

## The World War II landscape of Townsville, Queensland

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Figure 1. Townsville region map.

### Introduction

Archaeological and historic relationships regarding the World War II era in Northern Australia maintain a tenuous relationship that is rapidly changing with the declassification of military documents, the passing of World War II veterans, and the consistent ‘discovery’ of lost WWII remnants throughout the country. Interest in World War II sites is increasing as a new generation of archaeologists and historians are beginning to classify these places as components of material culture requiring protection and ongoing management. Townsville, Queensland (Fig. 1) is a unique area where the emotional ties to World War II military remains are strongly evident, possibly due to the continued heavy presence of military personnel in the city.

The prevalence of World War II material remains, in comparison to other archaeological signatures in Townsville is surprising, and the continued public interest in these places even more so. This article describes and builds on research undertaken by the authors in early 2005 which explored this public interest in the course of research on submerged World War II remains in the Townsville region.

### The Battle of the Coral Sea

On 7 December, 1941, after a bold attack on Pearl Harbor in Hawai’i, Japan opened up its Greater East Asian war component. The goal of this was, as Ienaga (1978: 153–154) states to ‘liberate Asians from American and British imperialism’ only to replace it with Japanese imperialism. Japan sought to control the western half of the Pacific Ocean, and to eventually achieve *hakko ichiu*: as Hoyt (1975) explains, to bring ‘all corners of the world together under one roof’.

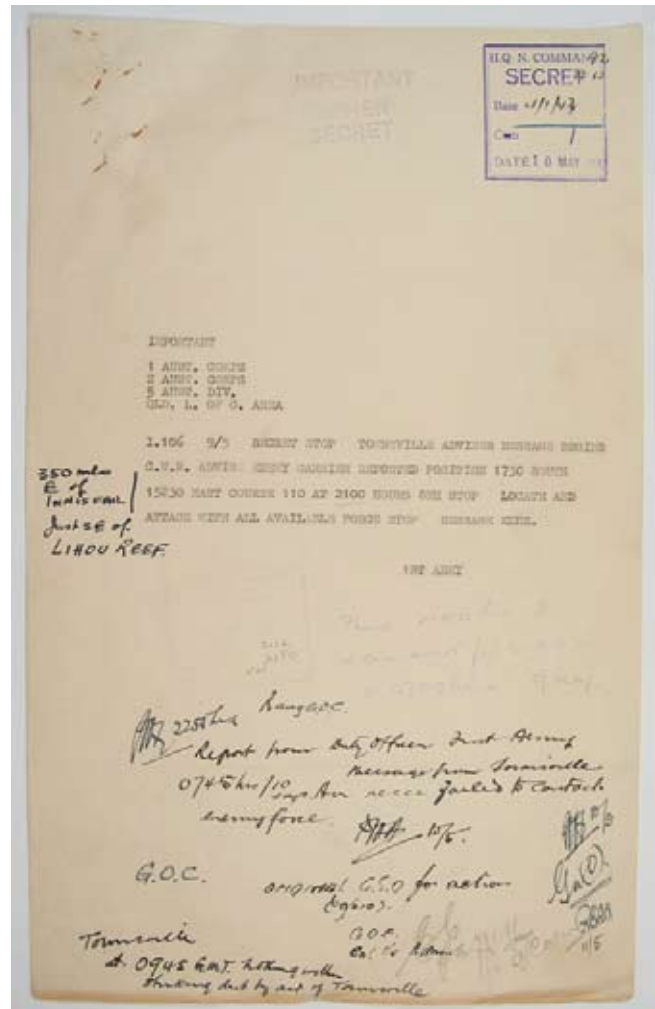


Figure 2. Part of a telegram from the Central War Room (CWR) in Melbourne advising Townsville command of the Japanese force in the Coral Sea to which Townsville responded on 10 May 1942 confirming enemy force 2 aircraft carriers, 1 battleship, 5 cruisers, 4 destroyers [in same location] at 0700 9 May 1942. This was at the end of the Battle of the Coral Sea which was over by the 9th May. (Courtesy

This goal seemed all the more possible with each passing battle as superior Japanese weapons and training brought victory through Southeast Asia and the Philippines between December 1941 and April 1942.

