

UNESCO 1970 Convention - Periodic Reporting Form 2019

Respondent Information

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Position :	First Assistant Secretary, Arts Division
Organization/Agency :	Department of Communications and the Arts
Country :	Australia

Policy and Legislative Framework

1. Did your country implement the 1970 UNESCO Convention, and if so, how?

	Civil Law
	Criminal Law
X	Specific Law

Please describe the specific law(s) used by your country.

In Australia, the UNESCO 1970 Convention is given effect by the Protection of Movable Cultural Heritage Act 1986 (Cth) (PMCH Act) which is supported by the Protection of Movable Cultural Heritage Regulations 2018 (Cth) (PMCH Regulations). The PMCH Act regulates the export of Australia's movable cultural heritage, largely through an export control framework, and enables the Australian Government to respond to official requests from foreign governments to return any objects of cultural heritage protected under the laws of the originating country that have been illegally exported from that country and subsequently imported into Australia. The PMCH Act is not intended to restrict legitimate trade in cultural property and does not affect an individual's right to own or sell material within Australia. The PMCH Regulations contain the National Cultural Heritage Control List, which lists categories of objects that constitute the movable cultural heritage of Australia and are subject to export control. It provides threshold criteria that must be met in order to be issued with an export permit for Australian protected objects, which are divided into two categories under the PMCH Act: Class A objects (cannot be exported because their export would significantly diminish Australia's cultural heritage) and Class B objects (may be exported if granted a permit under the PMCH Act). Export of Australian Protected Objects: Australian Protected Objects (APOs) are regulated objects which form part of the movable cultural heritage of Australia and meet the criteria established under the National Cultural Heritage Control List. The general public can consult two lists to check whether an object is an APO: The National Cultural Heritage Control List and The Prohibited Exports Register. An export permit is needed to take significant cultural material out of Australia, permanently or temporarily. Cultural material may be considered to be significant for ethnological, historical, literary, artistic, scientific or technological reasons. The significance of an object is based on its age, value, rarity, representation in public collections and any other considerations. Under the PMCH Act, export permits are divided into temporary, permanent, and general: a) Temporary and permanent permits – applications are assessed by independent expert examiners and considered by the National Cultural Heritage Committee which makes a recommendation to the Minister for the Arts, who then makes the final decision about granting an export permit which may be subject to any conditions (such as a time limit for temporary export). b) General permits – institutional permits may be granted to Commonwealth, state or territory institutions for temporary export of Class B objects from their collections. Institutions must report their permit-related activities to the Australian Government Department of Communications and the Arts by the end of July for the previous financial year (Australian financial years run July–June). Expert examiners and the National Cultural Heritage Committee assess the significance of an object and make a recommendation on whether export permits are appropriate for individual objects. If the Committee assesses that an object doesn't meet certain significance thresholds, and therefore does not require an export permit, then the exporter is given a 'letter of clearance' to export it. Import of foreign protected objects: Under the PMCH Act, provision is made for illicitly imported cultural property to be returned to its country of origin if it is exported in contravention of that country's cultural property laws. Sections 14 and 41 allow the Australian Government to respond to official requests from foreign governments to seize and return their illegally exported cultural heritage objects that have been imported into Australia. The following conditions need to be met for seizing an object: 1. That the object is protected under the country's law, 2. That it has been exported from its country of origin, 3. That there is a law of that country that prohibits the export of that object, 4. That the law relates to cultural property, and 5. That the object has been imported into Australia. (After 1 January 1987.) If the individual or body corporate in whose possession the object was found does not bring a claim for ownership for the object within 30 days, the object is forfeited to the Australian Government, and then dealt with in accordance with the directions of the Minister for the Arts. If a claim of ownership is made within 30 days, this triggers an additional 4 month period in which the individual or body corporate can make a claim for the object in a court of law. If no further action is brought within the 4 month period, the object is forfeited to the Australian Government. See PMCH Act at www.legislation.gov.au/Details/C2016C01056. See PMCH Regulations at www.legislation.gov.au/Details/F2018L01710

2. **Does your country have an overall policy and/or strategy for fighting illicit trafficking of cultural property (i.e., a document that describes the country's overall vision for fighting illicit trafficking)?**

X	Yes
	No

3. **Please provide the name and year the policy was passed (and web link to the policy/strategy if available).**

General policy and program administration matters are determined by the Australian Government Department of Communications and the Arts (DoCA). DoCA's websites contain current information, including a fact sheet published in 2018, on the obligations of individuals and bodies corporate when exporting or importing Australian and foreign items of cultural heritage. The information is available at www.arts.gov.au/what-we-do/cultural-heritage/movable-cultural-heritage. The Australian Best Practice Guide to Collecting Cultural Material (The Guide), released in October 2014, outlines principles and standards to assist Australia's institutions when considering the acquisition of cultural material, whether through purchase, gift, bequest or exchange. The Guide is based on internationally recognised sector codes of ethics and specifies due diligence requirements and rules governing the research of provenance for Australia's public collecting institutions. The guide supports Australia's public collecting institutions to undertake acquisitions and loans in a manner that meets international best practice in regard to due diligence and provenance research. It is not a mandatory code, but a guide which acknowledges the responsibility of institutions to undertake due diligence to identify, mitigate and manage risks that may be associated with acquiring or borrowing cultural material. It provides Australian collecting institutions with a best-practice framework outlining principles and standards to work within. The Guide also sets out legal and ethical standards by clearly defining the requirements of Australian legislation and by extension the UNESCO 1970 Convention. The Guide is available at www.arts.gov.au/publications/australian-best-practice-guide-collecting-cultural-material. In general, Australia's museums, galleries, libraries, archives and other collecting institutions are self-monitoring in their efforts to combat theft and illicit trade. The seven National Collecting Institutions (NCIs) in Australia (Australian National Maritime Museum; Museum of Australian Democracy at Old Parliament House; National Film and Sound Archive; National Gallery of Australia; National Library of Australia; National Museum of Australia; and National Portrait Gallery of Australia) has its own legislation, policies and guidelines which govern their practices and contain provisions which aid in the fight against illicit trafficking of cultural material. The seven NCIs are accountable to the Australian Government and fall under the remit of the DoCA. Auction houses and dealers in Australia operate according to their sector code of ethics. The Australian Antique and Art Dealers Association has its own Code of Practice, available at <https://aaada.org.au/about/code-dealers/>. The Auctioneers and Valuers Association of Australia also has a Code of Ethics, available at <https://avaa.com.au/about-the-avaa/avaa-code-of-ethics/>

- 4. Please describe your country's overall legal framework for protecting cultural property from illicit trafficking, referencing specific laws and years passed (including specific provisions on the return of cultural objects illegally exported from other States Parties to the Convention).**

