

Museums and Collections Department

Outgoing Loans Protocols



1. Principle Statement

The University of Melbourne (the University) Museums and Collections Department is committed to making the collections under its stewardship (Collections) accessible to broad and diverse audiences across its campuses, as well as nationally and internationally. In managing Outgoing Loans, the Museums and Collections Department will balance the accessibility of the Collections with practical and ethical considerations regarding the long-term care, preservation, display, interpretation, and stewardship of the Collections.

These Protocols provide a framework for the management of Outgoing Loans in accordance with legal, ethical, and best practice standards. The responsibility to approve Outgoing Loans for Collections under the stewardship of Museums and Collections Department is vested in the Director, Museums and Collections or their delegate(s).

2. Application

These Protocols apply to the Outgoing Loan of Items in Collections for research, teaching and learning, as well as exhibition, display, and public program purposes. These Protocols cover both external and Inter-Collection Loans between University Cultural Collections.

The Protocols do not apply to Campus Loans for furnishing of University campus buildings which are addressed in the Campus Loans Protocols; nor do they apply to the loan of non-Collection material such as showcases, mannequins, and other related equipment or supplies.

3. Key Principles

- 3.1 The Museums and Collections Department is committed to promoting and facilitating access to the Collections through an active Outgoing Loans program. The Outgoing Loans program is also a reflection of the state-wide, national, and international significance of the Collections.
- 3.2 In considering Outgoing Loan requests the Museums and Collections Department will take into account the need to balance the accessibility of the Collections in a variety of contexts, with the long-term care, preservation, display, interpretation and stewardship of the Collections.

4. Loan Requests

- 4.1 The Museums and Collections Department will consider Loan requests received in writing addressed to the Director, Museums and Collections a minimum of six (6) months prior to the required shipment date for the Item.
- 4.2 Short notice Loan requests received with less than the notice period outlined in 4.1 may be considered on a case-by-case basis, however priority will be given to Loan requests received with the full period of notice.

4.3 The Museums and Collections Department reserves the right to refuse any Loan request if internal resources do not permit the Loan to be facilitated in the required timeframe.

5. Outgoing Loan Request Assessment

In assessing a request for an Outgoing Loan, the Museums and Collections Department considers a range of factors specific to the item(s), the Borrower, and the purpose of the Loan to determine whether to approve the request, and the standard or additional conditions that may be applied.

5.1 Items

In assessing the request for an Outgoing Loan, the following factors regarding the Item will be considered:

- 5.1.1 the material condition of the Item, including but not limited to its ability to travel and the impact of handling, installation, and display on the Item.
- 5.1.2 the availability of the Item, including any commitments to current or planned University exhibitions, research or other programs or prior commitments to other Borrowers.
- 5.1.3 the Provenance of the Item.
- 5.1.4 the adequacy of the timeline and available resources required to prepare the Item for Loan.
- 5.1.5 any specific conditions which prevent the Item being Loaned, including restrictions imposed on Outgoing Loan or display under the terms of the acquisition or by virtue of the nature of the Item.
- 5.1.6 where relevant, the Museums and Collections Department will be informed by the [Protocols for using First Nations Cultural and Intellectual Property in the Arts](#) and will consult with the Aboriginal and Torres Strait Islander Cultural Heritage Oversight Committee, and other appropriate Committees, individuals, groups, or communities prior to agreeing to Loan Aboriginal or Torres Strait Islander or non-Australian Indigenous Items to which access is restricted or Indigenous community concerns may be identified.
- 5.1.7 the export outside Australia or subsequent re-importation of the Item does not contravene Australian import/export restrictions, or international treaties or conventions to which Australia is a party or signatory.
- 5.1.8 any current or outstanding third-party claims in relation to the Item, and whether any prior wrongdoing regarding the Item has been the subject of a binding settlement, abandonment or other remission of liability, or any relating claim has been otherwise extinguished on binding terms.
- 5.1.9 requests for Loan may be considered for Items in the Museums and Collections Department's possession on a case-by-case basis. In exceptional circumstances, the Museums and Collections Department may agree to facilitate the Outgoing Loan of an Item in its custody or care on behalf of the Owner. In such circumstances, arrangements will be formalised with the Owner and the Department will act in accordance with such agreements.