Although numerous plans had been discussed by Japanese commanders for the destruction of the allied fleet and occupation of enemy territory, the Task Force codenamed MO was finally assigned to take Port Moresby

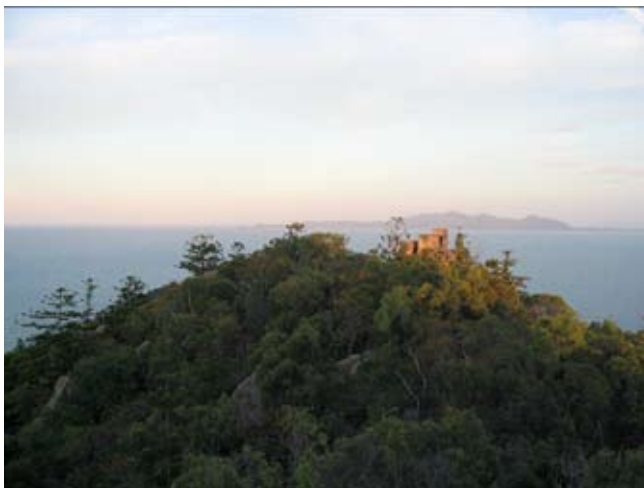


Figure 3. View of one building of the Magnetic Island Fort. (Photo: N. Bigourdan.)

in Papua New Guinea, drawing on forces from as far away as Truk (Chuuk) Lagoon, about 1 800 km north and led by revered Japanese Navy Admiral Inoue (Fig. 2). By taking strategic positions in the Solomon Islands and Papua New Guinea, the Japanese navy sought to break allied communications that would eventually facilitate the Japanese army in launching a ground invasion of Northern Australia.

Unfortunately for the Japanese, the Allies had intercepted communications by cracking the top-secret Japanese 'purple' code, allowing them to interrupt the planned invasion of Port Moresby (Winton, 1978: 41). The initial shots were fired at Tulagi in the Solomon Islands and eventually escalated into the 'Battle of the Coral Sea', the first battle in naval history in which 'no ship on either side ever caught sight of another enemy ship, the whole action being fought by aircraft' (Winton, 1978: 48).

Although the Battle of the Coral Sea was considered to be a tactical victory for Japan, strategically, it was an immense victory for the Allies, as it checked Japan's expansion south. Newly established military bases in Townsville and Darwin in northern Australia saw little action, but provided the necessary military power to repel the impending invasion. By 8 May 1942, the Battle of the Coral Sea had shattered Japan's dream of controlling northern Australia, a dream which would have become a reality without combined allied effort in Northern Australia and support from the United States military.

### World War II hits home: Townsville, Queensland

Life in our tropical paradise on the tranquil shores of Cleveland Bay was turned upside down by war (McIntire, 1992: vii).

In order to take control of the Pacific Theatre, United States General Douglas MacArthur needed major installations within flight range of the battle zone and defensible harbours to house and maintain American Naval forces. While northern Australia seemed to be the ideal location for these bases, a great deal of heavy

construction was necessary to prepare these rural areas to become the centre of the new American Pacific war effort. Eventually, major bases were established, in Darwin, Northern Territory, Thursday Island, Charters Towers and the last in Townsville, Queensland.

Although Darwin was a significant base for allied activity, most American forces shifted to Townsville. The new military base in Townsville was to forever change the landscape of this small agricultural community, though as historian Eric Bergerud (2000: 59) has pointed out: 'Townsville's ultimate pre-eminence was unplanned'.

World War II had a significant impact in the Townsville area, both in material remains and in social attitudes. Military historian D. McIntire (1992: 2) states that 'the social changes created as a result of wartime conditions were enormous'. As American forces spilled into Townsville in 1942, the population grew from 25 000 people to over 100 000 in just one year. This drastic population increase also coincided with the construction of a number of significant structures and infrastructures, many of which are still visible in the landscape.

Some examples of such significant infrastructures included 'pill boxes' called 'Hanlon's Hideouts' that were erected along Flinders Street downtown to pre-empt Japanese air raids. Defensive forts were built on Magnetic Island to scan the new harbour, and there was even discussion of tunnelling into Castle Hill, the city's most prominent natural feature, to create an air raid shelter, although costs proved prohibitive (McIntire, 1992: 14).

Cleveland Bay was used as a defensible harbour and where warships and flying boats docked. As many as 40 ships sat in the bay each day awaiting convoy to the South Pacific to slow Japanese advancement into North Australia (Great Barrier Reef Marine Park Authority [GBRMPA], 2005). Aircraft also came to grief there. McIntire (1992: 57) has pointed out that 'many aircraft, damaged in combat, were forced to crash-land on their return to bases in Townsville and Charters Towers'. While the wrecks often remained *in situ*, human remains often did not, for McIntire also goes on to state that:

... these Americans who died as a result of combat or accidents, such as air crashes both on land and in Cleveland Bay which were witnessed by civilians, were buried in Townsville until after the war when their remains were exhumed and returned to the United States (McIntire, 1992: 57).