Protection of Movable Cultural Heritage Act 1986 (Cth): This Act protects Australia’s cultural heritage by regulating the export of Australia’s most significant cultural heritage objects. The Act also allows Australia to return cultural heritage objects that have been illegally exported from their country of origin back to that country. It specifies penalties and offences which are designed to serve as a deterrent for individuals and bodies corporate that may otherwise import and export cultural property illegally. See www.legislation.gov.au/Details/C2016C01056. Historic Shipwrecks Act 1976 (Cth): This Act protects historic wrecks and associated relics more than 75 years old and in Commonwealth waters, extending from below the low water mark to the edge of the continental shelf. The States and the Northern Territory have complementary legislation protecting historic shipwrecks in State waters (bays, harbours and rivers). The relevant Minister can also make a declaration to protect any historically significant wrecks or articles and relics less than 75 years old. The Act aims to ensure that historic shipwrecks are protected for their heritage values and maintained for recreational, scientific and educational purposes. It also seeks to control actions which may result in damage, interference, removal or destruction of a historic shipwreck or associated relic. The transfer, possession and custody of material such as relics, including coins, from historic shipwrecks, are also regulated. Historic shipwrecks and their associated relics are protected even if they came into a person’s possession before the Historic Shipwrecks Act existed. The Act works in conjunction with the Protection of Movable Cultural Heritage Act 1986 (Cth). See www.legislation.gov.au/Details/C2016C01026. In July 2019, the Underwater Cultural Heritage Act 2018 (Cth) will come into force, replacing the Historic Shipwrecks Act 1975. This Act provides for the identification, protection and conservation of Australia’s underwater cultural heritage, enables implementation of national and international maritime heritage responsibilities, and promotes public awareness and appropriate use of Australia’s underwater cultural heritage. It provides for a register which includes information on the location of known remains of vessels and other articles in waters; declarations made; and permits granted. Underwater cultural heritage automatically protected includes all remains of vessels in Australian waters for at least 75 years, and all remains of aircrafts in Commonwealth waters for at least 75 years. Underwater cultural heritage that may be declared to be protected includes articles of heritage significance that the responsible Minister declares to be protected under a notifiable instrument, including those outside Australian waters (even if the article is removed from waters after the declaration is made). The Act provides for permits, including import and export permits, for protected underwater cultural heritage. It specifies penalties and offences, designed to serve as a deterrent for individuals and bodies corporate that may otherwise import and export protected underwater cultural heritage illegally. Under the Act, any advertisements for sale of protected underwater cultural heritage must include a permit number. The Act works in conjunction with the Protection of Movable Cultural Heritage Act 1986 (Cth). See www.legislation.gov.au/Details/C2018A00085. Environment Protection and Biodiversity Conservation Act 1999 (Cth): This Act provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places. These are defined in the Act as matters of national environmental significance. See www.legislation.gov.au/Details/C2016C00777. Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth): This Act preserves and protects places, areas and articles of particular significance to Aboriginal and Torres Strait Islander peoples, including Ancestral remains, from injury or desecration. The Act applies to all persons, including foreigners, and to all vessels, including foreign vessels, whether or not they are within Australia or Australian waters. The Act has effect subject to the obligations of Australia under international law, including obligations under any agreement between Australia and another country. See www.legislation.gov.au/Details/C2016C00937. Protection of Cultural Objects on Loan Act 2013 (Cth): This Act establishes a scheme to provide protection for cultural objects on loan from overseas for the purposes of temporary exhibition in Australia by approved borrowing institutions. See www.legislation.gov.au/Details/C2016C00162. Other legislation operating in conjunction with the above: Crimes Act 1914 (Cth) Criminal Code (Cth) Australian Heritage Council Act 2003 (Cth)

5. To what extent does your country’s policy and legislation on this issue address the following topics (Please rate the degree of achievement in accordance to options available in the drop down boxes below).

5	Excellent
4	Very Good
3	Good
2	Satisfactory
1	Poor

5	Clear definition of cultural property
1	State ownership of undiscovered cultural heritage

5	Regulations on trade of cultural property
5	Export controls
5	Export certificates
1	Certificate of authenticity
5	Import controls
1	Establishment of national services
1	National inventory of cultural property
5	Inventory requirements for museums, public institutions, private collections
5	Protection of archaeological sites and regulation of archaeological excavations
5	Public education and awareness raising
4	Measures to prevent museums and similar institutions from acquiring illegally exported cultural property
5	Prohibition of import of cultural property stolen from a museum or religious/secular institution
5	Regulation of the diplomatic pouch
5	Provisions for the return of cultural objects stolen from a museum or other public institution
5	Sanctions (criminal and/or administrative and/or civil) of illicit activities related to destruction and illicit trafficking of cultural property
1	Requirement of register of sales for antique dealers, auction houses, dealers of cultural heritage and art galleries
5	Protection of underwater cultural heritage
1	Regulations regarding the use of metal detectors
1	Regulations regarding the trade of cultural artefacts on internet
<p>Other (please specify): For a number of the questions our response is N/A which is not an option in the drop box. Given that responses are mandatory for all the questions, we have marked our N/A responses as '1-poor'. Therefore any '1-poor' responses should be considered as N/A.</p>	

6. Did your country's legal framework regarding illicit trafficking of cultural property change as a result of ratifying the 1970 Convention?

X	Yes
	No

7. What laws were passed or changed as a result of ratification? (Please provide the name of the law and the year it was passed)

The Protection of Movable Cultural Heritage Act 1986 (Cth) (PMCH Act) and the Protection of Movable Cultural Heritage Regulations 1987 (Cth) were implemented in Australia to satisfy requirements of ratification of the 1970 Convention. The Protection of Movable Cultural Heritage Regulations 1987 (Cth) have subsequently been replaced by the Protection of Movable Cultural Heritage Regulations 2018 (Cth) (2018 PMCH Regulations), which commenced on 11 December 2018. Several reviews of the PMCH Act have been undertaken throughout the life of the Act in order to assess whether it was fit-for-purpose with changes in international and domestic environments. The last review, independently undertaken by Mr Shane Simpson AM in 2015 (Simpson review), included wide consultation and identified a number of principles and recommendations to form the basis of future legislation. Following the review, the Minister for the Arts announced that there was a clear need to modernise and strengthen the legislative framework to protect Australian and foreign cultural property. The Australian Government has since been considering amendments to Australian cultural property law. The 2018 PMCH Regulations have implemented some elements of the model proposed by the Simpson review. The final Simpson review report is available at www.arts.gov.au/sites/g/files/net1761ff/borders-of-culture-review-of-the-protection-of-movable-cultural-heritage-act-1986-final-report-2015.pdf

