



# Protection of Cultural Objects on Loan Regulations 2024

---

I, the Honourable Sam Mostyn AC, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 12 December 2024

Sam Mostyn AC  
Governor-General

By Her Excellency's Command

Tony Burke  
Minister for the Arts

---



---

# Contents

<b>Part 1—Preliminary</b>	1
1 Name .....	1
2 Commencement.....	1
3 Authority .....	1
4 Schedule 1 .....	1
<b>Part 2—Interpretation</b>	2
5 Definitions.....	2
6 Organisations prescribed as <i>borrowing institutions</i> .....	2
7 Services prescribed for the definition of <i>protected person</i> .....	2
<b>Part 3—Approval of institutions</b>	4
8 Matters the Minister must consider in approving a borrowing institution .....	4
<b>Part 4—Consultation</b>	6
9 Purpose of this Part .....	6
10 General requirement to formulate and publish policies and procedures .....	6
11 Consultation with relevant communities.....	6
12 Consultation with State or Territory archives .....	7
13 Processes in certain circumstances.....	7
14 Form of consultation .....	7
<b>Part 5—Publishing information about objects</b>	8
15 Purpose of this Part .....	8
16 Publishing information about objects.....	8
17 Exemption from publishing information about an object .....	9
18 Including hyperlinks instead of publishing information .....	9
19 Correcting errors or omissions in published information.....	9
<b>Part 6—Actions to be taken by borrowing institution or parent</b>	10
20 Purpose of this Part .....	10
21 Information requests and claims in relation to an object .....	10
<b>Part 7—Report to Minister</b>	11
22 Purpose of this Part .....	11
23 Report to the Minister on activities of borrowing institution.....	11
<b>Part 8—Miscellaneous</b>	13
24 Delegation .....	13
<b>Part 9—Application and saving provisions</b>	14
25 Application of provisions on the approval of institutions .....	14
26 Application and saving of provisions on consultation .....	14
27 Application of provisions on publication of information about objects.....	14
28 Saving of exemptions from publishing information about an object granted under the <i>Protection of Cultural Objects on Loan Regulation 2014</i> .....	14
29 Application and saving of provisions on information requests and claims.....	15
30 Application of provisions on reporting to the Minister.....	15
<b>Schedule 1—Repeals</b>	15
<i>Protection of Cultural Objects on Loan Regulation 2014</i> .....	16



Section 1

---

Part 1—Preliminary

1 Name

This instrument is the *Protection of Cultural Objects on Loan Regulations 2024*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	1 April 2025.	1 April 2025

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Protection of Cultural Objects on Loan Act 2013*.

4 Schedule 1

Each instrument that is specified in Schedule 1 to this instrument is amended or repealed as set out in the applicable items in that Schedule, and any other item in that Schedule has effect according to its terms.

## Part 2—Interpretation

### 5 Definitions

- Note: A number of expressions used in this instrument are defined in the Act, including the following:
- (a) borrowing institution;
  - (b) lender;
  - (c) loan;
  - (d) parent.

In this instrument:

**Aboriginal person** has the same meaning as in the *Aboriginal and Torres Strait Islander Act 2005*.

**Act** means the *Protection of Cultural Objects on Loan Act 2013*.

**Torres Strait Islander** has the same meaning as in the *Aboriginal and Torres Strait Islander Act 2005*.

### 6 Organisations prescribed as *borrowing institutions*

For the purposes of subparagraph (b)(ii) of the definition of ***borrowing institution*** in section 5 of the Act, the following organisations are prescribed:

- (a) Chau Chak Wing Museum of the University of Sydney (ABN 15 211 513 464);
- (b) Museum of Contemporary Art Limited (ABN 15 003 765 517);
- (c) Art Gallery of Ballarat (ABN 28 145 246 224);
- (d) Bendigo Art Gallery of the Greater Bendigo City Council (ABN 74 149 638 164);
- (e) Heide Park and Art Gallery, trading as Heide Museum of Modern Art (ABN 60 005 712 943);
- (f) The Ian Potter Museum of Art of the University of Melbourne (ABN 84 002 705 224);
- (g) HOTA Gold Coast Pty Ltd, trading as HOTA Home of the Arts (ABN 85 060 787 466);
- (h) Moorilla Estate Pty Ltd, trading as Museum of Old and New Art (Mona) (ABN 34 120 281 656).

