



**Australian Government**

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**Department of the Prime Minister and Cabinet  
Office for the Arts**

**Guidelines**

**For**

**Expert Examiners**

**Under the**

***Protection of Movable Cultural Heritage Act  
1986***

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## **Part 1.    *The Protection of Movable Cultural Heritage Act 1986***

### **The Act – an overview**

The main purpose of the *Protection of Movable Cultural Heritage Act 1986* (the PMCH Act) and the *Protection of Movable Cultural Heritage Regulations 1987* (the Regulations) is to control the export from Australia of significant cultural heritage objects. This ensures that objects whose loss by export overseas would significantly diminish the cultural heritage of Australia are retained for the benefit of the nation.

The PMCH Act was passed in 1986 to give force in Australian law to the United Nations Educational, Scientific and Cultural Organisation (UNESCO) *Convention on the Means of Prohibiting the Illicit Import, Export and Transfer of Ownership of Cultural Property* (the 1970 Convention). This Convention is based on the principle that the unauthorised import, export and transfer of cultural property is illicit.

Countries that are signatories to the Convention are required to:

- protect their own cultural heritage;
- prevent the wrongful import or acquisition of designated cultural property stolen in or illegally exported from other State Parties; and
- return certain stolen or illegally exported cultural property requested by another State Party.

The PMCH Act is not intended to restrict normal and legitimate trade in cultural property and does not affect an individual's right to own or sell objects within Australia.

Australian heritage items controlled by the PMCH Act are defined as Australian Protected Objects. Some Australian Protected Objects (Class A) cannot be granted a permit for export under any circumstance. Other Australian Protected Objects (Class B) may be exported, provided the Minister, acting on the advice of the National Cultural Heritage Committee (NCHC) and Expert Examiners, grants them a permit. The categories of objects and applicable criteria are detailed in the National Cultural Heritage Control List at Schedule 1 of the Regulations. A copy of this Control List is at [Attachment A](#).

Heritage objects located overseas may also be defined as Australian Protected Objects under the PMCH Act. In these circumstances a Certificate of Exemption may be issued to allow the object to enter Australia and return overseas without restriction.

The Government does not wish to stop the movement of most cultural material, nor to discourage the legitimate international dealing in cultural items. Rather, the Government aims to prevent the export of **only those objects that would represent a significant loss to the cultural heritage of Australia**.

## **1.2. Operation of the Act**

### 1.2.1 Expert Examiners

Expert Examiners are recognised experts in a particular field. They are appointed on the basis of their professional qualifications, expertise and/or extensive recognised knowledge of a particular subject area.

Under s.23 of the *Protection of Movable Cultural Heritage Act 1986* (the PMCH Act), it is the function of expert examiners to give advice to the National Cultural Heritage Committee (NCHC) on matters referred by the NCHC.

Expert Examiners provide the NCHC with advice on two key areas:

- The assessment of application permits for the temporary and permanent export of Australian heritage objects; and
- The assessment of applications for funding from the National Cultural Heritage Account. While these guidelines focus on the assessment of export permit applications, it also includes a summary of the requirements for the assessment of applications for funding from the National Cultural Heritage Account.

### 1.2.2. National Cultural Heritage Committee

The NCHC is appointed by the Minister under the PMCH Act. The NCHC has wide powers to advise the Minister in respect to the operation of the PMCH Act, the National Cultural Heritage Control List, and the National Cultural Heritage Account.

The PMCH Act requires that the NCHC members comprise:

- four persons each representing a different collecting institution;
- a member of the Australian Vice-Chancellors' Committee;
- a nominee of the Minister for Aboriginal and Torres Straits Islander Affairs; and
- four persons having experience relevant to the cultural heritage of Australia.

Members serve for terms of up to four years, and are eligible for reappointment.

### 1.2.3 The National Cultural Heritage Account

The National Cultural Heritage Account helps Australian cultural organisations buy 'Australian Protected Objects' as defined by the PMCH Act especially those objects that have been denied export permits. Its purpose is to encourage organisations to buy objects that they could not otherwise afford with the intention that they be preserved and made accessible to the public.

Museums, art galleries, libraries, archives, historic building management bodies and others that have permanent and appropriately maintained collections which are accessible to the public are all eligible to apply. Funding from the National Cultural Heritage Account assists organisations who cannot raise the full purchase price for an Australian Protected Object.

## Objects for which funding assistance may be provided

In determining whether an amount will be expended from the National Cultural Heritage Account, preference or priority will be given to the following Australian Protected Objects:

- Class A objects in Australia and overseas
- Class B objects which have been denied an export permit
- Class B objects which have been granted an export permit on condition that they are available at fair market value for purchase by an eligible cultural organisation.

### 1.2.4 National Cultural Heritage Committee Secretariat

The Cultural Property Section of the Office of the Arts in the Department of the Prime Minister and Cabinet provides Secretariat support to the NCHC. This support includes administrative support for export permit applications and funding applications.

## **1.3. Export permits**

A person wishing to export a heritage object is required to apply for a permit in writing on an approved form.