8. Please add any additional comments on the legislative/policy framework

The Protection of Movable Cultural Heritage Act 1986 (Cth) provides for delegated legislation, such as regulations and rules, which further specify operational and administrative matters in relation to cultural heritage. Protection of Movable Cultural Heritage Regulations 2018 (Cth): These Regulations are enabled by the Protection of Movable Cultural Heritage Act 1986 (Cth) and operate in conjunction with that Act. They contain the National Cultural Heritage Control List, which is the list of categories of objects that constitute the movable cultural heritage of Australia and that are subject to export control. See www.legislation.gov.au/Details/F2018L01710. Historic Shipwrecks Regulations 2018 (Cth): These Regulations were made under the Historic Shipwrecks Act 1976 (Cth) which will on 1 July 2019 be replaced by the Underwater Cultural Heritage Act 2018 (Cth). The Regulations prescribe fee amounts for obtaining copies of the register of historic shipwrecks, prohibit certain activities in protected zones declared under the enabling Act and set a penalty for contraventions, prescribe the maximum amount for rewards given under the enabling Act, and specify the format of shipwreck inspectors' identity cards. See www.legislation.gov.au/Details/F2018L01322. Protection of Cultural Objects on Loan Regulation 2014 (Cth): This Regulation details requirements for borrowing institutions approved under the Protection of Cultural Objects on Loan Act 2013 (Cth), such as: consultation requirements that borrowing institutions must consider when proposing to import an object for temporary exhibition in Australia including a requirement for institutions to have written consultation policies publically available, information that borrowing institutions are required to publish relating to objects proposed for loan on the institution's website for a specified period of time, claim of interest actions, and information to be included in the annual report to the Minister for the Arts. The Regulation also extends the range of services included in the definition of protected persons by prescribing the service of exhibiting an object in Australia; and provides details regarding the matters the Minister must consider when deciding whether to approve a borrowing institution, with specific regard to the loans policies and procedures of the borrowing institution. See www.legislation.gov.au/Details/F2014L01329. This overall legislative framework is supported by state and territory legislation. The protection of heritage also falls within the jurisdiction of state and territory governments. For example, the Norfolk Island Protection of Movable Cultural Heritage Act 1986 (NI), available at www.legislation.gov.au/Details/C2016Q00030, largely replicates the Federal Government's Protection of Movable Cultural Heritage Act 1986 (Cth). Many jurisdictions in Australia hold registers of significant objects, or places of historic, natural or Indigenous value. Other Australian State and Territory legislation for the protection of heritage includes: Australian Capital Territory: Heritage Act 2004 New South Wales: Heritage Act 1977 Historic Houses Act 1980 National Parks and Wildlife Act 1974 Northern Territory: Heritage Conservation Act 2000 Northern Territory Aboriginal Sacred Sites Act 2006 Meteorites Act 2000 Queensland: Queensland Heritage Act 1992 Aboriginal Cultural Heritage Act 2003 Torres Strait Islander Cultural Heritage Act 2003 South Australia: Aboriginal Heritage Act 1988 Heritage Places Act 1993 Historic Shipwrecks Act 1981 Tasmania: Historic Cultural Heritage Act 1995 Aboriginal Relics Act 1975 Meteorites Act 1973 Victoria: Heritage Act 1995 Aboriginal Heritage Act 2006 Western Australia: The Maritime Archaeology Act 1973 Aboriginal Heritage Act 1972 Heritage of Western Australia Act 1990

9. Has your country implemented a policy to prevent the illicit export of cultural property?

X	Yes
	No

Please specify :

Australia has legislation which encompasses both the illicit export and import of cultural property. The Protection of Movable Cultural Heritage Act 1987 (Cth) (PMCH Act) regulates the export of Australia's movable cultural heritage, largely through an export control framework, and enables the Australian Government to respond to official requests from foreign governments to return any objects of cultural heritage protected under the laws of the originating country that have been illegally exported from that country and subsequently imported into Australia. Australia considers requests from all countries, rather than only States Parties to the 1970 Convention. Domestically, the PMCH Act establishes a system of export permits (both temporary and permanent) for certain cultural property defined as 'Australian protected objects'. The Protection of Movable Cultural Heritage Regulations 2018 (Cth) contain the National Cultural Heritage Control List, which is the list of categories of objects that constitute the movable cultural heritage of Australia and that are subject to export control. It provides threshold criteria that must be met in order to be issued with an export permit for Australian protected objects (APO), which are divided into two categories under the PMCH Act: Class A objects (cannot be exported because their export would significantly diminish Australia's cultural heritage) and Class B objects (may be exported if granted a permit under the PMCH Act). Two lists are available for the general public to check whether an object is likely to be an APO: The National Cultural Heritage Control List (contains criteria for APOs) and The Prohibited Exports Register (lists material that cannot leave Australia – objects which have been denied export are listed by the Australian Government Department of Communications and the Arts on this register). An export permit is needed to take significant cultural material out of Australia, whether permanently or temporarily. Cultural material may be considered to be significant for ethnological, historical, literary, artistic, scientific or technological reasons. The significance of an object is based on its age, value, rarity, representation in public collections and any other considerations. Under the PMCH Act, export permits are divided into temporary, permanent, and general: a) Temporary and permanent permits – applications are assessed by independent expert examiners and considered by the National Cultural Heritage Committee which makes a recommendation to the Minister for the Arts, who then makes the final decision about granting an export permit which may be subject to any conditions (such as a time limit for temporary export). b) General permits – institutional permits may be granted to Commonwealth, state or territory institutions for temporary export of Class B objects from their collections without applying for individual permits. Institutions with a general permit must report their permit-related activities to the Australian Government Department of Communications and the Arts (DoCA) by the end of July for the previous financial year (Australian financial years run from July to June). Expert examiners and the National Cultural Heritage Committee assess whether the significance of an object and makes a recommendation on whether an export permit is appropriate for individual objects. If the National Cultural Heritage Committee assess that an object does not meet certain significance thresholds, and therefore does not require an export permit, then the exporter is given a 'letter of clearance' to export a particular object.

10. **Does the implemented policy include the requirement of a legally issued export certificate of the country of origin and/or transit?**

X	Yes
	No

Please specify :

With reference to the import of foreign cultural property (which may be imported into Australia on a permanent or on a temporary basis), Australia accepts legally issued export certificates for cultural property from foreign countries, or alternatively letters of clearance from countries which do not produce export certificates. With reference to the export of Australian cultural property from Australia, exporters must apply for an export permit to be able to lawfully export a culturally significant object, whether permanently or temporarily. Applications for export permits are individually assessed by expert examiners engaged by the Australian Government Department of Communications and the Arts, and the National Cultural Heritage Committee further considers whether export permits are needed for individual objects and makes recommendations to the Minister for the Arts. If an export permit is not required, the exporter is given a 'clearance letter' to export a particular object. This assists the Australian Border Force, as well as customs officers in countries of transit and destination of the object, to verify the lawfulness of the object's export from Australia and import into another country. Australian protected objects that are in overseas collections need a certificate of exemption to be imported temporarily to Australia, and then re-exported. If an Australian protected object had been taken out of Australia prior to 1 July 1987 and is now re-entering Australia without a valid permit, such an object can be seized under the Protection of Movable Cultural Heritage Act 1986 (Cth) if subsequent export of the object was to be attempted.

11. **Has your country encountered difficulties in returning/restituting cultural property to its place of origin due to incompatibilities with national judicial decisions?**

X	Yes
	No

Please specify :

In 2010, the Australian Government seized a number of objects from the Melbourne premises of the antique dealers BC Galleries (Vic) Pty Ltd, on the request of the governments of China, Cambodia and the Philippines. The objects included Bronze Age bangles containing human remains, ceramics and a head hunter trophy skull. Of these objects, the majority were returned to their governments without challenge, but the seizure of 9 of the objects, comprising material alleged to have been exported from China and the Philippines, was challenged. The 2012 decision of the Federal Circuit Court of Australia (formerly the Federal Magistrates Court of Australia) in this case found in favour of the applicant, and against the Australian Government. The basis of the finding was that the onus of proof fell on the Australian Government – that is, the Australian Government had to prove that the objects had been exported illegally, rather than the importer proving that they had acted legally. This can be problematic for the Australian Government, particularly in cases where material is exported from vulnerable and unstable regions. Since that time, the Australian Government has commissioned an independent review of the Protection of Movable Cultural Heritage Act 1986 (PMCH Act), and the final report of that review was published in 2015, under the title Borders of Culture. One of the recommendations of that review was that the onus of proof should be reversed in relation to the import of foreign articles into Australia (i.e. placed on the importer), given that it is within the importer’s particular knowledge as to whether they have obtained an export permit from the country of origin of the articles. The Australian Government is currently in the process of considering new legislation which would reflect the principles recommended by the 2015 review.

