



MINISTER FOR THE ARTS

Departmental No. 115 of 2026

Minute Paper for the Executive Council

Subject

Executive Council Meeting No. 9

Protection of Cultural Objects on Loan Act 2013

Protection of Cultural Objects on Loan Amendment (Borrowing Institutions) Regulations 2026

Approved in Council

Recommended for the approval of Her Excellency the Governor-General in Council that she make Regulations in the attached form.

[Signature of Sam Mostyn]

Sam Mostyn AC
Governor-General

30 April 2026

[Signature of Tony Burke]

Tony Burke
Minister for the Arts

Filed in the Records of the Council

[Signature of Secretary to the Executive Council]

Secretary to the Executive Council



Protection of Cultural Objects on Loan Amendment (Borrowing Institutions) Regulations 2026

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 *30 April* 2026

Sam Mostyn AC
Governor-General

By Her Excellency's Command

Tony Burke
Minister for the Arts

Released under the FOI Act 1982 by the Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts

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Released under the FOI Act 1982 by the Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts

1 Name

This instrument is the *Protection of Cultural Objects on Loan Amendment (Borrowing Institutions) Regulations 2026*.

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	The day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made.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 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Protection of Cultural Objects on Loan Regulations 2024

1 After paragraph 6(d)

Insert:

(da) Geelong Gallery Limited (ABN 93 770 396 335);

2 After paragraph 6(f)

Insert:

(fa) Shepparton Art Museum Limited (ABN 63 614 545 498);

EXPLANATORY MEMORANDUM

Minute No. 115 of 2026 - Minister for the Arts

Subject - *Protection of Cultural Objects on Loan Act 2013*
Protection of Cultural Objects on Loan Amendment (Borrowing Institutions) Regulations 2026

The proposed instrument would expand the number of institutions eligible to be 'prescribed borrowing institutions', under section 6 of the *Protection of Cultural Objects on Loan Regulations 2024*, to encourage increased loans of cultural objects from overseas lenders.

The *Protection of Cultural Objects on Loan Act 2013* (the Act) seeks to encourage loans of important art and cultural material by providing legal protection against seizure and suit for cultural objects borrowed from overseas lenders by approved borrowing institutions for the purpose of temporary public exhibition in Australia. Section 21 of the Act empowers the Governor-General to make regulations prescribing matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

The purpose of the proposed *Protection of Cultural Objects on Loan Amendment (Borrowing Institutions) Regulations 2026* (proposed Regulations) would be to prescribe two additional borrowing institutions at section 6 of the *Protection of Cultural Objects on Loan Regulations 2024* (the Regulations) as enabled under subparagraph 5(b)(ii) of the Act.

Section 5 of the Act defines a borrowing institution as an organisation that:

- a) collects and publicly exhibits in Australia objects that are of interest for archaeological, artistic, ethnological, historical, literary, scientific or technological reasons; and
- b) is either:
 - (i) established by a law of the Commonwealth, a State or a Territory;
 - (ii) or prescribed by regulation as a borrowing institution.

A borrowing institution that meets these criteria can apply to become an approved borrowing institution under section 15 of the Act and gain legal protection under the Act. There are no specified requirements in section 5 of the Act, or in the Act's Explanatory Memorandum, for when institutions may be prescribed under the Regulations as a borrowing institution. Section 6 of the Regulations currently prescribes eight institutions as borrowing institutions.

There are a number of other institutions in Australia that satisfy paragraph 5(a) of the Act and routinely stage exhibitions likely to include international loans. These institutions are not currently eligible to apply for protection under the Act because they are not established by a Commonwealth, State or Territory law, or prescribed by regulation. Prescribing additional organisations under the Regulations as borrowing institutions would allow them

to be eligible to apply to become an approved borrowing institution under the Act. In order to be approved, the institutions will need to satisfy the Minister or their delegate that they comply with the requirements of the Act and the Regulations. Increasing the number of institutions eligible for approval would encourage more loans of cultural objects to Australia and provide Australians with greater access to this material.

Two institutions in Australia that are not currently eligible to apply for protection under the Act, but who have started to stage international exhibitions, were consulted during the drafting of the proposed Regulations to determine if it would be appropriate to list them as borrowing institutions. Through this consultation, it was determined that the Geelong Gallery and Shepparton Art Museum would be suitable to be listed given their relevant collection and exhibition activities and therefore be eligible to apply under the Act to become approved borrowing institutions.

Schedule 1 of the proposed Regulations would prescribe the following two additional organisations, Geelong Gallery and Shepparton Art Museum, as borrowing institutions under section 6 of the Regulations. Following their prescription, these organisations would be eligible to apply to be approved borrowing institutions under the Act. These organisations are prescribed in addition to the eight institutions which have previously been prescribed under the Regulations.

The Act does not specify conditions that need to be satisfied before the Governor-General's power can be exercised.

The proposed Regulations would be a legislative instrument for the purposes of the *Legislation Act 2003*.

The proposed Regulations are to commence on the day after they are registered on the Federal Register of Legislation.

The Minute recommends that the Regulations be made in the form proposed.

Authority: Section 21 of the *Protection of Cultural Objects on Loan Act 2013*