### 7 Services prescribed for the definition of *protected person*

For the purposes of subparagraph (e)(v) of the definition of ***protected person*** for an object, in section 5 of the Act, the following services are prescribed:

- (a) exhibiting the object in Australia;
- (b) conducting research on the object, for the purposes of facilitating the temporary public exhibition of the object under arrangements made by a borrowing institution, in Australia;
- (c) undertaking imaging of the object, for the purposes of facilitating the temporary public exhibition of the object under arrangements made by a borrowing institution, in Australia;

**Section 7**

---

- (d) facilitating consultation under Part 4 of this instrument in relation to the object.

---

## Part 3—Approval of institutions

### 8 Matters the Minister must consider in approving a borrowing institution

- (1) For the purposes of paragraph 15(2)(f) of the Act, the matters that the Minister must consider in deciding whether to approve a borrowing institution are the following:
  - (a) whether the policies and procedures of the borrowing institution or its parent display a commitment to the loan of objects to which Part 2 of the Act applies, or would apply, being made to the highest standards of ethical and professional practice and in accordance with applicable laws;
  - (b) whether the policies and procedures of the borrowing institution or its parent are likely to ensure that:
    - (i) lenders of such objects are reputable and have legal authority to lend such objects; and
    - (ii) there are valid export licences or permits (if required) for such objects from the countries in which they are located before being exported to Australia;
  - (c) whether the policies and procedures of the borrowing institution or its parent include requirements for the borrowing institution or its parent to undertake adequate provenance and due diligence research of a kind mentioned in subsection (2) of this section, in relation to such objects, for the period for which the institution is an approved borrowing institution.
- (2) For the purposes of paragraph (1)(c), provenance and due diligence research, in relation to the proposed loan of an object, involves doing any of the following that may be appropriate in the circumstances:
  - (a) conducting checks into the matters mentioned in subparagraphs (1)(b)(i) and (ii) in so far as they relate to the object;
  - (b) considering documentary evidence of the object's history of ownership and export (having regard to the object's country of origin and other countries in which it has been located);
  - (c) examining information about the lender of the object, and current and previous owners of the object;
  - (d) checking that the object is not mentioned in databases or registers of lost or stolen objects;
  - (e) considering secondary documentation, such as archival material and images relating to:
    - (i) the object; or
    - (ii) works related to the object; or
    - (iii) the lender of the object; or
    - (iv) current and previous owners of the object;
  - (f) examining the exhibition and publication history of the object;
  - (g) examining the object, or detailed descriptions or photos of the object;
  - (h) consulting experts in relation to any or all of the matters set out in the preceding paragraphs of this subsection.



**Section 8**

---

- (3) The borrowing institution must ensure that the policies and procedures referred to in subsection (1) are published on the website of the borrowing institution or its parent.

## **Part 4—Consultation**

### **9 Purpose of this Part**

This Part is made for the purposes of paragraphs 21(3)(a) and (b) of the Act.

### **10 General requirement to formulate and publish policies and procedures**

- (1) A borrowing institution or its parent must formulate written policies and procedures, in accordance with this Part, that set out the consultation processes that will be used by the borrowing institution or its parent, if the borrowing institution or its parent proposes the loan of an object to which Part 2 of the Act will apply.
- (2) The borrowing institution or its parent must ensure that the policies and procedures are published on the website of the borrowing institution or its parent.

### **11 Consultation with relevant communities**

*When consultation is required*

- (1) Subsection (2) sets out the circumstances in which a borrowing institution or its parent must consult members of a community, or organisations representing members of a community, about the proposed loan of an object to which Part 2 of the Act will apply, if the object relates to that community.
- (2) Without limiting the circumstances in which the borrowing institution or its parent consults in relation to the object, the borrowing institution or its parent must consult, in relation to the object, members of each community to which any of the following circumstances apply, or organisations representing such members:
  - (a) membership of the community is exclusively or predominantly Aboriginal persons or Torres Strait Islanders, and the object relates to, or embodies the culture of, that community;
  - (b) the community is a First Nations community that is from a country that is not Australia, and the object relates to, or embodies the culture of, that community;
  - (c) the community is in Australia and the object has clear and continuing significance for that community.

*Matters to be considered for the purposes of deciding whether to consult*

- (3) A borrowing institution or its parent must consider the following matters for the purposes of deciding whether to consult (whether or not under subsection (2)) members of a community, or organisations representing members of a community, about the proposed loan of an object to which Part 2 of the Act will apply, if the object relates to that community:
  - (a) whether the object has historical significance to:
    - (i) a particular individual who is a member of the community; or
    - (ii) a group within the community; or
    - (iii) an event, place or activity relating to the community;

## Section 12

---

- (b) whether a member of the community has specific family associations with the object;
- (c) whether there is a demonstrated attachment between the object and the community, a particular individual who is a member of the community or a family group within the community;
- (d) if the community is in Australia:
  - (i) whether the object has social or spiritual significance to the community; and
  - (ii) whether the object embodies beliefs, ideas, customs, traditions, practices or stories that are important to the community.

