



Statutory Rules 1988 No. 194¹

Protection of Movable Cultural Heritage Regulations² (Amendment)

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *Protection of Movable Cultural Heritage Act, 1986*.

Dated 25 July 1988.

N. M. STEPHEN
Governor-General

By His Excellency's Command,

GARY PUNCH
Minister of State for the Arts
and Territories

Commencement

1. These Regulations commence on 1 August 1988.

Schedule

2. The Schedule to the *Protection of Movable Cultural Heritage Regulations* is repealed and the following Schedule substituted:

SCHEDULE

Regulation 4

NATIONAL CULTURAL HERITAGE CONTROL LIST CATEGORIES OF OBJECTS

PART I—OBJECTS OF AUSTRALIAN ABORIGINAL HERITAGE

1. In this Part, a reference to objects of Australian Aboriginal heritage is a reference to materials and things made by, or having cultural significance to, members of the Aboriginal race of Australia and descendants of the indigenous inhabitants of the Torres Strait Islands.

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2. This category consists of the following objects of Australian Aboriginal heritage:

- (a) bark and log coffins;
- (b) human remains;
- (c) rock art;
- (d) dendroglyphs.

3. The objects included in this category are Class A objects.

PART II—ARCHAEOLOGICAL OBJECTS

1. This category consists of archaeological objects recovered as specified in paragraph 7 (1) (a) of the Act after remaining for not less than 50 years in the place from which that recovery is effected.

2. In Clause 1, a reference to archaeological objects includes a reference to:

- (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;
- (b) objects relating to military activity;
- (c) objects relating to the exploration of Australia and to the colonisation and development of Australia by non-indigenous peoples;
- (d) objects relating to convict transportation and settlement;
- (e) objects relating to relations between indigenous and non-indigenous peoples;
- (f) objects relating to missionary activity;
- (g) objects (including documentation) relating to the history of mining, processing, industry, technology and manufacture in Australia;
- (h) objects relating to the development of the pastoral industry and other land industries;
- (i) objects relating to whaling and sealing;
- (j) objects relating to visits to or settlement in Australia of identifiable cultural minorities;
- (k) biological or ethnographic objects or collections;
- (l) human remains other than remains specified in Part I;
- (m) organic remains associated with or representative of a prehistoric or historic culture;
- (n) archaeological objects not otherwise referred to in this clause relating to persons, places or events significant in the history of Australia;
- (o) unclassified material recovered as specified in paragraph 7 (1) (a) of the Act for purposes of archaeological study;
- (p) material related to any object referred to in this clause, being material that adds significantly to Australian historical or scientific information.

3. The objects included in this category are Class B objects.

PART III—OBJECTS OF ABORIGINAL HERITAGE

1. In this Part, a reference to objects of Aboriginal heritage is a reference to objects relating to members of the Aboriginal race of Australia and descendants of the indigenous inhabitants of the Torres Strait Islands.

2. This category consists of objects of significance to Aboriginal heritage including:

- (a) sacred and secret ritual objects;

SCHEDULE—continued

- (b) objects relating to famous and important Aborigines, or to other persons significant in Aboriginal history;
 - (c) objects made on missions or reserves;
 - (d) objects relating to the development of Aboriginal protest and self-help movements; and
 - (e) original documents, photographs, drawings, sound recordings, film and video recordings and any similar records relating to objects included in this category.
3. The following objects are not included in this category:
- (a) an object of Aboriginal heritage created by a living artist or created solely for purchase or sale less than 30 years ago;
 - (b) an object of Australian Aboriginal heritage specified in Part I; or
 - (c) an object of a kind referred to in Clause 2 (other than an object of a kind referred to in paragraph (a) of that clause) that is adequately represented in Aboriginal or public collections in Australia.
4. The objects included in this category are Class B objects.

PART IV—ARCHAEOLOGICAL AND ETHNOGRAPHIC OBJECTS OF NON-AUSTRALIAN ORIGIN

1. This category consists of archaeological and ethnographic objects of non-Australian origin having cultural, historical or scientific significance to Australia, held in Australia for not less than 50 years and still held in Australia.
2. An archaeological or ethnographic object of non-Australian origin that is adequately represented in public collections in Australia is not included in this category.
3. In this Part, a reference to archaeological and ethnographic objects of non-Australian origin includes a reference to any such object:
- (a) collected overseas by, presented overseas to, or brought to Australia by, a notable person in Australian history; or
 - (b) that is an original document, photograph, record or other supporting matter relating to any archaeological or ethnographic object otherwise included in this category.
4. The objects included in this category are Class B objects.

