

**QMN POLICY: Loans Policy (Inward & Outward)
(Cultures & Histories and Biodiversity &
Geosciences Programs)**

1.0 POLICY STATEMENT

The *QM78 QMN Collection Policy* outlines policy information in *section 5.12 (Loans)* relating to the loan function; this policy acts as a link between that document and the procedures and forms utilised as part of the loans process.

2.0 DEFINITIONS

Accessioned items are objects or specimens or specimen lots that have been incorporated into the 'State Collection' through the formal process of Registration (numbering), and Accessioning (recording locality and other contextual information in an electronic database).

Collection Checklist is a list specific to each collection area based on the expert knowledge of the related Curator, which highlights any high risk issues relating to the objects or specimens being considered for loan or acquisition – such as the country of origin, the specific lending institution, or the type of item. (As outlined in *QM306 Due Diligence Procedure*.)

A **Collection item** is an Object or Specimen and associated data that has been formally acquired by QMN.

Cultural material is physical and documentary material that represents the intangible and tangible elements of individual cultures. Such material may be, may refer to, may represent or may be a component of specific practices or knowledge systems. It includes but is not limited to artistic works including visual, performing and literary works, moveable cultural property, Ancestral Remains and other sensitive materials, photographic, film, and sound recordings and all forms of documentation which include any elements of culture - past, present and future.

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, loaning, analysis, treatment etc.). Documentation is an integral aspect of use, management and preservation of an Object, Specimen or collection. All digital and paper based documentation must be collected, maintained and stored in accordance with *QM318 Collection and Research Record Keeping Policy*.

Due diligence all the required endeavours to establish the facts of a case before deciding a course of action, particularly in identifying the source and history of an item offered for acquisition, use before acquiring it, or for inward and outward loans.

Educational Loans are loan of items assembled specifically for the purpose of lending to schools and other educational institutions, and managed by the QMN Loans Service.

Exhibition Loans are temporary transfers of Collection Items to and from QMN (Loans in, and Loans out, respectively), for the purposes of display. They can consist of items borrowed from individuals, community groups or other institutions and can come from intrastate, interstate or international locations. They can be an individual item or a group of items designated to be included in a QMN internally generated exhibition or display or to supplement an external '**pre-packaged**' exhibition.

Inward Loans are items not owned by QMN which are for the purposes of temporary display, research, identification and assessment; and can be from intrastate, interstate or from overseas.

An **Item** is an interchangeable term used for an Object, record, Specimen or Specimen lot.

Lot is the term used to define a group of Specimens or Objects recovered from the same location at the same time, which are registered, accessioned, stored and documented together for efficiency reasons based on manageable quantities of Objects (e.g. multiple specimens of insects, fishes, small crustaceans).

An **Object** is a human-made item, often manufactured or created from naturally-occurring materials and made for use in a cultural context. This term differentiates human-made collection items from those acquired in nature (Specimens).

PCOL the *Protection of Cultural Objects on Loan Act 2013*; supports the future of international cultural exhibitions in Australia by providing a scheme (governed by the *Protection of Cultural Objects on Loan Regulation 2014*) to protect Australian and foreign cultural objects on loan from overseas for temporary public exhibition

'**Pre-packaged**' exhibition is an exhibition or display (touring or non-touring, local, national or international) developed by an external organising body such as a museum, gallery, commercial entity, community group or artist; governed by a specific contract.

QMN means the Queensland Museum Network

Outward Loans mean the temporary transfer of Collection items from QMN to another institution or body located intrastate, interstate or internationally; for research, education, display or cultural purposes.

Research Collection consists of objects or specimens for research or loan generally intended to be kept indefinitely, but not individually registered (see Lot). Specimens retained for destructive analysis are managed as part of the Research Collection.

Research Loans are temporary transfers of Collection Items to and from QMN (Loans in, and Loans out, respectively), for the purposes of authorised research. They can be from intrastate, interstate or international locations.

Provenance an objects or specimens full history from the time of its discovery or creation to the present day, through which authenticity and ownership are determined.

Reserve Collection items are held by various programs and campuses of QMN specifically for the purpose of public display, teaching, public education and or interpretation, non-scientific loans, etc. The former group of items do not meet QMN criteria for state significance, are not accessioned into the state collection, nor intended to be held in perpetuity.

Restricted Collection pertains to a collection item, image, data or information, to which unrestricted access may cause offence or endanger the safety or sanctity of that item, image, data or information, or the survival of the population from which the material was collected. Restricted Collection items may include Rare and Threatened species, species of significant commercial value, secret and sacred objects, etc.

