AUSTRALIAN NATIONAL MARITIME MUSEUM LOANS POLICY

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1. TITLE

The Australian National Maritime Museum Loans Policy

2. INTRODUCTION

The Museum is a Commonwealth Government cultural institution established by the *Australian National Maritime Museum Act 1990* (the Act) and charged with researching, collecting, preserving, exhibiting, and interpreting the maritime history of Australia.

The Museum is empowered and enabled by the Act to acquire, exhibit, borrow, lend, deaccession, and dispose of maritime historical material.

3. PURPOSE

The objectives of this policy are to outline the principles and guidelines that:

- enable the display of objects from the Museum's collections, including the National Maritime Collection, to as broad an audience as possible
- provide appropriate conditions and controls under which other organisations may borrow objects from the Museum, and the Museum may borrow objects from other organisations, while ensuring their safety and security and compliance with the highest legal and ethical standards.
- provide access to the Museum's collections and borrowed objects while providing protection to the objects, the Museum, lenders, and borrowers.

4. SCOPE

This policy refers to both the outgoing loan of objects from the museum's collections and to the incoming loan of objects to the museum.

5. POLICY STATEMENT

The museum is a Commonwealth Government cultural institution established by the Act and empowered and enabled to lend material from the National Maritime Collection as well as other collections held by the Museum, and to borrow material from other public and private collections for the purposes of research, exhibition, and public programs.

Implementation of this policy supports the museum's vision and mission and ensures decisions regarding loans are transparent and ethical, that the museum satisfies its statutory obligations under the Act, complies with federal, NSW state and international laws and conventions and achieves the highest industry standard of best practice and due diligence befitting a national cultural institution.

In borrowing material, the Museum will be open and transparent in its decision-making processes and procedures and will practice appropriate levels of due diligence research in relation to the loan.

This will be in line with the *UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Propert*y 1970 which was ratified by Australia in 1989; the *Protection of Cultural Objects on Loan Act, 2013*; the *Protection of Moveable Cultural Heritage Act 1986*; and the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*.

6. ROLES AND RESPONSIBILITIES

Curators – responsible for putting forward proposals to borrow objects and other materials from public and private collections in accordance with this Policy and Guidelines, including undertaking provenance and due diligence research. They are also responsible, in consultation with Collections & Access and Conservation, for making recommendations as to the feasibility of loans from the National Maritime Collections and Museum collections generally.

Manager Collections & Access - advises on resources, risks, and risk mitigations to manage the loan and care for the object while in the Museum's custody including security, safe transport, installation and display and manages loan process and documentation.

Manager Conservation - advises on resources, risks, and risk mitigations to care for the object while in the museum's custody, including an object's suitability, fragility and condition against the display method and the museum's capacity to care for the object, including any hazardous materials that might be present in the loan.

Assistant Director Fleet & Collections - once satisfied that proposed outgoing loans are in accordance with this Policy and Guidelines, the Assistant Director will recommend outgoing loans for the Director's approval. The Assistant Director will also ensure that staff are familiar with the requirements of this document, and related policies and procedures, including provenance a due diligence research, and that sufficient resources are available to manage the loan to the highest standards and to mitigate risks.

Deputy Director Content - once satisfied that proposed incoming loans are in accordance with this Policy and Guidelines, the Deputy Director will recommend incoming loans for the Director's approval. The Deputy Director will also ensure that staff are familiar with the requirements of this document, and related policies and procedures, including provenance a due diligence research, and that sufficient resources are available to manage the loan to the highest standards and to mitigate risks.

Director & CEO – has the authority to approve outgoing and incoming loans of maritime historic material under the Instrument of Delegation, s 16 of the Act. The Director will only approve an application for a loan when satisfied it is in accordance with this policy and agreed procedures.

7. DEFINITIONS

Collection - objects in various media that have been formally accessioned into the National Maritime Collection in accordance with the *Australian National Maritime Museum Act 1990* and the Collection Development Policy. These are distinct from other maritime historical material and the object-like collection.

Due Diligence - the steps undertaken to verify the accuracy of information before deciding on a course of action, including establishing authenticity and checking provenance information, confirming ownership details and title claims, identifying, and assessing any gaps in the chain of ownership, including consulting with external experts and checking stolen art databases.
Incoming loan - loan of historic material from a private lender or another institution for the purpose of public exhibition or research.
Loan: the temporary transfer of the physical possession, custody, or control of an object directly or indirectly from one entity to another.
Other maritime historical material owned by the Museum – this includes the object-like collection of materials acquired principally for display or loan where rigorous environmental and security conditions required for the accessioned collection cannot be met. Other maritime historical material includes the replica vessels such as *Endeavour*, as well as HMAS Onslow and HMAS Vampire. These have not been accessioned but are listed on the assets register.
Outgoing loan - loan of material from the National Maritime Collection or of other maritime historic material in the possession of the museum for the purpose of public exhibition or research.
Provenance: the history and chain of ownership of an object since its creation to the present day, research into which is used to determine authenticity and verify ownership and history.

