



Loans policy

POL-C-036

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1. Title

Loans policy

2. Introduction

The National Museum of Australia (the Museum) is a major cultural institution charged with researching, collecting, preserving and exhibiting historical material of the Australian nation. The Museum is established under the *National Museum of Australian Act 1980*, which along with the *National Museum of Australian Regulations 2019*, defines the Museum's role, functions and powers.

3. Scope

This policy applies to the temporary outward movement of objects and materials from the Museum's collections and the temporary inward movement of objects and materials to the Museum, otherwise referred to as 'outward loans' and 'inward loans' respectively. This Loans policy serves as a foundational document for the *Door to Store* procedural manual which provides the operational guidance on appropriate management of loans at the Museum.

3.1 Purpose

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

- enable the display of and access to objects and materials from the Museum's collections and other collections to the widest possible audience
- provide appropriate conditions and controls under which external entities may borrow objects and materials from the Museum, and the Museum may borrow objects and materials from external entities, for the purposes of exhibition, research, operational, cultural, ceremonial and spiritual use
- provide access to the Museum's collections and borrowed objects and materials while providing protection to all objects and materials, the Museum, lenders and borrowers.

3.2 Rationale

The functions of the Museum are set out in section 6 of the *National Museum of Australia Act 1980* ('the NMA Act') and include:

- 6(1)(b) to exhibit, or to make available for exhibition by others, historical material that is in the national historical collection or otherwise in the possession of the Museum
- 6(1)(baa) to exhibit material, whether in written form or in any other form, that relates to Australia's past, present and future
- 6(1)(ba) from time to time as the occasion requires, to exhibit, by itself or in collaboration with others, in Australia or elsewhere, material, whether in written form or in any other form and whether relating to Australia or to a foreign country.

Section 7 of the NMA Act sets out the powers of the Museum to do things in connection with the exercise of its functions, including:

- 7(2)(a) to purchase or take on hire, or to accept as a gift or on deposit or loan, historical material

- 7(2)(b) to lend or hire out or otherwise deal with (otherwise than by way of disposal) historical material.

Council has delegated the power to approve loans to a limited number of Museum officials. Delegates can exercise these powers to approve inward and outward loans, subject to the terms of Council's delegation and having regard to the Museum's policies.

4. Guidelines for outward loans

4.1 Approvals for outward loans

Approval for outward loans will be given only in accordance with this policy, the Council delegations and the Museum's Risk Policy.

The delegate may approve special conditions for a loan agreement as required.

Prior to making any changes to the conditions of loan or entering into a loan agreement on terms and conditions proposed by the lender, the delegate must consult with the Head, Registration and Conservation and with Legal Services.

4.2 Loan purpose

Exhibition and display are the most common purpose for the outward loan of objects and materials from the Museum's collections.

However, the Museum may lend objects and materials from its collections to external parties for purposes other than public exhibition or display. Borrowers may include organisations, cultural groups and communities who may request objects and materials for a range of purposes including but not limited to:

- ceremony
- cultural and/or spiritual practice
- religious rites
- performance
- valuation
- teaching
- research
- conservation or restoration
- digitisation
- storage.

4.3 Loan assessment criteria

4.3.1 For display or exhibition

Unless otherwise approved by the delegate, the Museum will generally prioritise the loan of objects and materials from its collections to external entities for the purpose of public exhibition or display by the borrower, provided that:

- a) The Museum receives an application for loan in writing to the Director 12 months prior to the object(s) leaving the Museum; in special circumstances approval may be given by the delegate to process loan requests with less notice, however this may incur a late fee of AUD\$250 per object.
- b) The borrower agrees to meet all loan costs, where applicable, which may include but are not limited to valuations, conservation treatment, object preparation, crating, loan fees and transport and courier costs.
- c) The object(s) requested is in a suitable condition for loan or can be conserved or treated to bring it to a condition suitable for loan.

- d) The object(s) requested is available for loan, fully documented, accessioned and the Museum has legal title.
- e) The borrower can provide appropriate security, environmental and display/storage conditions for the object(s) on loan.
- f) The borrower agrees to comply with any specific conservation and security instructions the Museum may require.
- h) Any interpretation of the object(s) by the borrower in displays and display material, publications or research is consistent with the vision, mission and values of the Museum.
- i) Loans for travelling exhibitions may be approved if the delegate is satisfied that all proposed venues conform to the required minimum standards, including security, environmental conditions, cleaning and care, and that the proposed method of transport will not expose the object(s) to material damage.
- j) Any other requirements specified under the loan agreement can be satisfied by the borrower.

4.3.2 For other purposes

Applications for loans for purposes other than display are considered on a case-by-case basis with attention to facilitating access, safety, longevity and preservation of Museum objects and materials.

