

Cultural Property Legislation in Australia

- The export of Australia's significant cultural heritage objects is regulated under the *Protection of Movable Cultural Heritage Act 1986* (PMCH ACT).
- The PMCH Act is designed to strike a balance between the protection of cultural heritage without unduly interfering in legitimate trade.
- It does not affect an individual's right to own or sell these objects within Australia.
- The PMCH Act implements a system of export permits for certain heritage objects defined as Class B Australian protected objects.

What the PMCH Act protects

Class A objects - prohibited from export

- Some of the most significant objects of Aboriginal and Torres Strait Islander heritage:
 - Bark and log coffins
 - Human remains
 - Rock art
 - Dendroglyphs (carved burial and initiation trees)
 - Sacred and secret ritual objects
 - Victoria Crosses awarded to named recipients
 - Objects comprising the suit of armour worn by Ned Kelly at the event known as the siege of Glenrowan in 1880.
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What the PMCH Act protects

Class B objects - may be exported if granted a permit or certificate under the PMCH Act.
These are based on criteria set out in the National Cultural Heritage Control List.

The control list consists of 9 parts

Part 1
Objects of Australian Aboriginal and Torres Strait Islander Heritage



Two
Gulmari
Shields



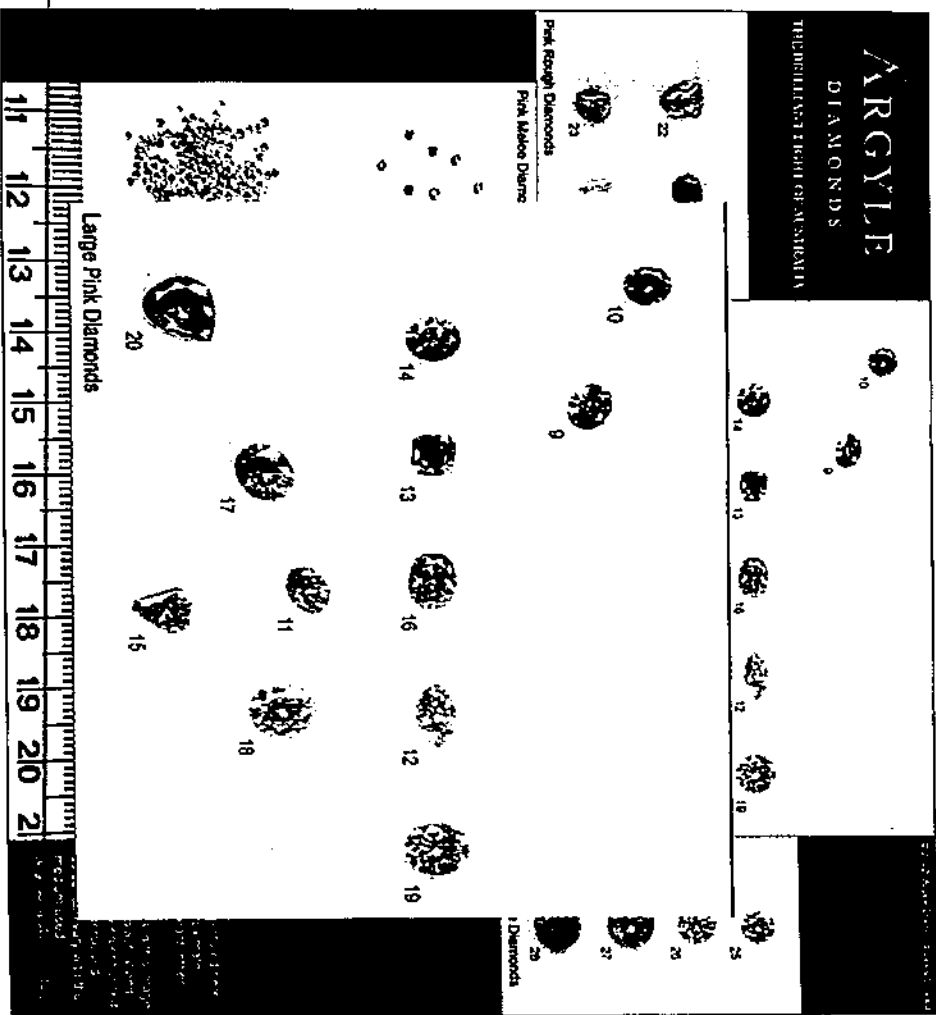
Part 2 Archaeological Objects



Chlothherium (rhino skull)

