

HOTA Gallery Outgoing Loans Policy

Accountabilities	
Approving Authority	Experience Gold Coast Board of Directors
Policy Owner	Gallery & Visual Arts Director
Policy Advisor	Registration Coordinator
Version and Date	v 1.0 (26 April 2024)
Approval Date	15 May 2024
Policy Reference	EGC_P038
Next Review Date	26 April 2027

1. SUMMARY

1.1. HOTA Gallery is committed to conducting a wide-reaching outgoing loans program, making its Collection accessible to broad and diverse audiences across Queensland, as well as nationally and internationally. In managing its outgoing loans program, HOTA Gallery will seek to balance the accessibility of the Collection and its display in a variety of cultural, aesthetic and intellectual contexts, with practical considerations regarding the long-term care, preservation, display, interpretation and stewardship of the Collection.

HOTA Gallery negotiates and manages outgoing loans on terms that are ethical, honourable, responsible and transparent to public scrutiny, thereby maintaining its standing and reputation for excellence with the general public and museum community, both nationally and internationally. This policy sets out the principles that HOTA Gallery will adopt and factors it will consider when assessing, approving and conducting outgoing loans from the Collection.

2. PURPOSE

2.1. The objectives of the policy are to ensure that HOTA Gallery:

- 2.1.1. Advances its mission and objectives by making its Collections accessible to broad audiences through an active and soundly managed outgoing loans program.
- 2.1.2. Manages and negotiates outgoing loans on terms that are ethical, honourable, responsible, and transparent to public scrutiny.
- 2.1.3. Maintains its standing and reputation for integrity and excellence with the general public and the museum community, both nationally and internationally.

2.2. These objectives are to be achieved by ensuring that HOTA Gallery:

- 2.2.1. Demonstrates best practice in the risk management of outgoing loans.
- 2.2.2. Avoids any act or omission that may compromise HOTA Gallery's position and reputation for integrity in public administration.

3. SCOPE

3.1. This policy applies to all activities relating to the outgoing loan of works of art from the HOTA Gallery Collection to other parties.

4. POLICY STATEMENT

4.1. Principles

Facilitating access to HOTA Gallery's Collection through an active outgoing loans program is consistent with HOTA Gallery's aims of reaching new audiences, deepening public understanding of and engagement with modern and contemporary art, and providing access to diverse and engaging themes in art. The outgoing loans program also reflects the significance of the Collection. HOTA Gallery supports the sharing of cultural heritage and will seek to agree to as many outgoing loan requests as possible. In considering outgoing loan requests, HOTA Gallery will take into consideration the need to balance the accessibility of its Collection in a variety of cultural, aesthetic and intellectual contexts, with the long-term care, preservation, display and interpretation and stewardship of the Collection.

HOTA Gallery will lend works to recognised regional, national and international cultural institutions for exhibition and display purposes. HOTA Gallery will also make a selection of works available for outgoing loan to HOTA corporate partners and Gold Coast City Council entities through the corporate loans program. HOTA Gallery may also conduct outgoing loans for other purposes, including but not limited to conservation or provenance research or in order to facilitate access to parts of the Collection by traditional owners and communities. As a general rule, HOTA Gallery does not lend to commercial galleries, businesses or venues, or to private individuals, apart from exceptional circumstances in which HOTA Gallery determines that a loan would allow HOTA Gallery to enhance the value of the Collection and meet the objective of this policy. In these circumstances, the basis of this decision will be approved by the Gallery Director.

HOTA Gallery will negotiate and manage outgoing loans on terms that are ethical, honourable, responsible and transparent to public scrutiny, thereby maintaining its standing and reputation for excellence with the general public and the museum community, both nationally and internationally. HOTA Gallery will manage the outgoing loans program in a sustainable, responsible and resourceful manner, including:

- 4.1.1. The strategic use of human, material and financial resources.
- 4.1.2. The consideration of HOTA Gallery priorities and commitments, including but not limited to the exhibition program, as part of the assessment and approval of outgoing loan requests.
- 4.1.3. The strategic management of risks.