Implementation and operative framework

Institutional Framework

12. **Does your country have a specialized service for the protection of cultural property (as described in Article 5 of the Convention) whose functions may include drafting laws and legislation, establishing national inventory, promoting establishment/development of scientific and technical institutions, organizing the supervision of archaeological sites, establishing rules for curators, antique dealers, etc., developing educational activities and/or publicizing the disappearance of cultural property?**

X	Yes
	No

13. **Please describe this service’s major roles and responsibilities.**

Department of Communications and the Arts (DoCA) within the Australian Government is responsible for the Australian Government position on the protection of cultural property and for conducting or assisting in investigations relating to suspected or confirmed contraventions of domestic and international cultural property laws. DoCA administers the Protection of Movable Cultural Heritage Act 1986 (Cth) and the Protection of Movable Cultural Heritage Regulations 2018 (Cth). DoCA is also responsible for amendments to cultural property law in Australia and has conducted reviews of the legislation since its commencement (1 July 1987) to make sure that it is fit-for-purpose in the changing international and domestic environments. On 11 December 2018, updated regulations, the Protection of Movable Cultural Heritage Regulations 2018 (Cth), came into force. While DoCA does not have the responsibility for establishing a national inventory of all cultural material (such an inventory does not exist in Australia), it does manage a public national register of objects which have been denied export and which cannot lawfully leave Australia. This register is known as the Prohibited Exports Register and is published on the DoCA website. In addition, the Australian National Shipwrecks Database (ANSDB) contains a register of all known shipwrecks and artefacts protected under relevant legislation. DoCA is also responsible for administering the UNESCO 1970 Convention and the 2015 Recommendation concerning the Protection and Promotion of Museums and Collections, their Diversity and their Role in Society. DoCA organises education campaigns, produces fact-sheets and publishes information on the DoCA websites to inform the general public and other stakeholders of its work, including policy, program and legislative requirements. DoCA regularly cooperates with a number of Australian Government departments and agencies, international agencies and organisations such as INTERPOL and UNESCO, and foreign embassies, on a number of matters. DoCA records the disappearance of foreign cultural property on its internal database, and responds to INTERPOL alerts and requests for assistance. DoCA also responds to foreign governments’ requests for assistance in investigating illegal trafficking of cultural material, as well as requests for seizures and returns of foreign countries’ protected cultural property if it is found to have been illegally imported into Australia.

14. Please indicate which of the following departments/ministries/agencies also have specialized services for the protection of cultural property against illicit trafficking (mark all that apply).

	Magistrates and/or judges
X	Police, gendarmerie, and/or Department of Interior
	Public prosecutor
X	Customs
	None
X	Other (please specify): Some Australian Government Departments and agencies have a specialised area for the protection of cultural property against illicit trafficking, for example the Australian Government Department of Communications and the Arts, the Department of the Environment and Energy, and the Australian Federal Police (AFP) and INTERPOL at the National Central Bureau of Australia. Other Australian Government Departments have staff who are dedicated to the same cause, but who work within a wider context, for example the Department of Home Affairs (and the Australian Border Force), the Department of Foreign Affairs and Trade; the Attorney-General's Department, the Department of Defence, and the Department of Infrastructure, Regional Development and Cities.

15. Please describe the roles and responsibilities of these specialized services in more detail.

The Australian Government Department of Communications and the Arts (DoCA) is responsible for the protection of cultural property and for conducting or assisting in investigations relating to suspected or confirmed contraventions of domestic and international cultural property laws. DoCA is responsible for administering the UNESCO 1970 Convention, and therefore administers the Protection of Movable Cultural Heritage Act 1986 (Cth) and the Protection of Movable Cultural Heritage Regulations 2018 (Cth) which give effect to the 1970 Convention. DoCA is also responsible for amendments to cultural property law in Australia and has conducted reviews of the legislation since its commencement (1 July 1987) to make sure that it is fit-for-purpose in the changing international and domestic environments. DoCA manages a public national register of objects which have been denied export and which cannot lawfully leave Australia. This register is known as the Prohibited Exports Register and is published on the DoCA website. DoCA regularly cooperates with a number of Australian Government departments and agencies, international agencies and organisations such as INTERPOL and UNESCO, and foreign embassies, on a number of matters. DoCA records the disappearance of foreign cultural property on its internal database, and responds to INTERPOL alerts and requests for assistance. DoCA also responds to foreign governments' requests for assistance in investigating illegal trafficking of cultural material, as well as requests for seizures and returns of foreign countries' protected cultural property if it is found to have been illegally imported into Australia. The Australian Federal Police (AFP) and INTERPOL at the National Central Bureau of Australia: the AFP act in accordance with the Commonwealth Fraud Control Guidelines, issued under Regulation 19 of the Financial Management and Accountability Regulations 1997. The Australian Government Department of the Environment and Energy (DoEE) administers the protection of underwater cultural heritage under the Historic Shipwrecks Act 1976 (Cth) and will administer the Underwater Cultural Heritage Act 2018 (Cth) when this legislation comes into force in July 2019. DoEE deals with cultural property (objects) in regards to shipwrecks and underwater cultural heritage. DoEE's roles are extensive and include: administering the relevant legislation; strategy and policy development; collaborating with State and Northern Territory Governments on national protection of underwater cultural heritage; and coordinating management, statutory compliance and enforcement activities with the Minister's state and territory Delegates appointed under the legislation. The Australian Border Force (ABF) (previously Australian Customs and Border Protection Service) and the Australian Government Department of Home Affairs collaborate with the Department of Communications and the Arts on matters relating to the protection of cultural property against illicit trafficking. The Australian Department of Foreign Affairs and Trade is responsible for sanctions in relation to illegal trade of cultural property, and cooperates with the Department of Communications and the Arts in relation to cultural property matters. The Australian Attorney-General's Department seeks and provides government-to-government assistance in criminal matters with other countries. Mutual assistance arrangements extend to matters around illicit trafficking of cultural property. The International Crime Cooperation Central Authority (ICCCA) within the Attorney-General's Department may have a limited role in criminal matters relating to illicit trafficking of cultural property in circumstances where a foreign country, or conversely an Australian law enforcement/prosecutorial agency, is seeking evidence located in another country for a relevant criminal investigation/prosecution or to secure the extradition of a person to face such a prosecution. The Australian Government Department of Defence administers import and export permits under the Customs (Prohibited Imports) Regulations 1956. The Australian Government Department of Infrastructure, Regional Development and Cities manages the Norfolk Island's Protection of Movable Cultural Heritage Act 1987.

16. How do relevant stakeholders (Ministry of Culture, police, customs, etc.) coordinate regarding the protection of illicit trafficking? Mark all that apply

	Formal coordinating committee, working group, etc.
	Coordination lead by specialized service (as described in Article 5), antenna or focal point
X	Communication and meetings as necessary (i.e., for specific cases)
X	Cross-trainings (i.e., trainings for police from Ministry of Culture staff)
	No Coordination
X	Other (please specify) : Any requests made to the International Crime Cooperation Central Authority (ICCCA) within the Australian Attorney-General's Department for mutual legal assistance (i.e. evidence) or for the extradition of a wanted individual are made by a foreign country, typically the Attorney-General's Department equivalent on behalf of foreign law enforcement/prosecutorial agencies. Any such requests made by the ICCCA are made on behalf of Australian law enforcement/prosecutorial agencies both at the Commonwealth or state/territory level with the authorisation of the Attorney-General or their delegate.

