

Protection of Cultural Objects on Loan Scheme Application Form Preview

Protection of Cultural Objects on Loan Scheme Application Form

About the scheme

The **Protection of Cultural Objects on Loan Scheme** provides legal protection for cultural objects on loan from overseas lenders for temporary public exhibition in Australia.

This protection is often called 'immunity from seizure and suit'. It limits the circumstances in which lenders, exhibiting institutions, exhibition facilitators and people working for them can lose ownership, physical possession, custody or control of objects while on loan to an approved Australian institution.

As a borrowing institution, you must demonstrate that you have the necessary expertise, rigor, capacity and resources to meet the responsibilities established by the Scheme.

Once approved, objects that you import for temporary exhibition will automatically be protected for up to two years from the date they are imported into Australia. Institutions are approved for up to five years.

Who can apply

Borrowing institutions, including museums, galleries, libraries and archives, established by Commonwealth, state or territory law can apply. Borrowing institutions may also apply, if eligible, to be prescribed in Regulation. For more information please contact the Program Officer at ProtectionofLoans@arts.gov.au.

Applications

Please read the Australian Government's [Protection of Cultural Objects on Loan Scheme Guidelines](#) before completing this application form.

Applications for the **Protection of Cultural Objects on Loan Scheme** (the Scheme) are made under the *Protection of Cultural Objects on Loan Act 2013 (the Act)* and the Scheme guidelines.

Applications will be assessed, with regard to the institution's:

- governance and management framework
- curatorial expertise and expertise in the management of collections
- previous experience in the exhibition of foreign loans
- procedures to identify objects in a foreign country that could be the subject of a loan and the negotiation of loan arrangements, including risk management protocols
- procedures for checking the provenance of objects collected or borrowed
- other processes and standards of the institution as described in the *Protection of Cultural Objects on Loan Regulation 2014*, including:
 - consultation processes, particularly relating to Aboriginal and Torres Strait Islander cultural material; and
 - enquiries and claims handling processes.

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Please answer all questions succinctly and provide supporting material, as attachments. Responses to questions should focus on how institution's policies and procedures reflect national and international codes, principles and standards. Each text box is limited to the specified number of words.

Applications will be registered and receipt confirmed by email. Applicants may be asked to provide additional information to assist the application process. All applicants will receive written notification of the outcome of their application. The process can take several weeks. If you have a particular deadline to meet please contact the Program Officer.

Applications may be submitted electronically at any time throughout the year.

For further information please go to www.arts.gov.au/collections/protection-of-loans or contact the Program Officer at ProtectionofLoans@arts.gov.au or phone (02) 6271 1385.

Privacy Statement

The Department of Infrastructure, Transport, Regional Development, Communications and the Arts will treat your personal information according to the [Privacy Act 1988](#) and the [Australian Privacy Principles](#). This includes letting you know:

- what personal information we collect
- why we collect your personal information
- who we give your personal information to

We will use the information collected in this form to administer the Protection of Cultural Objects on Loan Scheme. The contact details you provide in this form may also be disclosed to the Minister for the Arts and other Members of Parliament. Your name, contact details and other personal information will not be provided to any other person or organisation unless it is required by law.

For further information about our privacy obligations, including in relation to how to access or collect personal information or make a complaint, and our contact details for privacy matters, please see our [Privacy Policy](#).

As part of your application, you declare your ability to comply with the *Privacy Act 1988* and the Australian Privacy Principles and impose the same privacy obligations on officers, employees, agents and subcontractors that you engage to assist with the activity, in respect of personal information you collect, use, store, or disclose in connection with the activity. Accordingly, you must not do anything, which if done by the department, would breach an Australian Privacy Principle as defined in the Act.

Applicant Details

* indicates a required field

Institution Details

Legal name of institution *

Organisation Name

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Trading name (if applicable)

Organisation Name

Australian Business Number (ABN) *

The ABN provided will be used to look up the following information. Click Lookup above to check that you have entered the ABN correctly.