Part 3

Natural Science Objects



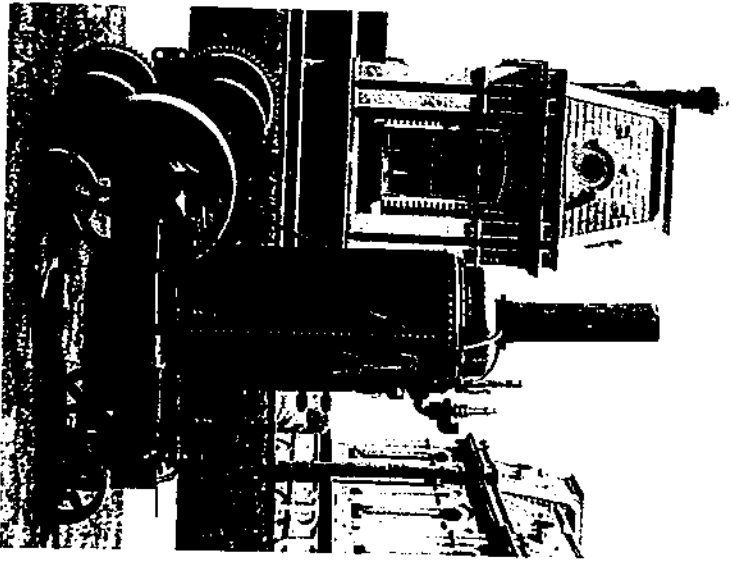
Argyle pink diamonds

31 Agricultural Experiments

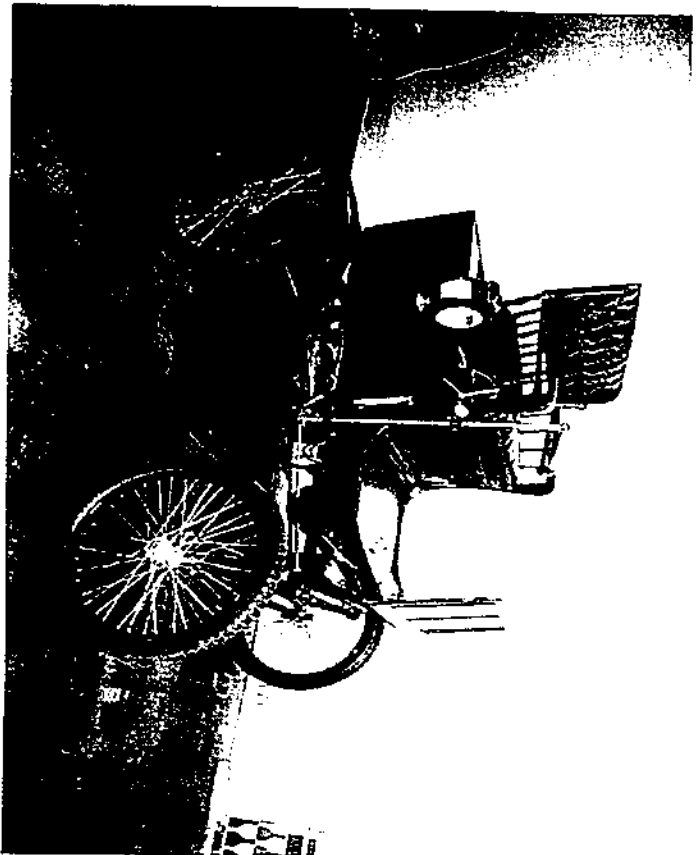
- AG
- ENG

Part 4

Objects of Applied Science or Technology



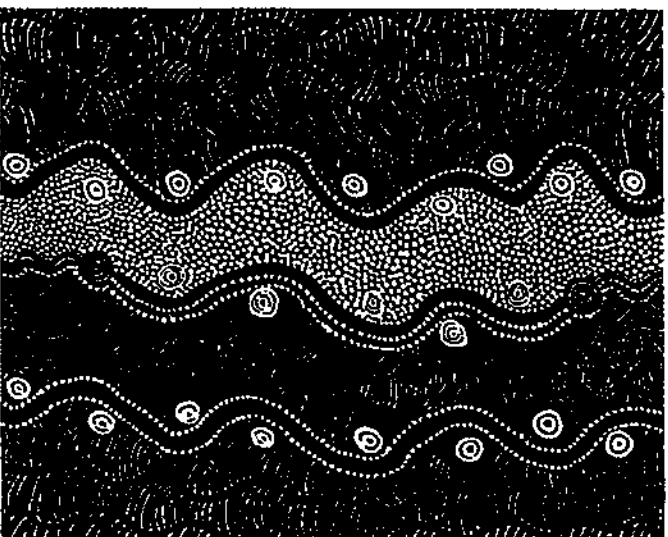
c. 1854, Hobson's Bay Pier Steam Hoisting Engine.



1900 Steam Locomobile

Part 5

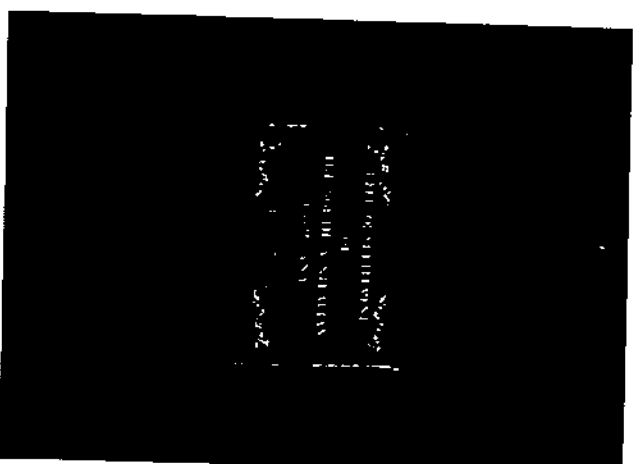
Objects of Fine or Decorative Art



1972 *Water Dreaming* by Old
Walter Tjampitjinpa

Part 6

Objects of Documentary Heritage



c. 1834, Deed of Settlement
of the South Australia
Company.

