



TERMS OF REFERENCE – REVIEW OF THE PROTECTION OF MOVABLE CULTURAL HERITAGE ACT

The *Protection of Movable Cultural Heritage Act 1986* protects Australia's movable cultural heritage and provides for the return of foreign cultural property which has been illegally exported from its country of origin and imported into Australia. It gives effect to Australia's agreement to the UNESCO *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970*. The *Protection of Movable Cultural Heritage Act 1986* has not been significantly amended since its enactment, and the scope of the proposed Review is therefore intentionally broad. It will consider the existing framework for the protection of movable cultural heritage material in Australia, as set out in the *Protection of Movable Cultural Heritage Act 1986* and the *Protection of Movable Cultural Heritage Regulations 1987*. The Review will focus on the appropriate settings for protection and regulation in this area, and explore other, similar protection schemes in Australia and other international models for the protection of cultural property:

- Which objects are protected, including having regard to the following:
 - What are the categories and types of Australian cultural objects which should be protected via regulation?
 - What are the appropriate thresholds and definitions of significance?
 - What levels of protection should be extended to foreign material?
- How Australia's international obligations are fulfilled, including having regard to the following:
 - How Australia implements the UNESCO *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970*;
 - How this scheme interacts with the obligations under the UNESCO *Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict 1954*; and
 - Whether there are other international conventions or practices which provide useful benchmarks or guidance?



- How this protection is administered, including having regard to the following:
 - What is the most effective framework for protecting Australia's cultural heritage?
 - How are decisions regarding specific objects best made?
 - How is the scheme best enforced?

The Review may also examine and report on any other issues considered relevant or incidental, and will consult with stakeholders as is thought necessary. It will report to the Australian Government Minister for the Arts by 30 September 2015.