



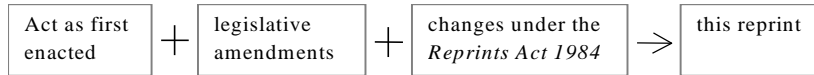
Western Australia

# **Maritime Archaeology Act 1973**

**Reprint 2: The Act as at 21 May 2010**

## Guide for using this reprint

### *What the reprint includes*



### *Endnotes, Compilation table, and Table of provisions that have not come into operation*

1. Details about the original Act and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Validation, transitional, savings, modifying or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the Act being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

### *Notes amongst text (italicised and within square brackets)*

1. If the reprint includes a section that was inserted, or has been amended, since the Act being reprinted was passed, editorial notes at the foot of the section give some history of how the section came to be as it is. If the section replaced an earlier section, no history of the earlier section is given (the full history of the Act is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
  - removed (because it was repealed or deleted from the law); or
  - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

### *Reprint numbering and date*

1. The reprint number (in the footer of each page of the document) shows how many times the Act has been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3<sup>rd</sup> reprint since the Act was passed. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the Act is reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Western Australia

## Maritime Archaeology Act 1973

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**Defined Terms**



Western Australia

Reprinted under the  
*Reprints Act 1984* as  
at 21 May 2010

## Maritime Archaeology Act 1973

**An Act to make provision for the preservation on behalf of the community of the remains of ships lost before the year 1900, and of relics associated therewith, and for other purposes incidental thereto.**

**1. Short title**

This Act may be cited as the *Maritime Archaeology Act 1973*<sup>1</sup>.

**2. Commencement**

This Act shall come into operation on a date to be fixed by proclamation<sup>1</sup>.

**3. Terms used**

In this Act unless the contrary intention appears —

***Board*** means The Western Australian Museum Board constituted under the *Museum Act 1959*<sup>2</sup>;

***Director*** means the person appointed Director of the Museum under the *Museum Act 1969*;

***historic ship*** means any ship that before the year 1900 was lost, wrecked or abandoned, or was stranded, on or off the coast of Western Australia;

**Museum** means the body corporate constituted under the *Museum Act 1969*, and known as “The Western Australian Museum”;

**protected zone** means an area declared to be a protected zone under section 9;

**relic** means any thing of historic interest that appears to have formed part of, or to have been carried by or derived from or associated with any historic ship, or to have been constructed or used by any person associated with any such ship, and any thing to which the provisions of section 6(3) apply;

**section** means section of this Act;

**ship** includes the remains of a ship, or any part of a ship;

**site** means a maritime archaeological site;

**Trustees** means the Trustees of the Museum appointed pursuant to the *Museum Act 1969*, and includes any person lawfully exercising the powers or performing the duties of the Trustees.

**4. Maritime archaeological sites**

- (1) For the purposes of this Act —
  - (a) any area in which the remains of a ship, which in the opinion of the Director may have been a historic ship, are known to be located;
  - (b) any area in which any relic is known to be located, or where in the opinion of the Director unrecovered relics associated with a ship which may have been a historic ship are likely to be located; and
  - (c) any structure, campsite, fortification or other location of historic interest that, in the opinion of the Director, is associated with, and was occupied or used by, persons presumed to have been in a historic ship,  
shall be a maritime archaeological site.
- (2) A maritime archaeological site may be situated below low water mark, on or between the tide marks, or on land, or partly in one place and partly in another.

**5. Act does not apply to specified sites or objects**

- (1) Where the Director is of the opinion that any site is not of national or local historical interest or of scientific, archaeological, educational or other special national or local interest, he shall advise the Trustees accordingly and the Trustees may recommend to the Minister that the provisions of this Act should no longer apply to that site.
- (2) If the Minister approves of a recommendation made under subsection (1), he may, by notice in the *Gazette*, declare that this Act no longer applies to that site.
- (3) Where the Minister declares that this Act no longer applies to any maritime archaeological site the provisions of this Act shall no longer apply to any object taken, derived or recovered from, or associated with that site or the ship the remains of which were comprised in that site.