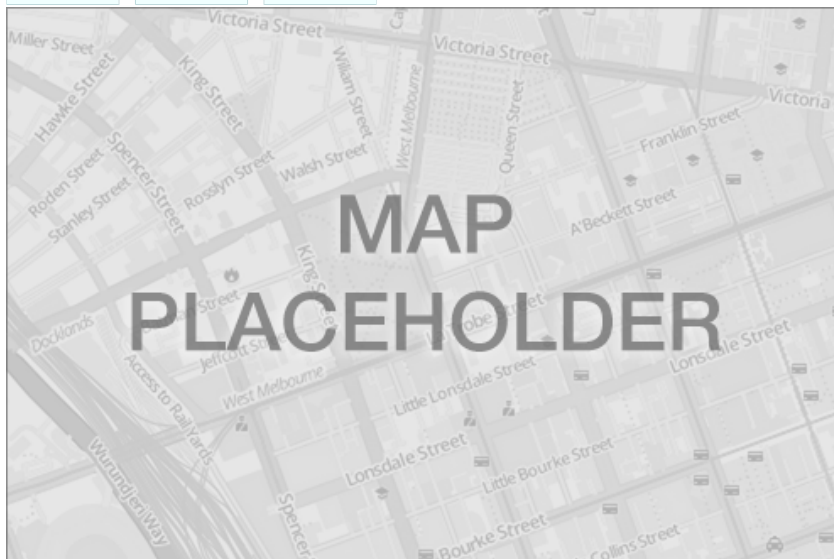
Information from the Australian Business Register	
ABN	
Entity name	
ABN status	
Entity type	
Goods & Services Tax (GST)	
DGR Endorsed	
ATO Charity Type	More information
ACNC Registration	
Tax Concessions	
Main business location	

Must be an ABN.

Institution primary address *

Address

Suburb State Postcode



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Postal address *

Address

Suburb State Postcode

Must be Address Line 1, Suburb/Town, State/Province, and Postcode are required..

Applicant Representative

The representative of your Institution must be a Director, CEO or equivalent.

Representative Name *

Title First Name Last Name

Position *

Phone Number *

Must be an Australian phone number.
Please include area code of phone number.

Email *

Must be an email address.

Applicant Primary Contact

The Primary Contact should be the appropriate person in the organisation to discuss the application if required.

Contact Name *

Title First Name Last Name

Position *

Phone Number *

Must be an Australian phone number.
Please include area code of phone number.

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Email *

Must be an email address.

Please check the box to indicate how your institution is established. *

- ☐ Commonwealth government body
- ☐ State or territory government body
- ☐ Prescribed in the Regulation

Please provide a link to the relevant establishing Act if applicable

Upload a copy of your annual report *

Attach a file:

Provide any further information to demonstrate the nature of your institution's collections, governance framework and financial management.

Word count:

Must be no more than 200 words.

Does your institution have a general permit under the Protection of Movable Cultural Heritage Act 1986? *

- ☐ Yes
- ☐ No

Has your organisation previously been approved under the Scheme?

- ☐ Yes
- ☐ No

Institution Criteria

* indicates a required field

Curatorial and collections management expertise

Briefly outline your institution's curatorial and collections management expertise. Please also provide your staffing structure, including reporting lines and short descriptions of expected staff expertise in key positions (with specific reference to positions responsible for provenance, due diligence, acquisitions and loan management).

It is not a requirement to have staff employed in all possible areas of curatorial or research expertise. Rather the institution must demonstrate a sound level of qualifications and experience across a range of collection management and research areas as is expected from an organisation that has the capacity to undertake international exhibitions.

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*

Word count:

Must be no more than 250 words.

Upload an org chart or staffing structure *

Attach a file:

Provide details for positions relevant to the management of international exhibitions and loans

Area of responsibility	Position name	Relevant required qualifications/experience

Briefly describe your institution's policy on staff induction and ongoing training to ensure an understanding of responsibilities in regard to the application of provenance procedures, due diligence processes and best practice. Please note if staff have access to specialist advice and guidance, where necessary. *

Word count:

Must be no more than 200 words.

Upload any supporting documents (optional)

Attach a file:

Experience in the exhibition of foreign loans

Do you have experience in the management of international loans? *

- ☐ Yes
☐ No

Please outline other relevant experience that demonstrates capacity in the management of foreign loans *

Word count:

Must be no more than 200 words.

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Provide an overview of recent incoming international loans undertaken by your institution. Include summary information of international loans for the last two years.

Exhibition name	Start date	End date	No. of international inward loans
	Must be a date.	Must be a date.	Must be a number.

Procedures for identifying objects that could be the subject of a foreign loan, the negotiation of loan arrangements and risk management

Briefly outline your institution's policies and procedures for the identification and negotiation of objects that could be subject of an international loan, and how these procedures meet international best practice. Include information such as the types of agreement/contract used for international loans, the type of information and assurances that may be sought from a prospective lender, and the procedures undertaken to verify information. *

Word count:

Must be no more than 300 words.

Describe the inward loan approval and decision-making process within your institution. Who is the final approver? On what basis do they make the approval? What are the circumstances in which your institution would not proceed with a loan? *

Word count:

Must be no more than 200 words.

Please upload your institution's policy and procedures for loans *

Attach a file:

Please upload a sample loan agreement or deed *

Attach a file:

Outline your institution's risk management process in regards to exhibitions and loans. *

Word count:

Must be no more than 150 words.

