

Exhibitions Loans Policy

Exhibitions Section

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Policy statement

The National Library of Australia lends works from its collections to other libraries and to museums, galleries and other collecting institutions for the purpose of exhibition. The Library is also a borrower of works from individuals and institutions for the purpose of exhibition.

The Library's lending role is mandated by the National Library Act 1960 Section 6 which requires the Library:

- *(b) to make library material in the national collection available to such persons and institutions, and in such manner and subject to such conditions, as the Council determines with a view to the most advantageous use of that collection in the national interest*

The lending and borrowing of works for exhibition is important in ensuring the widest possible access to Library collections; enhancing and building relationships with other institutions and organisations and advancing knowledge and scholarship of the collections.

Minimisation and mitigation of the risks associated with loss or damage to works and their long term preservation should always be the paramount consideration in the approval of loans for exhibitions.

Scope of Policy

This policy applies to inward and outward loans administered by the Exhibitions Section of the National Library of Australia. It does not cover the loan or movement of works for collection, preservation or any other purpose.

Definitions

Courier	Is defined as a representative of the lender who will accompany and oversee the security and safety of Works in transit.
Inward Loan	Is defined as the temporary bailment of Works from an external organisation or individual to the Library for the purpose of research, copying, exhibition or display, where no transfer of ownership is involved.
Loan Agreement	Is defined as the contract entered into between the lender and the borrower. It specifies the terms and conditions of the loan including the respective responsibilities of each party.
Work/s	Is used to describe physical collection material including (but not limited to) books, manuscripts, paintings, photographs, works on paper, posters, ephemera, realia, periodicals, sheet music and maps. Digital files, facsimiles, audio and video recordings are not considered Works within the scope of this policy.
Outward Loan	Is defined as the temporary bailment of Works from the Library to an external organisation for the purpose of exhibition or display where no transfer of ownership is involved.
Period of Loan	Is defined as the length of time that the Works will be exhibited plus a period of no more than one (1) calendar month either side of the nominated exhibition dates to allow for installation and demount of the works.

Key roles and responsibilities

Director General	Receives loan requests. Is signatory to all loans that require the application of the Library Seal. All other loans can be approved by the Assistant Director General, Engagement Branch
Director, Exhibitions	Oversight of inward and outward loans program. Has the authority to decline requests for outward loans and to approve inward loan requests from Library Curators.
Assistant Director, Exhibitions	General administration of loans program. Administers inward loans for NLA exhibitions and displays.

Curatorial	Selects potential inward loans for exhibition. Reviews outward loan requests and identifies any Work/s which cannot be lent due to current display, future display in NLA exhibitions.
Collection Managers	Approves and provide valuations of Work/s for outward loan. Provision of material for loan.
Senior Conservator	Conservation approval for outward loans. Condition checking for inward and outward loans.

Outward Loans

Criteria for Loan

Outward loans are made only for the purpose of exhibition or display.

Loans will generally only be made to recognised institutions with established exhibition programs and appropriately qualified staff.

Loans are not ordinarily made to private individuals or commercial organisations, however such requests will be considered on a case by case basis.

All loans and renewals of loans are to be documented in writing using the Library's Outward Loan Agreement and are subject to the terms and conditions of that document.

Outward loans may only be approved by those Library staff members who hold financial delegation No. 21 [- To approve the loan of collection material for the purpose of an exhibition.](#)

No Library staff member is authorised to offer a 'personal loan' of works on behalf of the Library for the purpose of exhibition or display outside the Library.

Loan requests for exhibition or display purposes will generally be considered against the following criteria:

- The Library's own requirements for the works to be included in temporary exhibitions, Treasures Gallery displays or other internal events and displays.
- The condition of the work and its suitability for loan, taking into account any previous display history of the work
- The nature and type of institution, the importance and scope of the exhibition or display, the length of the period of loan and the significance of the works requested
- The period of notice given to the Library for the processing of the request
- The environmental and security conditions of the borrowing institution and ability to adequately resource the administrative, logistical and financial aspects of the loan.
- The Library's ability to resource the administration and preparation of the loan.

The Library reserves the right to refuse the outward loan of any work for any reason it deems fit.

The Library reserves the right to recall any work on outward loan for any reason it deems fit.

Availability of Works for Loan

Certain works are not available for loan, this includes (but is not limited to) the following:

- Works acquired under conditions that prohibit loan or display.
- Unusually fragile, sensitive, significant or valuable works that are at risk of damage if subjected to handling or transport.
- Works that already have a prior commitment for display during the requested period of loan either at the Library or with another previously approved borrower.
- Light sensitive works with a recent or extensive history of display.