### 1.3.1 The application process

Applications are processed in accordance with the legislative process established under the Act as follows:

- An application is submitted to the NCHC Secretariat;
- the Secretariat refers the application to one or more Expert Examiners for assessment;
- these assessments are reviewed by the National Cultural Heritage Committee, which recommends to the Minister whether or not an export permit should be granted; and
- the Minister or delegate makes the final decision as to whether an export permit will be granted.

### 1.3.2 Permanent export permits

If an export permit is issued, it means the object can be exported permanently from Australia, and the object does not at any stage have to be returned to Australia,

### 1.3.3 Temporary permits

A temporary permit allows the object to be exported for a limited period of time, usually for an exhibition. The Minister usually imposes a time limit for the permit, which ensures the object is returned to Australia. The Minister will sometimes impose conditions on these permits, for example ensuring a documentary record of the exported item is to be provided. The permits are issued on condition that the object is returned to Australia within the time limit stated on the permit.

### 1.3.4 Certificates of Exemption

'Certificates of Exemption' allow Australian protected objects, including Class A objects that are currently overseas, to be imported into Australia and subsequently re-exported. Overseas owners of Australian protected objects are encouraged to repatriate them to Australia for display or sale. A Certificate of Exemption provides security that their Australian protected objects can be re-exported on completion of the exhibition, or if a sale to a resident of Australia is unsuccessful.

### 1.3.5 Appeal

An applicant may appeal to the Administrative Appeals Tribunal against a decision made by the Minister concerning:

- A refusal to grant a permit or certificate of exemption; or
- A condition imposed on a permit or certificate of exemption; or
- A time period limiting a permit or certificate of exemption.

### 1.3.6 Penalties

It is a criminal offence to export, or to attempt to export, an Australian protected object in the absence of a permit or certificate. Penalties for the commission of such an offence include the forfeiture of the object to the Commonwealth, monetary fines, and imprisonment. Inspectors are appointed to enforce the provisions of the Act.

## **1.4. Australian Protected Objects**

### 1.4.1 Class A objects

Class A Australian Protected Objects are highly significant objects in the history of Australia and cannot be granted a permit for export. Class A comprises:

- Victoria Cross medals awarded to Australian service personnel as listed in item 7.3 of the Control List;
- Each piece of the suit of metal armour worn by Ned Kelly at the siege of Glenrowan in Victoria in 1880 as listed in item 9.2A of the Control List; and
- Aboriginal and Torres Strait Islander objects which cannot be exported (see item 1.3). These are:
  - Sacred and secret ritual objects
  - Bark and log coffins used as traditional burial objects
  - Human remains
  - Rock art
  - Dendroglyphs (carved trees)

### 1.4.2 Class B objects

Class B comprises objects that are of cultural significance to Australia and require permission to be exported. The categories are:

- Australian Aboriginal and Torres Strait Islander Heritage
- Archaeology
- Natural Science
- Applied Science or Technology
- Fine or Decorative Arts
- Documentary Heritage

- Numismatics (coins)
- Philately (stamps)
- Historical Significance

Some objects may be included under more than one category, for example photographs can be assessed under the categories Objects of Fine or Decorative Art, Objects of Documentary Heritage and Objects of Historical Significance.

Many objects are not covered by the control list or are deliberately excluded. For example, most works of art less than thirty years old and Aboriginal and Torres Strait Islander art less than 20 years old do not require permission for export or import.

A person wishing to export a Class B object is required to apply for a permit in writing. Applications are processed in accordance with the legislative process established under section 10 of the PMCH Act.

## **1.5. Roles and responsibilities of Expert Examiners**

An Expert Examiner is required to:

1. provide an assessment of the significance of the object as part of Australia's national cultural heritage;
2. determine if the object meets all the criteria of the relevant part of the Control List and, as a result is a Class A or Class B Australian Protected Object; and
3. provide an assessment as to whether or not the object is important to understanding Australia's heritage and Australia's cultural heritage would be diminished if it was exported.

### 1.5.1 Reporting timeframes

The NCHC Secretariat is aware that applicants need to know within a reasonable timeframe as to whether their object is an APO and can be exported. This can be a difficult issue for the applicant and the NCHC and the Secretariat assists in facilitating the process for the applicant.

The NCHC Secretariat aims to complete the assessment and issuing of permits for non-contentious applications within six weeks. The NCHC Secretariat would therefore ask that the Expert Examiner's advice is provided within **two weeks** of receiving the referred application.

### 1.5.2 Conflict of interest

Expert Examiners should avoid conflicts of interest. Situations where this might arise include:

- involvement with an export application associated with a Expert Examiner's private interests, official role in a business or institution, or associates; or
- personal relationship with an applicant for an export permit, whether pre-existing or developed as a result of considering one or more previous application(s) from the applicant; or

- relationship with an interest group that supports or opposes the export of a particular object or class of objects; and
- any pecuniary interests in relation to the the applicant or the object being assessed.

If the Expert Examiner or his/her business or institution has previously sought to purchase or solicit donation of the object subject to the export application, the Expert Examiner should advise the Secretariat.