PART V—NATURAL SCIENCE OBJECTS OF AUSTRALIAN ORIGIN

1. In this Part:
- "holotype" means the original specimen from which the description of a new species is obtained, being a specimen of a palaeontological object or of present-day flora or fauna;
- "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;
- "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;
 - (b) a carving or a sculpture made from fossiliferous or fossilised matter;
 - (c) any material, record or thing of scientific significance in relation to palaeontology; and
 - (d) a precious opal replacement fossil of a vertebrate or invertebrate animal.

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SCHEDULE—continued

2. This category consists of:

- (a) any palaeontological object having a current Australian market value of not less than \$1,000;
- (b) any mineral not otherwise referred to in this clause having a current Australian market value of not less than \$10,000;
- (c) any gold nugget having a current Australian market value of not less than \$250,000;
- (d) any diamond or sapphire having a current Australian market value of not less than \$250,000;
- (e) any opal having a current Australian market value of not less than \$100,000;
- (f) any other gemstone having a current Australian market value of not less than \$25,000;
- (g) any specimen of natural crystal having a current Australian market value of not less than \$5,000;
- (h) any meteorite or australite; and
- (i) any holotype of Australian origin:
 - (i) that is not lodged in an overseas collecting institution; or
 - (ii) in relation to which a permit or an authority issued under the *Wildlife Protection (Regulation of Exports and Imports) Act 1982* is not in force.

3. The objects included in this category are Class B objects.

PART VI—OBJECTS OF APPLIED SCIENCE OR TECHNOLOGY

1. In this Part:

"agricultural object" means:

- (a) an object used for agricultural production;
- (b) an object used for processing agricultural products;
- (c) an object relating to an industry producing products for use in agriculture;
- (d) any tool, implement or equipment used or intended for use in agriculture or in farming life;
- (e) scientific equipment relating to agricultural research;
- (f) any trade publication relating to agricultural machinery or archival material relating to the manufacture of agricultural machinery; and
- (d) any material, record or thing of historical significance in relation to agriculture;

"engineering object" means:

- (a) a manufactured object relating to any branch of engineering, including any such object that is:
 - (i) a machine or hand tool, engine or workshop equipment;
 - (ii) a control system or control mechanism; or
 - (iii) an invention, prototype or related model, or patent object; and
- (b) any documentary material, drawing, plan, photograph or thing having historical significance for engineering;

"object of air transport" means:

- (a) any lighter than air craft, including an airship;
- (b) a glider, or kite, including a hang glider;
- (c) any power driven aircraft;
- (d) any equipment used, or intended for use, in aircraft manufacture or repair;
- (e) any aircraft communication and guidance system or component of such a system;
- (f) any aircraft instrument, engine, equipment, part or weapon;

SCHEDULE—continued

- (g) any prototype aircraft or experimental material relating to the design or manufacture of aircraft; and
- (h) any material, record or thing of historical significance in relation to air transport;

"object of rail transport" means:

- (a) a locomotive or rolling stock for a railway;
- (b) a tram or an associated service vehicle for a tramway;
- (c) any equipment, tool, accessory, machinery or model relating to rail transport; and
- (d) any material, record or thing of historical significance in relation to rail transport;

"object of road transport" means:

- (a) a motor vehicle or horse drawn vehicle;
- (b) a motorcycle or a pedal operated cycle;
- (c) a mining or other barrow, perambulator, sedan chair or litter;
- (d) any equipment, manufacturing machine, tool, fuel distribution appliance or instrument relating to such a vehicle or cycle; and
- (e) any material, record or thing of historical significance in relation to road transport;

"object of scientific interest" means:

- (a) an implement, tool or device used, or intended for use, for scientific examination or measurement;
- (b) apparatus assembled or constructed for purposes of scientific research;
- (c) a model of original scientific apparatus or of an original scientific instrument;
- (d) any material, record or thing of historical significance in the field of science; and
- (e) any object that is a component or part related to any object referred to in any of paragraphs (a) to (d) inclusive;

"object of water transport" means:

- (a) a sailing vessel or a power driven vessel;
- (b) a rowing boat, canoe or punt;
- (c) any equipment, manufacturing machine, tool or navigation equipment relating to water transport; and
- (d) any material, record or thing of historical significance in relation to water transport.

2. This category consists of any agricultural object, engineering object, object of air transport, object of rail transport, object of road transport, object of scientific interest or object of water transport that:

- (a) is significant to the history or culture of Australia;
- (b) represents significant technological or social progress;
- (c) is associated with a notable person in Australian history;
- (d) has received a national or international award or has a significant association with an international event; or
- (e) is or has been used in a significant experiment contributing to progress in science and is an object of scientific interest.

