

HOTA Gallery Aboriginal and Torres Strait Islander Engagement Policy

Accountabilities	
Approving Authority	Experience Gold Coast Board of Directors
Policy Owner	Gallery & Visual Arts Director
Policy Advisor	Curatorial and Engagement Manager
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1. SUMMARY

1.1. HOTA, Home of the Arts is located on the lands of the Kombumerri families situated within the Yugambeh language region. HOTA as a cultural precinct includes HOTA Gallery, the City’s leading institution for the visual arts. HOTA Gallery is dedicated to serving the widest possible audience as a centre of excellence for the collection, preservation, documentation, interpretation and display of art, art education and public programs.

HOTA Gallery collects, displays, and interprets Aboriginal and Torres Strait Islander art and is committed to recognising it as Australia’s premier cultural tradition. Working closely with Aboriginal and Torres Strait Islander artists and communities is central to HOTA Gallery’s operations. We respect the ongoing rights Aboriginal and Torres Strait Islander communities have to their culture and recognise that cultural authority over art does not diminish because a work has entered an institutional collection.

HOTA Gallery has an ongoing commitment to best practice in engagement with Aboriginal and Torres Strait Islander peoples in all its activities which is formalised in this policy.

- 1.1.1 HOTA Gallery acknowledges that the Kombumerri families of the Yugambeh language region are the traditional custodians of the land on which HOTA Gallery is located.
- 1.1.2 Australian Aboriginal and Torres Strait Islander art is the oldest ongoing tradition of art in the world. Arts and cultural expression continue to be a crucial element of the social, cultural, and economic fabric of Aboriginal and Torres Strait Islander peoples and communities throughout Australia.
- 1.1.3 The visual arts are central to identity, place and belonging. Aboriginal and Torres Strait Islander art embraces global social, cultural, and economic changes and is influenced by the wider arts and cultural environment across Australia and internationally. HOTA Gallery recognises that Indigenous

Cultural and Intellectual Property (ICIP) must be respected for both individual and collective cultural rights.

- 1.1.4 As the City's largest visual arts collecting institution, HOTA Gallery has a crucial role in the collection, exhibition, and interpretation of Aboriginal and Torres Strait Islander art. Representing Aboriginal and Torres Strait artists from across Australia, HOTA Gallery's collection celebrates Indigenous Australia's cultural heritage and its myriad of contemporary expressions.
- 1.1.5 Aboriginal and Torres Strait Islander peoples have the right to self-determination in their cultural affairs and expression of cultural material. HOTA Gallery's Indigenous Advisory Group will provide ongoing advice to ensure a model of best practice is employed.
- 1.1.6 Ensuring an appropriate Aboriginal or Torres Strait Islander voice in all aspects of HOTA Gallery's dealings with Aboriginal and Torres Strait Islander art is central to this policy, which is informed by the principles outlined in the Australia Council's Protocols for Producing Indigenous Australian Visual Arts and the United Nations Declaration on the Rights of Indigenous People.

2. PURPOSE

2.1. The objectives of this policy are:

- 2.1.1. To ensure HOTA Gallery applies rigorous, accountable and transparent standards in the research, consideration and assessment of provenance and undertaking of due diligence in relation to acquisitions, the collection and incoming loans.
- 2.1.2. To ensure HOTA Gallery acquires and borrows works of art for which provenance has been established or which are assessed through sound professional judgement to have a secure history.
- 2.1.3. To ensure that acquisitions, loans and the management of the collection is conducted in an ethical, responsible and accountable manner.
- 2.1.4. To maintain HOTA Gallery's standing and reputation for excellence with the general public and the museum community, both nationally and internationally.
- 2.1.5. To ensure HOTA Gallery does not directly or indirectly validate, endorse or provide an incentive for the illegal or unethical trade in cultural material.

3. SCOPE

3.1. This policy applies to all engagement activity with members of the Aboriginal and Torres Strait Islander communities facilitated by HOTA, and all staff. It is particularly relevant to the curatorial and collection management staff of the Gallery and Visual Arts Directorate. This policy is subject to review and approval by members of the Aboriginal and Torres Strait Islander community as represented in the first instance through HOTA's partnership with the Yugambeh Region Aboriginal Corporation Alliance (YRACA).

