

EXPLANATORY STATEMENT

Minister for the Arts and Territories

Protection of Movable Cultural Heritage Act 1986

Protection of Movable Cultural Heritage Regulations (Amendment)

1988 No. 194

The Protection of Movable Cultural Heritage Act 1986 and associated Regulations (Statutory Rules 149 of 1987) came into effect on 1 July 1987. The Schedule to Regulation 4 of Statutory Rules 149 has been repealed and a new Schedule has been made.

The main purpose of the Act is to retain in Australia those most significant objects which would represent an irreplaceable loss to the nation's cultural heritage if exported, and to extend certain forms of protection to the cultural heritage of other countries.

The Act provides for the inclusion in regulations of the National Cultural Heritage Control List which defines the categories of objects that constitute the movable cultural heritage of Australia and are subject to export control. The Control List divides the objects into two classes, namely:

(a) Class A objects, which may not be exported at all (except in accordance with a certificate of exemption allowing temporary import of an Australian object already located overseas and subsequent re-export); and

(b) Class B objects, which may not be exported except in accordance with an export permit or a certificate of exemption.

The existing Regulations allowed for the setting up of the Register of Expert Examiners and the National Cultural Heritage Fund. They also gave immediate and essential protection to objects of special cultural significance to Australian Aborigines (the Class A objects). At that time work was continuing to complete the Class B Control List; this has now been accomplished.

The existing Schedule to the Regulations, setting out the Control List of Class A objects, has been repealed and replaced by a new Schedule which sets out the Control List prescribing both Class A and Class B cultural heritage objects.

The Class A Control List in Part 1 of the Schedule now comprises the following Aboriginal cultural heritage objects:

(a) bark and log coffins;

- (b) human remains;
- (c) rock art; and
- (d) dendroglyphs.

The Control List of Class B objects comprises the following twelve parts of the Schedule:

- Part 2. Archaeological Objects;
- Part 3. Objects of Aboriginal Heritage;
- Part 4. Archaeological and Ethnographic Objects of Non-Australian Origin;
- Part 5. Natural Science Objects of Australian Origin;
- Part 6. Objects of Applied Science or Technology;
- Part 7. Military Objects;
- Part 8. Objects of Decorative Art;
- Part 9. Objects of Fine Art;
- Part 10. Books, Records, Documents, Graphic Material and Recordings;
- Part 11. Numismatic Objects;
- Part 12. Philatelic Objects;
- Part 13. Objects of Social History.

The Control List details the criteria according to which individual objects fall within the ambit of the legislation. Only the most significant cultural heritage objects are included. The majority of cultural objects, which are not of irreplaceable cultural significance to the nation's heritage, are not subject to export control. The Act does not affect private ownership of cultural heritage property.

The Control List was drawn up with the assistance of the National Cultural Heritage Committee, established pursuant to the Act. Wide consultation has taken place with public collecting institutions, commercial dealers, Aboriginal organisations, amateur cultural societies and associations and individuals with expertise in various cultural fields.