8. GUIDELINES – OUTGOING LOANS

8.1 Purpose of loan

The museum will lend objects from the National Maritime Collection and other maritime historical material in its possession for the purpose of public exhibition and research.

8.2 Definition of objects to be lent

The museum will only lend objects in the National Maritime Collection or other maritime historical material in the museum's possession or custody, which are:

- in the sole ownership or, if maritime archaeology, in custodianship of the Museum; and provenance is clearly researched and documented.
- eligible for loan, transport or display under conditions of any licences or permits held or required, including those that relate to time-based media or born digital objects.
- registered and fully documented in the Museum's collection management system.
- seemed to be in a fit condition to travel and be exhibited in conditions specified in the loan application.
- not required by the Museum for exhibition, demonstration, or research
- deemed not to be in opposition to the interest of the museum; and
- endorsed by the Manager of Indigenous Programs in consultation with the Museum's Aboriginal and Torres Strait Islander Advisory Committee, Aboriginal and Torres Strait Islander individuals or their representative or communities if deemed to be Aboriginal or Torres Strait Islander culturally significant objects.

Information on the provenance of proposed outgoing loans will be provided to lenders.

8.3 Eligible borrowers

The Museum will lend objects to public and private galleries, libraries, archives, museums, or other appropriate bodies that:

- have the authority to enter into a loan agreement.
- are reputable organisations.
- meet and can comply with the museum's terms and conditions of loan as set out in the Museum's Outgoing Loan Agreement throughout the loan period, and
- demonstrate sufficient professional care, diligence, and staffing resources to appropriately care for and display objects on loan.

8.4 Period of notice and resources

It is the Museum's preference to receive requests for loan in writing to the Director up to twelve months prior to the objects leaving the museum. This initial request should be followed with a completed Application for Loan form received no later than nine months prior to objects leaving the Museum.

The Museum will consider requests to borrow with less notice in special circumstances. It will only lend objects there are sufficient resources to prepare the object for loan and to manage the loan administration and meet all contractual obligations.

The Museum will grant loans for periods of up to two years and may extend the timeframe if satisfied that the borrower is providing acceptable standards of care.

8.5 Contracts

The borrower is required to accept and comply with the terms and conditions set out in the Outgoing Loan Agreement.

8.6 Costs

The Museum will charge a loan fee, which will cover, at minimum, administration and all reasonable costs associated with the preparation, packing, transport and insurance of the loan permitting the museum to recover costs expended for the loan. We may waive some or all these fees if satisfied that this will best meet the Museum's objectives for outreach and providing collection access for underserved communities, and where there is a bilateral relationship between the Museum and the borrowing institution.

8.7 Couriers

Couriers from the Museum with appropriate training in object handling or conservation will accompany objects where it is considered necessary for the safety of the object. Where museum staff travel as a courier, the travel must be in accordance with the museum's *Travel Policy*.

9. GUIDELINES – INCOMING LOANS

9.1 Purpose of Loan

The Museum will borrow objects for the purpose of public exhibition or research where the objects borrowed will add significant value to these programs and support its vision and mission.

9.2 Definition of objects to be borrowed

The Museum will only borrow objects:

- when there is no suitable object in the Museum's collections
- when the object will add significant value to a public exhibition or research program
- where the lender has the legal authority to enter the loan and is entitled to execute the agreement
- when provenance is established and the Museum has met its responsibilities for due diligence and ethical practice in line with the *Provenance and Due Diligence Research Policy, the Provenance and Due Diligence Research Procedures,* and *Provenance and Due Diligence Checklist*
- when provenance is incomplete, the due diligence research undertaken by the Museum provides sufficient evidence to make an informed judgement that borrowing the object will meet Australian and international best practice standards
- which it can borrow without contravening national or international legislation controlling the importation or exportation of such material and those set up to protect movable cultural heritage and endangered species of wildlife
- when its research and investigation does not lead the museum to suspect the object was illicitly obtained
- if satisfied it has been lawfully exported from the country of origin, not contravening laws of that country
- when, for objects identified as Aboriginal or Torres Strait Islander, the loan is endorsed by the Manager of Indigenous Programs, the Museum's Aboriginal and Torres Strait Islander Advisory Committee and, where necessary, by the traditional members or elders representing that community in line with the museum's *Communication and Consultation Plan*
- when the Museum has met its obligations for consultation with Australian individuals, groups, or communities in line with the *Communication and Consultation Plan*
- when it can provide appropriate transport, receipting, storage, and exhibition facilities for the objects, and where the significance of the object justifies the costs of borrowing including freight, customs, *Protection of Cultural Objects on Loan* (PCOL) requirements and other import or export permits, and
- when it does not contravene the museum's Conflict of Interest Policy