The Gallery Director, with oversight of the Head of Arts and Culture and the Board, is responsible for the implementation of this policy. HOTA Exhibition Executive are responsible for ensuring that the processes relating to engaging with Aboriginal and Torres Strait Islander peoples, artworks and cultural knowledge conform to all policies and that HOTA Gallery staff are aware of and comply with the policies. All

HOTA Gallery staff have a responsibility to understand and implement this policy when engaging with Aboriginal and Torres Strait Islander people, artworks, and cultural knowledge, and to adhere to the *Community Consultation Procedures*.

4. POLICY STATEMENT

4.1. Principles

This policy sets out the principles HOTA Gallery will apply in engaging with Aboriginal and Torres Strait Islander artists and communities:

- 4.1.1. To ensure HOTA Gallery applies best practice in engagement with Aboriginal and Torres Strait Islander peoples in all its activities, particularly activities concerning:
 - 4.1.1.1. Aboriginal or Torres Strait Islander art
 - 4.1.1.2. Art with Aboriginal or Torres Strait Islander themes or content.
- 4.1.2. To publicly acknowledge the importance of Indigenous Cultural Intellectual Property (ICIP) and support the recognition of ICIP rights.

In engaging with Aboriginal and Torres Strait Islander peoples HOTA Gallery will have regard to the following principles:

- 4.1.3. Aboriginal and Torres Strait Islander peoples have the right to self-determination in their cultural affairs and expression of cultural material.
- 4.1.4. Cultural material includes works by Aboriginal and Torres Strait Islander artists, as well as works with Aboriginal and Torres Strait Islander themes and content.
- 4.1.5. Aboriginal and Torres Strait Islander peoples should have ready access to HOTA Gallery's collection of Aboriginal and Torres Strait Islander art.
- 4.1.6. The purchase of Aboriginal or Torres Strait Islander art by HOTA Gallery does not diminish the artist or relevant community's cultural interest in the work.
- 4.1.7. HOTA Gallery recognises that as 'living cultures' the norms and views of Aboriginal and Torres Strait Islander communities may change over time.
- 4.1.8. Aboriginal or Torres Strait Islander peoples will be consulted in the development and implementation of all exhibitions and programs of Aboriginal or Torres Strait Islander art.
- 4.1.9. In alignment with the *HOTA Gallery Incoming Loans Policy* section 4.4 *Consultation*, consultation with Aboriginal and Torres Strait Islander peoples will be in the form that is most effective for the people concerned, including:
 - 4.1.9.1. Where necessary, the first language of the Aboriginal or Torres Strait Islander people will be used.
 - 4.1.9.2. Where consultation involves a group, the majority of participants will be Aboriginal or Torres Strait Islander
 - 4.1.9.3. Where requested, utilisation of representatives of the Aboriginal or Torres Strait Islander people chosen in accordance with the community's own procedures.
- 4.1.10. Wherever possible consultation with Aboriginal and Torres Strait Islander peoples will be led by a curator or external consultant who is an Aboriginal or Torres Strait Islander person.
- 4.1.11. Sufficient time will be allowed in the consultation process to enable culturally respectful consultation and follow up to be conducted.

- 4.1.12. To the greatest extent practicable, HOTA Gallery will give effect to the views of Aboriginal artists as to how they wish to be represented in exhibitions, programs, and related activities.
- 4.1.13. To the greatest extent practicable, HOTA Gallery will give effect to the views of relevant communities and where there are differences of views, HOTA Gallery will seek to achieve a consensus.
- 4.1.14. There will be fair payment for engagement and consultation rendered in the implementation of these procedures.
- 4.1.15. The participation of representatives will be recognised and acknowledged, and ongoing dialogue and engagement fostered wherever possible.

4.2. Transparency and accountability

4.2.1. Complaints

- 4.2.1.1. A complaint may be made to the Gallery Director or through the Indigenous Advisory Group (YRACA) to the Gallery Director regarding non-compliance with this policy.
- 4.2.1.2. The Gallery Director will ensure all complaints are investigated and that appropriate action is taken in response.
- 4.2.1.3. The Gallery Director will advise the complainant of the outcome of the complaint.

