



Protection of Movable Cultural Heritage Regulations 2018

I, the Honourable Paul de Jersey AC, Administrator of the Government of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 06 December 2018

Paul de Jersey AC
Administrator of the Government of the Commonwealth of Australia

By His Excellency's Command

Mitch Fifield
Minister for Communications and the Arts

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1 Name

This instrument is the *Protection of Movable Cultural Heritage Regulations 2018*.

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.	11 December 2018

Note: This table relates only to the provisions of this instrument as originally made.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 the *Protection of Movable Cultural Heritage Act 1986*.

4 Schedule 2

Each instrument that is specified in Schedule 2 to this instrument is amended or repealed as set out in the applicable items in that Schedule, and any other item in that Schedule has effect according to its terms.

5 Definitions

- (1) In this instrument:

Act means the *Protection of Movable Cultural Heritage Act 1986*.

significance to Australia, for an object, 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.

Section 6

- (2) If an object of a kind mentioned in Schedule 1 has been repaired, restored or reassembled, the age of the object is not affected by that action for any provision of Schedule 1 unless the action has substantially modified the object.

6 Categories of objects that are the movable cultural heritage of Australia

For the purposes of paragraph 7(1)(j) of the Act, the following categories are prescribed:

- (a) archaeological objects of non-Australian origin;
- (b) natural science objects;
- (c) numismatic objects;
- (d) objects of social history;
- (e) philatelic objects.

7 National Cultural Heritage Control List

For the purposes of subsection 8(1) of the Act, the list of categories set out in Schedule 1 is prescribed.

8 Period for giving notice of refusal to grant permit

For the purposes of subsection 10(7) of the Act, the period of 14 days is prescribed.

9 Period for giving notice of refusal to grant certificate of exemption

For the purposes of subsection 12(6) of the Act, the period of 14 days is prescribed.

10 Register of expert examiners

For the purposes of section 22 of the Act, the register to be maintained by the Committee must set out the name of each person determined by the Committee to be an expert examiner.

Schedule 1—National cultural heritage control list

Note: See section 7.

Part 1—Objects of Australian Aboriginal and Torres Strait Islander heritage

- 1.1 This Part lists 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 clause 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:
- (a) sacred and secret ritual objects;
 - (b) bark and log coffins used as traditional burial objects;
 - (c) human remains;
 - (d) rock art;
 - (e) dendroglyphs.
- 1.4 All objects in this category, other than objects mentioned in clause 1.3, are Class B objects, 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: Objects of Aboriginal or Torres Strait Islander fine or decorative arts are dealt with in Part 5 of this Schedule.

Part 2—Archaeological objects

- 2.1 This Part lists 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, and include:
- (a) objects relating to seagoing exploration, transportation, supply and commerce, including ordnance, coins, ships’ 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 of this Schedule; and
 - (m) organic remains associated with, or representative of, a prehistoric or historic culture; and
 - (n) archaeological objects not mentioned in this clause 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 clause that adds significantly to Australian historical or scientific information.

Part 3—Natural science objects

- 3.1 This Part lists 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 clause 3.4; and
 - (c) is not adequately represented in public collections in Australia.
- 3.3 For the purposes of paragraph 3.2(c), 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, and include:
- (a) any palaeontological object; and
 - (b) any mineral object not otherwise mentioned in this clause 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 under Part 13A of the *Environment Protection and Biodiversity Conservation Act 1999* is not in force for the type specimen.
- 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:

Schedule 1 National cultural heritage control list

Part 3 Natural science objects

- (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; or
- (b) a sculpture or other object made from fossiliferous or fossilised matter; or
- (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 the basis of 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 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 clause 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, 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 any of 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).

Part 5—Objects of fine or decorative art

5.1 This Part lists objects of the category “Objects of fine or decorative art”.

5.2 An object is in this category if it is:

- (a) an object of the kind mentioned in clause 5.3; or
- (b) an object of the kind mentioned in clause 5.4 that:
 - (i) is an Australia-related object; and
 - (ii) is at least 30 years old.

5.3 An object mentioned in column 1 of an item in the following table that has a current Australian market value of at least the amount mentioned in column 2 of the item is a Class A object.

Objects of Fine or Decorative Art that are Class A objects		
Item	Column 1 Object	Column 2 Amount
1	Pre-1901 Aboriginal or Torres Strait Islander artworks	\$25,000
2	Pre-1960 Aboriginal or Torres Strait Islander bark paintings or sculptures not covered by item 1 of this table	\$25,000

5.4 Objects in this category, other than objects mentioned in clause 5.3, are Class B objects and include an object mentioned in column 1 of an item in the following table that has a current Australian market value of at least the amount mentioned in column 2 of the item.

