

**Caution:**

*This consultation draft is intended to facilitate dialogue concerning its contents. Should the decision be made to proceed with the proposal, the comments received during consultation will be considered during the final preparation of the regulation. The content, structure, form and wording of the consultation draft are subject to change as a result of the consultation process and as a result of review, editing and correction by the Office of Legislative Counsel.*

**CONSULTATION DRAFT**

**ONTARIO REGULATION**

to be made under the

**FOREIGN CULTURAL OBJECTS IMMUNITY FROM SEIZURE ACT, 2019**

**GENERAL**

**Definition**

1. In this Regulation,

“date of designation” means the date on which an institution was designated by this Regulation.  
 (“date de designation”)

**Designated institutions**

2. The following institutions are designated institutions:

1. [Placeholder.]

**Publishing requirement**

3. The following requirement is prescribed for the purposes of clauses 2 (1) (b) and 2 (2) (b) of the Act:

1. The designated institution must publish information about the work of art or other cultural object that is sufficient to identify the work or object and accessible to the public on its website for a minimum of the following periods:
  - i. Four consecutive weeks during the six-month period before the date on which the work or object is brought into Ontario.
  - ii. The period beginning immediately following the date on which the work or object is brought into Ontario and ending on the later of,
    - A. 12 weeks after the date on which the work or object is brought into Ontario, and

- B. the date on which the temporary exhibition or display of the work or object administered, operated or sponsored by the designated institution ends.

### **Compliance reports**

**4.** (1) Every designated institution shall submit reports to the Minister demonstrating how the institution implemented the publishing requirements set out in section 3 with respect to any works of art or other cultural objects for which the institution published information under section 3.

(2) The reports referred to in subsection (1) shall contain the following:

1. A copy of the information published under section 3 and the dates published.
2. Copies of any information requests related to the provenance of works of art or other cultural objects published under section 3.

(3) The first report submitted under subsection (1),

(a) shall be submitted no later than,

(i) if the date of designation is between July 1 and March 31, the first June 30 following the date of designation, or

(ii) if the date of designation is between April 1 and June 30, the second June 30 following the date of designation; and

(b) shall cover the period from the date of designation to the first March 31 following the date of designation.

(4) Subsequent reports submitted under subsection (1),

(a) shall be submitted no later than June 30 in every year following the year in which the first report is filed; and

(b) shall cover the one-year period following the period covered by the previous report.

### **Due diligence reports**

**5.** (1) Every designated institution shall submit reports to the Minister demonstrating its due diligence procedures for establishing the provenance and ownership of any work of art or other cultural object referred to in clauses 2 (1) (a) and 2 (2) (a) of the Act.

(2) The first report submitted under subsection (1),

- (a) shall be submitted no later than June 30 in the fifth year following the year in which the institution became a designated institution; and
  - (b) shall cover the period from the date of designation to March 31 of the fifth year following the date of designation.
- (3) Subsequent reports submitted under subsection (1),
- (a) shall be submitted no later than June 30 in every fifth year following the year in which the first report is filed; and
  - (b) shall cover the five-year period following the period covered by the previous report.

### **Transition**

6. The *Foreign Cultural Objects Immunity from Seizure Act* continues to apply to any work of art or other object of cultural significance if a notice of the Minister's determination is published in *The Ontario Gazette* in respect of that work or object before the day section 1 of the *Foreign Cultural Objects Immunity from Seizure Act, 2019* comes into force.

### **Commencement**

#### **7. [Commencement]**