3. In Clause 2, a reference to an object includes a reference to a prototype, model or patent object related to that object.

3A. Clause 4 does not apply to an object of water transport that is a steam propelled vessel.

4. An object referred to in Clause 2 is not included in this category unless that object:

SCHEDULE—continued

- (a) in the case of an agricultural object—was built in Australia before 1930 or in use in Australia before 1920;
 - (b) in the case of an engineering object—was built in Australia before 1930 or in use in Australia before 1920;
 - (c) in the case of an object of air transport—was built in Australia before 1950 or in use in Australia before 1945;
 - (d) in the case of an object of rail transport—was built in Australia before 1945 or in use in Australia before 1930;
 - (e) in the case of an object of road transport—was built in Australia before 1930 or in use in Australia before 1920;
 - (f) in the case of an object of scientific interest—was made in Australia before 1930 or in use in Australia before 1920; or
 - (g) in the case of an object of water transport—was built in Australia before 1930 or in use in Australia before 1920.
5. The objects included in this category are Class B objects.

PART VII—MILITARY OBJECTS

1. 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;
- (b) any army, navy or air force unit in which Australians have participated;
- (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;

“heraldry and historical material” means:

- (a) any medal or other decoration, whether of a civil or military nature (not being a campaign medal), awarded to a person:
 - (i) ordinarily resident in Australia at the time of the award; or
 - (ii) in the case of a posthumous award—ordinarily resident in Australia at the time of the service or circumstance to which the award relates;

and any citation or other document, or insignia, relating to such a medal or decoration, but not including any medal, decoration, citation, document or insignia owned by the person to whom the award was made or, in the case of a posthumous award, by the next-of-kin of that person;

- (b) battlefield relics and souvenirs;
- (c) flags, banners, guidons and colours;
- (d) historical material relating to any military unit or person serving in a military capacity;
- (e) material relating to prisoners of war;
- (f) memorials and other commemorative material;
- (g) military documents, photographs and diaries; and
- (h) military uniforms and personal equipment;

“weaponry” means an aircraft, vehicle, vessel, weapon, or a related component or related equipment, used or intended for use in warfare involving Australia (but not currently in use for the purposes of the Australian Defence Force), including:

- (a) an artefact from a naval vessel;
- (b) any small vessel or part of such a vessel;

SCHEDULE—continued

- (c) in relation to aerial warfare, ground support equipment including observation and barrage balloons, unmanned aircraft and rockets for military use;
- (d) any vehicle used for military purposes, or a part or component of such a vehicle; and
- (e) any assortment or collection of materials or objects that contains any object to which any of paragraphs (a) to (d) of this definition is applicable.

2. This category consists of any object of heraldry and historical material or of weaponry:

- (a) that is associated with a notable Australian or an event of significance in Australian military history; or
 - (b) that is an outstanding example of Australian technological development, invention or industry capability in the military field;
- and that was made, or has existed since a time, not later than 1920.

3. The objects included in this category are Class B objects.

PART VIII—OBJECTS OF DECORATIVE ART

1. This category consists of any object of decorative art included in objects of decorative art specified in Column 2 of an item in the following table that has a current Australian market value of not less than the Australian market value specified in Column 3 of that item:

Column 1 Item No.	Column 2 Objects of decorative art	Column 3 Australian market value \$
<i>Division A—Aboriginal and other Australian or Australia-related objects</i>		
1	objects of Aboriginal decorative art	5,000
2	ceramics and glass	10,000
3	metalwork	25,000
4	furniture	40,000
5	architectural fittings and decoration, and interior decoration	15,000
6	costume and textiles	5,000
7	jewellery	40,000
8	horological instruments (excluding barometers)	40,000
9	musical instruments	10,000
10	scrimshaw, woodwork, plastics, paper, plasters, leather and bookbindings	5,000
11	book art of which not more than 2 examples are known to be in public collections in Australia	10,000
12	toys	5,000
13	arms and armour	10,000
14	objects of decorative art not otherwise referred to in this Division, being objects (such as objects of folk art) made outside formal European traditions of decorative art	5,000
<i>Division B—Foreign objects</i>		
15	ceramics and glass	40,000
16	metalwork	100,000