17. Please provide more detail on this coordination, including how it functions and who is involved.

The Australian Government works closely with foreign government embassies, UNESCO and other organisations, including INTERPOL, to combat the illicit trade in cultural property. The Australian Government Department of Communications and the Arts (DoCA) regularly liaises with other Australian Government departments and agencies, including the Department of Foreign Affairs and Trade, Department of Home Affairs (and Australian Border Force), and Australian Federal Police. Liaison includes written and oral communication on specific cases of confirmed or suspected illegal activity in relation to movement of protected cultural property, and the sharing of relevant information, for example from databases of cultural property, as part of specific investigations. DoCA receives updates from INTERPOL Australia on missing objects that have been entered on the INTERPOL alert list and database, and records these objects in its own internal database which it uses as a point of reference. If any of the missing objects are found in Australia, DoCA notifies the relevant embassy and works with the embassy to initiate the process of seizing the protected objects for potential return to their country of origin. Australia has also had an Operational and Strategic Agreement on Cooperation with EUROPOL since 2007. DoCA regularly cooperates with the Australian Federal Police in conducting investigations, and if required provides in situ on-hand support to AFP officers who may seize articles of protected cultural property consistent with their powers to act as inspectors under the Protection of Movable Cultural Heritage Act 1986 (Cth).

18. Does your country use a database of stolen cultural objects?

	Yes, we have our own national or/and regional database that is not linked with the INTERPOL database
	Yes, we have our own national or/and regional database that is linked with the INTERPOL database
X	Yes, we use the INTERPOL database (and do not have our own national database)
	No, we do not currently have a national database or use the INTERPOL database
	We would request assistance to establish such a database

19. Please provide additional details on how your country uses such a database.

The Australian Government Department of Communications and the Arts receives INTERPOL alerts in relation to stolen articles of cultural property and records these articles and any action requests in an internal database. The Australian Border Force has a system for recording and tracking detained and seized goods at the border which is the Detained Goods Management System (DGMS). Cultural heritage goods that have been detained or seized will be recorded in this system. When required the Australian Federal Police access the INTERPOL Stolen Works of Arts database.

Protection and Prevention Systems

20. To what extent do museums and religious or secular public monuments have their own specific inventories of their cultural property/collections?

X	All/almost all cultural property is inventoried
	Most, but not all, cultural property is inventoried
	Some cultural property is inventoried, but significant gaps remain
	Very little cultural property is inventoried
	No/almost no cultural property is inventoried

21. **Please provide additional details on these inventories, specifying whether they are digitized, and including any challenges in creating/maintaining them.**

Australian National Collecting Institutions (NCIs), which are under the remit of the Australian Government, have collection development policies, inventory control procedures, incoming and outgoing loans policies, art acquisition and accession policies and procedures, protective security plans, and risk management frameworks. A notable success in the digitization of collections is the National Library of Australia's online digital platform, Trove. Trove is an online library database aggregator with over 570,000,000 digital records, and a widely used Australian Government website. Each NCI has internal governing policies that guide collections digitization, storage and formats, as outlined: Australian National Maritime Museum (ANMM): The ANMM actively digitises its collection for access and collection management purposes, guided by a Digitisation Strategy. Approximately 60 per cent of the collection is digitised. Bundanon Trust: Digitisation is based on Australian Government Locator Service (AGLS) Metadata Standard AS 5044:2010 issued by Standards Australia. Museum of Australian Democracy at Old Parliament House (MoAD): MoAD Collection Management Policy and Procedures and EMu Data Guidelines provide a standard for digital records of MoAD's collections. National Film and Sound Archive (NFSA): As a living archive, the NFSA represents the diversity of Australia through its collections. The NFSA Digitisation Strategy 2018-2025 provides guidelines on digital storage of the collection, and commits the NFSA to prioritising digitisation as a core activity. The NFSA has Data Entry Standards and Digital Preservation Guidelines. National Gallery of Australia (NGA): The NGA is committed to preserving and presenting works of art for the enjoyment of all Australians. This is achieved through the digitisation of its collection which is guided by the NGA Digital Asset Usage Policy. National Library of Australia (NLA): The NLA is committed to the digitisation of collections in support of its mandate to make collection material freely available to all Australians. It also works with partner organisations to digitise and make their collections available on Trove, a national discovery service and digital platform managed by the NLA. Details are set out in the NLA's Collection Digitisation Policy. National Museum of Australia (NMA): The NMA's Digital Preservation and Digitisation Policy Version 2.1 (2012) provides guidelines on the digital storage of object records. All new acquisitions are digitised to an established data set. Still image format and storage standards are well developed with investigation and development continuing in the period for audio, moving image and multi-media collections to ensure consistency with industry practice and the NMA's Digital Asset Management System. In 2016-17, a project to image older collections was developed. It commenced in July 2017. National Portrait Gallery of Australia (NPGA): The 'Digitisation of Collection' provision of the NPGA Preservation And Conservation Plan (2011) sets out that the NPGA will photograph each newly acquired Collection item to produce and archive a high quality digital record of the artwork. Digitisation will provide access to the Collection and record the condition of the Collection items. In 2017, the NPGA launched a bespoke Digital Asset Management System (DAMS), developed in-house to manage images and digital assets. DAMS stores all photography, video and audio content created and received by the NPGA, and automatically processes files into different sizes and resolutions to cover various requirements such as print or online usage. In 2015 the Australian Government established the Digital Transformation Agency to provide guidance to government departments and agencies to undergo digital transformation, and improve how they buy and deliver digital services. The Australian Cyber Security Centre recommends that organisations implement 8 essential cyber mitigation strategies as a baseline. This baseline is known as the 'Essential Eight' and makes it harder for adversaries to compromise systems. Details can be found at: https://acsc.gov.au/publications/protect/Essential_Eight_Maturity_Model.pdf. As Australian collecting institutions face changing cyber environments and vulnerabilities, they adjust their mitigation strategies accordingly. The Australian Government provides support to Museums Galleries Australia (MGA), the national association and peak advocacy body representing museums and galleries. MGA publishes a number of resources on Collection Management, including digitisation. These are considered best practice for the sector, and are available at www.museumsofaustralia.org.au/digital. The Council of Museum Directors (CAMD), made up of directors from Australian state and national museums, had a key role in establishing the Atlas of Living Australia, and creating the online Museum Metadata Exchange (in cooperation with MGA).

22. **To what extent does your country have a centralized national inventory of cultural property?**

	All/almost all protected cultural property is inventoried
	Most, but not all, protected cultural property is inventoried
	Some protected cultural property is inventoried, but significant gaps remain
	Very little protected cultural property is inventoried
X	No/almost no protected cultural property is inventoried

23. **Please provide additional details on this inventory including any challenges in creating/maintaining it**

23. Please provide additional details on the inventory, including any challenges in creating/maintaining it.

Australia does not have a centralised national inventory of cultural property. This is also the response/option for 22 above.

24. Please describe the extent to which looting/pillaging/illegal excavations of archaeological and ethnological objects is a challenge, including actions taken to combat it.

