

HOTA Gallery Community Consultation 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 is committed to the principle that consultation facilitates the establishment and strengthening of HOTA’s relationships with its various communities. HOTA will undertake consultation in respect of items from overseas that are proposed either for acquisition or for incoming loan.

HOTA Gallery has an ongoing commitment to best practice in engagement with communities in all its activities which is formalised in this policy.

2. PURPOSE

2.1. The purpose of this policy is to ensure that standard procedures and protocols are followed by HOTA Home of the Arts staff when engaging with individuals and communities to whom cultural material proposed for inward loan, or display may relate.

In particular, the procedure is based on the recognition that First Nations Native Title Holders, Traditional Owners, and Indigenous stakeholders have rights to their cultural heritage, also known as Indigenous Cultural and Intellectual Property (ICIP) rights.

3. SCOPE

- 3.1. In alignment with the *Incoming Loans Policy and Community Consultation Procedures* this policy applies generally to all consultation carried out in relation to objects, information or images being borrowed for the purposes of an exhibition, display event, or public program (such as a workshop or children's activity) where material may come into the gallery or cultural precinct from an external source for use during the event/program.
- 3.2. In addition, to align with PCOL requirements, HOTA Gallery will specifically undertake consultation in relation to any acquisition or international incoming loan proposals, where the work proposed for loan or acquisition:
 - a. Relates to or holds particular significance for an individual, group or community in Australia.
 - b. Was created by an Aboriginal or Torres Strait Islander artist, contains Aboriginal or Torres Strait Islander themes or content, or relates to an Aboriginal or Torres Strait Islander person or community.
 - c. Is a document or record that may be relevant to a state, territory or national archive or government records office.

4. POLICY STATEMENT

4.1. Respectful and appropriate consultation

Consultations will be conducted in an open, ethical, transparent and accountable manner, recognising at all times the cultural, social, spiritual and linguistic diversity of the individuals and communities involved.

4.2. Consultation to inform decision making

Where consultation takes place in relation to an international incoming loan or acquisition proposal, the results of that consultation will be considered in the decision-making and assessment process for approval of the relevant proposal.

When an international incoming loan or acquisition is planned to be proposed HOTA Gallery will allow an appropriate amount of time for notification of people to be consulted, consultation, follow-up and outcomes reporting, prior to the proposal being assessed and a decision made on whether to proceed.

4.3. Consultation procedures

Consultations will be structured and undertaken in a manner consistent with the *Community Consultation Procedures* document.

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 community consultation 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 community consultation 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 • 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.