9.3 Eligible lenders and conflicts of interest

The Museum will borrow objects from public and private galleries, libraries, archives, museums, other bodies, or individuals that:

- have the authority to enter into a loan agreement
- are reputable, and
- can provide the Museum with provenance and history of ownership from an object's discovery, creation, or production to the present day

Unless the Director gives prior approval in writing, the Museum will not borrow objects from Museum employees and their families, museum council members, contractors, or museum associates to avoid real or perceived conflicts of interest. Where the Museum borrows from persons associated with it, it will ensure that:

- the interest is fully disclosed and documented, and
- the person is excluded from any decision-making that relates to approval to borrow the object.

9.4 Period of notice and resources

The Museum will identify objects to be borrowed with sufficient time to conduct all due diligence, cost estimates and risk assessments required. It will only do so when it is able to meet all known

associated costs and has sufficient resources to manage the loan processes, installation requirements and meet all contractual obligations.

9.5 Provenance and due diligence

The Museum is committed to ensuring that objects it borrows have evidence of clear title and a known provenance and conform to cultural heritage legislation. It will therefore conduct and document provenance and due diligence research and undertake a risk assessment for each object it wishes to borrow in accordance with the *Provenance and Due Diligence Research Policy, Provenance and Due Diligence Research Procedures,* and *Provenance and Due Diligence Checklist*.

If the Museum then proceeds with the loan, it will record the reasons for taking that decision. The Museum recognises that for some objects, where provenance is incomplete or unobtainable, promoting the object in the public domain and providing access to as great an audience as possible, will increase the likelihood of further information becoming available.

9.6 International Loans

When the Museum is borrowing objects from an international private or institutional lender for temporary public display, it will comply with requirements under the *Protection of Cultural Objects on Loan Act 2013* (PCOL). The Museum will ensure objects borrowed do not contravene national and international conventions, treaties and laws that control the movement of cultural and natural heritage and will advise the lender of PCOL requirements.

In deciding whether a loan comes under the PCOL Scheme, the Museum must consider:

- whether the object will already be in Australia prior to the loan commencing
- whether the loan is primarily for temporary exhibition and not primarily for research or conservation
- whether the object is a Class A object as defined in the *Protection of Movable Cultural Heritage Act* 1986, and
- whether the lender is ordinarily a resident of Australia, or an incorporated corporation under Australian law or a body or part of the Australian government.

The Museum will consult members of the relevant community (or organisations representing them) when an object relates to, or embodies the culture of, Aboriginal or Torres Strait Islander people, or has clear and continuing significance for a community in Australia. The Museum will consult persons or bodies responsible for a State or Territory archive when the object is relevant to the archive. In addition, the Museum will consult members of the relevant community (or organisation representing them) when an object relates to or embodies the culture of a First Nations community from a country other than Australia.

In the case of international loans, the Museum will publish details of each object, the lender, ownership history and intended display on its web page titled “Protection of Cultural Objects on Loan” at least four weeks prior to its importation into Australia.

The Museum may in certain circumstances and with Government approval and having advised the lender, wish to opt out of the PCOL Scheme for an object or group of objects.

9.7 Period of loan

The Museum will borrow objects only for the length of the exhibition or the time required to conduct research and any required processing. Loans will be reviewed on a regular basis and will be terminated if a suitable object comes into the National Maritime Collection.

In the case of objects borrowed under the PCOL protections, the period of loan will not exceed two years from the time of importation in accordance with legislation.

The Museum does not permit indefinite loans or "permanent loans".

9.8 Contracts

The Museum will enter into an agreement to borrow objects from individuals only under the Museum's *Incoming Loan Agreement* or an *Exhibition Loan Agreement*.

When borrowing from an Institution, the lender may require the Museum to agree to the terms and conditions of their Loan Agreement. In this case, the Museum will comply with this Agreement unless it considers the terms and conditions to be detrimental to its interests. If the lender and the Museum cannot negotiate mutually agreeable terms and conditions, the Museum will not proceed with the loan.