### 1.5.3 Confidentiality

The Secretariat does not disclose the identity of particular Expert Examiners unless required to do so under Freedom of Information legislation, by the Administrative Appeals Tribunal, a court, or by the Parliament.

NCHC members are required to maintain confidentiality on the identity of Expert Examiners and on the Committee’s deliberations and recommendations.

## **1.6. Expert Examiner’s report**

### 1.6.1 Applications for export permits

All assessments for temporary and permanent export permits should include the following information. Information on significance assessment is included in Part 2 of this guide.

The following is a summary of the report required.

**1. Brief description of the object;** including type of object; identifying information such as name of artist; place and date of manufacture; location item found.

**2. Type of application applied for:** permanent export; temporary export; certificate of exemption.

**3. How was the object examined:**

- physical assessment; or
- photographic (including digital) images.

**4. Assessment of significance of the object: referring to the criteria in Part 2 of these guidelines**

**5. Statement of significance** of the object.

**6. Cultural loss to Australia:** consider if the export of the object result in a loss to the cultural heritage of Australia.

**7. Identification** of whether the object is a Class A or Class B object, and under which part of the PMCH Act Control List the object falls.

**8. Value of object:** where a monetary threshold applies, or if you recommend that the object or collection not be permitted to be exported.

9. **Australian Protected Object Status:** Does the object meet the criteria for an Australian Protected Object.

10. **Export Permit:** should one be granted?

11. **Expert Examiner** details

### 1.6.2 Funding applications

Funding from the NCHA is provided for the acquisition of significant national, state and local heritage objects. The significance assessment is therefore broader than the assessment for export permits. The report for funding applications should include the following:

1. **Brief description of the object;** including type of object; identifying information such as name of artist; place and date of manufacture; location item found.
2. **Background on the significance of the object:** including original place and name of manufacture; rarity, links with significant people, places and events
3. **Assessment of significance** of the object.
4. **Statement of significance** of the object.
5. **Identification** of whether the object is a Class A or Class B object, and under which part of the *PMCH Act* Control List the object falls.
6. **Australian Protected Object Status:** Does the object meet the criteria for an Australian Protected Object.
7. **Recommendation** of it would be appropriate for the funding application to be supported.

The NCHC Secretariat appreciates the important role that Expert Examiners have in assessing export permit applications. Without the delicate and professional advice offered by Expert Examiners it would be difficult to protect Australia's significant heritage objects.

## **Part 2 Significance Assessment**

### **2.1. What is significance?**

Significance means the historic, aesthetic, scientific and social values that an object or collection has for past, present and future generations.

Significance is not fixed and may change over time. It refers not just to the physical fabric or appearance of an object; it includes all the elements that contribute to an objects meaning including its context, history, uses and social and cultural significance.

### **2.2. PMCH Act and significance**

Subsection 2(1) of the *Protection of Movable Cultural Heritage Regulations 1987* defines significance to Australia for an object, as follows:

‘means the object is of Australian origin, has substantial Australian content, or has been used in Australia, and:

- a) is associated with a person, activity, event, place or business enterprise, notable in history; or
- b) has received a national or international award or has a significant association with an international event; or
- c) represents significant technological or social progress for its time; or
- d) is an object of scientific or archaeological interest.’

The object needs to be significant to understanding Australian national heritage. Objects which are significant to local communities cannot be considered Australian protected objects.

### **2.3 What is significance assessment?**

Significance assessment is the process of studying and understanding the meaning and values of objects and collections. By using certain criteria and steps, it enables sound and consistent decisions to be made about objects and collections by explaining the meanings and values that make them important. It involves three steps:

- a) analysing the object;
- b) understanding its history and context; and
- c) and identifying its value for communities.

### **2.4. Significance criteria**

There are standard assessment criteria used by museums across Australia as a guide or framework to evaluate the significance of objects and collections. There are four primary criteria:

- historic;
- aesthetic;
- scientific; and

- social or cultural significance.

There are five comparative criteria used to evaluate the **degree** of significance:

- provenance;
- representativeness;
- rarity;
- condition or intactness; and
- interpretive potential.

#### 2.4.1 Primary criteria - what is its significance?

##### **Historic significance**

An object or collection may be historically significant for its association with people, events, places and themes.

- Is it associated with a particular person, event or activity?
- What does it tell us about an historic theme or process or pattern of life?

##### **Aesthetic significance**

An object may be aesthetically significant for its craftsmanship, style, technical excellence, beauty, demonstration of skill and quality of design and excellence.

- Is it well designed, crafted or made?
- Is it a good example of a style, design, artistic movement or of the artist's work?
- Is it original or innovative in its design?
- Is it beautiful?

##### **Scientific or research significance**

An object may have research significance if it had major potential for further scientific examination or study. This criterion tends to apply chiefly to biological, geological and archaeological material, but may also apply to documentary collections.

- Do researchers have an active interest in studying the object or collection today, or
- will they want to in the future?
- How is it of interest or value for science today or in the future?
- What things in particular constitute its scientific interest?
- Is it of research potential?