The changes to the landscape wrought by WWII in Townsville are historically and archaeologically significant. A good example of this is the Magnetic Island World War II Forts (Figs 3 & 4), which have been protected through their listing on the Queensland (State) Heritage Register. As noted by the Queensland Government:

The fortifications were armed with French 155 mm M3 guns on Panama carriage mounts which were commonly used on a number of Pacific islands as coastal defence weapons. The four guns on Magnetic Island had been en route to Bhutan



Figure 4. Top view of the basis of a gun in the Magnetic Island Fort. (Photo: N. Bigourdan.)

until it fell to the Japanese. [The guns] were redirected to Townsville to protect its vital port against the expected rapid advance of the Japanese. History shows that they were not needed and after the war the guns were returned to the American forces (see <<http://www.epa.qld.gov.au/projects/heritage/index.cgi?place=600876&back=1>>).

Being located within the Great Barrier Reef World Heritage Area, these forts are also afforded a degree of recognition by the Australian Federal Government and UNESCO.

But, as alluded to earlier, the Pacific War was not fought by ships or from shore batteries alone. World War II marked a temporal turn in terms of strategy for the conduct of sea battles. The South Pacific battles were arguably air wars. It is a fact that many of the most significant events of the war (such as the Battle of Midway), including those that took place during the battle of the Coral Sea, were undertaken from the air. Thus the study of aircraft and the examination of their remains becomes a fundamental element in the study of the material signatures left by the war in Australia.

#### WWII aircraft research in Australia

Perhaps one of the first archaeological investigations of aircraft wrecks in Australia was conducted by Scott Sledge in 1978. In this study, two aircraft wrecks in the Kimberley region of north-west Australia were investigated, a DC3 in Carnot Bay and a 'Junkers Seaplane that landed near Kalumburu in 1932' (McCarthy, 2004: 81). In the next decade, this work was followed by examinations of a number of flying boat wrecks in Broome, Western Australia, with a regard to their protection as endangered historic sites. More recent WWII aircraft archaeological investigations have been conducted on several Catalina wreck sites in East Arm, Darwin Harbour by the Museum and Art Gallery of the Northern Territory (MAGNT). The purpose of these investigations was to create 'a predictive model which identifies diagnostic variables that illustrate the different Catalina...wrecked in Darwin Harbour' (Jung, 1996: 23). A few years later an attempt

was made to solve 'the Darwin harbour Catalina puzzle' (Jung, 2000: 105), by studying 'how historical information about those activities can assist archaeologists to identify the wrecks'.

The Western Australian Museum implemented fieldwork in 2001 to locate Junker, Catalina and Short Sunderland type WWII flying-boats. Objectives included locating the wrecks with side scan sonar and carrying out 'preliminary excavations on examples of the various types of craft, to identify the range of archaeological material' (Souter, 2003: 117). The ultimate goal was to properly protect, manage and present these wrecks for the future. The entire suite of flying boats was considered historic and thus eventually became the first aircraft protected under Australian heritage legislation (*Heritage of Western Australia Act 1990*). Several years later, Jung completed archaeological research 'directed at determining the identity of the four exposed wreck sites as a starting point for understanding the other, deeper water flying boats wreck sites' (2004: 63). Most of these studies were centred on the World War II activity in Darwin Harbour, Northern Territory. In comparison, little research has been undertaken on World War II aircraft in the Townsville region.

#### A WWII Townsville Waters Database

The *Listing of Aircraft Wreckage in North Queensland* compiled by Keith Rundle (2005) of the Royal Australian Air Force (RAAF) shows that there were over 161 known aircraft crashes in the Townsville area during World War II, despite the fact that Townsville was largely outside of the combat area. With this large amount of World War II aircraft wrecks located in Townsville waters, this project's first task was to compile a site database for analysis. It was also planned to implement site location surveys with the use of a magnetometer and *OziExplorer*, a real-time GPS mapping software of any possible aircraft wreck sites.

After gathering information from diving groups, researchers at the Townsville RAAF Museum and local Townsville fishermen about fishing/boat 'hook-ups' in conjunction with the RAAF list, a working database of 202 GPS 'focus points' was created indicating possible aircraft or shipwrecks in the Townsville region (Fig. 6). Based on preliminary research of the 202 GPS points gathered, 60.5% or 122 wrecks were from WWII (Fig. 7); furthermore, of those 122 wrecks, *all* of them were aircraft, although none of these WWII aircraft were lost while engaged in direct combat. In addition to noting associations with WWII in the database, wreck depths (if known), ocean conditions, historical information, and precision of accuracy were also compiled.