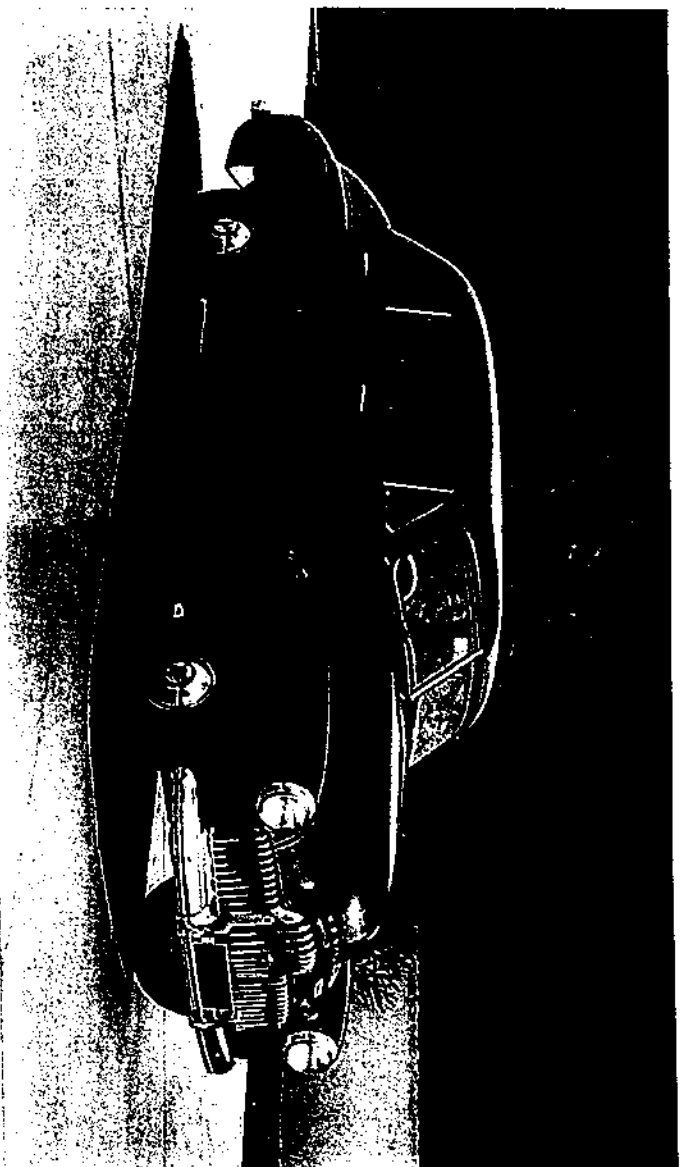
Part 7 Numismatic Objects



Victoria Cross medals (not
named in Class A)

Part 9

Objects of Historical Significance



1946 Holden car No.1 Prototype,

Permit System

- **Permanent/Temporary export permits** - Class B APOs require an export permit.
- **Certificates of Exemption** - allow APOs which are currently overseas, to be imported into Australia, for the purpose of exhibition or sale with the security that they can be subsequently re-exported upon completion of the visit.
- **General permits** - allow collecting institutions (art galleries, museums, libraries, archives) to export Class B objects that have been accessioned into their collections, for research and exhibition purposes for a limited period.

Permit Applications

1. the application is assessed by one or more Expert Examiners to determine whether the object is an APO, and whether an export permit should be granted.
 2. assessments are reviewed by the National Cultural Heritage Committee, which makes a recommendation to the Minister
 3. the Minister makes the final decision as to whether an export permit will be granted.
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National Cultural Heritage Committee

- Appointed by the Minister for the Arts.
- 10 members that represent collecting institutions, universities, the Indigenous community and have cultural heritage experience.
- Advise the Minister on the operation of the PMCH Act (including the issuing of export permits), the National Cultural Heritage Control List, and maintain the register of expert examiners.

National Cultural Heritage Account (NCHA)

- The Account helps Australian cultural organisations acquire Australian protected objects.
 - Its purpose is to encourage Australian cultural organisations to buy nationally significant objects that they could not otherwise afford, with the intention that they be preserved and made accessible to the public.
 - Funding of \$500,000 per year is available. There are no set funding rounds, and applications are accepted throughout the year.
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Contacts

- The PMCH Act is administered by the Cultural Property Section in the Ministry for the Arts
 - movable.heritage@arts.gov.au
 - 1800 819 461
- www.arts.gov.au/movable