##### **Social or Cultural significance.**

Objects have social or cultural significance if they are important to the community; this can be demonstrated through a community's strong affection for an object or collection, and also how it contributes to a community's identity and social cohesion. Some objects have intrinsic spiritual qualities for particular groups of people and belief systems, and are referred to as sacred objects [Regs Part 1 refer to sacred and secret ritual objects]

- Is the object or collection of particular value to a community or group today?
- Why is it important to them?
- How is this demonstrated?

- How is the object kept in the public eye, or its meaning kept alive for the group? eg by being used in an annual parade or ceremonies, or by maintaining traditional practices surrounding the object.
- Has the museum consulted the community about its importance for them?
- Is the object or collection of cultural significance for a particular group?
- Is this cultural significance found in the present?

#### 2.4.2 Comparative criteria - how is it significant?

##### **Provenance**

The life history of an object, supported by documentation of its context, accounts of its use, and sequence of ownership. Provenance is central to establishing historic and scientific significance.

- Who owned, used or made the object?
- Where and how was it used?
- Is its place, or origin well documented?

##### **Representativeness**

An object may be significant because it represents a particular category of object, or activity, way of life or historical theme

- Is it a good example in its type or class?
- Is it typical or characteristic?

##### **Rarity**

An object may be significant as a rare, unusual or particularly fine example of its type. It is possible for an objects significance to be rated as both rare and representative

- Is it unusual or a particularly fine example of its type?
- Is it singular, or unique?
- Is it particularly well documented for its class or group?
- Does it have special qualities that distinguish it from other objects in the class or category?

##### **Condition, completeness or intactness**

An object may be significant because it is unusually complete, or in sound and original condition. Objects with these characteristics are said to have integrity. Changes and adaptations to an object may be an integral part of an object and its history.

- Is it in unusually good condition for its type?
- Is it unusually intact or complete?
- Does it show repairs, alterations or evidence of the way it was used?
- Is it still working?
- Is it in original, unrestored condition?

##### **Interpretive potential**

This refers to the potential or capacity of an object to interpret and demonstrate aspects of experience, historical themes, people and activities

- Does it help the museum tell a story?
- Does it help communicate the significance of its place of context and use?

- Can you learn something about the wider context and associations of the object, or about its materials, design and function?
- How is it relevant to the museum's purpose and exhibition program?

## 2.5. How to assess significance step by step:

1. Research and collect all the available information about an object, including its history and provenance.
2. Talk with people who may have some connection with the object, to ensure the context, provenance and potential social values of the object are understood.
3. Understand the context of the object. This includes the relationship to other objects, where it was used, how it relates to a particular place and location.
4. Analyse the fabric of the object, including how it works, what it is made of, its manufacture, patterns of wear, repair and adaptation.
5. Consider comparative examples.
6. Assess significance against the main criteria – historic, aesthetic, scientific and social values. Determine the significance by assessing against the comparative criteria – provenance, rarity, representativeness, condition and integrity, interpretive potential and representation in public or community collections.
7. Write the statement of significance, which explains the level of significance and why.

**A statement of significance is a concise summary of the values, meanings and importance of an object or collection.**

**A statement of significance should be a reasoned clear summary of the values, meaning and importance of an object or collection. It is effectively an argument about the meaning of an object and *how and why it is significant*.**

## 2.6 Significance to Australia

The Minister will only consider refusing an export permit for an Australian Protected Object that is of *national* rather than specific *regional* or *local* importance. For example, the armour worn by Ned Kelly, although having specific significance to north-eastern Victoria, also has national significance as the bushranger has become an instantly recognisable iconic figure in Australian history, mythology, art and our sense of national identity. Items which are important to the understanding the significance of a state or territory as a whole can also be considered to be of importance to Australia as a nation. An example of which is the Deed of Settlement of South Australia.

## 2.7 Example: Statements of significance

### *Australia II*

In 1983 *Australia II* became the first non-United States challenger to win the 132-year old America's Cup race off Rhode Island. *Australia II's* victory was great public euphoria at home and the yacht became an object of national pride. The success of *Australia II*, with its innovative winged keel designed by Ben Lexcen, has not faded from Australian memory.

*Australia II* has social significance as the winner of a famous yachting victory, representing the sporting triumph of Australia over the United States in 1983. It was also the first time the cup had left the United States. Its significance for the Australian community was demonstrated by public support for its purchase by the Australian Government. The yacht also has historic significance as a specimen of the most advanced design of its time.

The above is a summary taken from Heritage Collections Council 2001 p.33.

## References

Collections Australia Network (CAN) *Using significance: a guide to assessing the significance of cultural heritage objects and collections*. Commonwealth of Australia 2002. Available at [http://www.collectionsaustralia.net/sector\\_info\\_item/6](http://www.collectionsaustralia.net/sector_info_item/6)

Heritage Collections Council *Significance: a guide to assessing the significance of cultural heritage objects and collections*, Commonwealth of Australia 2001.

## Schedule 1 National cultural heritage control list — categories of objects

(regulation 4)

### Part 1 Objects of Australian Aboriginal and Torres Strait Islander Heritage

1.1 This Part lists heritage objects of the category Objects of Australian Aboriginal and Torres Strait Islander Heritage.