A study perimeter of 32 km radius from the Ross River breakwater at Townsville harbour was established. Although arbitrary, it was established with logistical and economic considerations in mind. A ranking accuracy was also utilized; it was based on the information provided from the oral documentary research and redundancy of



Figure 5. Salvage of a fighter aircraft that has force landed on a beach near Townsville during WWII period. (Photo: L. Cox, Courtesy of JCU Archives and Collection.)

GPS points. For example, if more than one source noted a submerged ship or aircraft within a close proximity to another source, such a wreck would be considered *more* accurate as multiple informants may have potentially noted the same wreck.

The list of 202 possible wrecks in the database was thus reduced to 100 by eliminating any wreck that had a low accuracy rating. University diving guidelines make research diving over 12 m difficult, bringing the database of accessible sites down to 25 wrecks by removing wrecks located in water over 10 m deep. The database was further reduced down to 23 wrecks by eliminating those outside of the 32 km prescribed search area.

#### *A C47's lasting heritage—Americans lost in Cleveland Bay*

Following the reduction phases of the database analysis, the wrecks within the University study area were then assessed on their priority value or their possible level of significance. The final grouping of possible sites for further investigation included a Douglas DC3, a B-25 Mitchell Bomber, and a Lightning P-38, all from the World War II time period. Also known to be in the area was a ship called the *Maggie L. Weston* constructed in 1874 and lost while in tow to Townsville.

One particular wreck, a Dakota C47 aircraft was soon deemed to be of high priority, primarily due to local interest. Local researchers Peter Murray and Alan Gunders approached the Archaeology Department at James Cook University and emphasised the high heritage value of the wreck, offering the results of previously undertaken

background research. In addition, Murray and Gunders were initiating a memorial dedication on 14 August 2005 to commemorate the lives lost in the aircraft crash. This led to a consensus that the Cleveland Bay C47 was the priority for further research in this project. There were two clear advantages in attempting to locate the C47. First, archaeological information including provenance of the aircraft would supplement the historic record, which was somewhat unclear. Second, the location of this war grave could lead to its protection and possible closure for families of the crash victims, some of whom Murray had been in contact with. With this information, a search for the C47 was initiated, beginning with a thorough search of background information.

Early in the morning on 7 August 1943, a twin-engine C47 was being organised to fly members of the US 345th Bomb Group who were heading to Sydney for a well-earned rest while their B-25s were being modified into low-level strafers (found to be more effective against aircraft carriers) at the Townsville Air Depot (Fig. 8). The aircraft was flying from the Garbutt Airfield in Townsville to Archerfield Airbase in Brisbane at 5 am (<<http://home.st.net.au/~dunn/ozcrashes/qld146.htm>>). An unknown failure occurred just after take-off, causing the aircraft to crash somewhere near the mouth of Alligator Creek in Cleveland Bay, Townsville. Murray had collected an oral account from two women working at the Townsville Meatworks close by who heard the aircraft crash and saw its approximate heading. Although there were eyewitness accounts, and the wreck was documented in official US Air Force reports, the