**6. Vesting of ships and sites**

- (1) The property in and right to possession of all historic ships and maritime archaeological sites is vested in the Museum on behalf of the Crown.
- (2) Subject to section 21, and unless the object in question —
  - (a) is an object taken or recovered from a ship mentioned in the First Schedule in relation to which due notice was given to the Director under the provisions of section 20C of the *Museum Act 1959*<sup>2</sup>, or of section 42 of the *Museum Act 1969*<sup>3</sup>, and in respect of the disposal of which the written permission of the Trustees has been given; or
  - (b) is an object taken or recovered before 18 December 1964 from a ship mentioned in the Second Schedule,

and was immediately prior to the coming into operation of this Act in the lawful possession of a person, the property in and

right to possession of all relics derived from or associated with a historic ship is vested in the Museum on behalf of the Crown.

- (3) Subject to section 21, the property in and right to possession of any object which, in the opinion of the Director, was abandoned in the State before the year 1900 and derives from or was associated with any ship, whether or not a historic ship within the meaning of this Act, and which was not, immediately prior to the coming into operation of this Act, in the lawful possession of a person, is vested in the Museum on behalf of the Crown.
- (4) Where the Trustees are satisfied that relics were recovered from a historic ship before 18 December 1964, and particulars of that historic ship do not appear in the Second Schedule, the Governor, on the recommendation of the Trustees, may by Order in Council, notice of which shall be published in the *Gazette*, add the particulars of that historic ship to the Second Schedule and thereupon that schedule as thereby amended shall be deemed to have been so enacted in this Act.

## **7. Compensation and prior vesting**

- (1) Compensation is not payable to any person by reason that the property in and the right to possession of any site, relic, or thing is vested in the Museum on behalf of the Crown by the operation of this Act.
- (2) It is hereby declared that the property in and the right to possession of any ship or relic by operation of this Act vested in the Museum on behalf of the Crown shall be taken to have been so vested for all purposes at all material times —
  - (a) in the Board, in relation to the period from the date of the coming into operation of the *Museum Act Amendment Act 1964*<sup>4</sup>, to the date of the coming into operation of section 42 of the *Museum Act 1969*<sup>5</sup>; and
  - (b) in the Museum, in relation to the period from the date of the coming into operation of section 42 of the *Museum*



*Act 1969*<sup>5</sup>, to the date of the coming into operation of this Act<sup>1</sup>.

**8. Offences**

(1) A person who —

- (a) without the consent of the Trustees, in any way alters, removes, destroys, damages, or in any way deals with, or assumes the possession, custody or control of, any maritime archaeological site, ship, relic or thing vested in the Museum on behalf of the Crown pursuant to this Act; or
- (b) having the consent of the Trustees to do any of the things mentioned in paragraph (a), is in breach of any condition to which the giving of the consent was subject; or
- (c) impedes or hinders, or endeavours in any way to impede or hinder, any member of the staff or employee of the Museum or any person acting with the authority of the Trustees who is inspecting, recovering or otherwise dealing with any such site, ship, relic, or thing,

commits an offence.

Penalty: \$2 000 or imprisonment for 12 months or both the fine and imprisonment.

(2) In any proceedings for an offence against subsection (1) the fact that no notice in writing to the Director in relation to that object has been given under the provisions of —

- (a) section 20C of the *Museum Act 1959*<sup>2</sup>; or
- (b) section 42 of the *Museum Act 1969*<sup>3</sup>,

and that the Trustees' authority in writing permitting the object to be sold, destroyed or otherwise disposed of has not been given is deemed to be proved in the absence of proof to the contrary.