4.2.2. Internal audit and review cycle

The Gallery Director will ensure that compliance with this policy is assessed as part of HOTA Gallery's audit schedules. The policy will be reviewed on a regular basis in accordance.

4.2.3. Staff obligations

This is a HOTA Gallery-wide policy. Understanding of this policy and its implementation, in line with HOTA Gallery's *Aboriginal and Torres Strait Islander Engagement Procedures*, is a shared responsibility of all staff. HOTA Gallery staff involved in engagement with Aboriginal and Torres Strait Islander communities are also bound by all other relevant HOTA Gallery policies.

4.2.4. Record keeping

- 4.2.4.1. Appropriate records of consultations and decision making will be maintained in the areas of exhibitions, loans, acquisitions and public programs.
- 4.2.4.2. Staff will maintain and retain electronic records for a minimum of five years on the internal HOTA SharePoint system.
- 4.2.4.3. Files must include evidence of the consultation and decision-making processes and outcomes including:
 - i. Representatives consulted
 - ii. Methods of consultation, including strategies to facilitate genuine and meaningful exchange
 - iii. The representative's decisions or wishes on the matter
 - iv. The outcome or decision made by HOTA Gallery on the matter

- v. Any additional outcomes for the community arising from the consultation and engagement and evidence that these have been acted upon.

5. RESPONSIBILITIES

5.1. Gallery & Visual Arts Director

- 5.1.1. Responsible for monitoring and reporting on compliance with statutory and other requirements concerning provenance and the acquisition and loans process.
- 5.1.2. Responsible for ensuring that the process and documentation relating to Aboriginal and Torres Strait Islander engagement conform to all HOTA Gallery policies and that HOTA Gallery staff understand and comply with the policies.

5.2. Curatorial and Engagement Manager

- 5.2.1. Responsible for monitoring and reviewing all aspects of the Aboriginal and Torres Strait Islander engagement processes of HOTA Gallery.

Supporting Information	
Legislation	<ul style="list-style-type: none"> • Aboriginal and Torres Strait Islander Heritage Protection Act 1984 • Copyright Act 1968 • Protection of Cultural Objects on Loan Act 2013 • Protection of Cultural Objects on Loan Regulation 2014 • Protection of Movable Cultural Heritage Act 1986 • Protection of Movable Cultural Heritage Regulation 1987
Related HOTA Documents	Associated documents referred to in this policy may be located on the HOTA website [insert link]
Related Sector Documents	<ul style="list-style-type: none"> • American Association of Art Museum Directors, Guidelines on the acquisition of archaeological material and ancient art, 2013 • AIATSIS, Guidelines for Ethical Research in Australian Indigenous Studies, 2012 (PDF) • Australia Council, Protocols for using First Nations Cultural and Intellectual Property in the Arts, 2019 (PDF) • Australia Council, Protocols for Producing Indigenous Australian Visual Arts, 2007 (PDF) • Australian Government, Attorney General's Department, Ministry for the Arts, Australian Best Practice Guide to Collecting Cultural Material, 2015 (PDF) • ICOM Code of Ethics, 2017 (PDF) • Museums Australia Code of Ethics, 1999 (PDF) • Museums Australia, Continuing Cultures, Ongoing Responsibilities, 2005 (PDF) • UNESCO, Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, 1970