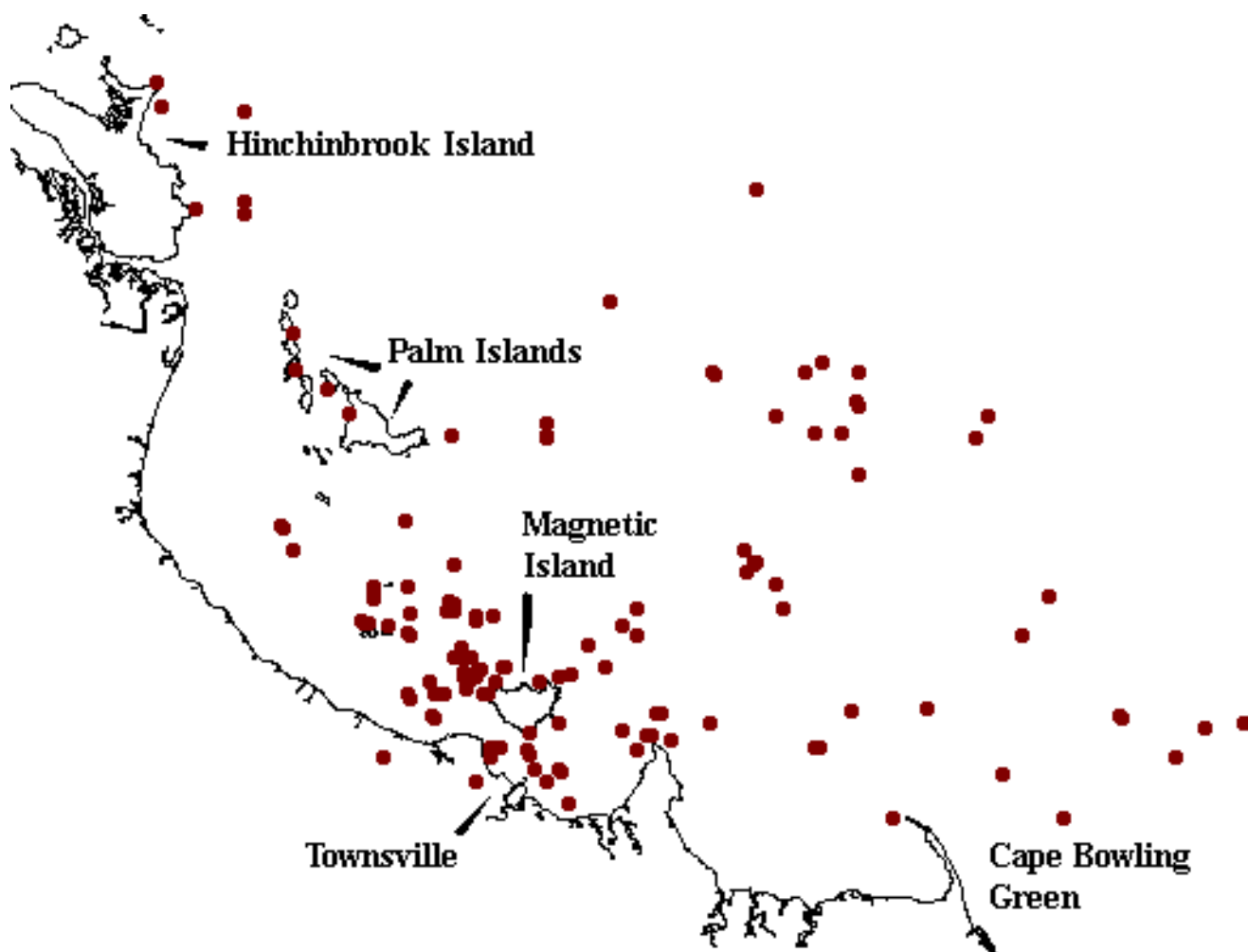


Figure 6. Map of Townsville Area with locating of the 202 wreck sites from the database.

aircraft crash was never publicly documented or reported, as with many other military matters. The James Cook University Archaeology Department was unable to locate any newspaper articles or supplemental official documents that reported the crash.

In addition to eyewitness accounts that have resurfaced 62 years later, there are other personal stories, most of which come from children from the 1940s. Most of the oral accounts describe children playing near the river or beach who encountered human remains, some of which were partly dressed in khaki uniforms (Murray, 2004). The loss of life was dramatic, with 27 dead, 23 American passengers and four Australian air crewmen including the pilot, H. Wilson. This crash is today regarded as the fifth worst air disaster in Australian history (<<http://home.st.net.au/~dunn/ozcrashes/10worst.htm>>).

Many of the family members of the deceased were not fully aware of the nature of their loss until they were contacted by Peter Murray in 2004. The rediscovery of the history behind the loss of the aircraft has brought about a significant community response.

At the time of the research, Townsville was scheduled to host a World War II commemoration ceremony in

August of 2005. Additional efforts were made by Peter Murray and the Townsville City Council to arrange funding to fly out certain WWII American military personnel that were based in Townsville for the August ceremony. During the course of the remembrance events, a special memorial was held on the hill of the Jezzine Military Barracks to commemorate the crash of the C47. A joint US and Australian service was held with the unveiling of a commemorative plaque in the presence of Prudy Drew, niece of the pilot and representative for families of the American personnel; the Commander of the US Air Force in Korea and Japan; Townsville Mayor Tony Mooney; and many Australian veterans (Fig. 9). As evident through the VP60 ceremony, this event was one example of the 'unique Australian and American chapter in the air war with Japan and, as a result [is] significant internationally as well as nationally' (Jung, 1996: 35).

#### **Searching for submerged Heritage Material**

In an effort to locate the downed C47 and to seek protection for this important war grave, magnetometer runs were undertaken in the area of Cleveland Bay where eyewitness accounts placed the wreck. Work was undertaken with the assistance of Peter Illidge, a recent

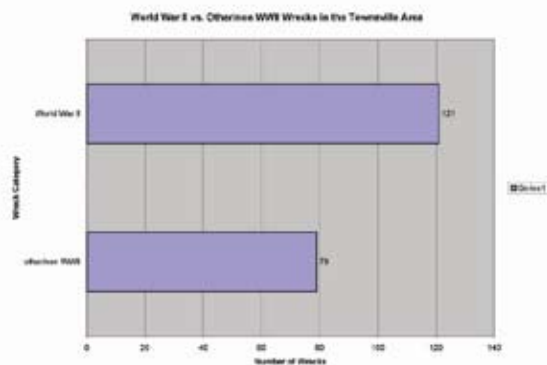


Figure 7. Diagram of the number WWII wrecks vs. non-WWII wrecks in the Townsville Area.