**9. Protected zones**

- (1) For the purpose of preventing the plunder, damage or disturbance of maritime archaeological sites, and of the ships, relics or things vested in the Museum on behalf of the Crown, the Governor may, by an instrument published in the *Gazette*, declare that an area is a maritime archaeological site and that a specified area surrounding that site is a protected zone, and that zone may be declared to include the waters lying above and the land or the bed of the sea below it.
- (2) A declaration made under subsection (1) shall be laid before each House of Parliament within the 6 sitting days of such House next following the date of publication and the provisions of section 36 of the *Interpretation Act 1918*<sup>6</sup>, shall thereupon apply to that declaration as if it had been a regulation so laid.
- (3) Where the site is or extends below low water mark the boundaries of that site shall be specified and the boundaries of the protected zone below low water mark in relation to that site shall not extend beyond 500 metres from the perimeter of that site.
- (4) The declaration of a protected zone shall specify the boundaries of that zone in sufficient detail to enable them to be established but it shall not be necessary that the boundaries are surveyed or demarcated, and notwithstanding that the boundaries are not demarcated a person may be convicted of an offence against this Act in relation to a protected zone where the court is satisfied that the location of that zone could have been established by a reasonable person by reference to land marks, leading marks, a buoy or other position marker specified in the declaration, but it shall be a defence to show that the location could not have been so established.
- (5) The Governor may make regulations prohibiting, or imposing conditions or restrictions upon —
  - (a) the bringing into, or the use within, a protected zone of equipment constructed or adapted for any purpose of

diving, salvage or recovery operations, or any explosives, instruments or tools likely adversely to affect a site, and the entry into, or the remaining within, a protected zone of any vessel carrying any such equipment or other such thing;

- (b) diving or other underwater activity; and
- (c) the mooring of vessels, or the use of those waters by vessels otherwise than for the purpose of innocent passage, recreation, or commercial fishing of a kind not likely adversely to affect a site,

in relation to protected zones generally or in relation to any zone specified in the regulations.

- (6) A person who contravenes any provision of a regulation made pursuant to subsection (5) commits an offence against this Act, and where a vessel enters or remains within a protected zone in contravention of any such regulation the person in command or in charge of the vessel and, where he can be shown to have caused or permitted the contravention, the owner or charterer of the vessel are each guilty of an offence against this Act.

Penalty: \$1 000 or imprisonment for 6 months or both the fine and imprisonment.

## 10. Evidence

- (1) At the hearing of any proceedings with respect to any area or thing to which this Act applies the production of a certificate purporting to be signed by the Director, or by a member of the staff of the Museum to whom the power of the Director has been delegated by notice in the *Gazette* either for the general purposes of this Act or in relation to a particular matter, that he is satisfied —
  - (a) that a locality or thing is of historic interest;
  - (b) that an area constitutes a maritime archaeological site;

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- (c) that a ship was, or appears likely to have been, in the waters adjacent to the coast of Western Australia before the year 1900; or
- (d) that a relic or thing appears to have been associated with a ship, or to have been abandoned, constructed or used by persons associated with a ship therein specified,

is sufficient evidence of the matters relevant to those proceedings stated in the certificate, without proof of the signature of the person appearing to have signed the certificate or that he is the Director or a person so authorised by the Director, if —

- (e) notice of intention to adduce evidence by certificate is given not less than 3 days before the day of the trial or hearing, and that notice is served and the service proved in the same manner as notices to admit and produce may be served and proved in civil proceedings;
- (f) objection is not taken before or at the trial or hearing; and
- (g) the Director, and any person purporting to have signed the certificate as a delegate under the authority of the Director, have not been required to attend to give evidence in person,

unless the court otherwise orders, or evidence to the contrary is adduced.

- (2) In any proceedings under this Act the onus of proof that the provisions of this Act do not apply to any ship, relic or other thing lies upon the accused.
- (3) Where in a charge of an offence against this Act there is an averment that an act or omission occurred within a protected zone, courts and persons acting judicially shall, on the act or omission being proved, presume in absence of proof to the contrary that it occurred within the protected zone as averred.