	<ul style="list-style-type: none"> • United Nations Declaration on the Rights of Indigenous Peoples, 2007
Definitions and Acronyms	
Aboriginal or Torres Strait Islander	Aboriginal or Torres Strait Islander means a person who: <ul style="list-style-type: none"> a. is of Australian Aboriginal or Torres Strait Islander descent; b. identifies as an Australian Aboriginal or Torres Strait Islander person; and c. is accepted as an Australian Aboriginal or Torres Strait Islander person by their community.
Aboriginal or Torres Strait Islander art	Artwork by an Aboriginal or Torres Strait Islander artist or containing Aboriginal or Torres Strait Islander themes or content. Aboriginal and Torres Strait Islander art is defined in accordance with the <i>Aboriginal and Torres Strait Islander Engagement Policy</i> .
Aboriginal or Torres Strait Islander themes or content	Aboriginal or Torres Strait Islander themes or content includes any representations of Aboriginal or Torres Strait Islander people, culture, imagery, or issues.
Aboriginal and Torres Strait Islander Secret/Sacred, Sensitive, and Private materials	Materials that were or are traditionally subject to restrictions and/or protocols regarding access to those materials or materials which are related to Ancestral Remains and/or Burial Items.
Acquisition	The process of obtaining valid title to an artwork, in accordance with Acquisitions Policies and Procedures.
Board	The Experience Gold Coast Board (EGC), consisting of a board of directors to a super entity which consists of Destination Gold Coast, Major Events Gold Coast, Study Gold Coast, Placemakers*, and HOTA, Home of the Arts. The EGC Board will review and confirm the acquisition and deaccessioning of artworks consistent with the <i>Delegations of Authority Policy</i> , as well as reviewing and approving proposals for incoming exhibitions as per the <i>Exhibitions Policy</i> .
Collection Management	The responsibility and function that fosters the preservation, accessibility and utility of the collections and associated data. Staff include the Registration Coordinator, the Registration Officer and the Collections Officers.
Community	A group who relates to a specific 'place', a specific 'identity', specific 'beliefs' or 'values' and/or a specific 'interest': Community members may act as individuals or be part of an organisation accepted within that community, or both. The term 'community' also includes First Nations Aboriginal peoples and Torres Strait Islander peoples living in and identifying with a defined area who are accepted by the community as being a part of it.

Conservation	The application of science to the examination, treatment and protection of museum objects/artworks and study of the environments in which they are stored and exhibited. This involves activities such as preventive conservation, examination, documentation, treatment, research, and education that maximise the preservation of an object/specimen through risk management strategies and activities which aim to minimise damage to or the deterioration of an object/specimen through time.
Cultural Awareness	Comprises the knowledge and interpersonal skills that allow people to understand, appreciate, and work with individuals from cultures other than their own.
Cultural awareness training	Establishes an understanding of how an individual's culture and cultural experiences may inform their values, behaviours, beliefs, and basic assumptions. It recognises that we are all shaped by our cultural background, which influences how we interpret the world around us, perceive ourselves and relate to other people. It offers methods to remedy any negative impact of an individual's cultural background in decision-making contexts.
Culturally respectful	Defined by the relevant Aboriginal or Torres Strait Islander community.
Curator	The person responsible for the conceptual development and research of the collection and exhibitions, including identifying and sourcing loans for exhibition.
Curatorium	The group of selected people convened to assist and advise the curator in the development and realisation of a temporary exhibition.
Documentation	Is supporting evidence, recorded in a permanent manner using a variety of media (paper, photographic, electronic, etc.) of the identification, condition, history, or significance of an object, specimen, or collection. This encompasses information that is inherent to the individual object/specimen and its associations in its environment as well as that which reflects processes and transactions affecting the object/specimen (e.g. accessioning, documenting, lending, analysing, treating). Documentation is an integral aspect of use, management and preservation of an object, specimen, or collection.
Due diligence	The thorough assessment of an artwork to evaluate its authenticity, ownership and provenance and to identify and assess any gaps in the provenance.
Exhibition Executive	Comprises the Gallery Director, Curatorial and Engagement Manager and Senior Curator.
Exhibition approvals meeting	The management committee meeting of the Exhibition Executive to approve temporary, collection and online touring exhibitions.
Exhibition parameters	Includes the objects in the exhibition and their display; whether there is a catalogue and other published material; sponsorship; marketing