Figure 8. General view of the hangar area in Garbutt airport, where a C47 transport Aircraft is being serviced on 18 May 1945, Townsville. (Photo: D. Morrison, Courtesy of JCU Archives and Collection.)

archaeology graduate and local resident who assisted in compiling the list of wrecks in the area.

The readings from the magnetometer runs around the C47 GPS focus point showed a number of small anomalies, possibly ferrous material related to the wreckage, but none of them demonstrating enough intensity to represent either of the two engines which would have provided a reasonable reading in the shallow waters (2–3 m) that were searched. The two engines are also the most likely components of the aircraft to be still located *in situ* and which would be detectable by the magnetometer (estimated to contain *c.* ½ tonne each of ferrous material [RAAF Museum, Townsville 2004, pers. comm.]). An anomaly of this size would register a change of about 200nT (Nanotesla) from 5 m; 20nT from 10 m; and a smaller anomaly of 50 kg would provide a 30nT change from 5 m (Aquascan, 2003). Every search track of the boat was recorded in real-time to allow for a tight and comprehensive search pattern. However, the magnetometer failed to detect the presence of the engines. Due to rough sea conditions throughout the entire field component of the project and reduced underwater visibility, a visual underwater identification of the smaller anomalies was not carried out.

Personal communication with RAAF museum personnel in Townsville was informative in terms of the potential for integrity of the C47 crash site. Cleveland Bay was a heavily fished area prior to the new (2003) Great Barrier Reef Marine Park Authority (GBRMPA) zoning regulations. Museum personnel suggested that any wreck debris would have been greatly churned or broken up over the last 60 years of heavy fishing. Furthermore, Peter Murray and Alan Gunders located oral accounts of the C47 causing a shipping hazard shortly after the wrecking and consequently the wreck had been ‘demolished’ by RAAF, although there is no disclosed *official* documentation to support this suggestion.

Subsequent to our survey, additional ethnographic research by Peter Murray put him in touch with Mr

Ed Ryms, a World War II veteran (located through an online veterans’ network), who was in Townsville at the time of the crash and worked as ground crew with the USAAF 317th Troop Carrier Group, 40th Squadron—the squadron that owned the C47.

Mr Ryms was in a tent of 6 personnel who were sent out the morning of the crash to recover the wreckage and search for victims. Today, Mr Ryms is the last surviving member of this group, and likely the only person alive today who knew of the wreck’s fate. Mr Ryms was generous in his information, sharing photos (Figs 10 & 11) and his story, and ultimately putting to rest the question of the lost C47.

Although the search for the C47 was now complete, questions remained regarding World War II sites in the area. Many times, such as in this case, the fate of these aircrafts is unknown. Cases of contemporaneous recovery are rare. Likely the only reason the C47 was recovered was because it was in such shallow water. What sort of protection exists for the wrecks that do remain? Given our focus point analysis, how does protection pan out for these numerous submerged aircraft wrecks in comparison to submerged watercraft?

#### Implications for Townsville maritime history, archaeology and heritage

Many of the aircraft wrecks off of the Townsville coastline, though they arguably belong to a significant period in Townsville’s history, are offered limited protection under federal or state legislation. It is not known if they are under threat of looting from divers, but a problem still exists with fishing in the area, and to a lesser extent, with coastal development. Large nets used by trawlers may ‘snag’ wrecks, not only disturbing archaeological provenance but possibly disturbing the final resting places of both Australian and American soldiers. The irony is apparent given that many land based World War II heritage sites have been deemed significant and have been offered protection under state and federal law, though their involvement in the war may have been



Figure 9. Prudy Drew (relative of the C47 pilot) and Peter Murray (local historian) in front of the C47 commemorative plaque. (Photo: N. Bigourdan.)

negligible. A good example of this disparity is found in the Magnetic Island Forts.

There is a need for protection of underwater World War II heritage, with special attention to drowned World War II aircraft wrecks that dot the ocean around North Queensland and are offered little or no protection at present. These sites are now fading from personal memory to collective history, and it is important that the dramatic changes brought to the area during this time are not forgotten.

A good start to this process is simply to compile a list of known wrecks. This database, which has been initiated in the course of this research, could serve as a parallel or amendment to the Australian National Shipwreck Database. Agreeing with archaeologist Silvano Jung, the authors believe that a database is an essential starting point and that 'something similar [to the National Shipwreck database] should be done to include submerged aircraft wrecks to create a more comprehensive database of all submerged material culture sites and relics' (Jung, 1996: 35). Additionally, the location of wreck plans may raise awareness on their identification and the circumstances that led to their loss, which, as noted earlier, is not always clear or even acknowledged at times of war (Jung, 2004).