5.2 Borrowers

- 5.2.1 Each Loan request or proposal will be considered on a case-by-case basis.
- 5.2.2 The Museums and Collections Department may Loan an Item from the Collections or non-Collections material to:
- a. University cultural collections, Faculties and Departments;
 - b. public collecting institutions including but not limited to other University collecting or display departments, able to provide museum-standard facilities and display requirements, as approved by the Museums and Collections Department;
 - c. professional researchers with appropriate expertise for approved research purposes; and
 - d. private not-for-profit organisations, community and cultural groups, and other organisations which may be considered on a case-by-case basis.
- 5.2.3 The Museums and Collections Department will only Loan Items to a Borrower where it is confident that:
- a. the Borrower is reputable and is in a stable legal and financial situation; and
 - b. the Borrower has the authority to enter into the Loan Agreement; and
 - c. the Borrower is able to provide adequate and appropriate facilities and meet and maintain facility, environmental and security requirements, and the terms and conditions of the Loan as set out in the Outgoing Loan Agreement. Additional documentation or evidence of compliance with these matters may be sought in accordance with established procedures; and
 - d. the Borrower is able to provide appropriate staff or sub-contractors in order to administer, manage and oversee the Loan and comply with the terms of the Outgoing Loan Agreement throughout the Loan Period; and
 - e. the country or region in which the Loan will reside is politically and financially stable.

5.3 Purpose of Loan

- 5.3.1 The Museums and Collections Department may Loan an Item from the Collections and non-Collections material for research, teaching, and learning, as well as exhibition, display, and public program purposes that are consistent with University objectives.
- 5.3.2 The Museums and Collections Department will take into consideration the academic, public interest or educational value of the exhibition, display, research or program concept and its feasibility.
- 5.3.3 The Museums and Collections Department may Loan Items for Operational Use following assessment of the request on a case-by-case basis. Considerations for assessing Operational use include:
- a. repatriation of knowledge and culture to communities from which the Item originates, or the use is considered of cultural significance for other reasons;

- b. the proposed Operational Use accords with the purpose for which the Item was originally designed, built, or subsequently modified, and/or does not impede such use, in line with c below;
 - c. the proposed use will not lead to the degradation of the Item beyond normal wear and tear or otherwise assessed as appropriate; and
 - d. appropriate conditions can be met to ensure the care of the item.
- 5.3.4 The Museums and Collections Department may Loan Items for research following assessment of:
- a. the Borrower's expertise and methodology to undertake the research;
 - b. the necessity, value and impact of the research that takes into account the significance of the Item, any cultural and community sensitivities, and legislative requirements on a case-by-case basis;
 - c. the likelihood of material alteration or damage to the Item; and
 - d. the likelihood that research involving sampling and destructive testing will contribute to further valuable knowledge including but not limited to knowledge of the Collections and/or their care.

6 Other Considerations

A number of factors will be considered by the Museums and Collections Department in assessing an Outgoing Loan request and in the administration of the Loan. While some considerations are required for all Outgoing Loans, others may be applied on a case-by-case basis, as required.

6.1 Due Diligence

The Museums and Collections Department undertakes to:

- 6.1.1 be open and transparent in its decision-making processes and procedures and will practice and demonstrate appropriate levels of Due Diligence as relevant to the circumstances of the proposed Loan.
- 6.1.2 comply with the [*UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970*](#) (the UNESCO Convention) and acknowledges that Australia has ratified the Convention. The Department also recognises and is bound by the terms of the *Protection of Moveable Cultural Heritage Act 1986* (Cth) and the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth) and the *Aboriginal Heritage Act 2006* (Vic), and all associated regulations.
- 6.1.3 adhere to Australian and international best practice, including the [*Australian Best Practice Guide to Collecting Cultural Material*](#), [*National Standards for Australian Museums and Galleries*](#), and the [*ICOM Code of Ethics for Museums*](#).
- 6.1.4 require the Borrower to warrant that they have no reasonable cause to believe that any Item comprised in the exhibition in which an Item from the Collections will be displayed (whether at the Borrower's venue or another venue) has been stolen, illegally exported, or illegally imported from its country of origin as defined by the UNESCO Convention.

