

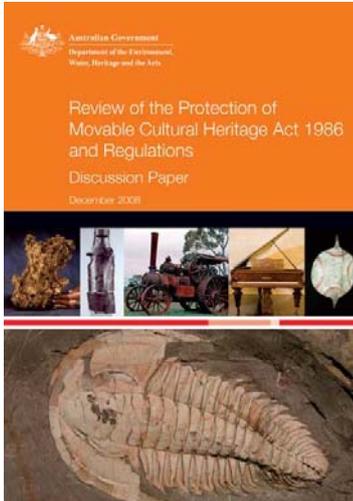
# FACT SHEET



Australian Government

Department of the Environment,  
Water, Heritage and the Arts

## Review of legislation that protects Australia's significant movable cultural heritage



- The *Protection of Movable Cultural Heritage Act 1986* is being reviewed.
- Community participation is encouraged, and written submissions are invited until March 6 2009.
- The review is looking at the operation of the legislation, and whether it is achieving its objectives.

### History of the legislation

The *Protection of Movable Cultural Heritage Act 1986* (PMCH Act) commenced operation on 1 July 1987 to give effect to the 1970 UNESCO *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property*. The PMCH Act protects Australia's heritage of movable cultural objects and supports the protection by foreign countries of their heritage of movable cultural objects.

### What it protects

The *Protection of Movable Cultural Heritage Regulations 1987* (PMCH Regulations) set out the National Cultural Heritage Control List of objects covered by the legislation, which currently include:

- Indigenous art and artefacts
- Works of fine or decorative art
- Scientific and archaeological artefacts
- Fossils, meteorites and minerals
- Agricultural and industrial heritage
- Books, stamps and medals
- Historic materials.

Under the PMCH Act an object that meets the criterion of being an Australian protected object under the National Cultural Heritage Control List requires a permit if the object is to be exported.

Movable cultural heritage objects can be of importance to Australia for ethnological, historical, literary, artistic, scientific or technological reasons. If an object meets the criteria for the National Cultural Heritage Control List, it is considered an 'Australian protected object' and therefore requires a permit before export. The Control List is divided into nine parts. Each part covers a particular type of cultural object and describes the criteria that an individual object must meet to be an Australian protected object.

The Control List also divides protected objects into two export 'classes':

- Class A - objects that may not be exported
- Class B - objects that may be exported if granted a permit under the Act.

Specific cultural heritage objects may also appear on the Australian Movable Cultural Heritage Prohibited Exports Register, which includes all objects which have been defined in the National Cultural Heritage Control List as Class A and objects classified as Class B, which have subsequently been denied an export permit.

The small number of export permits refused (61 since 1987) reflects the intent of the legislation that only objects of exceptional cultural importance, whose export would significantly diminish Australia's cultural heritage, should be prevented from leaving the country.

### **How the legislation is applied**

The process for considering whether an export permit should be granted involves Expert Examiners who determine whether objects that are the subject of export permit applications are Australian protected objects and make a recommendation about whether an export permit should be granted. The Examiners' assessments are reviewed by the National Cultural Heritage Committee, appointed by the Minister for the Environment, Heritage and the Arts under the PMCH Act, which recommends to the Minister whether or not an export permit should be granted. The Minister then makes the final decision as to whether an export permit will be granted.

### **The review**

The PMCH legislation has been reviewed twice, first in 1991 followed by a review of the PMCH Regulations and Control List in 1995.

The review of the PMCH legislation will consider the operation of the legislation and the extent to which it is achieving its purpose. It will also allow consideration of whether the legislation has the right balance between protecting our most significant cultural objects and the normal and legitimate trade in cultural property.

It will look at ways to improve and streamline Australia's ability to effectively protect objects of national cultural and artistic significance.

The review is to be completed by 31 May 2009 and public submissions are invited until 6 March 2009 to ensure consideration of a wide range of views.

For more information, contact the Director, Cultural Property at the Department of Environment, Water, Heritage and the Arts (02) 6275 9461 or see [www.arts.gov.au/movable](http://www.arts.gov.au/movable)

### **The National Cultural Heritage Account**

The operation of the National Cultural Heritage Account is also under review. The PMCH Regulations also deal with the operation of the Account, which assists public institutions to buy nationally significant objects that they could not otherwise afford, with the intention that they be preserved and made accessible to the public.

A recent example is the Charlotte medal, acquired by the Australian National Maritime Museum, and believed to have been struck and engraved on one of the First Fleet ships, the *Charlotte*, on arrival in Botany Bay in January 1788.

You can find out more on the Arts & Culture website: [arts.gov.au/movable](http://arts.gov.au/movable)