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Please upload your institution's risk management policy and procedures *

Attach a file:

If loans and exhibitions management are not covered in your risk management policy and/or procedures, please complete the table to outline risk management processes specifically related to international inward loans and exhibitions.

Risk	Consequence of risk occurring	Likelihood of risk occurring	Management approach

Procedures for provenance identification of objects collected and borrowed

Outline your institution's policies and procedures for provenance and due diligence research undertaken (acquisition). Include information on how practices meet international best practice. *

Word count:

Must be no more than 200 words.

Please upload your institution's acquisitions and deaccession policies and procedures. If your institution has stand-alone provenance and due diligence policy and procedural documents, please also upload these *

Attach a file:

A maximum of 2 files may be attached.

Provide information on your institution's policies and procedures for provenance checking and due diligence research undertaken in regard to objects for incoming loan. Include information on how practices meet international best practice, the procedures undertaken if provenance is incomplete and on what basis a loan would go ahead if provenance was incomplete. *

Word count:

Must be no more than 200 words.

Please upload any other documents that demonstrate how your institution manages provenance and due diligence in regard to loans such as checklists or loan assessment forms.

Attach a file:

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Institution Criteria cont.

* indicates a required field

Consultation

Outline how your institution will meet the consultation requirements under the Protection of Cultural Objects on Loan scheme. Consultation in relation to an object must be with:

- the individual, family group or community in Australia to which the object relates
- if the object relates to an Aboriginal or a Torres Strait Islander, then that individual or representatives of that person, or both
- if the object relates to a state or territory archive then the person or body responsible for that archive.

*

Word count:

Must be no more than 300 words.

Please upload your institution's consultation policy and procedures (unless included in an already uploaded document).

Attach a file:

Does your institution have an Aboriginal and Torres Strait Islander Advisory Committee or established practices for consultation on an ongoing basis? *

☐ Yes

☐ No

Describe the role your advisory committee has in the institution and how committee members are made aware of the impact of loan or exhibition decisions. Describe any other practices used by the institution for consultation with Aboriginal people and Torres Strait Islanders. *

Word count:

Must be no more than 200 words.

Describe any other practices used by the institution for consultation with Aboriginal and Torres Strait Islander people. *

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Word count:

Must be no more than 200 words.

Publication

Describe how your institution will meet the publication requirements under the Scheme. *

Word count:

Must be no more than 200 words.

Enquiries and claims handling

Describe how your institution will meet the enquiry and claims handling requirements of the Scheme. *

Word count:

Must be no more than 150 words.

Include information such as: existing policies or procedures for handling complaints or enquiries to the institution; what steps would be taken to establish whether a claim is legitimate; and what process will occur if a reasonable claim in relation to an object proposed for loan is made before an object is imported into Australia.

Please upload your institution's claims, information requests and complaints handling policy and procedures *

Attach a file:

Record Keeping

What records are kept by your institution in regard to specific objects on loan, and the provenance and due diligence checks on such objects? Include how long records are kept and in what format. *

Word count:

Must be no more than 200 words.

Please upload your institution's record keeping policy and procedures. *

Attach a file:

Certification

* indicates a required field

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Duty of Disclosure

If there are any factors that you have not already disclosed that may impact on the decision to approve your institution under the Protection of Cultural Objects on Loan Act 2013 please provide the details here. *

Word count:

Must be no more than 100 words.

Please provide details of any possible conflicts of interest that may be relevant to the approval of your institution under the Protection of Cultural Objects on Loan Act 2013 or which may be relevant to the negotiation of international loans which may be provided protection under the Act. *

Word count:

Must be no more than 100 words.

Certification

I consent to all information and material in this application and any other information provided being used by the Australian Government represented by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts, for the purposes of this application.

I confirm that: *

- ☐ I have read the Australian Government's Protection of Cultural Objects on Loan Scheme Guidelines
- ☐ All details provided in this application are true and correct and I understand that under section 137.1 of the Criminal Code Act 1995 (Cwth) giving false or misleading information is a serious offence
- ☐ The application has been submitted with the full knowledge and agreement of the management of the applicant organisation and I am authorised to sign the application on behalf of the organisation
- ☐ I will inform the Department immediately if I suspect or know that any of the assurances (however described) contained in this statement or in the application are not, or are no longer, correct
- ☐ I understand that the Australian Government will rely on the information provided in this application in order to make a determination regarding approval under the Protection of Cultural Objects on Loan Act 2013, and
- ☐ I understand that if the institution is approved under the Act, it will be listed on the Department's website.

Name *

Title

First Name

Last Name

Position *

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Date *

Must be a date.

Declared before *

Title

First Name

Last Name

Date *

Must be a date.