Australia recognises the relationship between the prevention of illicit trafficking in movable cultural property and protection of archaeological places. Australian federal, state and territory laws establish criminal offences for damaging, including by unauthorised excavations, Indigenous and registered historic and natural heritage places. There are government agencies at the federal, state and territory level that actively administer site registers and heritage protection legislation. Notably, the Environment Protection and Biodiversity Conservation Act 1999 (Cth), which is administered by the Australian Government Department of the Environment and Energy (DoEE), regulates actions taken within the boundaries of Australia's World Heritage and National Heritage sites. DoEE also administers the Historic Shipwrecks Act 1976 (Cth), which protects approximately 7500 shipwreck sites in Australian waters and 500,000 artefacts from those sites. Small scale site disturbance and removal of artefacts are difficult to control due to the vast area of Australia's maritime jurisdiction. Looting, pillaging, and illegal excavations of archaeological and ethnological objects are not a domestic challenge in Australia. However, Australia is aware of the international plight in these areas, and has appropriate sanctions in place for the unlawful trade and import of cultural property of some of the countries in conflict, for example the Charter of the United Nations (Sanctions – Syria) Regulation 2015 and Charter of the United Nations (Sanctions – Iraq) Regulations 2008. The Regulation in relation to Syria refers to items of Syrian cultural property illegally removed since 15 March 2011, and the Regulations in relation to Iraq refer to items of Iraqi cultural property illegally removed since 6 August 1990. Australia also protects both Australian and foreign significant objects of cultural heritage under its Protection of Movable Cultural Heritage Act 1986 and the Environment Protection and Biodiversity Conservation Act 1999.

Knowledge, Skills and Values of Stakeholders and the Public

25. Has your country undertaken any public awareness campaigns related to the protection of cultural property in the past five years?

X	Yes
	No

26. Please describe, including methods, target audience, etc.

The Australian Border Force website (www.abf.gov.au) provides information to the public in relation to bringing goods into Australia. The 'Can you Bring it in' campaign on the website provides a guide to the public on what can and cannot be brought into the country when a person has been travelling overseas. The website also provides information about specific goods which are prohibited to import or export, unless permission has been granted, and includes information about the requirements around bringing in cultural heritage goods. The Australian Government Department of Communications and the Arts (DoCA) has a website which informs the general public and other stakeholders (importers of cultural materials) on their responsibilities when buying items of cultural property, and documentation that they may need to import it into Australia (see www.arts.gov.au/what-we-do/cultural-heritage/movable-cultural-heritage/importing-cultural-heritage-objects-australia). In October 2018, the Department published a new fact-sheet 'Protection of movable cultural heritage' which provides information in relation to the import of foreign items and export of Australian items of cultural property, available from www.arts.gov.au/what-we-do/cultural-heritage/movable-cultural-heritage. DoCA also contributes to the UNESCO National Commission website information. Most recently, following the remake of the Protection of Movable Cultural Heritage Regulations in December 2018, DoCA undertook an email campaign to inform interested parties of updates to the legislation. This was in addition to publishing the information on the DoCA webpage dedicated to movable cultural heritage: www.arts.gov.au/what-we-do/cultural-heritage/movable-cultural-heritage, and publicising the new cultural law on social media. Further, in October 2014 the Australian Government released the Australian Best Practice Guide to Collecting Cultural Material. Based on internationally recognised sector code of ethics, the guide supports Australia's public collecting institutions to undertake acquisitions and loans in a manner that meets international best practice in regards to due diligence and provenance research. DoCA is in regular communication with National Collecting Institutions in relation to matters to do with cultural property law that may affect their collections.

27. **To what extent is the public in your country engaged in the protection of cultural property? Examples of engagement may include :**

5	Excellent
4	Very Good
3	Good
2	Satisfactory
1	Poor

5	Protection of local archaeological and heritage sites by the public (eg. assistance in monitoring of sites, support in documenting etc.)
5	Return of objects to relevant authorities
5	Sharing information on stolen objects with authorities
5	Placing pressure on museums to change acquisition policies
5	Advocating for policy change

28. **Overall, to what extent do police and/or gendarmerie have the necessary resources and knowledge to address cultural property crime?**

	To a great extent
X	To a considerable extent
	To some extent
	To no extent

29. Overall, to what extent do customs officers have the necessary resources and knowledge to address cultural property crime?

	To a great extent
X	To a considerable extent
	To some extent
	To no extent

30. What type of training do police receive on cultural property crime?

	No specific training on this issue
X	Training has occurred in the past, but is not ongoing
	Training occurs periodically
	In-depth, specialized training for officers working on this issue
	Assistance is required from UNESCO and its partners
	Other

31. Please provide additional details on the content and frequency of these trainings.

N/A

32. What type of training do customs officers receive on cultural property crime?

	No specific training on this issue
	Training has occurred in the past, but is not ongoing
X	Training occurs periodically
	In-depth, specialized training for officers working on this issue
	Assistance is required from UNESCO and its partners
	Other

33. Please provide additional details on the content and frequency of these trainings.

Training for Australian Border Force (ABF) officers occurs periodically and ad hoc. Border Force Officer Recruit Training (BFORT) undertake initial training in many areas of prohibited and restricted import and exports whereby cultural heritage goods would be included to some degree. Content is based on the legislative requirements in Australia, and the management of border controls for illegally imported/exported movable cultural heritage goods. Formal 'Procedural Instructions on the Management of movable cultural heritage at the border' are provided to all ABF officers, to provide background and instructions on what cultural property crime is and how to manage the border controls for these types of regulated or prohibited goods. ABF officers have resources available to them relating to the current 'Procedural Instructions on the Management of Movable Cultural Heritage at the Border'. These Procedural Instructions provide guidance on the control on movable cultural heritage goods at the border, and are administered by the ABF. Information available to ABF officers includes import and export control measures, requirements in obtaining permits and certificates, and contact points for classification advice from the Australian Government Department of Communication and the Arts.

34. To what extent have museums in your country adopted a code of ethics, such as the ICOM Code of Ethics, that is in line with the principles of the 1970 Convention?

X	All or almost all have adopted such a code of ethics
	Most have adopted such a code of ethics
	Some have adopted such a code of ethics
	None/only a few have adopted such a code of ethics
	Other (please specify) :

35. Please provide additional details on the degree to which museums adhere to such a code of ethics.

Noting that the Australian Government Department of Communications and the Arts is responding on behalf of the national collecting institutions, it is assessed that the National Collecting Institutions and major state and territory museums adhere to a set code of ethics to a great degree. In October 2014, the Australian Government released the Australian Best Practice Guide to Collecting Cultural Material (the Guide). Based on internationally recognised sector code of ethics, the Guide supports Australia's public collecting institutions to undertake acquisitions and loans in a manner that meets international best practice in regards to due diligence and provenance research. The Guide also sets out legal and ethical standards by clearly defining the requirements of Australian legislation, including those that give effect to international obligations, such as the 1970 Convention. The Guide sets the benchmark in Australia for collecting institutions when developing or renewing their policies and procedures for considering an acquisition or loan. The Guide has been very well received by the museum sector and is demonstrably supporting Australian institutions in ensuring high standards are maintained in the safeguarding of Australian and international cultural property.

36. To what extent do dealers and auction houses in your country follow practices that are in line with the principles of the 1970 Convention, such as those outlined in the UNESCO International Code of Ethics for Dealers in Cultural Property and the Operational Guidelines of the 1970 Convention?

