



## **HOW THE MUSEUM HANDLES ENQUIRIES AND CLAIMS IN RELATION TO OBJECTS IT HAS BORROWED FROM OVERSEAS FOR TEMPORARY PUBLIC EXHIBITION**

The Museum is committed to exhibiting objects only in accordance with its statutory charter, with its mission and its vision statements and in compliance with the highest legal and ethical standards.

As part of this commitment, if you have any concern about an object that the Museum has borrowed or proposes to borrow from overseas, the Museum invites you to contact it. For example, please contact the Museum if:

- you would like further information about such an object's ownership or provenance;
- you wish to make a claim (such as an ownership claim) over such an object; or
- you have any questions about such an object.

Objects that the Museum borrows from overseas will usually be subject to the provisions of the *Protection of Cultural Objects on Loan Act 2013* (Cth) (the Act), which generally prevents claims being made against those objects (and prevents their seizure or forfeiture) while they are in Australia.

Objects that the Museum is borrowing or has borrowed from overseas and that are subject to the Act are published on the Museum's website at <http://www.australianmuseum.net.au/pcol>. Images and information about such objects will be uploaded at least four weeks before the object is imported into Australia and only removed once the object leaves Australia.

### **The information you will need to provide if you would like to make a claim or enquiry**

If you want to make a claim or enquiry, or if you need additional information about an object the Museum has borrowed or is borrowing from overseas, you will need to provide us with the following in writing:

- your name, address and contact details (or, if you are making a claim or enquiry on behalf of someone else, that person's name, contact details and their relationship to you);
- a short summary of the claim to the object;
- copies of any documents or other evidence that may be relevant to the claim or enquiry; and
- a statement confirming that you are aware that the Museum may inform the lender of the request and supply them with information on the claim.

### **How the Museum will deal with your enquiry or claim**

The Museum will give serious consideration to every enquiry and claim it receives in relation to an object borrowed from overseas, based on the nature and circumstances of each enquiry or claim.

Relevant considerations may include (without limitation):

- the documentation and evidence you provide;
- if you are known to the Museum and whether you have already made the same or a similar claim in another country; and

- in the case of Australian cultural material (including Aboriginal and Torres Strait Islander material), a close examination of the object's known provenance and history, including how the object left the custody of any relevant individual or community and the circumstances in which it was exported from Australia.

### **How the Museum will respond**

If the Museum is satisfied about the nature and circumstances of your request for information or your claim, the Museum will provide you with information on the provenance and due diligence procedures it followed. Such research will have been in accordance with the policies and procedures of the Museum and is required under the Act. Where the relevant information has already been published on the Museum's website, we will direct you to the exact website address for that information.

Please note, however, that the Museum retains the right not to disclose any of the above if the Museum determines that it is not, in all the circumstances, appropriate for it to do so.

### **The period in which the Museum will respond to your enquiry or claim**

The Museum will respond within 28 days of receiving your enquiry or claim. To enable the Museum to respond promptly, please make sure that you provide all the details that the Museum will likely need to assess your claim and to accurately identify any information you have requested.

### **Actions if a claim is justified**

If the Museum concludes that you have a legitimate claim in relation to an object before that object is imported into Australia, the Museum will assess whether it is appropriate, in all the circumstances, to continue with the loan. In making that assessment, the Museum will have full regard to its due diligence and provenance standards, as set out in the *Incoming Loans Procedures*, available on our website at <http://www.australianmuseum.net.au/pcol>.

Please note, however, that once an object has been imported into Australia on loan from overseas, your ability to take legal action in relation to that object in Australia may be limited by the provisions of the Act. For information on the Act, see <http://arts.gov.au/collections/protection-of-loans>. The Museum will, however, assess in such circumstances whether it is appropriate for it to continue with the loan or to continue to display the object.

### **Contacting the Museum if you want to make a claim or enquiry**

If you want to make a claim or enquiry in relation to an object that the Museum has borrowed from overseas for exhibition purposes, please address your enquiry to the **Registrar** at this address: [pcol@austmus.gov.au](mailto:pcol@austmus.gov.au).

**This information applies only to enquiries and claims concerning the ownership or provenance of an object borrowed from overseas for temporary public exhibition. For all other comments and enquiries about objects either held by or on loan to the Museum, please contact Museum staff at:**

<http://australianmuseum.net.au/connect-with-us>.