*[Section 10 amended by No. 84 of 2004 s. 80 and 82.]*

**11. Seizure**

- (1) When, on the arrest of a person on a charge of an offence under section 8 or section 9 —
  - (a) the property in respect of which the offence is alleged to be committed; or
  - (b) any vessel, vehicle, equipment, or other thing alleged to have been used in the commission of the offence,

is found in his possession or under his control the person arresting him may seize such property or thing.

- (2) The *Criminal and Found Property Disposal Act 2006* applies to and in respect of any thing that is seized under this section and for the purposes of that Act —
  - (a) the Museum is a prescribed agency; and
  - (b) the Director is the chief officer of the Museum.

*[Section 11 amended by No. 59 of 2006 s. 59.]*

**12. Forfeiture**

- (1) A court convicting a person of an offence against section 8 or section 9 may, in addition to imposing a penalty, order the forfeiture to the Crown of any vessel, vehicle, or other specified equipment or thing, used in the commission of the offence, and any order so made has effect according to its tenor.
- (2) The court may, before making an order under this section, require notice to be given to, and hear, such persons as the court thinks fit.
- (3) Goods in respect of which an order is made under this section shall be dealt with as the Attorney General directs and, pending his direction, may be detained in such custody as the court directs.

**13. Court may order payment of value**

A court convicting a person of an offence against this Act may, in addition to imposing a penalty, order the person to pay to the Trustees the full amount of the antiquarian value of the property damaged, mutilated, destroyed or removed, as the case may be, and the amount so ordered to be paid may be recovered as if it were part of the penalty imposed, notwithstanding that the total of the penalty and that amount exceeds the maximum penalty that may be imposed.

**14. Reward for information as to offences**

The Trustees may offer and pay a reward to any person who gives information to them or any member of the staff of the Museum of the commission of an offence against this Act that leads to the conviction of a person of the offence.

**15. Proceedings by Trustees relating to property**

In any charge preferred by the Trustees against a person under this Act, and in any proceedings instituted in relation to any property vested in the Museum or under the care and control of the Trustees, it is sufficient to state generally that the property in respect of which the proceedings are instituted is the property of the Museum.

*[Section 15 amended by No. 84 of 2004 s. 80.]*

**16. Limitation period for prosecutions**

A prosecution for an offence against this Act may be commenced within 12 months after the date on which the offence was allegedly committed or, if the person before whom the prosecution notice is signed is satisfied by evidence on oath that having regard to the circumstances of the case it was not practicable to commence the prosecution at an earlier date and gives or renews a certificate to that effect, within one month after the date of the certificate.

*[Section 16 inserted by No. 84 of 2004 s. 80.]*

**17. New finds**

- (1) A person who finds a ship that was, or appears likely to have been, lost before the year 1900 and fails to give notice of the finding to the Director in writing as soon as practicable after the finding commits an offence.

Penalty: \$500.

- (2) A person who finds, takes or recovers any relic and fails to give notice that he has done so to the Director in writing as soon as practicable thereafter commits an offence.

Penalty: \$100.

- (3) It is a defence to a prosecution for an offence under this section to show that the accused knew, or had reasonable cause to believe, that due notice had been given to the Director by some other person and had been acknowledged by the Director.

**18. Rewards as to ships and relics found**

- (1) Subject to the approval of the Minister and to the provisions of section 20, the Trustees have power to reward the person who first notifies the Director of the position of a ship that was, or appears likely to have been, lost before the year 1900, or of any relic, the position of which was not previously known to the Trustees.

- (2) A person wishing to make a claim for a reward payable under subsection (1) should, where practicable, mark the position by leaving there a buoy or other identifiable thing that may be recovered by the Trustees, in order to verify that the position notified to the Director is the same as that investigated by the Trustees pursuant to that notification, and the Trustees may refuse the claim of any person who does not satisfy them that the position which he claims to have established has been verified.

