

Mildura Arts Centre Loans Policy

Policy – CP070

Prepared	Reviewed	Approved	Date	Council Minute No.
July 2020	Arts & Culture Development Manager	Council	February 2021	2021/0029
TRIM File: 18/02/01		To be reviewed: February 2026		
Document Owner: Manager Community Futures		Review Frequency: 5 yearly		

1. The purpose of this policy is:

The purpose of this policy is to set out the Mildura Arts Centre (the 'Gallery') principles and guidelines for the management of incoming and outgoing loans to:

- Increase accessibility to the Mildura Arts Centre Permanent Collection (the 'Collection');
- Ensure that quality objects, and art works are available for exhibitions or research;
- Facilitate exhibition development and support the Gallery program through incoming loans for temporary exhibitions, tours and other purposes;
- Ensure that the outcomes of public programs are achieved;
- Improve research outcomes; and
- Ensure any items on loan are held with a safe, secure environment and without undue risk or damage.

2. Policy Statement

This policy applies to the temporary outgoing movement of items from the Collection and the inward movement of items from other institutions or private lenders to the Gallery for the purpose of public exhibition or research. The loans are referred to as 'outgoing loans' and 'incoming loans' respectively.

This document outlines the Gallery's obligations to:

- Facilitate access to the Collection through an active outgoing loans program;
- Secure loans from other sources that support exhibition initiatives and enhance visitor experience;
- Engage in consultation with relevant individuals, communities, and statutory bodies as necessary;
- Facilitate due diligence regarding provenance of loan items;
- Manage loans on terms that are ethical, responsible and transparent; and
- Demonstrate best practice in care, security and risk management.

3. Principles

3.1 Outgoing Loans

Purpose

To capitalise on tourism opportunities to promote Mildura Arts Centre, Mildura Rural City Council and the region as a whole to a broader audience by profiling the significance of the Collection at a local, national and international level.

To create a foundation of reciprocal goodwill and foster professional relationships through the loan of Collection items between the Gallery and appropriate regional, state, national and international cultural institutions.

Considerations

Outgoing loans will be considered as per the following:

- Consideration for outgoing loans will be undertaken in the context of the development of meaningful reciprocal arrangements that are in the best interests of Council and Community.
- The applicant (the 'Borrower') may submit a request to borrow in writing as outlined in the assessment criteria.
- Where the borrower is from a Cultural institution and operate according to the code of ethics established by the International Council of Museums (ICOM), may submit a request to loan Collection items.
- For Collection items that are registered and accessioned.
- For Collection items that are available and not required for use by the Gallery.
- For Collection items deemed to be in a condition fit for transportation, intended display conditions and the loan period.
- The Collection is held in public trust and the Gallery is unable to lend to private individuals.
- The Gallery will not lend Collection items unless the borrower can provide evidence of adequate security, environmental conditions, insurance / indemnity cover and professional standards of care for the loan items.
- Loans from the Collection will be considered for exhibitions which contribute to education, research and public enjoyment.

Loan assessment criteria

The Gallery will aim to make items available from the Collection provided that:

- The Borrower has submitted the loan application in writing, including a synopsis of the exhibition, details of the item requested, exhibition venues and dates, and the period of time the object will be required.
- The purpose of the loan does not represent a risk to the reputation of the Gallery or Council or contravene policies regarding the display of cultural material.
- The item requested for loan is not already committed to upcoming exhibitions or public programs.
- The item requested is in a suitable condition for display, and the item is able to be securely and safely transported without causing detriment to the item.