	All or almost all follow such practices
	Most follow such practices
X	Some follow such practices
	None/only a few follow such practices
	Other (please specify) :

37. Please provide additional details on the policies and practices of dealers and auction houses in your country.

Auction houses and dealers in Australia operate according to their sector code of ethics. The Australian Antique and Art Dealers Association has its own voluntary Code of Practice, available at <https://aaada.org.au/about/code-dealers/>. The Auctioneers and Valuers Association of Australia also has a Code of Ethics, available at <https://avaa.com.au/about-the-avaa/avaa-code-of-ethics/>. The Department of Communications and the Arts (DoCA) works closely with state and territory governments and the private sector, including auction houses and special interest groups, to raise awareness of the law and on a case by case basis regarding the import and export of cultural material, and to assist in correct procedures being followed. Under the Resale Royalty Right for Visual Artists Act 2009 (Cth), art market professionals, such as auction houses, commercial galleries, agents and art dealers are required to report the commercial resale of visual artwork when sold for AUS \$1,000 and above (including Goods and Services Tax), to the appointed resale royalty scheme collecting society. At the art market level, auction houses are very proactive in dealing with the Department of Communications and the Arts in order to meet their obligations under the Protection of Movable Cultural Heritage Act 1986 and the Protection of Movable Cultural Heritage Regulations 2018. In relation to due diligence requirements and rules governing the search of provenance, in October 2014, the Australian Government released the Australian Best Practice Guide to Collecting Cultural Material. The guide is public and available for dealers and auction houses to use. It is available at: www.arts.gov.au/publications/australian-best-practice-guide-collecting-cultural-material.

38. **How has your country engaged art and antiquities dealers around the issue of illicit trafficking of cultural property?**

When goods arrive at the Australian border without an export certificate, Australian Border Force officers will advise the importer if they should obtain an export certificate or clearance letter from the relevant authority in the originating country, or alternatively if the importer should engage the services of a local antique dealer in Australia to provide the same assurance. The Australian Government Department of Communication and the Arts (DoCA) is mandated under the Protection of Movable Cultural Heritage Act 1986 (Cth) to keep a register of export examiners, who are appropriately qualified and trained practitioners from the arts sector and some of whom may have worked in the art and antiquities trade, in order to facilitate Australian Government decisions regarding the export of Australian cultural property on a permanent or a temporary basis. DoCA also engages experts from the museum sector on a need basis to determine the provenance of certain cultural property which has entered Australia, the legality of which needs to be established. This is particularly important when the Australian Government receives advice on suspicious activity in relation to foreign cultural materials which may be protected under foreign countries' laws.

39. **Do you regulate the trade of cultural objects on internet?**

	Yes
X	No

40. **Have you entered into a specific agreement with an internet platform?**

	Yes
X	No

International Cooperation

41. **Please list any bilateral agreements your country has regarding the protection of cultural property, including the years for which the agreement is in effect.**

Australia currently has Memorandums of Understanding on the protection of movable cultural heritage with the Republic of Korea (year), the Republic of Indonesia (year), and the People’s Republic of China (year). Australia has received Standing Requests from the governments of five countries: Argentina, China, Egypt, Vietnam and Cambodia. These standing requests identify objects considered to be protected under their cultural heritage laws. The Protection of Movable Cultural Heritage Act 1986 does not restrict seizure action only to the cultural property of States which are party to the 1970 Convention. Under the PMCH Act a request for the return of a foreign protected object will be considered from any foreign country. In order for the Australian Government to return an illegally exported object to its country of origin, the requesting government must specify that: o the object is protected under the country’s law, o it has been exported from its country of origin, o there is a law of that country that prohibits the export of that object, o the law relates to cultural property, and o the object has been imported into Australia (after 1 July 1987).

42. Please indicate how the 1970 Convention helped with return/restitution cases your country has been involved in?

	To no extent	To some extent	To a considerable extent	To a great extent
Provided a legal framework for return/restitution				X
Provided a moral framework for return/restitution				X
Provided a diplomatic framework for return/restitution				X
Other (please specify):				

43. Please provide additional details on or examples of how the 1970 Convention has facilitated return/restitution cases

The 1970 Convention has provided a sound basis and a legal framework for all of the restitutions of cultural property to its countries of origin that Australia has achieved, given that the 1970 Convention is given effect by the Protection of Movable Cultural Heritage Act 1986 in Australia. In the last 5 years, Australia has returned 59 objects to their countries of origin: • 1 bronze Shiva Nataraja and 1 antique stone idol of Ardhanariswara to India (September 2014) • 1 stone statue of the Goddess Guanyin to China (March 2015) • 14 antiquities to the Arab Republic of Egypt (April 2015) • 38 WW1 ammunition components returned to the Republic of Turkey (April 2017) • 4 decorated ancestral tribal skulls (2 Dayak, 2 Asmat) to the Republic of Indonesia (May 2018) • 1 ammonite fossil to the People’s Democratic Republic of Algeria (September 2018) The 1970 Convention also provides a diplomatic and moral framework for the restitution of cultural property to countries of origin which have not adopted the 1970 Convention. Australia considers requests for seizure and return of their protected cultural property from all foreign countries, and not just States Parties to the 1970 Convention. For example, on 30 May 2018, the Australian Government returned four decorated ancestral skulls from the Dayak and Asmat people to the Government of the Republic of Indonesia, following a request for seizure and return from the Indonesian Government under the Protection of Movable Cultural Heritage Act 1986. Indonesia are not a signatory to the 1970 Convention. Throughout this matter, the Australian Government was conscious of ensuring appropriate, sensitive handling of the skulls. Experts from the National Museum of Australia (NMA) worked closely with the Department of Communications and the Arts to construct bespoke boxes and support for the skulls to enable their secure display and transportation. On 29 August 2018 the Indonesian Government held a small ceremony at the Ministry Of Foreign Affairs (Indonesia) to mark the return of the four human skulls to Indonesia.

44. Does your country have a system in place to facilitate international cooperation (e.g. single points of contacts and easily accessible information) in cases of illicit trafficking of cultural property?

X	Yes
	No

If yes, please specify

The Australian Government Department of Communications and the Arts (DoCA) is the main point of contact for enquiries relating to the import and export of cultural property. DoCA works with other Australian Government departments and agencies, as well as INTERPOL and foreign embassies to facilitate international cooperation in cases of illicit trafficking of cultural property.

45. How has your country promoted this system and ensure the international community is aware of it?

Australian Department of Communications and the Arts (DoCA), and other Australian Government departments, issue media releases on matters relating to cultural property and publish information, including information on events organised for the purposes of restitution of cultural property to its country of origin, on government websites and social media. DoCA officials regularly utilise cultural diplomacy networks and diplomatic channels to establish a good working relationship with the foreign diplomatic community in Canberra.

Overall

46. Yearly statistics

Thefts

1st Year reporting	0	Number of objects
Additional information :		
2nd Year reporting	0	Number of objects
Additional information :		
3rd Year reporting	0	Number of objects
Additional information :		
4nd Year reporting	0	Number of objects
Additional information :		

Illegal Excavations

1st Year reporting	0	Number of objects
Additional information :		
2nd Year reporting	0	Number of objects
Additional information :		
3nd Year reporting	0	Number of objects
Additional information :		
4nd Year reporting	0	Number of objects
Additional information :		

	Not a challenge	Somewhat of a challenge	A considerable challenge	A major challenge
Gaps in national legislation to protect cultural property		X		
Lack of police capacity related to cultural property	X			
Lack of customs capacity related to cultural property	X			
Lack of coordination between relevant stakeholders	X			
Lack of inventories and databases in museums	X			
Inadequate security systems in museums and places of worship	X			
Inadequate security of archaeological sites		X		
Lack of cooperation from the art market		X		
Lack of expertise/capacity in the legal field (lawyers, judges, prosecutors, etc.)	X			
Lack of regulation on the internet		X		
Lack of public awareness		X		
Other (please specify):				

48. **If applicable, please describe the three biggest barriers your country faces in securing the return/restitution of cultural property that has been stolen/illegally exported (e.g., cost of legal proceedings in other countries, lack of communication with counterparts in other countries, etc.).**

One of the barriers for the Australian Government in securing the return of foreign cultural property that has been illegally exported from the country of origin and imported into Australia is working with foreign governments of countries which are not party to the 1970 Convention as expectations can vary. Another challenge to Australian authorities is investigating the provenance and seizures of cultural property that is sold at online auctions. A lot of effort is being placed into engaging expert examiners, appropriately trained and qualified investigators, and into communicating with international auction houses to obtain sufficient information to indicate or confirm the origin, provenance and history of ownership of the cultural property that is being sold online. A related challenge is also obtaining warrants to seize the cultural property in time, that is, before the property has been sold.

