



**SENATOR THE HON GEORGE BRANDIS QC
ATTORNEY-GENERAL
MINISTER FOR THE ARTS**

MEDIA RELEASE

REVIEW OF THE PROTECTION OF MOVABLE CULTURAL HERITAGE ACT 1986

Today I announce that I have appointed Mr Shane Simpson AM to review Australian legislation governing the export and import of cultural property. Mr Simpson will undertake a review of the *Protection of Movable Cultural Heritage Act 1986* (PMCH Act).

The PMCH Act gives effect to Australia's agreement to the UNESCO *Convention on the Means of Prohibiting the Illicit Import, Export and Transfer of Cultural Property* 1970.

The Act plays an important role in protecting Australia's cultural heritage by regulating the export of objects that are significant to our history, and by assisting collecting institutions to acquire significant cultural material. It also provides for the return of foreign cultural property which has been illegally exported from its country of origin.

The Act has not been substantially amended since its enactment more than 25 years ago, and this review will seek to modernise the Act and provide improved clarity on the processes and requirements of those importing and exporting cultural objects.

This review will clarify and build on the legal and ethical frameworks already established under this Government through the release of the *Australian Best Practice Guide for Collecting Cultural Material*.

Mr Simpson is a well-regarded barrister and solicitor with long-standing expertise in cultural property law. He was the founder and first director of the Arts Law Centre of Australia, and is a Member of the Order of Australia for service to the law and to the arts through leading roles in intellectual property and entertainment law, and as a contributor to a range of cultural organisations.

Mr Simpson has an established relationship with many collecting institutions and the arts and culture sector more broadly, currently serving as Chair of the Bundanon Trust and as council member of both the Australian National Maritime Museum and the Australian National Academy of Music.

23 December 2014

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TERMS OF REFERENCE

The *Protection of Movable Cultural Heritage Act 1986* protects Australia's movable cultural heritage and provides for the return of foreign cultural property which has been illegally exported from its country of origin and imported into Australia. It gives effect to Australia's agreement to the UNESCO *Convention on the Means of Prohibiting the Illicit Import, Export and Transfer of Cultural Property 1970*. The *Protection of Movable Cultural Heritage Act 1986* has not been significantly amended since its enactment, and the scope of the proposed Review is therefore intentionally broad.

It will consider the existing framework for the protection of movable cultural heritage material in Australia, as set out in the *Protection of Movable Cultural Heritage Act 1986* and the *Protection of Movable Cultural Heritage Regulations 1987*. The Review will focus on the appropriate settings for protection and regulation in this area, and explore other, similar protection schemes in Australia and other international models for the protection of cultural property.

Which objects are protected, including having regard to the following:

- What are the categories and types of Australian cultural objects which should be protected via regulation?
- What are the appropriate thresholds and definitions of significance?
- What levels of protection should be extended to foreign material?

How Australia's international obligations are fulfilled, including having regard to the following:

- How Australia implements the UNESCO *Convention on the Prohibition and Prevention of the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970*;
- How this scheme interacts with obligations under the UNESCO *Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict 1954*; and
- Whether there are other international conventions or practices which provide useful benchmarks or guidance?

How this protection is administered, including having regard to the following:

- What is the most effective framework for protecting Australia's cultural heritage?
- How are decisions regarding specific objects best made?
- How the scheme is best enforced?

The Review may also examine and report on any other issues it considers relevant or incidental, and will consult with stakeholders as is thought necessary. It will report to the Australian Government Minister for the Arts by 30 September 2015.