In negotiating and managing outgoing loans, HOTA Gallery will seek to control and mitigate the risk of physical deterioration or damage, theft, loss, or seizure of the artwork, or of civil or criminal proceedings or any other act, omission or circumstance that would compromise HOTA Gallery's Collection or position and reputation for integrity in public administration.

4.2. Outgoing loans to cultural institutions

Requests to borrow works from the Collection must be received in writing 12 months prior to the opening date of the exhibition or other purpose for which the loan is requested. Loan requests received outside this notice period may be considered and approved on a case-by-case basis. In these circumstances, the borrower must agree to cover any additional costs incurred in order to facilitate the loan.

HOTA Gallery will lend works for fixed periods and to agreed venues only. Outgoing loans may be renewed, extended or varied by mutual consent of all parties. In the event that outgoing loans are extended for a period exceeding two years, HOTA Gallery will conduct inventories of the work(s) on loan in accordance with the Collection stocktake procedures.

HOTA Gallery requires that cultural institutions must agree to cover all costs associated with the loan, including but not limited to packing, transport, customs arrangements, courier costs and insurance.

HOTA Gallery does impose fees for the touring exhibition program, and these are managed most often on a cost-share basis between participating venues. All loans must be fully indemnified against all risks and copies of the borrower's insurance policy must be approved by HOTA Gallery before the works will be released.

Where not already negotiated as a touring exhibition coordinated by HOTA Gallery, in the event that the artworks comprising the loan request constitute over 50% of the content or value of the borrower's exhibition, HOTA Gallery may request to be credited as a joint partner and to contribute to decision-making about the display and interpretation of its Collection. In such instances, HOTA Gallery also reserves the right to impose an exhibition fee to cover costs associated with the development and preparation of the exhibition. Additional accreditations may be negotiated on a case-by-case basis depending on the nature of works lent.

Should a loan request be withdrawn or cancelled by the borrower prior to the commencement or expiration of the loan period, HOTA Gallery reserves the right to charge the borrower for any material costs incurred in the preparation and processing of the loan to the date of cancellation.

HOTA Gallery will not permit borrowers to assign or transfer any of its rights, powers or obligations to a third party under a sub-bailment, or substitutional bailment arrangement or to transfer possession of the work to a third party without HOTA Gallery's prior consent.

Where available within the borrower's jurisdiction and not otherwise negotiated and agreed by HOTA Gallery, the borrower must undertake to ensure that immunity from

seizure and/or other legal intervention is secured and operative prior to the commencement and throughout the duration of the loan period until the work is returned to HOTA Gallery.

4.3. Corporate Collection loans

HOTA Gallery will make a curated selection of works, known as the Corporate Collection, available for loan to HOTA corporate partners and Gold Coast City Council entities. The Gallery Director will approve the list of works included in the Corporate Collection, on the advice of curatorial and collections staff. Artworks in the Corporate Collection are each valued at a maximum value of \$30,000. In exceptional circumstances works of a value greater than \$30,000 will be considered and the decision made by the Gallery Director, on the advice of curatorial and collections staff. Requests to borrow works from the Corporate Collection must be received in writing to the Gallery Director from HOTA corporate partners, Gold Coast City Council entities or others.

HOTA Gallery will conduct a site inspection and assessment of the location in which the requested work is proposed to be displayed and may conduct further site inspections throughout the duration of the loan period. HOTA Gallery will conduct inventories of works on loan in accordance with the Collection stocktake procedures. A maximum of ten works may be provided to each venue. Any requests above this number will require approval from the Board. Where corporate partnerships/sponsorship packages include an offer of up to 10 artworks, all funds attained that are associated with the loan of these artworks will enter the HOTA Gallery budget. All static and transit insurance costs will be covered under the HOTA Gallery Fine Arts Insurance policy. While on display, all corporate loans must be accompanied by the HOTA Gallery artwork label installed with the artwork.

Loans from the Corporate Collection may incur a loan fee per artwork per annum, plus additional costs for administration, preparation and freight in accordance with the HOTA Gallery Corporate Collection Loan Program Guidelines.