4.3.3 Additional criteria for loans to other parties

- a) *Loans to private organisations, corporate businesses, individuals for display and any loan associated with a commercial activity*
The Museum will consider loans to the above parties provided the use of the material is consistent with the Museum's mission, functions and strategic priorities and the borrower is able to meet the requirements set out in this policy and the conditions of loan. Loans negotiated with these parties may require additional commercial contractual agreements.
- b) *Loans to third parties*
The Museum will not permit borrowers to lend objects borrowed from the Museum to third parties.

4.4 Objects and holdings requiring special consideration

Indigenous Cultural and Intellectual Property Rights (ICIP) should be upheld for requests for all First Nations cultural material. Engagement with the relevant cultural authorities associated with the material should be demonstrated in requests for loan.

4.4.1 Special holdings, restricted material and objects generally not available for loan

The following material types are generally not available for loan:

- a) special holdings such as human remains, including skeletal, tissue material or samples of hair
- b) restricted, sensitive or private material
- c) objects of great fragility
- d) hazardous material
- e) original audio/visual material
- f) objects and materials which are protected under schemes such as the *Protection of*

Movable Cultural Heritage Act 1986 (Cth) or the Underwater Cultural Heritage Act 2018 (Cth), to be assessed on a case-by-case basis

Except where restricted by legislation, the Director may approve or deny any loan.

4.4.2 Functional use

The Museum will consider objects and materials for cultural, functional or operational use with the approval of the Director. Any request for functional use of an object will be considered on a case-by-case basis with full disclosure from the potential borrower of planned activities. Objects and materials will not be lent for functional use if such use could lead to a change in the object that is deemed unacceptable by the Museum.

4.5 Loan period

Objects and materials from the Museum's collection will normally be lent for a standard period of up to three years, or up to one year for international loans. Special consideration may be given for loan periods to be longer and may be extended on application, subject to the borrower satisfying the Museum that acceptable standards of care can be met and maintained.

4.6 Loan agreements

All outward loans will be subject to the Museum and the borrower entering into a legally binding loan agreement in the form required by the Museum. The loan agreement will contain specific requirements including:

- a) use of approved transport agent and couriers
- b) rights, permissions and reproduction
- c) insurance, consistent with Comcover policies and requirements
- d) loan documentation
- e) due diligence regarding provenance of objects and materials for loan
- f) consultation with key stakeholders
- g) managing complaints and/or claims regarding collection objects and materials.

4.7 Costs and charges and reciprocal arrangements

Costs, generally covered by the borrower, will be assessed on a case-by-case basis, taking into account loan purpose and any applicable reciprocal arrangements, and in accordance with the Museum's Discounts and waivers policy. Following an in-principle approval of a loan request, the Museum will provide the borrower an estimate of all costs.

5. Guidelines for inward loans

5.1 Approvals

Approval for inward loans will be given only in accordance with this policy, the Council delegations and the Museum's Risk policy.

The delegate must ensure that the terms and conditions of the loan are recorded in a written agreement between the lender and the Museum.

Prior to making any changes to the conditions of loan or entering into a loan agreement on terms and conditions proposed by the lender, the delegate must consult with the Head, Registration and Conservation and with Legal Services.

5.2 Loan assessment criteria

The Museum will only borrow objects and materials if:

- a) The Director, or appropriate delegate, has made (or agreed to) a request to borrow the objects and materials, or has agreed to pursue an offer from the lender to lend the objects and materials to the Museum.
- b) The Museum is satisfied, based on consultation with the lender and other relevant individuals, groups, communities or organisations, and on the Museum's own due diligence research and verification of the lender's claims regarding the provenance, chain of title, and legal and ethical status of the objects and materials to be borrowed, that:
 - i. the lender is reputable and has authority to lend the objects and materials
 - ii. there are no outstanding or current third-party claims on the object(s)
 - iii. there is acceptable legal and provenance information available for the Museum to base its decision to proceed with the loan
 - iv. there are no suspicions that the object(s) was obtained through unauthorised or unscientific excavation of archaeological sites, the destruction or defacing of ancient monuments, historic places or buildings, theft from individuals, museums or other repositories, or raises any other suspected or substantiated ethical concern.
- c) The Museum has adequately consulted with relevant stakeholders, in accordance with the Museum's consultation procedures, and the First Nations cultural rights and engagement policy, where relevant.
- d) The object(s) does not include or comprise Aboriginal and Torres Strait Islander restricted or culturally sensitive material.
- e) If the objects and materials are being borrowed from an international lender, the additional requirements set out in clause 5.3 of this policy are complied with.
- f) The lender agrees to provide a warranty in the loan agreement that:
 - i. it is not aware of any matter including third-party claims which might prevent or impede the return of the object(s) to the lender
 - ii. it has authority to lend the objects and materials to the Museum.
- g) The Museum is willing and able to comply with the terms and conditions of loan set by the lender.

