



Australian Government

Department of Infrastructure, Transport,
Regional Development, Communications and the Arts

Protecting movable cultural heritage

In Australia, national and foreign cultural heritage is protected by our laws. Australian cultural property objects are significant to the nation's identity. It is important all cultural heritage items are imported and exported legally.

What is cultural heritage?

Cultural heritage objects, also known as cultural property, include:

- > antiquities
- > art
- > fossils
- > historical documents
- > numismatic (medals) material
- > specimens of flora and fauna.

Legislation

The *Protection of Movable Cultural Heritage Act 1986* (the Act) protects Australia's movable cultural heritage by regulating the export of Australia's significant cultural heritage objects.

The Act gives effect to the *UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970* (1970 Convention).

The Act provides for the return of foreign cultural property which has been illegally exported from its country of origin and imported into Australia.

The Department of Infrastructure, Transport, Regional Development, Communications and the Arts is responsible for administering the Act.

Importing foreign items

The responsibility falls to importers of foreign cultural material to ensure that the object has valid export permission from the country of origin, if required. Objects may be detained at the border pending confirmation of lawful export from the country of origin.

A valid request for the return of a foreign protected object will be considered from any nation. Seizure action is not restricted only to the cultural property of those which are party to the 1970 Convention. Australia has returned a number of illegally imported objects under the Act.

Before buying cultural property, do your research to make sure it's above board.



Holden Prototype Car No. 1,
made in 1946

Objects restricted for export

The export of certain types of Australian cultural heritage goods may require a permit. Exporters are responsible for ensuring that items meet all export permission requirements for private and commercial purposes.

National cultural heritage control list

The National Cultural Heritage Control List (The Control List) defines Australian cultural material protected by the Act: arts.gov.au/movable/export/list

The Control List divides Australian protected objects into two classes:

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

Class A objects (not for export):

Class A objects which cannot be granted an export permit include:

- > Items of Aboriginal and Torres Strait Islander heritage, such as
 - bark and log coffins
 - human remains
 - rock art
 - dendroglyphs (carved burial and initiation trees)
 - sacred and secret ritual objects.
- > Victoria Crosses awarded to Australian recipients.
- > The objects comprising the suit of armour worn by Ned Kelly at the event known as the siege of Glenrowan in 1880.

Class B objects (export permit required):

Class B objects which may be exported subject to a permit include:

- > Objects of Australian Aboriginal and Torres Strait Islander Heritage that are not Class A
- > Archaeological objects
- > Natural science objects
- > Objects of applied science or technology
- > Objects of fine or decorative art
- > Objects of documentary heritage
- > Numismatic objects (medals) (not covered under Class A)
- > Philatelic (stamps/postal items) objects
- > Objects of historical significance

Examples of Class B objects that have been refused an export permit due to their high significance to Australia include:

- > A Queensland Gulmari Shield, c1880s was refused an export permit due to its significant Australian Aboriginal Heritage.
- > The Moore Road Machinery diesel locomotive GT-122-DH-1, c1956 was refused an export permit due to its significance as an object of Australian technology.
- > The Painting *Womens' Dreaming* by Uta Uta Tjangala, 1972 was refused an export permit due to its high significance as an object of fine art.

Penalties

Offences under the Act can result in the seizure of objects. Serious offences committed by individuals may incur fines and in some cases may lead to imprisonment.

More information

To obtain an export permit or for more information about importing foreign cultural heritage goods contact the Cultural Property Section.

Website: arts.gov.au/movable

Phone: 1800 819 461

Email: movable.heritage@arts.gov.au