HOTA Gallery will lend works for a fixed period of two years (renewable) but not exceeding four years for specified venues only, agreed to by all parties and documented in the Corporate Loan Agreement. On return from corporate loans, paintings will be rested before being lent out again. Corporate Collection loans may be renewed, extended or varied by mutual consent of all parties. In accordance with the conditions of the Corporate Loan Agreement, works may be recalled from Corporate Collection loans for display, study or conservation by HOTA Gallery, or for loan to a museum or gallery.

4.4. Outgoing loans for other purposes

Loans for other purposes will be assessed on a case-by-case basis in accordance with the principles, objectives and criteria for assessment outlined in this policy.

4.5. Factors to be considered in the assessment of outgoing loans

4.5.1. The artwork and HOTA Gallery priorities

In assessing requests to borrow artworks from the Collection, HOTA Gallery will have regard to:

- 4.5.1.1. The availability of the artwork, including any commitments to current or planned HOTA Gallery programs and schedules, or prior commitments to other borrowers.
- 4.5.1.2. Any restrictions imposed on outgoing loan or display under the terms of the acquisition or by virtue of the nature of the work and its installation or production requirements, including Aboriginal or Torres Strait Islander artworks to which access is restricted or community concerns have been identified, in accordance with the *Aboriginal and Torres Strait Islander Engagement Policy*.
- 4.5.1.3. The condition of the work, including but not limited to its ability to travel and the impact of handling, installation, light exposure and environmental conditions on the work.
- 4.5.1.4. The provenance of the artwork, in accordance with the *Provenance and Due Diligence Research Policy*.
- 4.5.1.5. The adequacy of the timeline and available resources required to prepare the loan.

4.5.2. The borrower and purpose for the loan

In addition, HOTA Gallery will consider the following factors in assessing loan requests:

- 4.5.2.1. The type and reliability of the borrower and its legal and financial situation.
- 4.5.2.2. The scholarly, artistic or educational value of the exhibition or display concept and its feasibility, including consideration of whether the exhibition includes works that are known to have been stolen, illegally exported or illegally excavated.
- 4.5.2.3. The adequacy and appropriateness of the borrower's facilities and the ability of the borrower to meet and maintain facility, environmental and security requirements in accordance with the *Collection Management Policy* and the terms of the Outgoing Loan Agreement, Corporate Loan Agreement or Exhibition Touring Contract throughout the loan period.
- 4.5.2.4. The availability of appropriate staff and any sub-contractors at the borrowing institution in order to administer, manage and oversee the loan and comply with the terms of the Outgoing Loan Agreement throughout the loan period.
- 4.5.2.5. The political and financial stability of the country or region in which the loans will reside.

4.5.3. Additional requirements

HOTA Gallery has specific requirements regarding the following matters:

- 4.5.3.1. Use of HOTA Gallery approved couriers during transport and/or installation and de-installation.
- 4.5.3.2. Insurance arrangements.
- 4.5.3.3. Copyright and image reproduction.
- 4.5.3.4. Packing and transport arrangements.
- 4.5.3.5. Display and installation requirements.
- 4.5.3.6. Conservation treatment or other intervention into the artwork.
- 4.5.3.7. Removal of the work from display.
- 4.5.3.8. Notification of incidents impacting the loaned works.
- 4.5.3.9. Display and storage facilities and security and environmental parameters.
- 4.5.3.10. Termination of the agreement.
- 4.5.3.11. Acknowledgement of the loan by the lender.

Details of HOTA Gallery's requirements are set out in the Outgoing Loan Agreement, Corporate Loan Agreement or Exhibition Touring Contract. Additional documentation or evidence of compliance with these matters may be sought in accordance with established procedures.

Requests to include works of art in an exhibition tour comprising multiple venues coordinated by another party will be assessed by the Gallery Director, with the advice of curatorial and collections staff. In the event that such loans are approved, HOTA Gallery may impose additional requirements for couriers in transit between venues and periodic condition assessment of the artworks during the tour by appropriately qualified professionals approved by HOTA Gallery.

In the event that a loan period is extended beyond the original term, the insurance valuations for artworks may be reviewed and updated. Amendments to insurance arrangements undertaken by the borrower must be made to HOTA Gallery's satisfaction.