Period of Notice

Each request for loan to an exhibition should be received with at least twelve calendar months' notice to allow sufficient time for scheduling and the preparation of the loan.

Loans requested less than twelve months in advance may be considered depending on the forward schedule.

Loan requests with notice of less than nine months will not generally be considered.

Period of Loan

Loans will only be offered for display periods that do not exceed twelve calendar months however the Loan Agreement may be renewed for further periods of loan up to twelve calendar months, pending the outcome of an inspection of the condition of the works and with the written approval of the Library.

Requests for periods of loan of less than two calendar months will not generally be considered under this policy.

Travelling exhibitions

Requests for outward loans to travelling exhibitions will be considered under this policy.

The Library must receive a complete itinerary for the tour and must also approve the method of transport proposed between venues.

The Library must receive a facility report for every venue during the tour and be satisfied that all venues meet the minimum standards for security and care of the works before the loan can be approved.

The Library reserves the right to refuse the loan of light sensitive or fragile works to travelling exhibitions.

Works on long term loan to the National Gallery of Australia

Requests for the loan of works that are on long term loan to the National Gallery of Australia may be considered. In such cases, the borrower must obtain approval from both the Library and the National Gallery of Australia before the loan can proceed.

Arrangements for such loans will be made under the supervision of the National Gallery of Australia and according to its guidelines for the loan of works of art and in consultation with the Library.

In such instances, both the National Library of Australia and the National Gallery of Australia must be acknowledged in all references to the works.

Loan fees/Costs

- The borrower will pay the Library the appropriate loan fee for each work.
- The borrower will also be required to bear costs associated with the shipping of the works including crating, packing, transportation, security, independent valuations for insurance, customs agents and quarantine fees.

Any preparation requested by the borrower which is at variance with normal practice will attract additional charges. These will be negotiated on a case by case basis.

Transport

- All transport and courier arrangements will be organised by the borrower in consultation with the Library and at the borrower's expense.
- Packing arrangements will be organised by the Library and costs incurred will also be passed on to the borrower.
- If international customs clearances are required the borrower will arrange for these in consultation with the Library and provide the Library with all necessary documentation.

As a national cultural institution, the National Library holds a General Permit under the Protection of Moveable Cultural Heritage Act which permits the temporary export of protected collection objects for temporary exhibition overseas.

Couriers

The Library will provide a courier for any loan where, in the opinion of the Library, the value, significance or fragility of the works is such that supervision by Library personnel is required during transport, condition reporting, and installation and demount of the works.

The borrower will organise and pay all applicable costs for any travel, accommodation and per diems required for the courier in the performance of their duties. These arrangements must be made in accordance with the Library's Travel Policy and current Australian Tax Office allowances.

Insurance

Loans from the National Library of Australia's collection will be covered under the Library's ComCover insurance policy while on loan to other approved non-Australian Government domestic or international borrowing institutions. In cases where the value of the loaned item(s) exceeds the value of the Library's ComCover policy, ComCover must be notified to ensure the value is adjusted for the duration of the loan.

For loans to other Australian Government institutions, the temporary location of high value loaned item(s) should be noted in the Library's Schedule of Assets under its ComCover policy for the duration of the loan.

Display and care - Outward Loans

- The borrower will at all times protect the works from direct sunlight, rain, extreme variations in temperature and from hazards including theft, fire, insects, smoking, foodstuffs and liquids.
- The borrower must complete the condition reports that are supplied by the Library and travel with the loan.
- Only qualified staff may unpack, handle and repack the works. If volunteers or commercial firms are utilised for such purposes, approval must be sought from the Library in advance. If approval is given, voluntary staff and contractors must be supervised at all times. Any instructions given by the Library regarding unpacking, installation and repacking are to be followed.
- The borrower is responsible for the care of the works and must ensure their protection. Any damage, deterioration or loss to the works must be reported to the Library immediately by telephone and the damage photographed. The works should not be moved or treated until further instruction from the Library unless necessary to prevent further damage.
- The works must be displayed with the appropriate light levels specified by the Library and must also be protected from ultraviolet (UV) radiation. UV levels must be controlled to less than 75 microwatts per lumen.
- The temperature must be between 20 +/- 2°C and relative humidity of 50 +/- 5% with no more than 3% change in relative humidity in one hour. Any variation to these parameters must be approved by the Library. The Library may insist upon special conditions for particular works.
- Compliance with these environmental conditions at the borrower's venue must be verified through the receipt of a completed Standard Facility Report before the loan can be approved.