SCHEDULE—continued

Column 1 Item No.	Column 2 Objects of decorative art	Column 3 Australian market value \$
17	furniture	100,000
18	architectural fittings and decoration and interior decoration	100,000
19	costume and textiles	30,000
20	jewellery	100,000
21	horological instruments (excluding barometers)	100,000
22	musical instruments	100,000
23	scrimshaw, woodwork, plastics, paper, plasters, leather and bookbindings	20,000
24	book art of which not more than 2 examples are known to be in public collections in Australia	20,000
25	toys	20,000
26	arms and armour	60,000

2. In Clause 1:

"Australian object" means an object of decorative art designed or made by an Australian person or Australian persons whether working in Australia or elsewhere, other than an object of Aboriginal decorative art;

"Australia-related object" means an object of decorative art:

- (a) made in Australia or related to Australia and designed or made by a foreign person or foreign persons who at some time worked or resided in Australia; or
- (b) made outside Australia and incorporating Australian motifs or subject-matter;

"foreign object" means an object of decorative art, not being an Australia-related object, designed or made by a foreign person or foreign persons:

- (a) that has been held in Australia for not less than 35 years and is still held in Australia; and
- (b) that has cultural significance for Australia.

3. In Clause 1:

- (a) a reference to an object in any item other than item I does not include a reference to an object of Aboriginal decorative art or to any object included in a category specified in Part I or III; and
- (b) a reference to an object of Aboriginal decorative art is a reference to an object of decorative art made in the Aboriginal art tradition by a person or persons of the Aboriginal race of Australia or by a descendant or descendants of the indigenous inhabitants of the Torres Strait Islands, other than any object included in a category specified in Part I or III.

4. This category consists of any object of decorative art, not being an object included in the category specified in Clause 1, that provides documentation of any notable person or event in Australian science, technology, arts or history.

5. In this Part, a reference to an object of decorative art does not include a reference to an object made by a living artist or less than 30 years old.

6. The objects included in the 2 categories specified in this Part are Class B objects.

SCHEDULE—continued
PART IX—OBJECTS OF FINE ART

1. This category consists of any object of fine art included in objects of fine art specified in Column 2 of an item in the following table that has a current Australian market value of not less than the Australian market value specified in Column 3 of that item:

Column 1 Item No.	Column 2 Objects of fine art	Column 3 Australian market value \$
<i>Division A—Aboriginal and other Australian or Australia-related objects</i>		
1	objects of Aboriginal fine art	5,000
2	paintings	150,000
3	watercolours, pastels, drawings, sketches and similar works	30,000
4	prints, posters, illustrated books, photographs and other works of art with potential for multiple production (including cast metal or moulded ceramic sculptures)	7,000
5	sculptures other than sculptures referred to in item 4	30,000
6	stained glass objects	10,000
7	tapestries	20,000
8	objects of fine art not otherwise referred to in this Division, being objects (such as objects of folk art) made outside formal European traditions of fine art	10,000
<i>Division B—Foreign objects</i>		
9	Any painting held in Australia for not less than 35 years and still held in Australia	500,000
10	watercolours, pastels, drawings and similar non-multiple works of art held in Australia for not less than 35 years and still held in Australia	100,000
11	prints, posters, illustrated books, photographs and similar works of art with potential for multiple production (including cast metal or moulded ceramic sculptures) held in Australia for not less than 35 years and still held in Australia	40,000
12	sculptures held in Australia for not less than 35 years and still held in Australia	40,000
13	tapestries and stained glass objects held in Australia for not less than 35 years and still held in Australia	20,000

2. In Clause 1:

"Australian object" means an object of fine art made by an Australian artist or Australian artists, whether working in Australia or elsewhere, other than an object of Aboriginal fine art;

"Australia-related object" means an object of fine art:

- (a) made in Australia or related to Australia and made by a foreign artist or foreign artists who at some time worked or resided in Australia; or
- (b) made outside Australia and incorporating Australian motifs or subject-matter;

SCHEDULE—continued

"foreign object" means an object of fine art, not being an Australia-related object, made by a foreign artist or artists and held in Australia.

3. In Clause 1:

- (a) a reference to an object in any item other than item 1 does not include a reference to an object of Aboriginal fine art or to any object included in a category specified in Part I or III; and
- (b) a reference to an object of Aboriginal fine art is a reference to an object of fine art made in the Aboriginal art tradition by a person or persons of the Aboriginal race of Australia or by a descendant or descendants of the indigenous inhabitants of the Torres Strait Islands, other than any object included in a category specified in Part I or III.

4. This category consists of any object of fine art, not being an object included in the category specified in Clause 1, that provides documentation of any notable person or event in Australian science, technology, arts or history.