- 6.1.5 where relevant, require the Borrower to provide evidence that it has sought and/or will do so, the permissions or approvals of Aboriginal and Torres Strait Islander or non-Australian Indigenous communities or individuals, including ICIP rights holders in relation to the purpose of the Loan.

6.2 Travelling Exhibitions Coordinated by Other Parties

- 6.2.1 The Museums and Collections Department may approve an Item from the Collections for Loan in a travelling exhibition coordinated by the Borrower if it is satisfied that all venues conform to the required minimum standards as outlined in the Loan Agreement and in these Protocols.

6.3 Third Party Loans

- 6.3.1 Borrowers are not permitted to Loan or transfer possession of an Item from the Collections or non-Collections material to a third party without the prior written consent of the Department.

6.4 Insurance

- 6.4.1 Borrowers are generally required to provide insurance for an Item approved for Loan on a 'wall to wall' basis for the insurance value specified in the Loan Agreement from the time the object leaves the Department's care until the time the object is returned to the Department.
- 6.4.2 Insurance requirements will be specified in the Outgoing Loan Agreement. Borrowers are required to provide evidence of insurance for an Item on Loan and arrangements must be approved by the Museums and Collections Department before the Item will be released.
- 6.4.3 The insurance value may be revised from time to time and the Borrower must insure the Item on Loan for the reassessed value, and provide evidence of the revised insurance cover to M&C satisfaction.

6.5 Costs

- 6.5.1 The Museums and Collections Department does not impose fees on Outgoing Loans. However, in the absence of any separate agreement, Borrowers may be required to cover costs associated with the loan, including but not limited to packing, transport, conservation, customs arrangements, courier costs and insurance.
- 6.5.2 Additional costs arising from short-notice Loan requests may also be referred to the Borrower.
- 6.5.3 Where not already negotiated as a touring exhibition coordinated by the Museums and Collections Department, in the event that the Items comprising the Loan request constitute over 50% of the content or value of the Borrower's exhibition or display, the Department may request to be credited as a joint partner and to contribute to decision-making about the display and interpretation of its Collections. In such instances, the Department also reserves the right to impose an exhibition fee to cover costs associated with the development and preparation of the exhibition. Additional considerations may be negotiated on a case-by-case basis depending on the nature of works requested.
- 6.5.4 Should a Loan request be withdrawn or cancelled by the Borrower prior to the commencement or expiration of the Loan period, the Museums and Collections Department 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.

6.5.5 Separate fees may apply for image requests of an Item approved for Loan.

6.6 Couriers

6.6.1 The Museums and Collections Department may require a University courier for an Item on Loan.

6.6.2 In determining requirements for and selection of a courier, the Department will consider:

- a. the significance and fragility of the Item(s);
- b. any specific handling or installation requirements;
- c. the available staffing and contractor arrangements at the borrowing venue(s);
- d. the number of works comprising the consignment(s);
- e. the value of individual artworks and the overall consignment(s); and
- f. transport and other security arrangements in place.

6.6.3 The courier may be a University employee or another person approved by M&C. M&C approved couriers will be appropriately qualified and experienced in Item handling and transport procedures.

6.6.4 Courier selections will be approved by the Director, Collections on the basis of recommendations by the Head of Collections Management and one of the following: Director Indigenous Collections, Director Art Museums, or Director Science and Academic Engagement.

6.7 International Loans

6.7.1 Where the Museums and Collections Department determines it is required, international Borrowers will ensure that the Item approved for Loan qualifies for immunity from seizure and that all conditions required for protection under any such legislation can be met.

6.7.2 Where immunity from seizure cannot be provided, with the approval of the Director, Museums and Collections or their delegate, the Department may proceed with the Loan and the decision to do so will be made on a case-by-case basis.

7 Loan Approval

7.1 Loan requests are approved by the Director, Museums and Collections or their delegate.

7.2 The Museums and Collections Department will undertake a formal assessment process for all Loan requests, in accordance with the terms of these Protocols and associated procedures.

7.3 The Museums and Collections Department will not proceed with an Outgoing Loan if, after undertaking Due Diligence in accordance with these Protocols, there remains reasonable concerns about the Loan of the Item, the Borrower or touring exhibition venues, the purpose of the Loan or any other circumstances surrounding the Loan.