- The Borrower accepts responsibility for all costs associated with the loan, including but not limited to the design and construction of a packing case, transportation (and the supervision thereof) of the item between the Gallery and the Borrower's exhibition venue and return, travel and accommodation for a Gallery courier (if required), door to door insurance cover, photography for reproduction purposes, costs arising from the preparation of the item for loan such as conservation treatment or framing, material and labour costs associated with the restoration or conservation if the item is returned to the Gallery in damaged condition.
- The Borrower must provide a satisfactory Standard Facility Report detailing the conditions under which the loaned item will be handled and exhibited including appropriate insurance, security, transport, environmental and display/storage conditions.
- The Borrower must be able to maintain prescribed standards of care and environmental conditions throughout the loan and comply with any specific conservation or security instructions the Gallery may impose.
- Interpretation of the item by the Borrower in display, research and publication materials is consistent with the aims and objectives of the Gallery.
- If the loan application is for the purpose of travelling exhibitions (touring), the Borrower must provide details of all host venues, venue facilities, and transport sufficient to satisfy the Gallery that the minimum standards of care and security can be achieved for the loan period.
- The Gallery may apply specific loan conditions in relation to:
 - compliance with national legislation and or international conventions, treaties and laws that control the movement of cultural objects and natural heritage,
 - consultation with key stakeholders,
 - use of couriers for works or art transportation and installation,
 - insurance,
 - intellectual property, copyright, reproduction, moral rights, and
 - additional environmental or facilities documentation.
- The Gallery does not permit Borrowers to lend items to third parties.
- The Gallery will lend the item for a designated period based on confirmed venues only.
- The Gallery reserves the right to cancel any agreed loan or to recall the item at any time by notice in writing to the Borrower.
- No modifications, alterations, or conservation preservation work of any kind may be undertaken on any item by the borrower without the express written permission from the Arts and Culture Development Manager.
- The Borrower will need to abide by the display and care conditions stipulated in the loan agreement in regards to Condition Reporting, art handling by suitably trained personnel and items must not be unframed, cleaned or treated in any way.

Approvals

- Loans will only be made in accordance with this policy.
- Loan requests are considered through an assessment procedure and recommendations administered by the Gallery and Heritage Team.
- The decision to approve or refuse a loan request is made by the Arts and Culture Development Manager or authorised Council Officer in accordance with Financial Delegations, in consideration of the Gallery and Heritage Team Leader and the Registrar and Collections Officer.
- The Borrower is informed of the decision to approve or refuse a loan within eight weeks of the receipt of the request.
- Loan approvals will be formalised upon signing of a Loan Agreement between the Gallery and the Borrower specifying terms and conditions under which the loan is granted.

3.2 Incoming Loans

Purpose

Incoming loans of art works for temporary display or exhibition are critical to the Gallery's capacity to realise its temporary exhibition program, that is, to deliver compelling exhibitions which reflect the unique social, cultural, historic and geographic concerns of the region.

Additionally, incoming loans significantly compliment the Collection by extending curatorial, education, research and public engagement opportunities.

Considerations

The Gallery is committed to only borrow works of art in accordance with the highest standards of due diligence (including ethical and professional practice and in accordance with applicable law).

The Gallery will only borrow artworks where it is confident that:

- The lender is reputable;
- The owner(s) hold valid title to the work;
- The lender has authority to lend the work;
- There are no current or outstanding third-party claims on the work of art;
- All relevant export licences and/or permits have been or will be obtained;
- There is acceptable legal and provenance information available for the Gallery to base its decision to proceed with the loan; and
- There are no reasonable suspicions that the object was illicitly obtained.

The Gallery will borrow items in compliance with relevant policies and procedures, and provided that:

- The incoming loan of the item will not result in unreasonable financial burden or be detrimental to the reputation of the Gallery or Council.
- The item is able to be appropriately handled by Gallery staff and does not impose any risk to the Occupational Health and Safety of staff or members of the public.
- The Gallery has completed an assessment of Provenance and a process of Due Diligence to confirm the legal status of the item with respect to the Lender.