- (3) In order to substantiate a claim as the person reporting the position of a ship or relic for the purposes of this section the notice given to the Director should —
  - (a) state the time and date of the finding;
  - (b) contain a description of the ship or relic and of any distinguishing features sufficiently detailed to ensure so far as is practicable that it may subsequently be positively identified as being that to which the notice of the finding relates;
  - (c) give particulars of any buoy or other thing by which the claimant has marked the position;
  - (d) give as accurate a description as is practicable of the position;
  - (e) set out the particulars of the finder and the circumstances in which the find was made, including particulars of any other persons present or who rendered assistance.
- (4) Where a person is in doubt as to whether any ship that he has found was lost before the year 1900 or that any object is a relic, he may, by notice in writing, refer the question for decision to the Director whose decision is conclusive.
- (5) Where a person makes a claim for a reward under this section the Trustees shall, within 12 months thereafter —
  - (a) notify him that a reward or an interim payment on account of a reward will be paid; or
  - (b) notify him that it has not been possible within that time to evaluate the finding and that the Minister has directed that the Trustees may defer their decision for a further specified period; or
  - (c) notify him that his claim is not admitted, or that no reward will be payable.
- (6) Where a person is aggrieved by the decision of the Trustees, or where no notification has been received by him within the



period or further period specified in or in accordance with subsection (5) he may apply to the State Administrative Tribunal for an order requiring the Trustees to pay him such amount as is just.

- (6a) The President of the State Administrative Tribunal is to ensure that the Tribunal is constituted by, or includes, a judicial member as defined in the *State Administrative Tribunal Act 2004* when dealing with an application under subsection (6).
- (6b) Subsection (6a) does not apply to —
  - (a) a directions hearing or other procedural hearing;
  - (b) a compulsory conference; or
  - (c) the appointment of a Tribunal member as a mediator.
- (7) Before making any order pursuant to this section the Tribunal shall afford the Minister and the Trustees an opportunity to be heard as to the information in their possession regarding that ship or relic, the actual or probable costs of recovery and preservation, the market value of the metal content of any relic, the course of conduct of the claimant in relation to the ship or relic, any payment made to the claimant pursuant to section 20(2), the steps which should be taken in the interest of maritime archaeology, and the time factors that are envisaged, and may hear and take into consideration any objection or submission made in relation thereto.
- (8) Subject to subsection (10), unless the Minister otherwise directs the aggregate of the moneys paid to any person by way of reward or rewards in relation to any one ship or the relics associated therewith shall not exceed \$5 000.
- (9) Where the Tribunal is satisfied that a claimant is entitled to a reward under this section and that no other circumstances make it undesirable the Tribunal may, subject to subsection (8), award to the claimant such amount as it thinks just, and on the making of any such order the Trustees shall give effect thereto according to its tenor.

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- (10) Notwithstanding the limitation referred to in subsection (8), where the Tribunal is satisfied that, regard being had to the matters referred to in subsection (7), the value of the metal content of any relics is such that the limitation should not be imposed the Tribunal may —
- (a) in relation to those relics, order that the claimant be paid an amount not exceeding one-half of the market value of the metal content of those relics; and
  - (b) order that any such payment in respect of metal content shall not be taken into account, or shall be taken into account only to a specified extent, in calculating the amount payable for the purposes of the limitation.

*[Section 18 amended by No. 55 of 2004 s. 710.]*

**19. Offences as to alleged finds**

- (1) A person who makes a statement that to his knowledge is false or misleading in any material particular in relation to a claim made or notice given pursuant to this Act in respect of the alleged finding of a ship or relic commits an offence.
- (2) A person who, not being the finder, wilfully moves, removes, defaces, alters or otherwise interferes with a buoy or other evidence of the finding placed or erected at or over a ship or relic pursuant to this Act commits an offence.