5.3 Additional criteria for international inward loans

The Protection of Cultural Objects on Loan Scheme (PCOL Scheme) provides legal protection for cultural objects on loan from overseas lenders for temporary public exhibition in Australia. The PCOL Scheme comprises the *Protection of Cultural Objects on Loan Act 2013* (the PCOL Act), the Protection of Cultural Objects on Loan Regulations 2024 (the PCOL Regulations) and Protection of Cultural Object on Loan Scheme guidelines.

The Museum is an approved borrowing institution under Part 3 of the PCOL Act. The Museum will comply with the terms of the PCOL Act and PCOL Regulations to ensure that international inward loans which meet the conditions of the PCOL Act and PCOL Regulations are protected from seizure and suit.

Where the Museum is considering proceeding with a loan for temporary public exhibition from an international lender that is eligible under the PCOL Act, the Museum delegate must be satisfied that:

- a) The lender has been made fully aware of the requirements of the PCOL Scheme prior to formalising loan agreements.
- b) The loan will comply with the requirements of this policy and the Museum's related procedures for inward loans for temporary public exhibition.
- c) The extent and thoroughness of provenance and due diligence research undertaken by the Museum is sufficient to establish provenance, verify the legal and ethical status of the object(s), and identify and mitigate any potential risks associated with the proposed loan, in accordance with the Museum's provenance and due diligence policies and procedures. Additional scrutiny will be applied to objects that may be associated with periods of conflict or are vulnerable to illicit trade or theft.
- d) The consultation requirements set out in the PCOL Regulations have been met, in particular where cultural object(s) proposed for loan relate to an Aboriginal or Torres Strait Islander community or a First Nations community of a country other than Australia, or have significance for a community in Australia. Further, if a cultural object proposed for loan is relevant to a national, state or territory archive, the Museum must have consulted with persons or bodies responsible for that archive.
- e) The publication requirements of the PCOL Regulations will be met. Information about object(s) proposed for loan must be published on the dedicated 'Protection of Cultural Objects on Loan' page of the Museum's website from at least four weeks before import until the loan objects are exported, unless exemptions in specific and exceptional circumstances have been formally requested and granted.
- f) Borrowing the object(s) will not contravene any national or international conventions, treaties and laws which control the movement of cultural items and natural heritage, or appropriate approvals or permits can be obtained. Relevant legislation includes the *Environment Protection and Biodiversity Conservation Act 1999* in regard to the Convention on International Trade in Endangered Species of Wild Fauna and Flora 1975, and the Convention on the Means of Prohibiting the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970.

Objects which are not eligible for protection under the PCOL Act include Class A Australian protected objects under the *Protection of Movable Heritage Act 1986*.

While protection of international inward loans under the PCOL Act is preferred, lenders may opt-out of PCOL protection by way of written notice to the Museum. The Museum must then provide notification to the Minister for the Arts, or the Minister's delegate, prior to importation of the loan objects into Australia within the timeframes set out in the PCOL Scheme guidelines. Protection of objects under the PCOL Act applies for up to two years from the date of importation. In exceptional circumstances, the Minister for the Arts, or the Minister's delegate, may consider extending the period of protection. The Museum must request an extension to the period of protection in writing within the timeframes set out in the PCOL Scheme guidelines.

As an approved borrowing institution, the Museum must comply with Protection of Cultural Objects on Loan annual reporting requirements covering the Museum's activities under the Scheme during the preceding financial year.

6. Disputes and/or claims

The Museum is committed to resolving any loan related disputes or claims in a timely and cooperative manner and with reference to the loan agreement. Where the dispute cannot be

resolved directly, the Museum's Loans procedures, Complaints handling procedures, and Managing claims or disputes regarding collection material procedures will be followed, and the Director will be notified of the dispute.

6.1 Enquiries and claims related to objects protected under the PCOL Scheme

The Museum will respond to claims or enquiries received regarding PCOL protected objects in an appropriate and timely manner in accordance with the PCOL Regulations. Potential claimants, and those with a significant enquiry regarding an object, will be responded to within four weeks.

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 and associated enquiry and claims handling processes will be documented in the Museum's Loans procedures.