### 12 Consultation with State or Territory archives

A borrowing institution or its parent must consult persons or bodies responsible for an archive of a State or Territory, about the proposed loan of an object to which Part 2 of the Act will apply, if the object is relevant to the archive.

Example: The object may be relevant to the archive if the object would ordinarily be expected to be in the archive.

### 13 Processes in certain circumstances

The policies and procedures of the borrowing institution or its parent must set out:

- (a) the consultation processes that will be used by the borrowing institution or its parent in relation to the proposed loan of an object to which Part 2 of the Act will apply, if the object is one in relation to which consultation must be undertaken in accordance with subsection 11(2) or section 12 of this instrument; and
- (b) the processes that will be followed by the borrowing institution or its parent when a person, organisation or body consulted in accordance with subsection 11(2) or section 12 does not support the proposed loan of the object.

### 14 Form of consultation

Consultation undertaken in accordance with this Part must:

- (a) give persons, organisations or bodies being consulted an adequate opportunity to comment; and
- (b) be appropriate for the object proposed to be loaned and the persons, organisations or bodies being consulted; and
- (c) be respectful and meaningful to the persons, organisations or bodies being consulted.

## Part 5—Publishing information about objects

### 15 Purpose of this Part

This Part is made for the purposes of paragraph 21(3)(c) of the Act.

### 16 Publishing information about objects

- (1) A borrowing institution or its parent must ensure that the following information is published, in accordance with subsection (2), about each object that is the subject of a proposed loan to the borrowing institution or its parent, and to which Part 2 of the Act will apply:
  - (a) a photograph of the object;
  - (b) one of the following:
    - (i) the name of the lender of the object;
    - (ii) the name of the person authorised to act on the lender's behalf;
    - (iii) the statement “private lender”, “private collection” or a similar description;
  - (c) a description of the object sufficient to identify it, including as much of the following information as the borrowing institution or its parent is able to ascertain:
    - (i) the type of object;
    - (ii) the name and nationality of the artist, creator or manufacturer of the object;
    - (iii) the title of the object;
    - (iv) the dimensions of the object;
    - (v) the date on which, or the period during which, the object was, or is likely to have been, created or manufactured;
    - (vi) a description of significant marks or inscriptions on the object;
    - (vii) the place or likely place the object was created or manufactured;
    - (viii) if the object consists of archaeological or palaeontological material—the place where the object was found or likely to have been found;
    - (ix) the date and place the object was acquired by its current owner;
    - (x) the date and place the object was acquired by the person who owned the object immediately before the object's current owner;
  - (d) each address in Australia at which the object is to be displayed and the period during which the object will be displayed at the address;
  - (e) the title of the temporary public exhibition or exhibitions at which the object is to be displayed.
- (2) The information must:
  - (a) be published on a dedicated webpage titled *Protection of Cultural Objects on Loan*, on the website of the borrowing institution or its parent, at least 4 weeks before the object is imported into Australia; and
  - (b) remain on that webpage until the object is exported from Australia.
- (3) This section does not apply in relation to information covered by a permission granted under section 17.

## Section 17

---

### 17 Exemption from publishing information about an object

- (1) A borrowing institution or its parent may apply to the Minister for permission not to publish on the website of the borrowing institution or its parent some or all of the information mentioned in subsection 16(1) about an object.
- (2) The application must:
  - (a) be in writing; and
  - (b) set out:
    - (i) the information that the applicant does not wish to be published; and
    - (ii) the reasons for the application, and any supporting information; and
  - (c) be made as soon as practicable before the object is imported into Australia.
- (3) The Minister must, by written notice given to the applicant, either grant or refuse to grant the permission.
- (4) If the Minister refuses to grant the permission, the notice must include reasons for the refusal.