4.5.4. Couriers

HOTA Gallery may require that an artwork be accompanied in transit and/or installed and de-installed and condition-checked by a qualified person nominated or approved by HOTA Gallery. In determining requirements for and selection of a courier, HOTA Gallery will consider:

- 4.5.4.1. The significance and fragility of the artwork(s).
- 4.5.4.2. Any specific handling or installation requirements.
- 4.5.4.3. The available staffing and contractor arrangements at the borrowing venue(s)
- 4.5.4.4. The number of works comprising the consignment(s).
- 4.5.4.5. The value of individual artworks and the overall consignment(s).
- 4.5.4.6. Transport and other security arrangements in place.

The courier may be a HOTA Gallery employee, or another person approved by HOTA Gallery. Couriers will be appropriately qualified and experienced in art handling and transport procedures. Courier selections will be approved by the Gallery Director on the basis of recommendations by the Registration Coordinator.

4.6. Approval of outgoing loans

All outgoing loan requests will be reviewed by the appropriate curator and Registration Coordinator in accordance with the terms of this policy. Recommendations for the approval of loan requests will be made in accordance with established procedures. Outgoing loan requests are considered by the Gallery Director. The Gallery Director has authority to approve outgoing loans in which all works comprising the loan are individually valued within established delegation limits. The grounds for approval of any outgoing loan request that do not accord with the terms outlined in this policy will be recorded and archived.

4.7. Formalising approved outgoing loans – Loan Agreements

Loans will be completed using HOTA Gallery's Outgoing Loan Agreement, Corporate Loan Agreement or Exhibition Touring Contract, amended by special negotiation when so required. Outgoing Loan Agreements and Exhibition Touring Contracts are approved and endorsed under the authority of the Gallery Director. Works will not be released on loan until the Outgoing Loan Agreement or Exhibition Touring Contract has been completed and signed by both parties.

4.8. Transparency and accountability

4.8.1. Publication of outgoing loans

The Gallery Director will ensure that a list of all outgoing loans is published in HOTA Gallery's annual report.

4.8.2. Record-keeping

Staff will maintain records (paper based and/or electronic) for each incoming loan, including proposed incoming loans that are not approved, documenting relevant information and decision-making. Records relating to loans will be retained for a minimum of five years on the internal HOTA SharePoint system.

4.8.3. Internal audit and review cycle

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

4.8.4. Staff obligations

HOTA Gallery staff involved in the assessment, approval and administration of loans are bound by HOTA's Code of Conduct and other relevant HOTA policies, including, but not limited to, the Conflict of Interest Policy, Gifts and Benefits Policy and record keeping procedures.

5. RESPONSIBILITIES

5.1. Gallery & Visual Arts Director

- 5.1.1. Responsible for approving the loan of artworks.
- 5.1.2. Responsible for ensuring that the process and documentation relating to loans conform to all HOTA Gallery policies and that HOTA Gallery staff understand and comply with the policies.

5.2. Registration Coordinator

- 5.2.1. Responsible for monitoring and reviewing all aspects of the loans processes of HOTA Gallery.

Supporting Information	
Commonwealth of Australia Legislation	<ul style="list-style-type: none"> • Crimes Act 1914 • Customs Act 1901 • Personal Properties Securities Act 2009 • Proceeds of Crime Act 2002 • 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 2018 • Biosecurity Act 2015 • Environmental Protection and Biodiversity Conservation Act 1999
State Legislation	<ul style="list-style-type: none"> • Right to Information Act 2009 • Information Privacy Act 2009 • Financial Administration and Audit Act 1977 • Financial Accountability Act 2009 • Public Records Act 2002 • The Disposal of Uncollected Goods Act 1967
Related HOTA Documents	<ul style="list-style-type: none"> • <i>HOTA Gallery Collection Management Policy 2023-2026</i> • <i>HOTA Gallery Acquisition Strategy</i> • <i>HOTA Gallery Deaccessioning Strategy</i> • <i>HOTA Gallery Provenance and Due Diligence Policy</i> • <i>HOTA Gallery Inward Loans Policy</i> • <i>HOTA Gallery Outward Loans Policy</i> • <i>HOTA Gallery Exhibitions Policy</i> • <i>HOTA Gallery Community Consultation Policy</i> • <i>HOTA Gallery Inward Loans Claims Handling Procedures</i> • <i>HOTA Gallery Cultural and Sensitive Material Checklist</i> • <i>HOTA Gallery Community Consultation Procedures</i> • <i>Aboriginal and Torres Strait Islander Engagement Procedures</i> • <i>HOTA Gallery Incoming Loans Procedures</i> • <i>HOTA Gallery Provenance and Due Diligence Research Procedures</i> • <i>HOTA External Complaint Management Policy</i> • <i>HOTA Gifts and Benefits Policy</i>

