

Scott Wyatt – submission to Joint Standing Committee on Treaties regarding the Convention on the Protection of the Underwater Cultural Heritage

These views are given in my personal capacity, as an experienced, amateur wreck diver.

Biography as relevant for this short submission.

I am an experienced 'technical'¹ diver and am lucky enough to have dived on many shipwrecks both in Australian waters and around the world. Two notable overseas examples include the Hermes – a WW2 aircraft carrier which sank off Sri Lanka with great loss of life, and the Britannic – sister ship of the Titanic, which sank during WW1 by a mine off the coast of Greece. Most of my regular wreck diving in Australia is off the coast of New South Wales.

I regard diving on historic wrecks as a privilege. It is sometimes a moving experience and one often gets a sense of a moment in history frozen in time. I firmly believe historic shipwrecks and associated artifacts should be protected, preferably in situ.

I am strongly of the view that the Australian Government should become a party to this Convention. Doing so would:

- help ensure a degree of harmony between the relevant state and federal legislation and with wreck site management plans;
- help ensure wrecks are protected, not exploited commercially, to see they remain in place to be enjoyed and studied by current and future generations;
- provide a good example for other countries in the region (noting some historically significant wrecks in some other countries have been looted and sold for scrap – in some instances, entire wrecks have just disappeared);
- provide clarity and a basis for smoother cooperation in instances where Australia needs to work with other state parties;
- signal Australia values its underwater cultural heritage.

However, I would like to bring to the attention of the Committee the 6th paragraph on page 1:

'...Convinced of the public's right to enjoy the educational and recreational benefits of responsible non-intrusive access to in situ underwater cultural heritage, and of the value of public education to contribute to awareness, appreciation and protection of that heritage,.'

In implementing the Convention, jurisdictions should not misinterpret the imperative to protect underwater cultural heritage (including wrecks) as providing a reason to prevent appropriately qualified and respectful, independent SCUBA divers from accessing and enjoying these sites. Further,

¹ Typically defined as diver who has a higher degree of training above the usual single tank, open circuit mode. 'Tech' diving requires a much greater degree of preparation, with more equipment and often entails entering overhead environments and/ or undertaking dives requiring planned decompression stops. 'Tech' diving is still a hobby though i.e. is recreational in nature vs commercial diving. I use a closed circuit rebreather for much of my diving.

I'd like to point out to the Committee, that it is often recreational wreck diving enthusiasts who locate and document these sites in the first place.

In this vein, I also highlight Article 2 (10).

Furthermore, although the Convention applies to cultural heritage at least 100 years old, jurisdictions, in the spirit of the Convention, should be encouraged to protect, if not doing so already, more recent, historically significant sites, such as those arising from WW2. As stated, such protections should not preclude reasonable access by recreational divers, providing such site visits do not disturb sites in any material way, or see artifacts removed.

I also endorse the submission provided by the Sydney Project and am also a member of this group.

Thank you.

Scott Wyatt
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