7.4 Notification of approval or decline of a Loan request will be made in writing by the Director, Museums and Collections or their delegate.

8 Loan Period

- 8.1 The Loan of an Item from the Collections will normally be granted for a period of up to two years in the first instance.
- 8.2 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, the Department will conduct inventories of the work(s) on loan in accordance with its standard Collections management protocols and procedures.

9 Outgoing Loan Agreement

- 9.1 Borrowers must accept Loans under the University Outgoing Loan Agreement. Only in exceptional circumstances will a Borrower's Incoming Loan Agreement be negotiated and used.
- 9.2 No Item that is the subject of an Outgoing Loan will be released to the Borrower until M&C receives the completed Loan Agreement signed by the Borrower or a party with the authority to enter into the Loan Agreement on the Borrower's behalf.
- 9.3 Loan Agreements will be signed by the Director, Museums and Collections or their delegate.

10 Acknowledgement

- 10.1 The Museums and Collections Department must be acknowledged as the Lender of the Item in a prominent and clear manner whenever the Item is used, referenced, or reproduced, including in any exhibition labels, publications or online use that refers to the Item.
- 10.2 The preferred form of acknowledgement for Museums and Collections Department as the Lender will be specified in the Outgoing Loan Agreement.

11 Conflicts of Interest

- 11.1 Loans to organisations directly associated with employees or others involved in the consideration, approval and administration of Outgoing Loans, or their immediate family or associated parties, must be disclosed and documented at all stages of the process of endorsement and approval of the Loan.
- 11.2 In such circumstances, employees or other individuals must exclude themselves from any discussion or decision making regarding the approval or administration of a Loan in which they or related parties have an interest. The declared conflict and exclusion from decision making will be documented.
- 11.3 University staff involved in the approval and administration of Outgoing Loans are bound by all relevant University Policy, including but not limited to the [Managing Conflict of Interest Policy \(MPF1366\)](#).

12 Record Keeping

In accordance with the [Records Management Policy \(MPF1106\)](#) and associated protocols and procedures, the Museums and Collections Department will maintain records for all Outgoing Loans, including those that are not approved. These records will include information on approval processes, key decisions,

consultations, transactions, negotiations, Due Diligence undertaken, compliance with policies and procedures and signed Loan Agreements. All records will be kept securely by the University.

13 Compliance

Museums and Collections staff involved with Outgoing Loans will ensure they are informed of all relevant University policies, protocols and procedures and conform to those at all times.

14 Roles and Responsibilities

Director, Museums and Collections: Reviews and formally approves requests for Outgoing Loan and associated Loan Agreements. Delegates authority for approval of Outgoing Loans Agreements.

Director, Collections: Ensures that Outgoing Loans are managed in accordance with these Protocols, related legislation, policies, plans and procedures and accepted best practice standards. Endorses requests for Outgoing Loan and approves courier selection.

Director Indigenous Collections, Director Art Museums, and Director Science and Academic Programs: Ensure that Outgoing Loans are managed in accordance with these Protocols, related legislation, policies, plans and procedures and accepted best practice standards. Endorses requests for Outgoing Loan and courier selection.

Head of Collection Management: Oversees the operation of the Collections unit with regard to Outgoing Loan management and reviews and endorses requests for Outgoing Loan.

Senior Collections Manager: Manages the Outgoing Loan program and ensures a commitment to the highest legal and ethical standards including Due Diligence, security and risk assessment.

Collection Coordinator: Coordinates and ensures all Outgoing Loans are conducted in accordance with the highest legal and ethical standards including Due Diligence, security and risk assessment. Is the key point of communication and delivery for all Outgoing Loans approved by the Department.

Curators: Assess Outgoing Loans and provide Provenance and valuation details.

15 Definitions

Borrower: The party requesting the Loan of an Item.

Collections: The acquired Collections of Items and material owned by the University and stewarded by the Museums and Collections Department, including the Indigenous Art and Culture Collection, the University Art Collection, and the Grainger Collection, and other collections, as approved from time to time.

