

AbaF

Exporting artwork

In 1970 the United Nations Educational, Scientific and Cultural Organisation (UNESCO) adopted the *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property* in Paris. Australia ratified this convention by passing the *Protection of Movable Cultural Heritage Act*, 1986.

This Commonwealth Act regulates the export of Australia's moveable cultural heritage. It also provides for the return of the cultural property of other countries that has been imported to Australia illegally. The Act is administered by the Department of the Environment and Heritage and implements a system of export that permits for certain cultural heritage objects, defined by the Act as "Australian protected objects" and which meet criteria established under the National Cultural Heritage Control List.

The Control List is located in the Regulations to the Act and divides Australian protected objects into two classes:

- *Class A objects which may not be exported.* These include Victorian Cross Medals, each piece of the suit of metal armour worn by Ned Kelly and a range of Aboriginal and Torres Strait Islander objects such as rock art, sacred and secret ritual objects and human remains.
- *Class B objects which may be exported if granted a permit under the Act.* These include documentary heritage, fine and decorative arts, coins and stamps.

An application for a permit to export an object of fine or decorative art should be lodged where a painting or decorative object meets all of the following criteria:

1. It is at least as old as the age threshold stipulated against the type of object in the value and age threshold table
2. The current Australian market value exceeds the sum stipulated in the value and age threshold table
3. It is an Australian related object.

Examples listed on the Value and Age Thresholds Table

Item	Objects of fine or decorative art	Amount A\$	Age (years)
1	Paintings by Aboriginal or Torres Strait Islander peoples created in the Indigenous tradition	10,000	20
2	Sculptures	30,000	30
3	Watercolours, pastels, drawings, sketches and other similar works	40,000	30
4	Paintings	250,000	30
5	Prints, posters, photographs or similar works of art with potential for multiple production	10,000	30

When exporting an artwork overseas it is recommended that you appoint an experienced international art freight forwarder as they will have up to date information on Australian customs requirements and any other requirements such as import duties etc.

Import duties may be required to be paid in the country the work is being sent to. It is important to ascertain who will be paying for these items before the work leaves the country.

All artworks should be accompanied by:

- a photograph of the artwork
- a description of the work – i.e. oil paint on linen
- size of the work
- price – check with your freight forwarder to ensure which currency this should be in
- artist details – stamped and cleared for export by Australian customs.

Different countries have differing requirements so it is always important to check with your international freight forwarder before the items leave the country. For example, in Italy when artworks arrive they will not clear customs until they have been inspected by the “Beni Culturali” which is the government agency for the protection of artworks. They will examine the works, the description and the accompanying photography to verify that they correspond with each other before the goods are released to their final destination in Italy.

The overriding regulation is that all consignments leaving Australia, having a value in excess of AU\$2,000, must be declared to the Australian Customs Service. This declaration can be made by the exporter or by their appointed freight forwarder.

Goods may not be exported or loaded on a ship or aircraft for export until they have been entered for export and the Australian Customs Service has given approval to export. Approval is indicated by a “cleared” Export Declaration Number (EDN).

The Australian Tax Office requires exporters to keep appropriate records to verify if the goods have been exported. Such records include:

- airway bills
- bills of lading
- export entries.

Australian Customs will also require you to retain for 5 years from the time the goods are exported items such as:

- commercial invoice
- packing List
- permit issued by a permit issuing authority (if applicable)
- banking and other documents relating to the payment of goods.

Resources:

Austrade

Austrade is the Commonwealth Government’s export assistance agency. It manages a variety of programs designed to assist Australian companies achieve export business. They provide a number of programs including a New Exporter Development Program.

T. 13 28 78

W. www.austrade.gov.au

Australian Customs Service

The Australian Customs Service website provides a range of fact sheets and information on export requirements in Australia.

T. 1300 363 263

W. www.customs.gov.au

Business Victoria

Offer a range of export programs including:

- Opening Doors to Export
- Export Networks
- Access America Program
- Access China Program
- Collaborative Export Marketing
- First Step Exporter
- Next Step Exporter
- Export Communication Network

W: www.business.vic.gov.au/BUSVIC.801702186/LANDING//SEC07.html

Department of Foreign Affairs and Trade (DFAT)

DFAT provides a range of information about free-trade agreements and papers on international business, trade and statistical analysis.