In the case of international loans, when borrowing objects under an *Exhibition Loan Agreement*, the agreement will ensure that lenders provide sufficient information for the Museum to meet its requirements under the PCOL Act to be able to publicise object details at least four weeks before the object(s) arrival in Australia.

9.9 Sub loan and travelling exhibitions

The Museum will not sub-lend or allow any borrowed object to leave the Museum premises, including as part of a travelling exhibition, without the express written approval of the lender. Except in circumstances such as a natural disaster where this will provide the best protection of the object.

9.10 Costs

Where requested by the lender, the Museum will meet all reasonable costs associated with borrowing an object including loan fees, conservation, packing and shipping costs.

9.11 Condition Reports

All lenders of objects to the Museum, whether covered under our *Incoming Loan Agreement*, a lender's *Outgoing Loan Agreement* or an *Exhibition Loan Agreement*, will supply the Museum with *Condition Report(s)* with images for each object. If the lender is unable to provide suitable condition reports, the Museum will source these from an independent examiner and provide a copy on request.

10. ENQUIRIES AND CLAIMS RELATED TO OBJECTS PROTECTED UNDER PCOL SCHEME

In line with PCOL requirements, the Museum will provide guidance for submitting claims or enquiries regarding objects protected under the PCOL Scheme on the dedicated 'Protection of Cultural Objects on Loan' page of the Museum's website, maintain a dedicated email address accessible from the Museum's website and document enquiry and claims handling processes in the Museum's *Loans procedures*.

10.1 Information to be provided by the claimant

Individuals and groups can request information or lodge claims in relation to international loans. The Museum will consider the nature and circumstances of each submission. To allow proper consideration, requests and claims should include the following information:

- Claimant's name, address and contact details
- Where a claim or enquiry is being made on behalf of another person, that person's name, contact details and their relationship with the claimant
- A short summary of the information required or their claim to the object
- Copies of any documents or other evidence that may be relevant to the claim or enquiry
- A statement confirming that the claimant is aware that the borrowing institution may inform the lender of the request and supply them with information on the claim in accordance with the museum's Privacy Policy.

10.2 Consideration of a request

In assessing the legitimacy of an enquiry or claim, the Museum will consider the following:

- If the claimant or party making the enquiry is known to the institution, and whether the claim has been made in another jurisdiction
- The documentation or evidence provided by the claimant or party making the enquiry
- In the case of Australian cultural material, including Aboriginal and Torres Strait Islander material, close examination of the object's provenance and history, including how the object left the custody of the individual or community and the circumstances in which it was exported from Australia.

10.3 Information to be provided to the enquirer or claimant

The Museum will respond to the enquirer or claimant within 28 days. If the Museum is satisfied about the nature and circumstances of the claim, and that it is appropriate to disclose the information, it will provide additional details including:

- Advice as to information available on the Museum's website in accordance with the Protection of Cultural Objects on Loan Scheme, and
- Information about the due diligence and provenance research undertaken on the object in accordance with the scheme's requirements.

10.4 If the claim is considered justified

The Museum will assess whether to continue with a proposed loan if it considers a legitimate claim has been submitted prior to the object's import into Australia. If it is considered appropriate to advise the lender of this potential claim, the museum will also advise the claimant of this decision.

However, once the object has been imported, the Museum recognises that it comes under the *Protection of Cultural Objects on Loan Act* and its protection cannot be revoked regardless of the integrity of the claim made.

11. IMPLEMENTATION AND DOCUMENTATION

11.1 Internal assessment and risk assessment

The Museum will complete an incoming loan proposal and *Provenance and Due Diligence Check list* and identify costs and risks for each object identified for loan as per the *Incoming Loans Procedure*s.

11.2 Insurance

Incoming loans

The Museum's Comcover insurance policy will cover objects on loan to the Museum from approved non-Australian Government domestic or international borrowing institutions or individuals.

Outgoing loans

The Museum's Comcover insurance policy will cover objects on loan from the Museum's collection to approved non-Australian Government domestic or international borrowing institutions.

Comcover Notification

For loans to or from other Australian Government institutions, the temporary location of high value loaned objects(s) will be noted in the Museum's Schedule of Assets under its Comcover policy for the duration of the loan.

In cases where the value of the borrowed or loaned object(s) exceeds the value of the Museum's Comcover policy, the Museum must notify Comcover to ensure the value is adjusted for the duration of the loan.

Comcover provide Transit insurance up to $5M subject to the terms and conditions of the Comcover Statement of Cover.

