

1990

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

ARTS, ENVIRONMENT, TOURISM AND TERRITORIES LEGISLATION
AMENDMENT BILL 1990

SUPPLEMENTARY EXPLANATORY MEMORANDUM

Amendments and New Clauses to be Moved on Behalf of the
Government

(Circulated by authority of the Minister for the Arts, Sport,
the Environment, Tourism and Territories,
The Hon Ros Kelly MP)

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GENERAL OUTLINE

Provision has been made for the repeal of subsection 9(3) of the *National Gallery Act 1975* to permit the responsible disposal of works of art from the National Collection without the necessity to consult two independent experts as part of the disposal process. The requirement that all disposals require Ministerial approval remains in the Act. The amendment to subsection 40(2) will require the Gallery to publish a list of works of art disposed of in any given year in the Annual Report for that year.

The purpose of the amendments to the *Protection of Movable Cultural Heritage Act 1986* as introduced on 20 September 1990 is to overcome operational difficulties that have arisen and make procedures involved in the heritage export control scheme less onerous for the public collecting institutions.

The further amendments will extend the exemption under the *Protection of Movable Cultural Heritage Act 1986* afforded to cultural heritage material entering Australia for temporary exhibition under a loan agreement as specified in the amendments to encompass material owned by any person or body (including a government).

NOTES ON CLAUSES

PART 5 - AMENDMENTS OF THE NATIONAL GALLERY ACT 1975

Clause 10: Disposal of works of art from national collection

The amendment will allow for the provision of a subsection 40(2) in the Act requiring the Australian National Gallery to publish a list of works of art disposed of in any given year in the Gallery's Annual Report for that year.

PART 7 - AMENDMENTS OF THE PROTECTION OF MOVABLE CULTURAL HERITAGE ACT 1986

Clause 19: Unlawful Imports

The amendment will allow the Commonwealth, a State or a Territory, a principal collecting institution or an exhibition co-ordinator to import an object for public exhibition in Australia for a period not exceeding two years without its being subject to possible forfeiture under section 14 of the Principal Act.