Acknowledgement and reproduction

- Full credit will be given to the National Library of Australia in all publicity relating to the exhibition including captions, catalogues, press releases, websites and any permitted reproduction works as per the Library's acknowledgement guidelines.

- The borrower is required to supply the Library with a specified number of invitations to the exhibition launch, copies of any publications produced for the exhibition, a copy of any publicity or media material produced for the exhibition as well as attendance figures.
- The works cannot be photographed (except for the borrower's record purposes or for condition reports), reproduced, adapted, modified, communicated or exploited by the borrower without the prior written approval of the Library. Basic photography without a flash (on a hand-held camera or mobile device) by members of the public visiting exhibitions including works from the Library is permissible.
- Images of the works for publication and media purposes must be obtained through the Library's [Copies Direct Service](#)

The borrower is responsible for obtaining any necessary copyright permission in conjunction with reproducing the works.

Inward Loans

Criteria for Loan

Inward loans may be requested by the Exhibitions Branch of the Library from institutions, organisations, companies and individuals for the purpose of research, copying, exhibition or display.

Inward loans may only be approved by those Library staff members who hold financial delegation No. 33 - *To approve the terms and conditions to borrow objects from external organisations and individuals for the purposes of exhibition by the Library.*

No Library staff member is authorised to accept a 'personal loan' on behalf of the Library for the purpose of research, copying, exhibition or display.

Inward loans will be subject to the terms and conditions of the lender's contract or agreement, subject to such terms and conditions being acceptable to and approved by the Library prior to signing.

If the lender does not provide a Loan Agreement or contract for the loan, the loan will be documented in writing using the Library's Inward Loan Agreement and will be subject to the terms and conditions of that document.

The Library reserves the right to refuse the inward loan of works that are damaged or contaminated or pose an unacceptable risk to the Library, its staff, contractors, collections or property.

Provenance and Due diligence Research

The Library adheres to national and international best practice and Australian legal requirements in undertaking inward loans. In considering an inward loan the Library will be satisfied, based on

consultation with the lender and on the Library's own due diligence research and the verification of the lender's claims regarding provenance that:

- the proposed lender is reputable
- the lender has the authority to lend the objects
- there are no outstanding or current third-party claims on the object
- there is evidence of a valid export licence or permit if required.
- that there is acceptable legal and provenance information available for the Library to base its decision to proceed with the loan; and
- there are no suspicions that the object was obtained illicitly.

Where the Library is unconvinced about provenance information concerning an object for loan it will undertake due diligence research in accordance with the *Protection of Cultural Objects on Loan Regulation 2014*. Due diligence research may include, but is not limited to:

- Considering documentary evidence of the object's history of ownership and export
- Examining information about the lender and current and previous owners
- Checking art loss databases
- Considering secondary documentation such as archival material and images
- Examining exhibition and publication history of the object
- Examining the object, or detailed descriptions of the object
- Consulting experts in relation to any or all of the matters above

Following the due diligence process, the Library will exercise professional judgement in determining if the object's authenticity, legal and ethical status is sound and any risk is considered prior to borrowing the object. However the Library reserves the right to refuse the inward loan of any work should there be any doubt over the legality of its ownership, its removal from its country of origin or its entry into Australia.

Consultation

When considering inward loans, the National Library commits to assessing each potential loan as to whether consultation is necessary prior to approving the loan in accordance with Appendix 3 of the Protection of Cultural Objects on Loan Scheme guidelines. Consultation shall always be carried out if an object relates to Aboriginal or Torres Strait islander individuals, family groups or representatives, or a national, state or territory archive. Consultation with Aboriginal and Torres Strait Islander communities will take place according to the guidelines within the National and State Libraries Australasia *Working with Community: Guidelines for collaborative practice between libraries and Aboriginal and Torres Strait Islander communities* document. If an object relates to

other communities in Australia then consultation will be considered and undertaken if deemed necessary.

Protection of Cultural Objects on Loan

Where the Library is considering the loan of objects from an overseas lender in circumstances where part 2 of the *Protection of Cultural Object on Loan Act 2013* applies to the objects, the Director, Exhibitions and the Assistant Director, Exhibitions must be satisfied that:

- a) The loan will comply with the requirements of this policy and related procedures
- b) The consultation, publication and claims handling requirements of the *Protection of Cultural Objects on Loan Regulation 2014* will be met; and
- c) The object(s) can be borrowed without contravening national or international conventions, treaties and laws which control the movement of cultural items and natural heritage.