1.2 An object is in this category if:

- (a) it is an object:
  - (i) of cultural significance to Aboriginal or Torres Strait Islander people; or
  - (ii) made by Aboriginal or Torres Strait Islander people; and
- (b) it is not an object created specifically for sale; and
- (c) for an object mentioned in item 1.4 — it:
  - (i) is at least 30 years old; and
  - (ii) is not adequately represented in Aboriginal or Torres Strait Islander community collections, or public collections in Australia.

1.3 The following objects of this category are Class A objects for the Act:

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

*Note* Under the Act, a Class A object that is in Australia cannot be exported from Australia. However, for a Class A object that is not in Australia and that a person wishes to temporarily import, a certificate may be granted by the Minister authorising the subsequent export of the object.

1.4 All objects in this category, other than objects mentioned in item 1.3, are Class B objects for the Act, and include:

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

*Note 1* A Class B object can be exported from Australia if a permit or certificate is granted under the Act in relation to the object.

*Note 2* Part 5 of this Schedule deals with items that are objects of Aboriginal or Torres Strait Islander fine or decorative arts.

## **Part 2 Archaeological Objects**

- 2.1 This Part lists heritage objects of the category *Archaeological Objects*.
- 2.2 An object is in this category if it:
- (a) is of significance to Australia; and
  - (b) is an indigenous or non-indigenous object that was recovered, as mentioned in paragraph 7 (1) (a) of the Act, after remaining for at least 50 years in the place from which it was removed; and
  - (c) is not represented in at least 2 public collections in Australia by an object of equivalent quality.
- 2.3 Objects in this category are Class B objects for the Act, and include:
- (a) objects relating to seagoing exploration, transportation, supply and commerce, including ordnance, coins, ship's gear, anchors, cargo and personal items from shipwrecks, sunken ships and landfalls, ships' logbooks and other documentation; and
  - (b) objects relating to military activity; and
  - (c) objects relating to the exploration of Australia and to the colonisation and development of Australia by non-indigenous peoples; and
  - (d) objects relating to convict transportation and settlement; and
  - (e) objects relating to relations between indigenous and non-indigenous peoples; and
  - (f) objects relating to missionary activity; and
  - (g) objects (including documentation) relating to the history of mining, processing, industry, technology and manufacture in Australia; and
  - (h) objects relating to the development of the pastoral industry and other land industries; and
  - (i) objects relating to whaling and sealing; and
  - (j) objects relating to visits to, or settlement in, Australia of identifiable cultural minorities; and
  - (k) biological or ethnographic objects or collections; and
  - (l) human remains, other than remains mentioned in Part 1; and
  - (m) organic remains associated with, or representative of, a prehistoric or historic culture; and
  - (n) archaeological objects not mentioned in this item relating to persons, places or events significant in the history of Australia; and
  - (o) unclassified material recovered, as mentioned in paragraph 7 (1) (a) of the Act, for archaeological study; and
  - (p) material related to any object mentioned in this item that adds significantly to Australian historical or scientific information.

*Note* A Class B object can be exported from Australia if a permit or certificate is granted under the Act in relation to the object.

## **Part 3 Natural Science Objects**

- 3.1 This Part lists heritage objects of the category *Natural Science Objects*.
- 3.2 An object is in this category if it:
- (a) is of significance to Australia; and
  - (b) is an object of the kind mentioned in item 3.4; and
  - (c) is not adequately represented in public collections in Australia.
- 3.3 For item 3.2, an object of a kind well represented in public collections in Australia may nevertheless not be adequately represented because of the object's quality or because of the place where the object was collected.
- 3.4 Objects in this category are Class B objects for the Act, and include:
- (a) any palaeontological object; and
  - (b) any mineral object not otherwise mentioned in this item having a current Australian market value of at least \$10,000; and
  - (c) any gold nugget having a current Australian market value of at least \$250,000; and
  - (d) any diamond or sapphire having a current Australian market value of at least \$250,000; and
  - (e) any opal having a current Australian market value of at least \$100,000; and
  - (f) any other gemstone having a current Australian market value of at least \$25,000; and
  - (g) any meteorite; and
  - (h) any type specimen of present-day flora or fauna, a palaeontological object or a mineral if:
    - (i) the type specimen is not lodged in an overseas collecting institution; or
    - (ii) a permit or an authority under the *Wildlife Protection (Regulation of Exports and Imports) Act 1982* is not in force for the type specimen.

*Note* A Class B object can be exported from Australia if a permit or certificate is granted under the Act in relation to the object.

- 3.5 In this Part:

***holotype*** means the original specimen from which the description of a new species is made.

***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.

***mineral*** includes a carving or sculpture created from any mineral, including a polished gemstone, but does not include any ore or concentrate used industrially or intended for industrial use.

***neotype*** means a specimen chosen to act as a type material subsequent to a published original description if a holotype has been lost or destroyed.

***palaeontological object*** means:

- (a) a vertebrate or invertebrate fossil or plant fossil or a trace fossil specimen, not being a fossil fuel or fossiliferous rock used or intended for any use relating to industry; and

- (b) a sculpture or other object made from fossiliferous or fossilised matter; and
- (c) a precious or non-precious opal replacement fossil of a vertebrate or invertebrate animal or of a plant.