5. In this Part, a reference to an object of fine art does not include a reference to an object made by a living artist or less than 30 years old.

6. The objects included in the 2 categories specified in this Part are Class B objects.

PART X—BOOKS, RECORDS, DOCUMENTS, GRAPHIC MATERIAL AND RECORDINGS

1. This category consists of the following classes of documents:

- (a) any document relating to the discovery, exploration, foundation and first 25 years of European settlement of each of those parts of Australia now comprising the States and Territories, being a document not less than 75 years old;
- (b) any document of Australian origin or of substantial Australian content or relating to a significant Australian event or notable Australian person, business, association or enterprise, being a document not less than 75 years old;
- (c) documents, being Government records or archives emanating from, or in the custody of, the Commonwealth or the Government of a State or the Administration of a Territory, or of an authority established by a law of the Commonwealth or a State or Territory (including a local authority), or the Governor-General of Australia or the Governor of a State, being documents which an authority authorised for the purpose under a law of the Commonwealth, a State or a Territory has determined are to be retained permanently in Australia;
- (d) any foreign document more than 75 years old, held in Australia for more than 35 years and still held in Australia.

2. In this Part, "document" includes:

- (a) a book, letter, journal, register, ledger, record, pamphlet or any related material or thing, however produced;
- (b) a sound recording, film, television or video production or any other production comprising moving images or recorded sounds (or both), a map, chart, photograph, architectural drawing or graphic, or any related material or thing; and
- (c) a sketch, drawing, watercolour, pastel, print or poster.

3. In this Part, a reference to Government records or archives is a reference to records so described within the meaning given to the expression under the law of whichever of the Commonwealth, a State or a Territory has created, or has custody or control of, the particular records in relation to which an application for a certificate or permit has been made.

SCHEDULE—continued

- 4 The objects included in this category are Class B objects.

PART XI—NUMISMATIC OBJECTS

1. This category consists of any numismatic object of Australian origin, of foreign origin for Australian use or, being of foreign origin, held in Australia for not less than 35 years and still held in Australia:
 - (a) having a current Australian market value of not less than \$5,000;
 - (b) having an important association with any significant event or notable person in Australian history; or
 - (c) included in any collection of numismatic objects that has historical significance.
2. In this Part, "numismatic object" includes:
 - (a) a medal, badge, token or charm or paper money;
 - (b) a pattern, proof or specimen striking;
 - (c) any object of numismatic technology or equipment; and
 - (d) any archival record relating to numismatics.
3. The objects included in this category are Class B objects.

PART XII—PHILATELIC OBJECTS

1. This category consists of any philatelic object:
 - (a) of Australian origin;
 - (b) of foreign origin for Australian use; or
 - (c) being of foreign origin and not for Australian use, held in Australia for not less than 35 years, still held in Australia and having a current Australian market value of not less than \$10,000;being an object:
 - (d) having historical associations with, or culturally significant to, Australia;
 - (e) of which no more than 2 examples are known to exist in Australia;
 - (f) not represented in an Australian public collection; or
 - (g) in the form of a stamp collection of substantial importance that has won a Large Gold medal in international competition or that has a current Australian market value of not less than \$150,000.
2. In this Part, "philatelic object" includes:
 - (a) a revenue stamp, railway freight stamp or commemorative stamp;
 - (b) material used in the designing of stamps;
 - (c) an artefact, an appliance or machinery used in the production of stamps;
 - (d) any document relating to the issue or use of stamps; and
 - (e) any material or thing relating to philately that is of significance to collectors.
3. The objects included in this category are Class B objects.

PART XIII—OBJECTS OF SOCIAL HISTORY

1. This category consists of objects of significance to Australia's social history.
2. In Clause 1, a reference to an object of significance to Australia's social history is a reference to an object not less than 75 years old that is associated with any significant activity, event or place, or notable person, in Australian history and includes a reference to any such object relating to:

SCHEDULE—continued

- (a) domestic life, including buildings, fixtures and decorations, equipment and furniture, costumes and textiles and personal effects;
- (b) work life, including specialised trades and labour material, trade unionism, company activity and corporate identity, trade and commerce;
- (c) courts and tribunals, law enforcement including the police, law-breakers, convicts and prison life;
- (d) education;
- (e) health and medicine;
- (f) arts and crafts;
- (g) leisure and recreation, including all forms of sport, entertainment and tourism;
- (h) politics;
- (i) exploration;
- (j) migration;
- (k) community activities; and
- (l) religion.

3. The objects included in this category are Class B objects.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 29 July 1988.
2. Statutory Rules 1987 No. 149.