Penalty: \$1 000.

*[Section 19 amended by No. 78 of 1995 s. 147.]*

**20. Trustees' powers**

- (1) The property in or right to possession of any ship, relic or other thing of historical interest vested in the Museum on behalf of the Crown shall not be disposed of except in accordance with section 21 and a contract or agreement which purports to do so is void.

- (2) Subject to subsection (1), the Trustees may —
- (a) pay to a person, who at their request delivers to them any relic or thing of historical interest, the expenses properly incurred by him in recovering and obtaining possession of it;
  - (b) enter into an agreement for the recovery or partial recovery of any ship, relic, or thing of historical interest and expend such amount in that regard as is properly payable, based on a rate determined by the Trustees prior to the work of recovery being commenced;
  - (c) take such steps as may be necessary or desirable to recover, preserve or display any ship, relic or thing vested in the Museum; and
  - (d) promote or supervise activities aimed at the discovery, recovery, preservation, study and display of ships, relics and things to which this Act applies,

and any such payment, agreement or activity may be made subject to such prior conditions or requirements as the Trustees think fit.

**21. Power of disposal**

When the Trustees are satisfied that any relic has been preserved and has been examined and recorded they may make a recommendation to the Governor that the relic should be disposed of to —

- (a) the Commonwealth, or any State or Territory of the Commonwealth, the body known as The National Trust of Australia (W.A.), or the body known as the Royal Western Australian Historical Society Incorporated;
- (b) a person or body having historic associations with that relic; or

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- (c) the finder, or a person who recovered or assisted in the recovery, of the relic,

and if the Governor so directs the Trustees shall give effect to the recommendation.

**22. Certain property to be made available to Trustees**

- (1) Where a person has in his custody or under his control an object in relation to which a notice was given by the Director, in accordance with the provisions of section 20C of the *Museum Act 1959*<sup>2</sup>, or of section 42 of the *Museum Act 1969*<sup>3</sup>, that the object in the opinion of the Director was likely to be of national or local historical interest or of scientific, archaeological, educational or other special national or local interest, that person shall, if required by the Trustees, produce the object to them at such reasonable time as is specified by them for inspection and possession by them for the purposes of subsection (2).
- (2) Where, after inspecting any object produced pursuant to subsection (1), the Director is of the opinion that it is of national or local historical interest or of scientific, archaeological, educational or other special national or local interest, the Trustees may continue in possession of the object for a period of 30 days or for such longer period as the person producing it and the Trustees may agree upon, for the purpose of photographing, copying, or otherwise obtaining a record of, the object and investigating the extent of any such interest that the object may have.
- (3) At the expiration of the period mentioned in subsection (2), the Trustees shall, unless they and the person producing it otherwise agree, return the object to him.

**23. Regulations**

The Governor may make such regulations, whether general or to meet a particular case, as are in his opinion required or permitted by this Act for ensuring that the maritime archaeological sites and the ships, relics and things to which this

Act applies, and the immediate environment necessary for their continued preservation, are protected from damage, disturbance or adverse influence.

**24. Register of discoverers of ancient shipwrecks**

- (1) In order to give statutory recognition to the primary and secondary discoverers of ancient shipwrecks there shall be a register of discoverers of ancient shipwrecks constituted by Schedule 3.
- (2) In this section —  
*ancient shipwreck* means any of the ships wrecked off the coast of Western Australia and known as the *Tryal*, the *Batavia*, the *Vergulde Draeck*, the *Zuytdorp*, or the *Zeewyk*; and  
*primary discoverer* and *secondary discoverer* have the meanings given to those terms by the Select Committee on Ancient Shipwrecks *Report* tabled in the Legislative Assembly on 17 August 1994.
- (3) The Third Schedule has effect.  
*[Section 24 inserted by No. 44 of 1997 s. 4.]*

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**First Schedule**

[s. 6]

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<b>Name of Ship</b>	<b>Year of loss</b>	<b>Approximate location</b>
Known as the —		
“Tryal” .....	1622	Tryal Rocks, Monte Bello Islands.
“Batavia” .....	1629	Beacon Island, Wallabi Group, Houtmans Abrolhos.
“Vergulde Draeck” .....	1656	Ledge Point.
“Zuytdorp” .....	1712	33.5 nautical miles north of the mouth of the Murchison River.
“Zeewyk” .....	1727	Gun Island, Pelsart Group, Houtmans Abrolhos.