Objects of Fine or Decorative Art that are Class B objects		
Item	Column 1 Object	Column 2 Amount
1	Watercolours, pastels, drawings, sketches and other similar works	\$40,000
2	Aboriginal desert paintings (including pre-1974 Aboriginal Papunya paintings), other than a painting that is a Class A object because of paragraph 1.3(a) of this Schedule	\$100,000
3	Aboriginal Kimberley paintings on canvas	\$100,000
4	Oil and acrylic paintings not covered by item 1, 2 or 3 of this table	\$350,000
5	Aboriginal or Torres Strait Islander ochre paintings that are on bark, composition board, wood, cardboard, stone or other similar supports	\$20,000
6	Prints, posters, photographs and similar works of art with potential for multiple production	\$10,000
7	Textiles, including tapestries, carpets and batiks	\$10,000
8	Sculptures	\$30,000
9	Furniture	\$30,000
10	Jewellery	\$40,000
11	Clocks and watches	\$40,000

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Part 5 Objects of fine or decorative art

Objects of Fine or Decorative Art that are Class B objects

Item	Column 1 Object	Column 2 Amount
12	Musical instruments	\$10,000
13	Architectural fittings and decoration and interior decoration	\$15,000
14	Objects made from precious metals	\$25,000
15	Any objects of fine or decorative art that are not covered by another item of this table	\$10,000

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.

Part 6—Objects of documentary heritage

- 6.1 This Part lists 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.
- 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 or archives.

Part 7—Numismatic objects

7.1 This Part lists objects of the category “Numismatic objects”.

7.2 An object is in this category if it is:

- (a) a Victoria Cross medal awarded to a person mentioned in clause 7.3; or
- (b) an object of a kind mentioned in any of paragraphs 7.4(b) to (e) 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 awarded to any of the following persons is a Class A object unless it is owned, or held on loan, by the Commonwealth or a principal collecting institution.

Anderson, C.G.W.	Gordon, B.S.	McNamara, F.H.
Axford, T.L.	Gordon, J.H.	Middleton, R.H.
Badcoe, P.I.	Gratwick, P.E.	Moon, R.V.
Baird, C.S.	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.	Roberts-Smith, B.
Bugden, P.J.	Jeffries, C.S.	Ruthven, W.
Burton, A.	Jensen, J.C.	Ryan, J.
Carrol, J.	Joynt, W.D.	Sadlier, C.W.K.
Cartwright, G.	Keighran, D.	Shout, A.J.
Castleton, C.	Kelliher, R.	Simpson, R.S.
Cherry, P.H.	Kenna, E.	Starcevich, L.T.
Chowne, A.	Kenny, T.J.	Statton, P.C.
Cooke, T.	Keysor, L.M.	Storkey, P.V.
Currey, W.	Kibby, W.H.	Sullivan, A.P.
Cutler, A.R.	Kingsbury, B.S.	Symons, W.J.
Dalziel, H.	Leak, J.	Throssell, H.V.H.
Davey, P.	Lowerson, A.D.	Towner, E.T.
Derrick, T.C.	Mackey, J.B.	Tubb, F.H.
Donaldson, M.	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.

7.4 All objects in this category, other than objects that are Class A objects under clause 7.3, are Class B objects, and include:

- (a) a Victoria Cross medal awarded to a person mentioned in clause 7.3 if it is owned, or held on loan, by the Commonwealth or a principal collecting institution; and
- (b) any other 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
- (c) any citation or other document, or insignia, relating to a medal or decoration mentioned in paragraph (b); and
- (d) a badge, token or charm, coin or paper money; and
- (e) a pattern, proof or specimen striking.

7.5 However, the following are not objects in this category:

- (a) a Victoria Cross medal awarded to a person mentioned in clause 7.3 if it is:
 - (i) owned by the person to whom the award was made or, in the case of a posthumous award, by the next-of-kin of the person to whom the award was made; and
 - (ii) not held on loan by the Commonwealth or a principal collecting institution;
- (b) a medal or other decoration mentioned in paragraph 7.4(b), or a citation, other document or insignia mentioned in paragraph 7.4(c) that relates to such a medal or decoration, if it is owned by the person to whom the award was made or, in the case of a posthumous award, by the next-of-kin of the person to whom the award was made.

Part 8—Philatelic objects

- 8.1 This Part lists 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 clause 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, 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.

Part 9—Objects of historical significance

- 9.1 This Part lists 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 clause 9.3; or
 - (b) an object of the kind mentioned in clause 9.4 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.
- 9.3 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.
- 9.4 Objects in this category, other than objects mentioned in clause 9.3, are Class B objects, 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.
- 9.5 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

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- (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

Schedule 2—Repeals

Protection of Movable Cultural Heritage Regulations 1987

1 The whole of the instrument

Repeal the instrument.