Better management of these sites will then be possible. In a recent issue of the Australasian Institute for Maritime Archaeology (AIMA) Newsletter (Garrett, 2005), the

authors discussed the possibility for more inclusive site management. The article suggests that:

Considering the strong military presence in Townsville, it is suspected that a Second World War [underwater] heritage trail would be well received. People could still fish in the area but regulations could prevent anchors from being dropped and trawlers from coming into close contact with the sites. The large SCUBA diving industry on Magnetic Island could have more sites to take students. Furthermore, management and maintenance of the trail could be executed through the James Cook University maritime archaeology practicum course that would inherently encompass heritage issues. This way, the sites can be protected and managed and students could learn hands-on underwater and maritime archaeology and heritage skills (Garrett, 2005: 10).

If we consider the aircraft wrecks in terms of management, an essential step should be raising awareness regarding the historical and archaeological significance of these sites (Jung, 2004) to the Townsville community. Protection of the sites from any external disturbances needs to be implemented. This objective would involve a wide array of factors to be documented such as 'physical condition, difficulties of access and identification, the degraded nature [and] the need for detailed conservation assessments, and existing State and Commonwealth heritage controls' (Smith, 2004: 113).

More generally, aircraft wrecks from the WWII epoch 'contain a range of material that, through excavation and interpretation, may give us an insight into the lives of people on board—civilian and military alike' (Souter, 2003: 120). They also have the potential 'to provide technical, historical and technological information relative to the pursuit and the progress of aviation' (McCarthy, 2004: 90). For example, archaeological research of a WWII Catalina wreck in Darwin Harbour (Jung, 1996: 33) has shown that the conditions under which the aircraft was destroyed, possibly contradict what the historical evidence provides. In cases where military personnel have lost their lives, this type of research can be of particular interest to associated families and friends. At a minimum, such wrecks, as Smith suggests, should be respected as potential grave sites and as 'markers to an earlier historic event' (2004: 123).

Regarding the implications for understanding the evolution of naval warfare history, the North Queensland context of World War II demonstrates the strategy for the conduct of naval battles. The battlefield was drastically extended by the involvement of aircraft. Accordingly, aircraft wrecks in the vicinity of Townsville can offer material to study on the impact and implementation of modern naval warfare.

#### **Management and legislation**

The Magnetic Island WWII fortifications mentioned earlier, are listed on the Queensland Register as they represent a noteworthy phase in the history of Australia. But, they also represent a disturbing discrepancy. Many

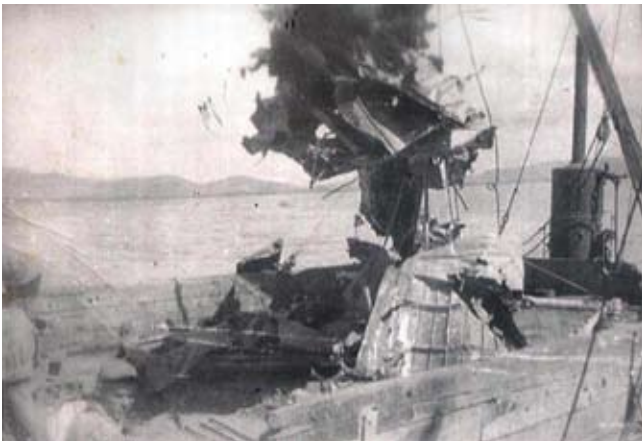


Figure 10. Recovery operation of a C47 reported to be the one with 27 persons killed. (Photo: Ed Ryms.)

submerged military sites hold similar importance that is recognized by the public, exemplified in the recent VP60 ceremonies. The aircraft lost off Townsville are also the final resting places of many military personnel, which add a degree of significance not to be found in the Magnetic Island Forts. Submerged aircraft are under continual threat from the environment, with an added possible threat from divers and fishers. The fortifications are located in a National Park where they are well monitored and under minimal threat unlike many submerged sites. This project has highlighted these anomalies in the identification and management of sites that are significant to the Australian and/or Townsville public.

