



Statutory Rules 1993 No. 1215

Protection of Movable Cultural Heritage Regulations² (Amendment)

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Protection of Movable Cultural Heritage Act 1986*.

Dated 27 July 1993.

BILL HAYDEN
Governor-General

By His Excellency's Command,

R. McMULLAN
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Minister for the Arts and Administrative Services

1. Amendment

1.1 The Protection of Movable Cultural Heritage Regulations are amended as set out in these Regulations.

[NOTE: These Regulations commence on gazettal; see *Acts Interpretation Act 1901*, s. 48.]

2. Regulation 2 (Interpretation)

2.1 Add at the end:

“(2) For the purposes of the Schedule, if an object has not been substantially modified, it is taken not to have ceased to be an object that:

- (a) was built before a date specified in relation to the object;
or
- (b) is of an age specified in relation to the object; or
- (c) in the case of a foreign object—has been in Australia for a longer period than that specified in relation to the object;

as the case requires, by reason only that the object has been repaired, restored or reassembled.

“(3) For the purposes of paragraph 2 (c), an object is taken to be a foreign object if it is a foreign object within the meaning of:

- (a) clause 1 of Part VIII of the Schedule; or
- (b) clause 1 of Part IX of the Schedule.”.

3. Schedule (National Cultural Heritage Control List Categories of Objects)

3.1 Part I:

Omit the Part, substitute:

“PART I—OBJECTS OF AUSTRALIAN ABORIGINAL AND TORRES STRAIT ISLANDER HERITAGE

“1. In this Part, a reference to objects of Australian Aboriginal and Torres Strait Islander heritage is a reference to:

- (a) objects included in the category of material and things made by or having cultural significance to members of the Aboriginal race of Australia and descendants of the indigenous inhabitants of the Torres Strait Islands; or
- (b) objects within the category of objects of significance relating to those members.

“2. (1) The category mentioned in paragraph 1 (a) consists of objects of the following kinds:

- (a) sacred and secret ritual objects;
- (b) bark and log coffins used as traditional burial objects;
- (c) human remains;
- (d) rock art;
- (e) dendroglyphs.

(2) Subject to subclause (3), the category mentioned in paragraph 1 (b) consists of objects of significance of the following kinds:

- (a) objects relating to famous and important Aborigines, or to other persons significant in Aboriginal history;
- (b) objects made on missions or reserves;
- (c) objects relating to the development of Aboriginal protest and self-help movements;
- (d) original documents, photographs, drawings, sound recordings, film and video recordings and any similar records relating to objects included in this category.

(3) Objects of the following kinds are not included in the category of objects mentioned in paragraph 1 (b):

- (a) objects that are adequately represented in Aboriginal or public collections in Australia;
- (b) objects of Aboriginal heritage created less than 30 years ago by an artist now living;
- (c) objects created solely for sale less than 30 years ago.

(4) Objects within the category specified in subclause (1) are Class A objects.

(5) Objects within the category specified in subclause (2) are Class B objects.”.

3.2 Part III:
Omit the Part.

3.3 Part V, clause 1 (definition of ‘holotype’):
Omit “obtained, being a specimen of a palaeontological object or of present-day flora or fauna”, substitute, “made”.

3.4 Part V, clause 1:
Insert the following definitions in the appropriate alphabetical position determined on a letter by letter basis:

‘**lectotype**’ means a specimen selected as the type of a species or subspecies if the type was not designated by the author of the original description;

‘**neotype**’ means a specimen chosen to act as a type material subsequent to a published original description;

‘**paratype**’ means a specimen other than a holotype, used at the time of original description, and designated as a paratype by the author of the original description, or clearly indicated as being one of the specimens upon which the original description was made;

‘**syntype**’ means any specimen of a series in which no specimen is designated as the holotype;

‘**type specimen**’ means:

- (a) for present-day flora and fauna—holotype; and
- (b) for palaeontological objects, extinct flora and fauna, and minerals:
 - (i) holotype; and
 - (ii) lectotype; and
 - (iii) neotype; and
 - (iv) paratype; and
 - (v) syntype.”.

3.5 Part V, paragraph 2 (a):

Omit “having a current Australian market value of not less than \$1,000”.

3.6 Part V, paragraph 2 (i):

Omit “holotype”, substitute “type specimen”.

3.7 Heading to Part VII:

After “**MILITARY**” insert “**AND HERALDRY**”.

3.8 Part VII:

After clause 2, insert:

“2A. This category also includes any Victoria Cross won by an Australian after 1920.”.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 3 August 1993.
2. Statutory Rules 1987 No. 149 as amended by 1988 No. 194; 1990 Nos. 116, 293 and 350; 1991 No. 27.