**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 on 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 holotype, lectotype, neotype, paratype or syntype, as appropriate.

## Part 4 Objects of Applied Science or Technology

- 4.1 This Part lists heritage objects of the category *Objects of Applied Science or Technology*.
- 4.2 The objects in this category relate to human enterprise and activity, other than artistic activity, such as:
  - (a) tools, weapons, implements and machines; and
  - (b) any other object produced by, or related to, an object of the kind mentioned in paragraph (a), including prototypes, models, patents and equipment.
- 4.3 An object is in this category if:
  - (a) it is of significance to Australia; and
  - (b) for an object:
    - (i) of Australian origin — it was made in Australia at least 30 years ago; or
    - (ii) that has substantial Australian content — the Australian content was made in Australia at least 30 years ago; or
    - (iii) that is not of Australian origin — it was in use in Australia at least 30 years ago; and
  - (c) it is an object of the kind mentioned in item 4.4; and
  - (d) it is not represented in at least 2 public collections in Australia by an object of equivalent quality.
- 4.4 Objects in this category are Class B objects for the Act, and include:
  - (a) any agricultural object, including:
    - (i) an object used for agricultural production; and
    - (ii) an object used for processing agricultural products; and
    - (iii) an object relating to an industry producing products for use in agriculture; and
    - (iv) any tool, implement or equipment used or intended for use in agriculture or in farming life; and
    - (v) scientific equipment relating to agricultural research; and
    - (vi) any other thing related to agriculture; and
  - (b) any engineering object, including:

- (i) a manufactured object relating to any branch of engineering, including any object that is a machine or hand tool, engine or workshop equipment, a control system or control mechanism, or an invention, prototype or related model or patent object; and
- (ii) any other thing related to engineering; and
- (c) any object of air transport, including:
  - (i) any lighter-than-air craft, including an airship; and
  - (ii) a glider, or kite, including a hang glider; and
  - (iii) any power driven aircraft; and
  - (iv) any equipment used, or intended for use, in aircraft manufacture or repair; and
  - (v) any aircraft communication and guidance system, or component of that kind of system; and
  - (vi) any aircraft instrument, engine, equipment, part or weapon; and
  - (vii) any prototype aircraft or experimental material relating to the design or manufacture of aircraft; and
  - (viii) any other thing related to air transport; and
- (d) any object of rail transport, including:
  - (i) a locomotive or rolling stock for a railway; and
  - (ii) a tram or an associated service vehicle for a tramway; and
  - (iii) any equipment, tool, accessory, machinery or model relating to rail transport; and
  - (iv) any other thing related to rail transport; and
- (e) any object of road transport, including:
  - (i) a motor vehicle or horse drawn vehicle; and
  - (ii) a motorcycle or a pedal operated cycle; and
  - (iii) a mining or other barrow, perambulator, sedan chair or litter; and
  - (iv) any equipment, manufacturing machine, tool, fuel distribution appliance or instrument relating to an object mentioned in subparagraph (i) or (ii); and
  - (v) any other thing related to road transport; and
- (f) any object of scientific interest, including:
  - (i) an implement, tool or device used, or intended for use, for scientific examination or measurement; and
  - (ii) apparatus assembled or constructed for purposes of scientific research; and
  - (iii) a model of original scientific apparatus or of an original scientific instrument; and
  - (iv) any other thing related to the field of science; and
  - (v) any object that is a component or part related to any object mentioned in subparagraphs (i) to (iv); and
- (g) any object of water transport, including:
  - (i) a sailing vessel, a steam propelled vessel or a power driven vessel; and
  - (ii) a rowing boat, canoe or punt; and

- (iii) any equipment, manufacturing machine, tool or navigation equipment relating to water transport; and
- (iv) any other thing related to water transport; and
- (h) any object of weaponry, including any aircraft, vehicle, vessel, weapon, or a related component or related equipment, used or intended for use in warfare involving Australia either in Australia or overseas (but not currently in use for the Australian Defence Force).

*Note* A Class B object can be exported from Australia if a permit or certificate is granted under the Act in relation to the object.

## Part 5 Objects of Fine or Decorative Art

- 5.1 This Part lists heritage objects of the category *Objects of Fine or Decorative Art*.
- 5.2 An object is in this category if:
- (a) it is an Australia-related object; and
  - (b) for an object mentioned in Part 1 of the table following item 5.3 — it is at least 20 years old; and
  - (c) for an object mentioned in Part 2 of the table following item 5.3 — it is at least 30 years old.
- 5.3 Objects in this category are Class B objects for the Act, and include an object mentioned in column 2 of an item in the following table that has a current Australian market value of at least the amount mentioned in column 3 of the item.