49. **If applicable, please describe the most common reasons why your country is not able to fulfill requests for return/restitution made by other countries (e.g., requests made outside parameters of existing legal framework, lack of evidence for claims, etc.).**

Australia's Protection of Movable Cultural Heritage Act 1986 came into effect on 1 July 1987. As Australia did not have a system of protections in place for domestic and foreign cultural property prior to that date, Australia is not able to fulfil requests for return/restitution of foreign cultural property which was imported into Australia prior to 1 July 1987 under legislation. However, the Australian Government facilitates and supports voluntary returns of cultural property to foreign governments. There is also often a lack of evidence relating to the provenance of cultural property. A related challenge is the historical and contemporary changing national borders of foreign countries requesting return of cultural property.

UNESCO Support for the Implementation of the 1970 Convention

General awareness raising and communication strategies

50. **UNESCO and its partners have developed a number of tools to help State Parties implement the 1970 Convention. Please rate how helpful these tools have been to your country :**

	Not helpful	Somewhat helpful	Very helpful	Extremely helpful
Object ID Standard (ICOM, the Getty, and UNESCO)			X	
UNESCO International Code of Ethics for Cultural Property Dealers			X	
ICOM Code of Ethics for Museums			X	
UNESCO Database of National Cultural Heritage Laws				X
Basic Measures Concerning Cultural Items Offered for Sale on the Internet (INTERPOL, UNESCO, ICOM)		X		
Model Provisions Defining State Ownership of Undiscovered Cultural Property (UNESCO and UNIDROIT)		X		
Model Export Certificate for Cultural Objects (UNESCO and WCO)		X		

51. **Please provide additional details on how your country has used UNESCO's tools.**

The ICOM Code of Ethics for Museums is well regarded in the collecting sector in Australia. Museums Australia, the representative body for museums in Australia, is partnered with ICOM Australia, and has a code of ethics which states its support for the efforts of ICOM to control and eliminate international trafficking in stolen or illegally exported cultural property. Australia notes the recommendation that Object-ID be used as the standard for documenting movable cultural heritage held by collecting institutions, and that the use of the Object-ID would facilitate rapid transmission of basic information which would be of great assistance for identifying and tracking objects. While not mandated in Australia, the majority (if not all) of Australian public collecting institutions maintain extensive collections databases, which include all the required information of the Object-ID tool. Many institutions would hold information which exceeds these requirements. The UNESCO Database of National Cultural Heritage Laws is very useful to Australian authorities when trying to establish which laws are applicable to which foreign country. The Australian Government Department of Communications and the Arts (DoCA) receives regular requests for advice and information from members of the public who are trying to import cultural property which they have bought in a foreign country. The UNESCO Database of National Cultural Heritage Laws provides a quick and reliable reference point for DoCA officers answering such enquiries.

52. **Please indicate whether your country has uploaded relevant national laws to the UNESCO Database of National Cultural Heritage Laws.**

Australia has uploaded the Protection of Movable Cultural Heritage Act 1986 and subordinate legislation, the Protection of Movable Cultural Heritage Regulations 1987 and 2018, to the UNESCO Database of National Cultural Heritage Laws.

53. **What additional tools would be helpful for UNESCO to develop ?**

Australia recommends that UNESCO continue to develop best practice guides for state parties to provide a standardised method for the seizure and restitution of cultural property.

54. **Have you or other stakeholders in your country participated in any of UNESCO's capacity building workshops or projects related to preventing illicit trafficking of cultural property in the past five years?**

	Yes
X	No

55. **How did these workshops or projects contribute to the implementation of the 1970 Convention in your country? Please provide specific examples where possible.**

□

56. **There are a number of ways the UNESCO Secretariat could support State Parties in the implementation of the 1970 Convention in the future, in addition to servicing the governing bodies of the Convention. Please indicate the extent to which the Secretariat should give priority to the following activities :**

	No priority	Low priority	Somewhat of a priority	High priority
Support in reforming national policies and legislation			X	
Promoting policy dialogues between countries				X
Support for inventorying projects			X	
Specialized trainings for police			X	
Specialized trainings for customs			X	
Specialized trainings for museum staff			X	
National workshops to bring together stakeholders across departments, ministries, etc.				X
Regional workshops to bring together stakeholders from across the region across departments, ministries, etc.				X
Awareness raising activities (press releases, video clips, etc.)				X

Development of more legal and practical tools such as the WCO model export certificate, the Database of National Cultural Heritage Laws, etc.				X
Facilitating the sharing of best practices between countries (e.g., online or through a newsletter)				X
Other (please specify):				

57. **Please provide any additional suggestions for how UNESCO should focus its work on this topic going forward.**

N/A

58. **What difficulties did you State encounter while implementing the Convention during the last reporting cycle period ?**

Australia has been able to effectively implement the 1970 Convention through national legislation, The Protection of Movable Cultural Heritage Act 1986 (PMCH Act). The PMCH Act regulates the export of significant Australian cultural property (known as Australian Protected Objects). The PMCH Act also allows for illegally imported foreign cultural property to be seized and returned to its country of origin.

59. **How has your country used the Operational Guidelines of the 1970 Convention adopted in UNESCO during the Third Meeting of States Parties (2015)?**

The Operational Guidelines have been useful in providing direction on certain policy matters pursuant to the 1970 Convention. However, we note that the guidelines could provide more clarity on the term 'country of origin'. Changing borders, particularly in the Middle East and Asia, can cause difficulty in determining the 'country of origin' when researching provenance of certain objects for restitution.

60. **Any other additional issues or comments you would like to share.**

Comment under question 34: The ICOM Code of Ethics for Museums is well regarded in the collecting sector in Australia. Museums Galleries Australia (MGA), the representative body for museums in Australia, is partnered with ICOM Australia, and has a code of ethics which states its support for the efforts of ICOM to control and eliminate international trafficking in stolen or illegally exported cultural property. Additionally, MGA has a range of guiding policies and publishes a number of resources on ethics, which are considered best practice for the sector, and are available at: www.museumsaustralia.org.au/ethics-and-legal. The Australian Government actively supports MGA. Comment under question 55: While Australia did not participate in any UNESCO capacity building workshops or projects, discussions have been held with UNESCO Chair Mr Peter Stone, who visited Australia in 2018. Additionally, the Australian National Commission to UNESCO meets twice a year and receives briefings from the relevant Australian Government departments for this purpose. The Department of Communications and the Arts also feeds into the UNESCO National Commission website.