Due Diligence: For the purposes of these Protocols, Due Diligence means the comprehensive assessment of an Item to evaluate the authenticity, ownership, and Provenance, and to identify and assess any gaps in these.

Lender: The Owner of the Item to be borrowed, or an agent or third party elected by the Owner to negotiate and manage the Loan on their behalf.

Inter-Collection Loan: Loans from one University Cultural Collection area to another such administrative area of the University. While Title in the Items is retained by the University, irrespective of stewardship arrangements, for the purpose of these Protocols, Loans from one University Cultural Collection to another are considered Outgoing Loans.

Item: An Item, artwork, specimen, archival or born digital material, or any other item which forms part of the Collections or is in the care of M&C through incoming loan, exhibition agreements or custodial arrangements. Items may include items of all forms including tangible and intangible material, and are not limited to a particular material or format type.

Operational Use: Operation of an Item as opposed to static exhibition display.

Outgoing Loan: Any contracted arrangement for the transfer of possession of an Item or non-collection material from the University to another party or parties on a temporary basis under which the Museums and Collections Department 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 the University and the party receiving possession and other sharing arrangements, such as a scheduled rotation of possession among co-Owners. The terms Lender, Borrower, Lending, Borrowing and Loan and all derivatives 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.

Outgoing Loan Agreement or Loan Agreement: A formal, legally binding written contract between the Borrower and the University as the Lender, specifying the Item and outlining the conditions and terms of the Loan and the responsibilities of each party. Includes but is not limited to M&C Outgoing Loan Agreements, or M&C exhibition contracts.

Owner: The party or parties that legally possess Title to the Item.

Provenance: The history and ownership of an Item from the time of its discovery or creation to the present day, which assists in the assessment of authenticity and ownership.

Title: The legal right to ownership of property.

16 Related Context

16.1 University of Melbourne context

These Protocols should be read in conjunction with the following University documents:

- Acquisition and Accession Protocols
- Collections Strategies
- Department of Museums and Cultural Collections Charter
- Incoming Loans Protocols
- [Murmuk Djerring](#) - The University of Melbourne Indigenous Strategy 2023-2027
- University of Melbourne [Aboriginal and Torres Strait Islander Cultural Heritage Policy \(MPF1289\)](#)
- University of Melbourne [Appropriate Workplace Behaviour Policy \(MPF1328\)](#)
- University of Melbourne [Collections Policy \(MPF1309\)](#)
- University of Melbourne [Fraud and Corruption Management Policy \(MPF1351\)](#)
- University of Melbourne [Human Remains and Burial Artefacts Policy \(MPF1226\)](#)

- University of Melbourne [Managing Conflicts of Interest Policy \(MPF1366\)](#)
- University of Melbourne [Records Management Policy \(MPF1106\)](#)

The latest version of any University document referred to will apply.

16.2 Relevant legislation and external context

These Protocols should be read in conjunction with the following:

- *Aboriginal Heritage Act 2006* (Vic)
- Australian Government, Australia Council for the Arts, *Protocols for using First Nations Cultural and Intellectual Property in the Arts* 2009
- *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth)
- Australian Government, Ministry for the Arts, *Australian Best Practice Guide to Collecting Cultural Material* 2015
- *Environment Protection and Biodiversity Conservation Act 1999* (Cth)
- *Protection of Movable Cultural Heritage Act 1986* (Cth)
- *Convention on International Trade in Endangered Species of Wild Fauna and Flora* 1973
- International Council of Museums, *ICOM Code of Ethics for Museums* 2017
- Australian Museums and Galleries Association, *National Standards for Australian Museums and Galleries* 2023
- UNESCO, *Convention for the Protection of Cultural Property in the Event of Armed Conflict* 1954
- UNESCO, *Convention for the Safeguarding of the Intangible Cultural Heritage* 2003
- UNESCO, *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property* 1970
- UNIDROIT, *Convention on Stolen or Illegally Exported Cultural Objects* 1995
- United Nations, *United Nations Declaration on the Rights of Indigenous Peoples* 2007
- *University of Melbourne Act 2009* (Vic)

The latest version of any external legislation, regulations or guidelines, or other external document referred to will apply.

17 Amendment History

Version	Date issued	Notes	By
1	06 June 2024		Collection Development Advisory Group