Item	Objects of fine or decorative art	Amount (\$)
<b>Part 1 — Aboriginal or Torres Strait Islander objects</b>		
1	objects of Aboriginal or Torres Strait Islander fine or decorative art	10,000
<b>Part 2 — Other objects</b>		
2	objects that are not otherwise mentioned in this table and that are made from glass, wood, paper, plastic, ceramic, leather, ivory, natural or man made fibre, or a base metal	5,000
3	objects made from precious metals	25,000
4	musical instruments	10,000
5	arms and armour	5,000
6	architectural fittings and decoration, and interior decoration	15,000
7	tapestries and carpets	10,000
8	sculptures	30,000
9	furniture	30,000
10	jewellery	40,000

Item	Objects of fine or decorative art	Amount (\$)
11	clocks and watches	40,000
12	watercolours, pastels, drawings, sketches and other similar works	40,000
13	paintings	250,000
14	prints, posters, photographs or similar works of art with potential for multiple production	10,000

5.4 This category includes an object of fine or decorative art not mentioned in item 5.3 if the object provides documentation of any notable person or event in Australian science, technology, arts or history.

*Note* A Class B object can be exported from Australia if a permit or certificate is granted under the Act in relation to the object.

5.5 However, an object is not in this category if it is owned by the person who created the object.

5.6 In this Part:

***Australia-related object*** means an object designed or made:

- (a) in or outside Australia by an Australian; or
- (b) in Australia by a foreign person who, at some time, worked or resided in Australia; or
- (c) outside Australia by a foreign person, if the object incorporates Australian motifs or subject-matter, or is otherwise relevant to Australia.

***object of Aboriginal or Torres Strait Islander fine or decorative art*** means an object made in the indigenous tradition by an Aboriginal or Torres Strait Islander person, other than an object listed in the category in Part 1 of this Schedule.

## Part 6 Objects of Documentary Heritage

6.1 This Part lists heritage objects of the category *Objects of Documentary Heritage*.

6.2 An object is in this category if it is a document that:

- (a) is of significance to Australia; and
- (b) is at least 30 years old; and
- (c) is not represented in at least 2 public collections in Australia by an object of equivalent quality.

6.3 Objects in this category are Class B objects for the Act.

*Note* A Class B object can be exported from Australia if a permit or certificate is granted under the Act in relation to the object.

6.4 In this Part:

***document*** means any written or printed material, or any article on which information has been stored or recorded either mechanically or electronically, and includes:

- (a) a book, letter, ledger, register, pamphlet or similar article; and
- (b) a sound recording, a film, television or video production, or any other production that includes moving images or recorded sounds; and
- (c) a map, plan, photograph, drawing or other graphic; and
- (d) an article that forms part of government records or archives of the Commonwealth, a State or a Territory, a Commonwealth, State or Territory authority, the Governor-General or the Governor of a State, only if, because of a law of the Commonwealth, a State or a Territory in relation to the article, the article must be kept permanently in Australia.

**government records or archives** has the meaning given by any relevant law of interpretation of the government of the Commonwealth or the State or Territory that created, or has custody or control of, the records in relation to which an application for a certificate or permit under the Act has been made.

## Part 7 Numismatic Objects

- 7.1 This Part lists heritage objects of the category *Numismatic Objects*.
- 7.2 An object is in this category if it is:
- (a) a Victoria Cross medal mentioned in item 7.3; or
  - (b) an object of the kind mentioned in item 7.4 that:
    - (i) is of significance to Australia; and
    - (ii) has a current Australian market value of at least \$15,000; and
    - (iii) is not represented in at least 2 public collections in Australia by an object of equivalent quality.
- 7.3 A Victoria Cross medal is a Class A object if it is awarded to any one of the following persons:

Anderson, C.G.W.	Gordon, J.H.	Middleton, R.H.
Axford, T.L.	Gratwick, P.E.	Moon, R.V.
Badcoe, P.I.	Grieve, R.C.	Murray, H.W.
Beatham, R.	Gurney, A.S.	Newland, J.E.
Bell, F.W.	Hall, A.C.	Newton, W.E.
Birks, F.	Hamilton, J.	O'Meara, M.
Bisdee, J.H.	Howell, G.J.	Partridge, F.J.
Blackburn, A.	Howse, N.R.	Payne, K.
Borella, A.	Ingram, G.M.	Peeler, W.
Brown, W.E.	Inwood, R.R.	Pope, C.
Buckley, A.	Jacka, A.	Rathey, R.R.
Buckley, M.V.	Jackson, J.W.	Ruthven, W.
Bugden, P.J.	Jeffries, C.S.	Ryan, J.
Burton, A.	Jensen, J.C.	Sadlier, C.W.K.
Carrol, J.	Joynt, W.D.	Shout, A.J.
Cartwright, G.	Kelliher, R.	Simpson, R.S.

Castleton, C.	Kenna, E.	Starcevich, L.T.
Cherry, P.H.	Kenny, T.J.	Statton, P.C.
Chowne, A.	Keysor, L.M.	Storkey, P.V.
Cooke, T.	Kibby, W.H.	Sullivan, A.P.
Currey, W.	Kingsbury, B.S.	Symons, W.J.
Cutler, A.R.	Leak, J.	Throssell, H.V.H.
Dalziel, H.	Lowerson, A.D.	Towner, E.T.
Davey, P.	Mackey, J.B.	Tubb, F.H.
Derrick, T.C.	Mactier, R.	Wark, B.A.
Dunstan, W.	Maxwell, J.	Weathers, L.C.
Dwyer, J.J.	Maygar, L.C.	Wheatley, K.A.
Edmondson, J.H.	McCarthy, L.D.	Whittle, J.W.
French, J.A.	McDougall, S.R.	Woods, J.P.
Gaby, A.E.	McGee, L.	Wylly, G.G.
Gordon, B.S.	McNamara, F.H.	

