicant for any additional information that the Executive Director thinks necessary to assist the determination of the application.
15. It is desirable for the Executive Director to determine an application within 60 days.