

CAMD responses to PMCH Act Review Survey, 14 August 2015

Demographics

1. Is your interest in the Act a personal or professional interest?

- Personal
- Professional
- Both

2. Do you work for / are you associated with one of the following organisations?

- Auction house
- Dealer
- Collecting institution
- State or Territory Agency
- University
- Special Interest Group
- Other

3. Please specify which organisation(s)? *(Note this isn't a mandatory question)*

Council of Australasian Museum Directors - the answers to 4 and 5 following relate to members of CAMD

4. Have you submitted an application for export under the Act in the past five years (permanent or temporary)?

- Yes
- No

5. Are you or have you been an Expert Examiner or National Cultural Heritage Committee Member?

- Yes
- No

Overall model

6. The proposed model seeks to provide a number of principles, for example: A full list of principles can be found on pages 4-5 of the [Position Paper](#). To what extent do you think the proposed model achieves these draft principles?

- | | | | | | |
|----------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| To a very large extent | To a large extent | To a moderate extent | To a small extent | Not at all | Unsure |
| <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

7. To what extent do you agree with the change in the title of the Act to recognise the inclusion of natural heritage?

- | | | | | | |
|----------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| To a very large extent | To a large extent | To a moderate extent | To a small extent | Not at all | Unsure |
| <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

8. To what extent do you agree with the suggested definition for *movable cultural heritage*? The definition can be found on page 7 of the [Position Paper](#).

- | | | | | | |
|------------------------|-------------------|----------------------|-------------------|------------|--------|
| To a very large extent | To a large extent | To a moderate extent | To a small extent | Not at all | Unsure |
|------------------------|-------------------|----------------------|-------------------|------------|--------|

To a very large extent To a large extent To a moderate extent To a small extent Not at all Unsure

9. To what extent do you agree with the definition for *Australian related*? The definition can be found on pages 8 and 9 of the [Position Paper](#).

To a very large extent To a large extent To a moderate extent To a small extent Not at all Unsure

10. Do you have any further suggested changes to the title of the Act or the definitions for movable cultural heritage or Australian related?

The Act would be enhanced by a statement of purpose.

Classifications

11. To what extent does this classification approach accurately reflect the types of Australian cultural objects which should receive protection?

To a very large extent To a large extent To a moderate extent To a small extent Not at all Unsure

12. Do you believe that the 'Declared Australian Protected Object' approach provides enhanced export protection for Aboriginal and Torres Strait Islander material?

To a very large extent To a large extent To a moderate extent To a small extent Not at all Unsure

13. Are there other ways in which export protection for Aboriginal and Torres Strait Islander material can be more appropriately enhanced?

Not answered

14. Are there additional categories you think should be considered for inclusion on the draft Declared Australian Protected Object List?

Not answered

15. Does the reconfiguration of the control list make it easier to decide whether an object requires an export permit application?

- Yes
- No
- Unsure

16. Do you have specific suggestions as to how the age and value thresholds in the Control List should be varied or set?

Comments on classification system: 1) Fossils remain contentious. Some member museums support the coverage of all fossils as AHOs. 2) new scheme should allow for the assessment of mixed groups of objects which are important because of their association eg Commonwealth Games material or mixed collections from scientists or politicians. 3) it is not clear how objects will be treated which can be assessed under more than one category. Should the 'Social, Cultural etc History' category be a first assessment step before consideration of monetary thresholds?

Significance & Representation

17. To what extent do you think the proposed mechanisms for assessing significance and representation would enhance the assessment process?

To a very large
extent

To a large extent

To a moderate
extent

To a small extent

Not at all

Unsure

To a very large extent	To a large extent	To a moderate extent	To a small extent	Not at all	Unsure
<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

18. To what extent do you support the reconfiguration of the Expert Examiner and National Cultural Heritage Committee structure into a Register of Cultural Property Experts?

To a very large extent	To a large extent	To a moderate extent	To a small extent	Not at all	Unsure
<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

19. Do you have any further suggestions as to the process for assessing significance and representation of Australian material?

1) The removal of the NCH Committee means that there will be no regular forum for the collection sector to provide strategic oversight to the Minister and Ministry on matters such as the workings of the Act, associated legislation and training/skills. Individual, revolving experts may not necessarily have a consistent, broad view of the sector and there is a potential for the appearance of political bias in the use of the funds from the NCH Fund if a broader sector view is not sought. Recommend that provision be made for an advisory body from the sector to be included in the new legislation.

2) Further attention is needed to ensure that the framework deals clearly with conflict of interest issues eg assessor may also end up being the purchaser on behalf of museum or an auction house;

Export Process

20. To what extent do you think the proposed export process outlined in the diagram is an improvement to the current system?

To a very large extent	To a large extent	To a moderate extent	To a small extent	Not at all	Unsure
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To a very large extent

To a large extent

To a moderate extent

To a small extent

Not at all

Unsure

-

21. To what extent do you think the extension of the General Permit system is an appropriate streamlining of the temporary export process?

To a very large extent

To a large extent

To a moderate extent

To a small extent

Not at all

Unsure

-

22. To what extent do you agree with the proposed changes to publishing information about applications, significance assessments and decisions as to the granting or refusal of permits?

To a very large extent

To a large extent

To a moderate extent

To a small extent

Not at all

Unsure

-

23. Do you think widening the purpose of the National Cultural Heritage Account is appropriate?

- Yes
- No
- Unsure

24. Do you have any further suggestions to the export permit process?

Foreign Cultural Material

25. To what extent do you support a public forum (e.g. a court based mechanism) for the testing of foreign claims?

To a very large extent	To a large extent	To a moderate extent	To a small extent	Not at all	Unsure
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

26. To what extent do you believe the introduction of time limitations regarding foreign claims is appropriate?

To a very large extent	To a large extent	To a moderate extent	To a small extent	Not at all	Unsure
<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

27. To what extent will the inclusion of minimum due diligence standards assist in providing guidance for importers of cultural material into Australia?

To a very large extent	To a large extent	To a moderate extent	To a small extent	Not at all	Unsure
<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

28. Do you have any further suggestions which would enable Australia to most effectively prevent the illicit import of foreign material and fulfil international obligations?

1) Some flexibility will be needed on the proposed 50 year rule, for instance in relation to Holocaust material older than 50 years.

2) The PCMH Act needs to be considered in relation to the PCOL act and scheme. At present there is an opportunity for seizure of items imported from overseas which might be included on the extended DAPO list. On a general note, the review of the PMCH Act has emphasized the need for streamlining in

this area. However, members have commented on the onerous nature of the requirements of museums under the PCOL scheme (only one organisation to date has completed the registration process).

4) Work needs to be done with Customs which have different views on when a loan to Australia acquires "a degree of permanency".

In general there should be a careful alignment of different regulatory regimes across Government.

Overall Model

29. The model seeks to balance the public interest in protecting cultural material with the public and private interests of property ownership and maintenance of legitimate trade. To what extent do you believe the model achieves this aim?

To a very large extent	To a large extent	To a moderate extent	To a small extent	Not at all	Unsure
<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

30. To what extent do you think the proposed model will create a more efficient and effective approach?

To a very large extent	To a large extent	To a moderate extent	To a small extent	Not at all	Unsure
<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

31. Would the proposed model address your central concerns with the current Act?

- Yes
- No
- Unsure

32. If we have any questions about your survey response, may we contact you?

Yes (included name and contact phone number).