Where applicable, the Museum will apply for funding support under the Australian Government International Exhibitions Insurance Program (AGIEI).

11.3 Implementation and procedures

This Policy will be implemented in accordance with Loan Procedures.

Procedures for international incoming loans for temporary exhibition will ensure compliance with obligations under the PCOL Regulations 2024 and include specific procedures for:

- consultation
- publication
- claims handling, and
- Reporting to the relevant Commonwealth government minister

11.4 Reporting

The Museum will report any claim made against an object protected by the PCOL Act to the Minister for the Arts in writing and without delay. The notice will be provided to the Program Officer for the Protection of Cultural Objects on Loan Scheme at the Australian Government Office for the Arts.

The Museum will prepare an annual report on exhibitions, and objects, brought into Australia within the previous financial year under the Protection of Cultural Objects on Loan Scheme and submit that report to the Minister by 31 October.

11.5 Documentation

The Museum will keep full records of loans including due diligence and provenance checking and manage documentation in accordance with the *Records Management Policy*. Policies and procedures required to ensure adequate provenance and due diligence research will be maintained for the period for which the Museum is an approved borrowing institution.

12. RELEVANT LEGISLATION, POLICIES, PROCEDURES AND PLANS

12.1 Australian National Maritime Museum Policies

Provenance and Due Diligence Research Policy
Collection Development Policy
Maritime Archaeology Policy
Privacy Policy
Information management Policy
Risk Management Policy
Procedures for Management of Requests for Information and Claims

12.2 ANMM Guidelines, Procedures and Associated Documents

Provenance and Due Diligence Research Procedures
Collection Acquisition Procedures
Incoming Loan Procedures
Aboriginal and Torres Strait Islander Reconciliation Action Plan
Complaints Handling Procedure
Connections: Indigenous Cultures and the Australian National Maritime Museum

12.3 Australian and International Guidelines, Procedures and Associated Documents

Protection of Cultural Objects on Loan Regulations 2024
Protection of Cultural Objects on Loan Scheme – scheme guidelines, July 2025
Protocols for using First Nations Cultural and Intellectual Property in the Arts, Australia Council, 2019
The Art Loss Register
Australian Best Practice Guide to Collecting Cultural Material, Ministry for the Arts, 2015
Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), 1979
Convention on Stolen or Illegally Exported Cultural Objects, Unidroit, 1995
International Observatory on Illicit Traffic in Cultural Goods, ICOM
Red Lists, ICOM
UNESCO Convention on the Protection of the Underwater Cultural Heritage, 2001

12.4 Legislation

Commonwealth

Aboriginal and Torres Strait Islander Heritage Protection Act 1984
Australian National Maritime Museum Act 1990
Biosecurity (Consequential Amendments and Transitional Provisions) Act 2015
Customs Act 1901
Freedom of Information Act 1982
Historic Shipwrecks Act 1981
Historic Shipwrecks (Miscellaneous) Amendment Act 2017
Personal Properties Securities Act 2009
Privacy Act 1988
Privacy Amendment (Enhancing Privacy Protection) Act 2012
Protection of Cultural Objects on Loan Act 2013
Protection of Movable Cultural Heritage Act 1986
Protection of Moveable Cultural Heritage Regulation 1987
Public Governance, Performance and Accountability Act 2013
Quarantine Act 1908
Underwater Cultural Heritage Act 2018
Wildlife protection (Regulation of Exports and Imports) Act 1982

New South Wales

Freedom of Information Act 1989
Privacy and Personal Information Protection Act
Public Finance and Audit Act 1983
Public Finance and Audit Regulation 2010
Public Authorities (Financial Arrangements) Act 1987

13. POLICY APPROVAL

This document was approved by the Executive Review Group on 20 February 2025.

14. POLICY REVIEW

The document will be reviewed in 2028. Where there are changes to statutory or other compliance obligations that necessitate a review outside of this biennial cycle, a review will occur as soon as is practicable after those changes take effect.

15. VERSION HISTORY

Version	Issue date	Author	Reason for change
1	1991	Sally Fletcher	Update to new staffing structure and policy template
2	2001	Sally Fletcher	Schedule of loan fees included
3	2006	Sally Fletcher	Change to period of notice

4	2010	Sally Fletcher	Scheduled review and format change
5	2017	Sally Fletcher	Scheduled review and format change
6	2023	Sally Fletcher	Review to meet PCOL requirements
7	2025	Head of Governance	Review
8	2026	Sally Fletcher	Update relevant legislation, policies, procedures and plans
9	2026	Governance Officer	Formatting and date error amendment