It would seem that the difference from a heritage management point of view in Australia is that that the areas which have iconic and tourism value tend to be the sites selected for heritage preservation rather than submerged, out of sight, shipwrecks and aircraft. Only two shipwrecks, *Batavia* and *Cerberus* are to be found on the National Heritage List and while the JX 435 flying boat in the Cocos (Keeling) islands has been nominated for the Commonwealth Heritage List, there would appear to be some resistance to the concept of listing submerged sites. Vessels like HMS *Sirius*, the flagship of the 1788 'First Fleet' represents the earliest European discovery and settlement of Australia, well before any major structures on land. The flagship of the Victorian colonial navy, HMVS *Cerberus* is listed but it is a very visible iconic feature, partly exposed sitting off suburban Melbourne. This is a similar approach to that used by the UNESCO World Heritage Committee, the nomination of icons from a country and then their international recognition by UNESCO (currently there are 812 sites on the World Heritage List, the majority being cultural heritage/mixed heritage sites). Although not yet ratified, the UNESCO Convention on the Protection of the Underwater Cultural Heritage (2003) protects all sites that have been submerged for at least 100 years.

The Australian and Queensland Governments have a responsibility to the Australian community through their heritage management regimes to protect significant historic/archaeological sites, even if they are submerged and out of sight. The Australian and Queensland Governments currently implement this work through



Figure 11. Recovery operation of a C47 reported to be the one with 27 persons killed (Photo: Ed Ryms).

the programmes associated with the *Historic Shipwrecks Act 1976* (only for the remains of ships and associated remains); the *Environment Protection and Biodiversity Conservation Act 1999* which can protect places of National significance (a 'place' is a building or other structure, and an aircraft may not fit this definition); and the *Queensland Heritage Act 1992* (for any type of object assessed as significant and found lying in Queensland State waters). It would seem the *Queensland Heritage Act 1992* is the only one of these three pieces of legislation that will protect submerged aircraft. The drawback is that this legislation is restricted to the territorial waters of Queensland, which extends 3 nautical miles from the Low Water Mark (according to the *Coastal Waters [State Powers] Act 1980*) or waters in which the *Historic Shipwrecks Act* does not apply (this act applies to all waters out from the Low Water Mark). If the *Queensland Heritage Act* had jurisdiction in this matter, it would certainly cover a good percentage of the submerged aircraft, for many are within the 3 nautical mile limit. However, without the completion of the submerged aircraft wreckage database (perhaps as an amendment to the National Shipwreck Database) it will remain unknown exactly what may be out there as it is not possible to manage unknown resources. In Western Australia, the *Heritage of Western Australia Act 1990* has been used to protect the remains of fifteen World War II aircraft located off Broome, something which was not possible under Western Australian state or national maritime archaeology/historic shipwrecks legislation due to the nature of the remains (see notice in *The West Australian* (newspaper), 20 December 2002: 60; McCarthy, 2004).



International and Australian domestic legislation in the protection of submerged sites, aircraft in particular, would appear to be at best, incomplete. Perhaps the clearest situation in regard to the protection of the military aircraft is in the knowledge that sovereign states (owners) of military aircraft still retain their sovereignty. Roach (2001: 1) asserts that:

Aircraft used in military, customs and police services are State aircraft. International law recognizes that State vessels and aircraft, and their associated artifacts, whether or not sunken, are entitled to sovereign immunity. The flag State is entitled to use all lawful means to prevent unauthorized disturbance of the wreck or crash site (including the debris field) or salvage of the wreck.<sup>2</sup>

Access to State aircraft in a country's territorial sea, for example in the case of the C-47 off Townsville, is under the control of the Australian Government and: 'it is the policy of most Governments to honor requests from sovereign States to respect, or to authorize visits to, such sunken vessels and aircraft (Roach, 2001: 1).

It is also worth pointing out, that recently (28 October 2004) the United States Government enacted the *Sunken Military Craft Act* (Title XIV in Public Law No. 108-375) to formalise the protection of sunken military craft, including aircraft and located anywhere in the world. Although protected, such sunken military craft depends on more localized legislation, with the associate management programmes for more effective protection.

The other significant aspect in the protection of sites is in the local community's attitude. The VP60 commemorations in Townsville in 2005 demonstrated the level of retained emotional attachment within the Townsville community when it came to recognising those that fought and died in World War II. Recent suggestions by the Australian Government in selling Jezzine Barracks/Fort Kissing (an area related to military barracks/gunnery positions since 1880) has prompted sections of the Townsville community to try to stop its sale and to have it used instead as a War in the Pacific museum. Greater cooperation with the United States military and the Australian and Queensland Governments in regard to the documentation, protection and management of the submerged military aircraft located in the Cleveland Bay, in full view of Fort Kissing, would surely be applauded by the Townsville community.

Australia still leads the world in protection of underwater cultural heritage. The maritime archaeology community has been diligent in its efforts to seek protection for their history of people and community. This should be extended to submerged World War II aircraft that defended Australia in its time of greatest need. Australia can and should continue to lead the world in underwater site management. The public is calling for it.

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