	materials; web materials; public programs; and other products, for example, films.
First Nations	Refers to the world's Indigenous peoples, including Indigenous Australians, within the broader context of the UN Declaration on the Rights of Indigenous Peoples. (HOTA's primary engagement with Indigenous peoples and cultures relates to Aboriginal peoples and Torres Strait Islander peoples. HOTA's collection may also include material from other Indigenous or First Nations peoples, including but not limited to the Oceania geographic region which includes Australasia, Melanesia, Micronesia, and Polynesia.
First Nations Native Title Holders and Traditional Owners	Inclusive of a diversity of nations, languages, communities, cultural practices, and spiritual beliefs. This term is used instead of the term 'Indigenous peoples' where the context or the intended policy commitment relates specifically to First Nations Australian peoples. Traditional Owner/s refers to a First Nations Aboriginal person or group who at present is not recognised as holding Native Title for a defined area. It also refers to a person or group/s who are recognised by a First Nations Native Title Holder as having rights within a defined area.
Free Prior Informed Consent (FPIC)	<p>Free means Aboriginal and Torres Strait Islander people have the ability to say no.</p> <p>Prior means Aboriginal and Torres Strait Islander people have been given enough time to consider the implications of giving consent to the project or activity, including discussion with wider community.</p> <p>Informed means being given all the necessary information about the project or activity such as nature, size, timeframes, audiences, risks, and benefits.</p> <p>Consent means the use of a formal written agreement that includes cultural clearances, license agreements and/or memorandum of understanding, ability to give conditions / restrictions and the ability to revoke consent if any conditions are breached. Formal recording of consent could include (in addition to written agreements) audio or video recording of consent.</p> <p>FPIC should be obtained for any activity that involves Indigenous lands, culture, and resources. In particular, the United Nations Declaration on the Rights of Indigenous People specifically refers to FPIC in relation to:</p> <ol style="list-style-type: none"> a. taking or use of cultural knowledge or intellectual property. (United Nations, United Nations Declaration on the Rights of Indigenous Peoples, Article 10.) b. projects that affect Aboriginal and Torres Strait Islander peoples' lands, territories, or other resources, particularly in connection with the development, utilisation or exploitation of mineral, water, or other resources. *91 United Nations, United Nations Declaration on the Rights of Indigenous Peoples, Article 32. *
Gallery Director	The Gallery & Visual Arts Director, Director of HOTA Gallery.

HOTA Cultural Precinct	Refers to all of the HOTA's public facilities including – HOTA Central, HOTA Parklands, HOTA Lake and outdoor areas and HOTA Gallery).
HOTA Gallery provenance group	Members of the HOTA Gallery curatorial and collection management staff.
Indigenous Advisory Group	The identified group of Aboriginal and Torres Strait Islander artists, arts professionals and leaders who provide ongoing advice to HOTA Gallery e.g. Yugambah Regional Aboriginal Corporation Alliance (YRACA).
Indigenous Cultural Intellectual Property (ICIP)	The rights that Indigenous people have, and want to have, in their traditional arts and culture or cultural heritage. Such rights may include the rights to: <ul style="list-style-type: none"> a. protect traditional knowledge and sacred cultural material; b. ensure that traditional laws and customary obligations are respected; c. attribution or naming of the community associated with such rights; d. prevent insulting, offensive or misleading uses of such traditional arts and culture; and e. control the recording of cultural customs and expressions which are essential to cultural identity, knowledge, skill and teaching about Indigenous culture.
Indigenous stakeholder	Indigenous stakeholder refers to: <ul style="list-style-type: none"> a. a First Nations Native Title Holder or Traditional Owner b. a First Nations Native Title Holder, Traditional Owner representative/s, group, or community c. a First Nations Native Title Holder or Traditional Owner organisation that has a direct link to the museum broadly or to a specific project.
Lore	Knowledge or information related to a particular subject, especially when this is not written down, stories and traditions of a particular group of people.
Loan	Loan in relation to an artwork has the same meaning as in the <i>Incoming Loans Policy</i> .
Local community	Local community means the group of people residing where an exhibition takes place.
PCOL	The Protection of Cultural Objects on Loan (PCOL) Scheme supports the future of international cultural exhibitions in Australia by providing a scheme (governed by the Protection of Cultural Objects on Loan Regulation 2014 (Cth)) to protect Australian and foreign cultural objects on loan from overseas for temporary public exhibition.
Registrar	The HOTA Gallery staff member responsible for negotiating loan contracts, assessing the legal and physical risks relating to loans, and documenting loans.
Representative	the person nominated by a particular group of people to act on their behalf.

Repatriation	The return of physical Ancestral Human Remains, Secret/Sacred, Sensitive and Private material, and the authority to make all decisions regarding the future disposition of the Ancestral Human Remains, to the custodians entitled by tradition and/or customary law and/or Australian law, to care for them.		
Revision History			
Version	Approved By	Approval Date	Modification
1.0	EGC Board	15 May 2024	New policy in line with current practice

[HOTA Home of the Arts](#)

We acknowledge the Kombumerri families of the Yugambah Language Region, the traditional custodians.