*Note* Under the Act, a Class A object that is in Australia cannot be exported from Australia. However, for a Class A object that is not in Australia and that a person wishes to temporarily import, a certificate may be granted by the Minister authorising the subsequent export of the object.

7.4 All objects in this category, other than objects mentioned in item 7.3, are Class B objects for the Act, and include:

- (a) a badge, token or charm, coin or paper money; and
- (b) a pattern, proof or specimen striking; and
- (c) any medal or other decoration, whether of a civil or military nature (other than a campaign medal), awarded to a person:
  - (i) ordinarily resident in Australia at the time of the award; or
  - (ii) for a posthumous award — ordinarily resident in Australia at the time of the service or circumstance to which the award relates; and
- (d) any citation or other document, or insignia, relating to a medal or decoration mentioned in paragraph (c).

*Note* A Class B object can be exported from Australia if a permit or certificate is granted under the Act in relation to the object.

7.5 However, a medal to which item 7.3 applies, or an object to which paragraph 7.4 (c) or (d) applies, is not an object in this category if it is owned:

- (a) by the person to whom the award was made; or
- (b) in the case of a posthumous award — by the person's next-of-kin to whom the award was made.

## Part 8 Philatelic Objects

8.1 This Part lists heritage objects of the category *Philatelic Objects*.

8.2 An object is in this category if it:

- (a) is of significance to Australia; and

- (b) is an object of the kind mentioned in item 8.3; and
  - (c) is an object of which no more than 2 examples are known to exist in Australia; and
  - (d) is not represented in at least 2 public collections in Australia by an object of equivalent quality.
- 8.3 Objects in this category are Class B objects for the Act, and include:
- (a) a postal marking, or postage or revenue stamp, that is in mint condition or is attached in any way to a document; and
  - (b) any material used in the design, production, usage or collection of stamps; and
  - (c) a stamp collection of substantial importance that:
    - (i) has won an award known as a Large Gold medal in international competition; or
    - (ii) has a current Australian market value of at least \$150,000.

*Note* A Class B object can be exported from Australia if a permit or certificate is granted under the Act in relation to the object.

## **Part 9 Objects of Historical Significance**

- 9.1 This Part lists heritage objects of the category *Objects of Historical Significance*.
- 9.2 An object is in this category if it is:
- (a) an object of the kind mentioned in item 9.2A; or
  - (b) an object of the kind mentioned in item 9.3 that:
    - (i) is associated with a person, activity, event, place or business enterprise, notable in Australian history; and
    - (ii) is at least 30 years old; and
    - (iii) is not represented in at least 2 public collections in Australia by an object of equivalent quality.
- 9.2A Each piece of the suit of metal armour worn by Ned Kelly at the event known as the siege of Glenrowan in Victoria in 1880 is a Class A object for the Act.
- Note* Under the Act, a Class A object that is in Australia must not be exported from Australia. However, if a person intends to import temporarily a Class A object that is not in Australia, before exporting the object, the person may apply to the Minister for a certificate authorising the subsequent export of the object (see section 12 of the Act).
- 9.3 Objects in this category, except objects mentioned in item 9.2A, are Class B objects for the Act, and include:
- (a) objects of heraldry; and
  - (b) objects relating to Australian military history; and
  - (c) objects relating to domestic life, including buildings, fixtures and decorations, equipment and furniture, costumes and textiles and personal effects; and
  - (d) objects relating to work life, including specialised trades and labour material, trade unionism, company activity and corporate identity, trade and commerce; and

- (e) objects relating to courts and tribunals, law enforcement including the police, law-breakers, convicts and prison life; and
- (f) objects relating to education; and
- (g) objects relating to health and medicine; and
- (h) objects relating to arts and crafts; and
- (i) objects relating to leisure and recreation, including all forms of sport, entertainment and tourism; and
- (j) objects relating to politics; and
- (k) objects relating to exploration; and
- (l) objects relating to migration; and
- (m) objects relating to community activities; and
- (n) objects relating to religion.

*Note* A Class B object can be exported from Australia if a permit or certificate is granted under the Act in relation to the object.

9.4 In this Part:

***Australian military history*** means the history of:

- (a) wars, and operations or activities relating to warfare, in which Australians have been actively engaged; and
- (b) any army, navy or air force unit in which Australians have taken part; and
- (c) the Australian Defence Force; and
- (d) operations, or other activities, conducted in Australia by any army, navy or air force personnel or unit of a country other than Australia; and
- (e) objects used against the Australian Defence Force, whether in Australia or overseas.

***objects of heraldry*** means flags, banners, guidons and colours.