



Legislation (Deferral of Sunsetting—Protection of Movable Cultural Heritage Regulations) Certificate 2017

I, George Brandis QC, Attorney-General, make the following certificate.

Dated 24 October 2017

George Brandis QC
Attorney-General

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1 Name

This instrument is the *Legislation (Deferral of Sunsetting—Protection of Movable Cultural Heritage Regulations) Certificate 2017*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	31 October 2017

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under paragraph 51(1)(c) of the *Legislation Act 2003*.

4 Definitions

In this instrument:

Act means the *Legislation Act 2003*.

Regulations means the *Protection of Movable Cultural Heritage Regulations 1987*.

5 Statement of reasons for issue of certificate

For the purposes of paragraph 51(2)(a) of the Act, this section sets out the statement of the reasons for the issue of this certificate.

Statement of reasons

I am satisfied that the Regulations would, apart from the operation of Part 4 of Chapter 3 of the Act, be likely to cease to be in force within 12 months after the sunseting day for the Regulations.

In 2016, the Government announced its intention to reform the *Protection of Movable Cultural Heritage Act 1986* following an independent review (the Simpson Review) of that Act, that recommended a legislative model to replace

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the current scheme based on a series of principles, including the provision of a simpler legislative framework, more efficient assessment processes and transparency at all stages of the process for protecting significant Australian and foreign cultural material.

The Department of Communications and the Arts is currently developing a Bill to amend the *Protection of Movable Cultural Heritage Act 1986*. Significant aspects of the new legislative model will need to be implemented through subordinate legislation. Should the Bill pass both Houses of the Parliament and be enacted, new subordinate legislation in line with the new legislative framework will be required. Depending on the progress of the Bill, it is likely that the drafting of the subordinate legislation and the undertaking of appropriate stakeholder consultation will not be able to be completed before 1 April 2018.

A deferral of the sunseting day for the Regulations to 1 April 2019 would allow time for this to occur and avoid the need to remake the Regulations for the short period before they are repealed and replaced in a substantially different form.

6 Deferral of sunseting of the Regulations

The Regulations, for which the sunseting day is 1 April 2018, are taken to cease to be in force under section 51 of the Act on 1 April 2019.

7 Repeal of this instrument

This instrument is repealed on 2 April 2019.