T. 1300 555 135

W. www.dfat.gov.au

Export Hubs – AusIndustry

A convenient one-stop shop designed to assist Australian businesses access information, advice and support to help them become more innovative and internationally competitive. Provide information and advice on products and services to assist with research and development plus commercialisation, as well as the relevant know-how to reduce the time, cost and risk involved in selecting, entering and developing international markets.

W: www.exporthub.gov.au/

Exporter's Club – Port Adelaide, Enfield City Council

Devoted to helping small-to-medium enterprises in North West Adelaide reduce the risk of exporting overseas. The Club has established a thriving and growing membership base and provides innovative delivery of export assistance and networking opportunities.

W: <http://www.portenf.sa.gov.au/site/page.cfm?u=593>

Export Marketing Assistance Scheme

The Export Marketing Assistance Scheme is designed to assist Tasmanian enterprises in planning and implementing their international marketing activities. The scheme may provide assistance to:

- Undertake export market research
- Attend trade exhibitions with an international focus
- Develop export promotional material
- Assist with inbound buyers' visits to Tasmania
- Attend approved export-related conferences.

W: <http://www.development.tas.gov.au/export/marketassistance.html>

International Trade Show Assistance Program – Queensland Information Industries Bureau

The International Trade Show Assistance Program (ITSAP) can assist you to exhibit at an international trade show or participate in a trade mission outside Australia by providing up to \$5,000 in funding.

W: <http://www.iib.qld.gov.au/itsap/default.asp>

Moveable Cultural Heritage Unit - Department of the Environment and Heritage

The Moveable Cultural Heritage Unit maintains the “Australian protected Objects” list. It is important to check this list to clarify whether an export permit will need to be sort, prior to arranging to export an artwork.

GPO Box 787

Canberra ACT 2601

T: 02 6274 1810

F: 02 6274 2731

E: moveable.heritage@deh.gov.au

W: www.deh.gov.au

Office of Small Business, Victorian Government

The Victorian Office of Small Business has produced the “Export Planning Guide” which provides useful information for those seeking to do business internationally.

W: www.export.vic.gov.au

Salisbury Business and Export Centre – Salisbury City Council

SBEC provides a range of services to business, with an emphasis on small business:

- Advice and support on starting a business
- Business development advice and information including business planning, cluster development, marketing and strategic planning
- Export guidance, information and planning
- Information on assistance programs and funding available through the Commonwealth, State and Local Governments
- Mentoring support and advice
- Referrals to specialist advisers, eg solicitors, accountants and business consultants
- Networking opportunities that link small business to local services and organisations involved in business, economic development and job creation
- Small business workshops, seminars and networking functions
- Host training and development workshops and programs
- Regular newsletters, brochures and promotion of small business initiatives to media
- Promotion of business and investment in the City of Salisbury.

W: <http://cweb.salisbury.sa.gov.au/manifest/servlet/page?pg=91>

Trade Support Scheme – Territory Business Channel

The Trade Support Scheme (TSS) was developed by the Northern Territory Government to give Territory exporters and traders financial assistance in developing international trade partnerships.

W: <http://www.dcm.nt.gov.au/dcm/tradesupport/>

Tradex Scheme – AusIndustry

The Tradex Scheme aims to provide relief to exporting businesses that pay customs duty and GST on imported goods that are to be re-exported or used as inputs to other goods that are exported.

W: www.ausindustry.gov.au/

References and further reading:

- *‘Export Planning Guide: An introductory guide for small businesses seeking to do business in international markets’*, State of Victoria, Melbourne, 2004.
- Young, Linda “Australian and International Laws on Export Controls for Cultural Heritage”, Paper presented at the *Art Crime: Protecting Art, Protecting Artists and Protecting Consumers Conference*, Australian Institute of Criminology, Sydney, 2-3 December 1999.

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