- The item does not comprise Aboriginal and Torres Strait Islander secret/sacred or culturally sensitive material and where deemed necessary, the Gallery will consult with relevant stakeholders and community in accordance with Council's Community Engagement Strategy where that strategy is informed, respectful, ethical, meaningful and professional.
- The Gallery is willing and able to comply with the terms and conditions of loan set out by the Lender.
- The Gallery will demonstrate best practice in the risk management of incoming loans.
- In negotiation and managing loans, the Gallery will seek to avoid any act or omission that attracts legal liability, involves that Gallery in civil or criminal proceedings or otherwise compromised the Gallery's position and reputation for integrity in public administration.
- The Gallery will borrow items for an agreed and defined period only, which will be agreed between all parties and which can be extended by mutual agreement. Works of art will not be accepted for loan for an indefinite period.
- Wherever practicable, the copyright and reproduction agreement should be specified in relation to the agreed purpose of the loan.

Approvals

- Loans will only be made in accordance with this policy.
- Incoming loans for temporary display or exhibition must be approved by the Arts and Culture Development Manager, Gallery and Heritage Team Leader or authorised Council Officer in accordance with Financial Delegations.
- Requests by the Gallery to other cultural institutions (the 'Lender') for the loan of items will be made in writing by the Arts and Culture Development Manager.
- All terms and conditions of the loan must be recorded in a written Loan Agreement between the Lender and the Gallery.

4. Who is responsible for implementing this policy?

- The general day to day exhibition, care, management and monitoring of the Collection shall be the responsibility of the Arts and Culture Development Manager with the Gallery and Heritage Team Leader and Registrar and Collections Officer.
- Responsibility of ensuring proper storage and display facilities rests with Mildura Rural City Council.
- The Collection shall remain the property of Mildura Rural City Council.

5. Definitions

<i>Collection</i>	Any and all items recorded through a process of formal accessioning for which Mildura Rural City Council – Mildura Arts Centre has legal ownership.
<i>Due Diligence</i>	For the purpose of this policy, a comprehensive assessment of an artwork to assess its ownership and provenance and to identify any gaps in these.
<i>Gallery</i>	means Mildura Arts Centre.
<i>Item</i>	For the purpose of this policy a 2 or 3 dimensional physical object or digital content that is either a work of art or of historical or cultural significance.
<i>Incoming Loan</i>	The temporary receipt of an item from a third party for temporary display in the gallery.
<i>Outgoing Loan</i>	The temporary physical transfer of an item from the Collection to a third party for the purpose of public exhibition or research.
<i>Provenance</i>	The history and ownership of an item from the time of its discovery or creation to the present day, through which authenticity and ownership are determined.
<i>Touring exhibition</i>	An exhibition of art that may include works drawn from the collection, incoming loans and/or commissions that the Gallery tours to other venues.

6. Legislation and other references

6.1 Legislation

For further information related to this policy refer:

- Museums Australia, *Code of Ethics for Art, History and Science Museums* (1999);
- Museums Australia, *National Standards for Australian Museums and Galleries* (Version 1.4, 2014).
- ICOM Code of Ethics, 2006
- Australian Best Practice Guide to Collecting Cultural Material, Australian Government, Attorney General's Department, Ministry for the Arts, 2014
- Aboriginal Heritage Act 2006;
- Aboriginal Heritage Act Regulations 2018;
- Australian Copyright Act 1968 (Cth).

6.2 Documents

This Policy is implemented in conjunction with the following documents:

- Mildura Arts Centre Collections Policy CP069
- Mildura Arts Centre Collection Conservation Management Plan
- Mildura Arts Centre Loan Agreement
- Mildura Arts Centre Protective Security Protection Guidelines
- Mildura Rural City Council Arts, Culture and Heritage Strategy 2016-2020.

6.3 Risk Assessment Reference

Risk Category	✓	Risk Category	✓
Asset Management	✓	Financial Sustainability	
Committees		Human Resource Management	
Compliance – Legal & Regulatory		Leadership & Organisational Culture	
Contract Management		Occupational Health & Safety	
Contract Tendering & Procurement		Organisational Risk Management	
Corporate Governance		Project Management	
Environmental Sustainability		Public Image and Reputation	✓