In line with PCOL requirements, the Museum will:

- a) Maintain a communication channel for receiving PCOL related claims or enquiries via a dedicated email address accessible from the Museum's website.
- b) Provide guidance on the information which a claimant, or those with a significant enquiry about a PCOL protected object, should provide to the Museum and the recommended format. The Museum will seek the following details from the claimant:
 - i. the claimant's name, address and contact details
 - ii. where a claim or enquiry is being made on behalf of another person, that person's details and relationship to the claimant
 - iii. a short summary of the claim to the object
 - iv. copies of any relevant documents or evidence related to the claim
 - v. Written confirmation that the claimant is aware that the Museum may advise the lender of the request and supply them with details concerning the claim.
- c) Diligently consider the nature and circumstances of each claim or enquiry received and assess whether a claim on an object is justified. In doing so, the Museum will pay particular attention to:
 - i. the Museum's past contact with, or knowledge of, the claimant or party making the enquiry
 - ii. whether the claim has been made in another jurisdiction
 - iii. the evidence or documentation provided
 - iv. for Australian cultural objects, including Aboriginal and Torres Strait Islander material, thorough examination of provenance, history and chain of custody, and the circumstances of export from Australia.
- d) Provide a response to the claimant within four weeks of receiving a claim or significant enquiry. If satisfied with the nature and circumstance of a claim or enquiry, and if deemed appropriate, the Museum will also provide the claimant with object details published under the PCOL Scheme requirements, and information concerning the provenance and due diligence research undertaken on the object.

- e) Promptly report any claims received regarding PCOL protected objects in writing to the Minister for the Arts.

If a claim or significant enquiry is received prior to an object being imported, the Museum will assess whether to continue with the loan, with reference to the PCOL Scheme guidelines, this policy, and the Museum's Risk policy.

7. Definition of terms

Conditions of loan

The conditions of loan are set out in the Museum's agreements for outward loans and, inward loans where appropriate, which are maintained by the Manager, Registration.

Cultural objects

As defined by the PCOL Scheme includes Australian and international objects of archaeological, artistic, ethnological, historical, literary, scientific or technological interest.

Delegate(s)

The person delegated by Council under section 7 of the *National Museum of Australia Act 1980* to approve outward loans and inward loans of objects and materials, including historical material.

Functional object

An object which is, or can, be used for the purpose/function for which it was created.

Inward loan

A loan of collection material from an external party to the Museum.

Loans procedures

The procedures for assessing and approving inward and outward loans are set out in the Museum's internal procedures and guidelines.

Outward loan

A loan of material from the National Historical Collection or of other collection material owned by or in the custody of the Museum to another party.

Restricted material or holdings

First Nations objects restricted from being viewed by, or sometimes even known to, the uninitiated and to members of the opposite sex. They are used in restricted ceremonies.

Special holdings

Human remains referring to skeletal, tissue material, samples of hair and casts.

8. Definition of responsibilities

Council

Council delegates some of its powers under the NMA Act to specified Museum officers. The delegation instrument sets out Council's delegation of its powers in section 7 of the NMA Act for the approval of inward and outward loans.

Director

Has authority from Council to approve inward and outward loans of objects and materials, in accordance with the Council delegations, and also the functions in relation to loans as described in this policy.

Deputy Director, Collection and Curatorial

Has authority from Council to approve inward and outward loans, in accordance with the Council delegations.

Head, Registration and Conservation

Has authority from Council to approve inward and outward loans, in accordance with the Council delegations.

9. References

Australian Best Practice Guide to Collecting Cultural Material, 2015

Loan Agreements 'Conditions of loan', National Museum of Australia

Convention on International Trade in Endangered Species of Wild Fauna and Flora and Fauna (CITES), 1975

Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, 1970

Environment Protection and Biodiversity Conservation Act 1999 (Cth)

National Museum of Australia Act 1980 ('the NMA Act') (Cth)

Protection of Cultural Objects on Loan Act 2013 (Cth)

Protection of Cultural Objects on Loan Regulations 2024 (Cth)

Protection of Cultural Objects on Loan Scheme – scheme guidelines, July 2025

Protection of Movable Cultural Heritage Act 1986 (Cth)

Protocols for using First Nations Cultural and Intellectual Property in the Arts, Australia Council, 2019

Underwater Cultural Heritage Act 2018 (Cth)

10. Implementation

This policy will be implemented in accordance with the related loans procedures.

10.1 Coverage

The outward loan of objects and materials from the Museum's collections and the inward loan of objects and materials to the Museum.

10.2 Exclusions

Outward loan of material from the Education Collection and non-collection material.

10.3 Superseded policies

This policy supersedes:

Former policy/ies title	Version no.	Version date	Council approval date
Outward loan of historical material policy	1.0	May 1995	May 1995

Collections — outward loan of historical material	2.0	May 2006	May 2006
Collections — outward loan of historical material policy	2.1	April 2011	February 2006
Loans policy	2.2	February 2015	March 2015
Loans policy	3.0	April 2020	May 2020

10.4 Monitoring

This policy will be reviewed in November 2028.