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*[First Schedule amended by No. 8 of 2009 s. 90.]*

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**Second Schedule**

[s. 6]

**Other ships from which relics are believed to have been  
recovered prior to 18 December 1964**

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<b>Name of Ship</b>	<b>Year of loss</b>	<b>Approximate location</b>
Known as the —		
“Elizabeth”	1839	South of Cottesloe Beach.
“Lancier”	1839	Stragglers Rocks.
“Cervantes”	1844	Thirsty Point.
“Eglinton”	1852	Eglinton Rocks.
“Zedora” (formerly believed to be “Lancier”)	1875	South of Hügel Passage.
“Georgette”	1876	South of Margaret River.
“Lady Elizabeth”	1878	North of Dyer’s Island.
“James Service”	1878	Murray Reef.
“Ben Ledi”	1879	Pelsart Island.
“Macedon”	1883	Transit Reef, Rottnest.
“Mira Flores”	1886	Narrowneck, Rottnest.
“Janet”	1887	Transit Reef, Rottnest.
“Denton Holme”	1890	Transit Reef, Rottnest.
“Raven”	1891	South of Dyer’s Island.
“Ulidia”	1893	North of Stragglers Rocks.
“Omeo”	1894	Owen Anchorage.
“Sepia”	1898	Challenger Passage near Carnac Island.
“City of York”	1899	City of York Bay, Rottnest.
“Carlisle Castle”	1899	Coventry Reef.

**Maritime Archaeology Act 1973**

**Second Schedule** Other ships from which relics are believed to have been recovered prior to 18 December 1964

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<b>Name of Ship</b>	<b>Year of loss</b>	<b>Approximate location</b>
“Dato”	1900	Careening Bay, Garden Island.
Unidentified	—	Boxer Island.

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### Third Schedule

[s. 24]

#### Register of discoverers of ancient shipwrecks

Name of Ship	Primary Discoverer/s	Secondary Discoverer/s
<i>Tryal</i>	Eric Christiansen	Naoom Haimson David Nelley John MacPherson Alan Robinson
<i>Batavia</i>	Henrietta Drake- Brockman Max Cramer Hugh Edwards Dave Johnson	Greg Allen Graham Cramer Bruce Melrose
<i>Vergulde Draeck</i>	Graeme Henderson	John Cowen Alan Henderson James Henderson Alan Robinson
<i>Zuytdorp</i>	Tom Pepper Phillip Playford	Tom Brady Graham Cramer Max Cramer Ada Drage
<i>Zeewyk</i>	Harry Bingham Tom Brady Hugh Edwards	Max Cramer Colin Jack-Hinton Neil McLaghlan

*[Third Schedule inserted by No. 44 of 1997 s. 5.]*

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## Notes

- <sup>1</sup> This reprint is a compilation as at 21 May 2010 of the *Maritime Archaeology Act 1973* and includes the amendments made by the other written laws referred to in the following table<sup>1a</sup>. The table also contains information about any reprint.