### 18 Including hyperlinks instead of publishing information

- (1) This section applies if:
  - (a) 2 or more borrowing institutions, or parents of borrowing institutions, propose the loan of an object under a temporary loan arrangement with the same lender or exhibition facilitator; and
  - (b) the object remains in Australia for the period of the arrangement.
- (2) The borrowing institution or the parent of a borrowing institution is taken to comply with section 16 in relation to the object if:
  - (a) a dedicated webpage (the **webpage**) titled *Protection of Cultural Objects on Loan* on the website of the borrowing institution or its parent includes a hyperlink to information about the object published on the website (the **other website**) of one of the other borrowing institutions, or parents of borrowing institutions, referred to in paragraph (1)(a) of this section; and
  - (b) the information published on the other website is published in accordance with section 16; and
  - (c) the hyperlink is included on the webpage as soon as practicable after the information is published on the other website; and
  - (d) the hyperlink remains on the webpage until the object is exported from Australia.

### 19 Correcting errors or omissions in published information

A borrowing institution or its parent must ensure that its website is updated to correct any error or omission in information published on the website in accordance with section 16 as soon as practicable after becoming aware of the error or omission.

## **Part 6—Actions to be taken by borrowing institution or parent**

### **20 Purpose of this Part**

This Part is made for the purposes of paragraph 21(3)(d) of the Act.

### **21 Information requests and claims in relation to an object**

#### *Receiving requests or claims*

- (1) This section applies to a borrowing institution or its parent if:
  - (a) an object to which Part 2 of the Act applies is on loan to the borrowing institution or its parent; and
  - (b) the borrowing institution or its parent receives:
    - (i) a written request for information about the object from one or more persons who may have an interest in the object; or
    - (ii) a written claim that one or more persons have an interest in the object; and
  - (c) the object has not been exported from Australia before the request or claim is received.

#### *Requirement to provide information*

- (2) The borrowing institution or its parent must, within 28 days after the request or claim is received, give the person or persons:
  - (a) the address of the webpage on which information about the object is published, as required by section 16 or 18; and
  - (b) information held by the borrowing institution or its parent as a result of provenance and due diligence research conducted in accordance with the policies and procedures mentioned in paragraph 8(1)(c).
- (3) Paragraph (2)(b) of this section does not apply if the borrowing institution or its parent is satisfied, having regard to the nature of the information and the nature and circumstances of the request or claim, that it is not appropriate for the information to be given.

#### *Minister to be notified of claims*

- (4) If the borrowing institution or its parent receives a claim mentioned in subparagraph (1)(b)(ii), the borrowing institution or its parent must give the Minister:
  - (a) written notice of the claim; and
  - (b) if requested by the Minister—a copy of the claim.

## Part 7—Report to Minister

### 22 Purpose of this Part

This Part is made for the purposes of paragraph 21(3)(e) of the Act.

### 23 Report to the Minister on activities of borrowing institution

- (1) A borrowing institution or its parent must ensure that:
  - (a) a report for each financial year is prepared on the activities of the borrowing institution during that financial year in relation to the loan, or proposed loan, of objects to which Part 2 of the Act applies; and
  - (b) the report is given to the Minister by the next 31 October after that financial year.
- (2) The report for the borrowing institution for a financial year must include:
  - (a) the following information for each exhibition in which the institution was involved during the financial year that included an object to which Part 2 of the Act applies:
    - (i) the title of the exhibition;
    - (ii) a description of the object;
    - (iii) each location at which the exhibition was held;
    - (iv) the date on which the object was imported into Australia;
    - (v) the date on which the object was, or is to be, exported from Australia;
    - (vi) the date on which the exhibition commenced;
    - (vii) the date on which the exhibition ended or is to end;
    - (viii) the number of visitors who attended the exhibition during the financial year; and
  - (b) details of any provenance or due diligence research conducted in accordance with the policies and procedures mentioned in paragraph 8(1)(c) of this instrument; and
  - (c) details of any consultation undertaken in accordance with Part 4; and
  - (d) if information was published on a dedicated webpage titled *Protection of Cultural Objects on Loan* on the website of the borrowing institution or its parent, in accordance with section 16—a copy of that information; and
  - (e) if a hyperlink to information about an object was included on a dedicated webpage titled *Protection of Cultural Objects on Loan* on the website of the borrowing institution or its parent, in accordance with section 18—a statement to that effect; and
  - (f) a statement that the information published as mentioned in paragraph (d) of this subsection, or the hyperlink included as mentioned in paragraph (e) of this subsection, remained on the website of the borrowing institution or its parent for at least the period required under Part 5, and any information that may confirm that statement.
- (3) If a request or claim mentioned in section 21 was received by a borrowing institution or its parent during the financial year, the report must include information about:
  - (a) the request or claim; and

Section 23

---

- (b) the action taken in accordance with section 21 in relation to the request or claim.