Senior Decision Maker this will depend on which process is being undertaken (acquisition, incoming loan, international exhibition etc.) and at what level approval is being sought. It could be the relevant Program Head, Director or CEO, and may differ depending on the specific circumstances of the situation (for example, an issue may be elevated to a higher decision making level if necessary). In some cases this role is replaced by a **Project Board** (The Project Board provides overall direction and management to a project, such as a major exhibition, and is accountable for the success of the project. The Project Board is comprised of a Project Executive (often the CEO), Senior User/s, and Senior Supplier/s. The Project Executive is the ultimate decision maker and is supported in the decision making process by the Senior User and Senior Supplier.)

Sensitive Material is anything which requires special protection from disclosure or specific treatment. It is material which can potentially cause offense, distress, embarrassment or threat to members of a community. It can be political, medical, religious, social, cultural or sexual in nature and can be in the form of information, images, the spoken word, objects or activities.

State Collection is the official collection of Items registered by QMN through Acquisition or Transfer. It is the sum total of all Accessioned items of scientific or historical significance vested in the Board of QM.

Specimen means any animal or plant, or any part, product, egg, seed, or root of any animal or plant or geological sample.

A **type specimen** is a zoological, palaeontological or mineral item that serves as the basis for the name of the taxon (i.e. for identification of unnamed material through comparison with the type). Primary types (holotype, neotype, lectotype) and secondary types (paratype, paralectotypes etc) underpin the concept of the species and its variability in nature. QMN type specimens are irreplaceable items of vital national and international significance for scientific research and identification verification.

A **voucher specimen** is an item lodged at QMN to represent (or vouch for) a larger number of putatively identical items collected for various non-taxonomic purposes, such as published ecological surveys, or 'biodiscovery' entities, or a specimen that is material

evidence of the occurrence of a species in a particular locality or belongs to particularly important taxonomic group.

3.0 SCOPE

This policy applies to the Cultures & Histories and Biodiversity & Geosciences Programs at all QMN campuses.

4.0 PRINCIPLES

The *QM78 QMN Collection Policy* outlines the underlying legislation and general requirements relevant to the application and interpretation of this policy. Specifically staff must adhere to all obligations outlined in the following legislation and conventions: *ICOM Code of Ethics for Museums, 2004*; the *Protection of Cultural Objects on Loan Act 2013*; *Protection of Cultural Objects on Loan Regulation 2014*; the *Protection of Movable Cultural Heritage Act, 1986*; *UNESCO Convention on the Means of Prohibiting and Preventing Illicit Import, Export and Transfer of Ownership of Cultural Property, 1970*; *Environmental Protection and Biodiversity Conservation Act, 1999*; *UN Convention on Biological Diversity, 1992*; *CITES Convention, 1975* and the *Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization, 2010*.

Staff must use their professional judgement in undertaking an appropriate and reasonable degree of **due diligence** to assess **all** incoming and outgoing loans (in accordance with *QM305 Due Diligence Policy* and *QM306 Due Diligence Procedure*) assessing all potential risks and determining ways to mitigate those risk as outlined in more detail below.

In the case of Inward Loans from international locations staff must also assess the items in accordance with, and follow the specific requirements of, the guidelines of the Protection of Cultural Objects on Loan (PCOL) Scheme under the *Protection of Cultural Objects on Loan Act 2013*; exercising the highest levels of ethical and professional practice in order to ensure that material has not been acquired illegally, or exported from the country of origin in violation of that country's laws.

All processes associated with loans must be fully documented in accordance with *QM318 Collection and Research Record Keeping Policy*. All information must be scanned and attached to the relevant record in Vernon (where one exists) and hard copies must be kept in the appropriate file located in the Collections and Research Records area (whether that is the designated CRRC located in the QM&S Library or a campus / Collection specific repository) in accordance with *QM319 Collections and Research Record Keeping Procedure*.)

If after all considerations are made, doubt still exists about the legal or ethical status of an item, the Museum may decide not to proceed with a loan. However, the Museum acknowledges that some specimens for which provenance information is incomplete or unobtainable may still deserve to be publically displayed, preserved, researched and published because of their rarity (such as Type specimens), significance (cultural or scientific) or historical interest.

5.0 ELEMENTS

5.1 Loans to QMN

Loans are made to QMN by institutions and individuals. The lender retains legal ownership of the object or specimen. All Items loaned to QMN for research purposes, identification, comparative study, exhibition or display or as legal entities for safe keeping will be afforded the same care and precautions for their protection whilst they are in QMN custody as do Items from the State Collection.

Written permission to undertake treatments or to destructively sample biological or other material on loan must be obtained prior to the occurrence, and documentation filed as proof of permission.