	<ul style="list-style-type: none"> • <i>HOTA ICT Policy</i> • <i>HOTA Non-current Asset Policy</i> • <i>HOTA Delegations of Authority Policy</i> • <i>HOTA Conflict of Interest Policy</i> • <i>HOTA Code of Conduct</i> • <i>HOTA Risk Management Policy</i>
Related Sector Documents	<ul style="list-style-type: none"> • Australian Government, Attorney General's Department, Ministry for the Arts, <i>Australian best practice guide to collecting cultural material</i>, 2015 • Australian Government, Attorney General's Department, Ministry for the Arts, <i>Protection of cultural objects on loan: scheme guidelines</i>, 2014 • <i>Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)</i>, 1973, as amended 1979 and 1983 • ICOM, <i>Code of Ethics for Museums</i>, 2017 • ICOM, International Observatory on Illicit Traffic in Cultural Goods • ICOM, <i>Red Lists of cultural objects at risk</i> • Museums Australia, <i>Continuing cultures, ongoing responsibilities</i>, 2005 • Pacific Islands Museums Association, Code of Ethics for Pacific Museums and Cultural Centres, 2006 • Unidroit, Convention on Stolen or Illegally Exported Cultural Objects, 1995 • UNESCO, Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, 1970 • UNESCO, Database of National Cultural Heritage Laws • UNESCO, The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, 1954, First Protocol, 1954 and Second Protocol, 1999
Definitions and Acronyms	
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> .
Accession	The process undertaken that formally acknowledges an artwork to be part of the Collection.
Acquisition	The acceptance, through gift or purchase, of a work of art into HOTA Gallery's Collection in accordance with HOTA Gallery's Acquisition Strategy.
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</i>

	<i>Authority Policy</i> , as well as reviewing and approving proposals for incoming exhibitions as per the <i>Exhibitions Policy</i> .		
Borrower	A public cultural institution, HOTA corporate partner entity, or Gold Coast City Council entity.		
Collection	Works of art in various media that are HOTA Gallery property and have been formally accessioned.		
Corporate Collection	A selection of works available for loan to a HOTA corporate partner or Gold Coast City Council entity.		
Gallery Director	The Gallery & Visual Arts Director, Director of HOTA Gallery.		
Loan Agreement	A formal, legally binding written contract between the lender, who may be the owner of the artwork(s) subject to the loan or their agent, and HOTA Gallery as borrower, specifying the artwork(s) and outlining the conditions and terms of the loan and the responsibilities of each party.		
Outgoing Loan	Any contracted arrangement for the transfer of possession of an artwork from HOTA Gallery to another party or parties on a temporary basis under which HOTA Gallery grants a temporary right of possession to the borrower. It therefore includes loans in the strict legal sense of gratuitous bailments, bailments that arise from contracts that expressly benefit both HOTA Gallery and the party receiving possession. For the purpose of this policy, outgoing loans encompasses touring exhibitions. The terms lender, borrower, lending and borrowing and loan are to be construed in the context of this definition and unless otherwise specified, references to outgoing loan or any related terms may apply to proposed, contemplated, potential, approved or realised loan arrangements.		
Provenance	The history of ownership of an item from the time of its discovery or creation to the present day, from which authenticity and ownership is determined.		
Touring exhibition	An exhibition of art that may include works drawn from the Collection, incoming loans and/or commissions that HOTA Gallery tours to other venues, in accordance with the <i>Exhibitions Policy</i> .		
Revision History			
Version	Approved By	Approval Date	Modification
1.0	EGC Board	15 MAY 2024	New/amended policy in line with current practice

[HOTA Home of the Arts](#)

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