## Part 8—Miscellaneous

### 24 Delegation

The Minister may, by writing, delegate all or any of the Minister's functions and powers under this regulation to an SES employee or acting SES employee in the Department.

Note: The expressions **SES employee** and **acting SES employee** are defined in section 2B of the *Acts Interpretation Act 1901*.

## Part 9—Application and saving provisions

### 25 Application of provisions on the approval of institutions

Part 3 (approval of institutions) applies in relation to institutions approved by the Minister on or after 1 April 2025, whether the application by or on behalf of the borrowing institution was or is made before, on or after 1 April 2025.

### 26 Application and saving of provisions on consultation

*Application of consultation provisions under this instrument*

- (1) Part 4 (consultation) applies in relation to the proposed loan of an object for which the temporary public exhibition in Australia by a borrowing institution begins on or after 1 January 2026.

*Saving of consultation provisions under the 2014 instrument*

- (2) Despite the repeal of the *Protection of Cultural Objects on Loan Regulation 2014* on 1 April 2025, Part 5 (consultation) of that instrument, as in force immediately before 1 April 2025, continues to apply in relation to the proposed loan of an object for which the temporary public exhibition in Australia by a borrowing institution begins before 1 January 2026.

### 27 Application of provisions on publication of information about objects

Part 5 (publishing information about objects) applies on and after 1 April 2025 in relation to objects on loan to the borrowing institution or its parent on or after 1 April 2025, whether the object was or is imported into Australia before, on or after 1 April 2025.

Example 1: If the object is imported into Australia on 15 March 2025, the borrowing institution or its parent will have published, 4 weeks prior to that date, information under the *Protection of Cultural Objects on Loan Regulation 2014*. If the object is still on loan to the borrowing institution or its parent on 1 April 2025, the borrowing institution or its parent is required to update the website, in accordance with Part 5 of this instrument, in relation to the object by 1 April 2025.

Example 2: If the object is imported into Australia on 15 April 2025, the borrowing institution or its parent will have published, 4 weeks prior to that date, information under the *Protection of Cultural Objects on Loan Regulation 2014*, but will be required to update the website, in accordance with Part 5 of this instrument, in relation to the object by 1 April 2025.

Example 3: Part 5 of this instrument does not apply to objects exported from Australia before 1 April 2025.

### 28 Saving of exemptions from publishing information about an object granted under the *Protection of Cultural Objects on Loan Regulation 2014*

- (1) This section applies if a permission granted by the Minister for the purposes of subsection 12(3) of the *Protection of Cultural Objects on Loan Regulation 2014* was in force immediately before the commencement of this instrument.
- (2) The permission is taken, after that commencement, to be a permission for the purposes of subsection 17(3) of this instrument.

## Section 29

---

### 29 Application and saving of provisions on information requests and claims

#### *Application of provisions under this instrument*

- (1) Part 6 (actions to be taken by borrowing institution or parent) applies in relation to requests or claims:
  - (a) received on or after 1 April 2025, whether the loan of the object commenced before, on or after 1 April 2025; or
  - (b) received under subsection 15(1) of the *Protection of Cultural Objects on Loan Regulation 2014* before 1 April 2025 if:
    - (i) the borrowing institution or its parent has not given information in accordance with subsection 15(2) of that instrument in relation to the object by 1 April 2025; and
    - (ii) subsection 15(3) of that instrument does not apply in relation to the object; and
    - (iii) the object is not exported from Australia before 1 April 2025.

#### *Saving of provisions under the 2014 instrument*

- (2) Despite the repeal of the *Protection of Cultural Objects on Loan Regulation 2014* on 1 April 2025, Part 7 (actions to be taken by borrowing institution or parent) of that instrument, and Parts 2 and 6 of that instrument, as they relate to the requirements of Part 7, as in force immediately before 1 April 2025, continue to apply in relation to requests or claims received before 1 April 2025 under subsection 15(1) of that instrument, if the object is exported from Australia before 1 April 2025 but after the request or claim is received.

### 30 Application of provisions on reporting to the Minister

- (1) Part 7 (report to Minister) applies in relation to the first financial year that ends after the commencement of this instrument.
- (2) A report given in relation to a financial year ending on 30 June 2025 or 30 June 2026 must, in addition to the requirements set out in Part 7 of this instrument, include information about any activities of the borrowing institution undertaken during that financial year in accordance with the *Protection of Cultural Objects on Loan Regulation 2014*.

---

## Schedule 1—Repeals

### *Protection of Cultural Objects on Loan Regulation 2014*

#### **1 The whole of the instrument**

Repeal the instrument.