Period of Notice

Each request for an inward loan to an exhibition will be sent with a period of notice that allows sufficient time for the scheduling and preparation of the loan by the lender.

Period of Loan

Inward loans will only be requested for display periods not exceeding five years however the Loan Agreement may be renewed for further periods of loan of up to five years, with the written approval of the lender.

The Library will not accept 'permanent' inward loans for the purposes of research, copying, exhibition or display.

Loans no longer required by the Library for the purpose for which they were borrowed will be returned to the lender.

Loan Fees/Costs

- The Library will pay the lender any applicable fees for the loan of the works.
- The Library will also bear costs associated with the shipping of the works including crating, packing, transportation, security, couriers, independent valuations for insurance, customs agents and quarantine fees where necessary.

Transport

The Library will organise and pay for transport of the works from the lender (or the lender's nominated premises) to and from the Library.

If the lender requires the works to be dispatched to a different address at the conclusion of the loan period, the lender may be responsible for any additional transportation charges incurred.

Couriers

Couriers accompanying inward loans will be subject to the terms and conditions of the lender's agreement.

Should the lender not specify the terms and conditions for couriers accompanying shipments or if the loan is subject to the Library's Inward Loan Agreement; incoming couriers will be afforded the same accommodation, per diem and travel rates and conditions as provided to Library couriers accompanying outward loans.

Insurance/Valuations

Unless the lender elects to maintain its own insurance, the Library will insure the works for the interest of the lender and the Library on a wall-to-wall policy under the terms and conditions of the Library's insurance policy.

The works will be insured for the values specified on the Loan Agreement.

If the lender elects to maintain insurance coverage, the Library must be supplied with a certificate of insurance prior to the collection of the works, naming the Library as an additional insured or waiving subrogation against the Library.

The Library cannot accept responsibility for any error in the information supplied to the lender's insurer or for any lapses in coverage.

Valuations or prices stated by the lender are not appraisals by the Library and should reflect fair market value. In the case of damage or loss, the Library's insurer may ask the lender or an independent valuer to substantiate the value.

If the lender fails to indicate an amount, the Library will nominate an insurance value only for the period of loan.

Where the period of loan exceeds twelve months the Library may request a re-assessed value of the works from the lender. Upon receipt of notification of the reassessed value the Library will insure the works for the reassessed value.

Display and care - Inward Loans

The Library will borrow works only when it can provide appropriate storage and display conditions for the works.

The Library will provide borrowed works with the same care and treatment that it affords to its own collections.

Works to be borrowed should generally be in good condition. Should the works require conservation treatment on arrival at the Library, including (but not limited to) cleaning, fumigation

for infestation or mould, or mounting and/or framing for exhibition, the proposed method of treatment and costs must be agreed to by the lender and the Library prior to treatment taking place.

Acknowledgment & Reproduction

The Library will acknowledge the lender appropriately in all references to the work.

Should the lender not wish to be identified, the Library will use the acknowledgment "Private Collection" in all references to the works.

Conflicts of Interest

The Library will manage all conflicts of interest in accordance with its Conflicts of Interest Policy PCY10/011.

Risk Management

The Library will undertake risk management in accordance with its Risk Management Policy PCY14/003 which is informed by Australian legal requirements and standards.

Revision schedule

This policy will be reviewed biannually and any recommended changes submitted to Executive for approval.

References and related documents

The following documents and/or legislation were considered when developing this policy

- National Library Act 1960
- Protection of Movable Cultural Heritage Act 1986
- Quarantine Act 1908
- National Library Preservation Policy
- National Library Illumination Policy
- Museums Australia Code of Ethics
- Australian Best Practice Guide to Collecting Cultural Material

- Protection of Cultural Objects on Loan Act 2013
- Protection of Cultural Objects on Loan Regulation 2014
- International Committee of Museums (ICOM) Code of Ethics for Museums
- National Gallery of Australia Loan guidelines for works of art

The following National Library documents are related to this policy:

- Conditions for External Loans to Exhibitions
<http://www.nla.gov.au/exhibitions/condloans.html>
- Outward Loan Agreement
- Inward Loan Agreement
- National Library Financial Delegation Manual
- National Gallery of Australia: Works of Art Loan Guidelines
<http://nga.gov.au/Collection/Loans.cfm>
- National Library Acknowledgement Guidelines
<http://www.nla.gov.au/how-do-i-acknowledge-the-library-in-my-publication>