

# **Protection of Movable Cultural Heritage Regulations (Amendment) 1993 No. 215**

## **EXPLANATORY STATEMENT**

### **Statutory Rules 1993 No. 215**

Issued by the authority of Minister for the Arts and Administrative Services

#### Protection of Movable Cultural Heritage Act 1986

#### Protection of Movable Cultural Heritage Regulations (Amendment)

Section 49 of the Protection of Movable Cultural Heritage Act 1986 (The Act) provides that the Governor-General may make regulations, not inconsistent with the Act, prescribing matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

The Regulations amend the Act in response to the 1991 report on the Ministerial Review of the Act. The recommended changes are straightforward and are required for the routine administration of the Act. Details of the Regulations are as follows.

#### Regulation 2 - (Interpretation)

Regulation 2 provides for objects that have been repaired, restored or reassembled. The Regulation clarifies whether objects that have been modified in some way fall within the Act.

#### Regulation 3 - Schedule (National Cultural Heritage Control List Categories of Objects)

Subregulations 3.1 and 3.2 combine Parts I and III of the Control list by omitting Part III and consolidating both Parts under a new Part I. Parts I and III in the principal Regulations both refer to objects of Aboriginal heritage; Part I covers Class A objects, which may never be exported, while Part III covers Class B objects which may be exported upon the granting of an export permit. The new Part I refers to both classes of objects of Aboriginal heritage, but differentiates between classes within the single Part. The Regulation also reclassifies Aboriginal secret and sacred ritual objects from Class B to Class A objects.

Subregulations 3.3 and 3.4 broaden the definition of "holotype" and inserts definitions of "lectotype", "neotype", "paratype", "syntype", and "type specimen", in Part V Natural Science Objects of Australian Origin. These definitions clarify the term "holotype" as used in the unamended Regulations.

Subregulation 3.5 removes the \$1,000 minimum market value on palaeontological objects in Part V. This means that all such objects will require a permit to be exported. The amendment meets public criticism of the unamended Regulations that the scientific value of such objects often far outweighs their monetary value.

Subregulation 3.6 substitutes in paragraph 2(i) of Part V, the term "type specimen" for the term "holotype" to take account of the clarification of the definition of holotype made by subregulations 3.3 and 3.4.

Subregulations 3.7 and 3.8 add all Victoria Crosses awarded, after 1920 to Part VII of the Schedule and changes the name of Part VII from "Military Objects" to "Military and Heraldry Objects".

The Regulations commence on the date of gazettal.