### Compilation table

Short title	Number and year	Assent	Commencement
<i>Maritime Archaeology Act 1973</i>	66 of 1973	28 Nov 1973	7 Dec 1973 (see s. 2 and <i>Gazette</i> 7 Dec 1973 p. 4479)
<i>Sentencing (Consequential Provisions) Act 1995</i> s. 147	78 of 1995	16 Jan 1996	4 Nov 1996 (see s. 2 and <i>Gazette</i> 25 Oct 1996 p. 5632)
<i>Maritime Archaeology Amendment Act 1997</i>	44 of 1997	9 Dec 1997	9 Dec 1997 (see s. 2)
<b>Reprint 1: The <i>Maritime Archaeology Act 1973</i> as at 3 Oct 2003</b> (includes amendments listed above)			
<i>State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004</i> Pt. 2 Div. 77 <sup>7</sup>	55 of 2004	24 Nov 2004	1 Jan 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7130)
<i>Criminal Procedure and Appeals (Consequential and Other Provisions) Act 2004</i> s. 80 and 82	84 of 2004	16 Dec 2004	2 May 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7129 (correction in <i>Gazette</i> 7 Jan 2005 p. 53))
<i>Criminal Investigation (Consequential Provisions) Act 2006</i> Pt. 11	59 of 2006	16 Nov 2006	1 Jul 2007 (see s. 2 and <i>Gazette</i> 22 Jun 2007 p. 2838)
<i>Statutes (Repeals and Miscellaneous Amendments) Act 2009</i> s. 90	8 of 2009	21 May 2009	22 May 2009 (see s. 2(b))
<b>Reprint 2: The <i>Maritime Archaeology Act 1973</i> as at 21 May 2010</b> (includes amendments listed above)			

<sup>1a</sup> On the date as at which this reprint was prepared, provisions referred to in the following table had not come into operation and were therefore not included in compiling the reprint. For the text of the provisions see the endnotes referred to in the table.

**Provisions that have not come into operation**

<b>Short title</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>
<i>Sentencing Legislation Amendment and Repeal Act 2003</i> s. 78 <sup>8</sup>	50 of 2003	9 Jul 2003	To be proclaimed (see s. 2)

<sup>2</sup> The *Museum Act 1959* was repealed by the *Museum Act 1969*.

<sup>3</sup> The *Museum Act 1969* s. 42 was deleted by the *Museum Act Amendment Act 1973* s. 9 (see s. 2 and *Gazette* 7 Dec 1973 p. 4480).

<sup>4</sup> *Museum Act Amendment Act 1964* operative 18 Dec 1964 (see s. 2 and *Gazette* 18 Dec 1964 p. 4039). See also endnote 2.

<sup>5</sup> *Museum Act 1969* s. 42 operative 19 Dec 1969 (see s. 2 and *Gazette* 19 Dec 1969 p. 4197). See also endnote 3.

<sup>6</sup> The *Interpretation Act 1918* was repealed by the *Interpretation Act 1984*. Now see the *Interpretation Act 1984* s. 42.

<sup>7</sup> The *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* Pt. 5, the *State Administrative Tribunal Act 2004* s. 167 and 169, and the *State Administrative Tribunal Regulations 2004* r. 28 and 42 deal with certain transitional issues some of which may be relevant for this Act.

<sup>8</sup> On the date as at which this reprint was prepared, the *Sentencing Legislation Amendment and Repeal Act 2003* s. 78 had not come into operation. It reads as follows:

**78. Maritime Archaeology Act 1973 amended**

- (1) The amendments in this section are to the *Maritime Archaeology Act 1973*.
- (2) Section 9(6) is amended by deleting the penalty clause and inserting the following penalty clause instead —  
“ Penalty: \$1 000. ”.

**Defined Terms**

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**Defined Terms**

*[This is a list of terms defined and the provisions where they are defined.*

*The list is not part of the law.]*

<b>Defined Term</b>	<b>Provision(s)</b>
ancient shipwreck.....	24(2)
Board.....	3
Director .....	3
historic ship.....	3
Museum .....	3
primary discoverer .....	24(2)
protected zone .....	3
relic .....	3
secondary discoverer.....	24(2)
section .....	3
ship.....	3
site.....	3
Trustees .....	3