Some organisations have their own Loan Agreement and conditions of loan which they will require QMN to comply with. This documentation must be completed prior to arranging transport of the loan. Any conditions set out by the lending institution must be agreed to in writing prior to accepting a loan. (In relation to international incoming loans, QMN will ensure appropriate clauses relating to *Protection of Cultural Objects on Loan Act 2013*; *Protection of Cultural Objects on Loan Regulation 2014* are included in Loan Agreements if they are not already.)

If the lending organisation does not have a formal Loan Agreement, QMN will utilise its own loan agreements, either *QM203 Inward Loan Agreement (Research)* or *QM74 Inward Loan Agreement (Exhibition or Display)* depending on the type of loan. The lender must sign the loan agreement prior to QMN arranging transport of the loan.

Once items have been identified for loan written approval must be sought from the relevant **Senior Decision Maker** (in most cases the Program Head) prior to proceeding with the loan. This requires a *QM320 Collection Checklist* (specific to the type of material being borrowed) to be completed; identifying any and all potential risks associated with the origin of the material. It may include an assessment of, but is not limited to, the following issues:

- Determining if the lender is reputable
- Determining if the lender has authority to lend
- Determining if there are any outstanding or current third-party claims on the objects
- Determining if all relevant export licences and/or permits have been or will be obtained
- Determining if there are any suspicions whether the objects were obtained through unauthorised excavation of archaeological sites, through destruction or defacing of ancient monuments, historic places or buildings, or via theft from individual museums or other repositories.
- Determine whether the objects have been illegally exported from country of origin or any intermediary country.

If the loan also contains material of a cultural or sensitive nature, staff must adhere to the protocols outlined in *QM321 Protocols for Community Consultation* and may be required to also complete *QM322 Cultural and Sensitive Material Checklist*. This process will ensure that the Museum has consulted with relevant stakeholders in the community to whom the cultural material proposed for inward loan or display may relate.

(Where QMN is considering the loan of objects from overseas where Part 2 of the *Protection of Cultural Objects on Loan Act 2013* will apply, it will comply with the mandatory requirements of the scheme including consultation and publication requirements.)

QM320 Collection Checklist along with all collated **due diligence** documentation must be forwarded to the **Senior Decision Maker** for assessment. It is their responsibility to assess the documentation and weigh up the potential risks in order to determine whether to proceed with the loan. This decision and any risk mitigation requirements must be documented and forwarded to the Program staff member organising the loan so that the information can be filed in accordance with *QM319 Collections and Research Record Keeping Procedure*). Ultimately the final decision as to whether a loan goes ahead rests with the **Senior Decision Maker**.

Borrowed items must not be 'loaned on' to another location or borrower without prior approval being given by the lender in writing.

5.2 Material transferred between QMN Campuses

When objects normally stored at one campus are required by another campus for exhibition, display or research, for short or long term, they must be governed by the same process as an external loan.

5.3 Loans from QMN (State Collection)

Loans from the State Collection will only be available to institutions/ organisations rather than to individuals. The purpose of the loan must be consistent with the interests of QMN, not pose undue risk to the Object or Specimen and will be subject to QMN's capacity to resource the loan. Loans to Aboriginal and Torres Strait Islander community organisations are especially encouraged.

Institutions or communities wishing to borrow material from the QMN Collections must do so initially by submitting a formal request in writing. Approval for outward loans will be made by the Program Head or CEO and acknowledged in a formal letter. A finite loan period of 12 months applies to all Loans, with the potential to negotiate extensions.

In the case of Exhibition Loans, if the borrowing institution or community have not borrowed material from QMN before or have not borrowed items from QMN within the last 12 months, they will be required to complete either a *QM68 Venue Report* (for small, regional institutions) or a *QM67 Facilities Report* (for major institutions) prior to the loan being considered for approval. The *QM66 Procedure for Outward Exhibition Loans* will then be followed utilising the *QM69 Exhibition / Internal Transfer Loan Assessment Form*. QMN is

required to provide all necessary documentation to support the objects being requested for loan, to assure the borrower that appropriate **due diligence** has been carried out.

A finite loan period must be specified and accurately documented and tracked using the Vernon Collection Management System and accompanying Loan form (*Outward Loan Agreement*), requiring the borrower to sign and acknowledge the conditions of loan. The documentation will also include information relating to the value and condition of the object or specimen. Requests for extensions of a loan must be received in writing and amended and tracked on the Vernon Collection Management System.

In the case of Research Loans, the *QM2 Procedure for Outward Research Loans* will be followed, and in the case of loans from the Cultures & Histories Program, completion of *QM307 Research Loan Assessment Form* will also be required. QMN is required to provide all necessary documentation to support the objects or specimens being requested for loan, to assure the borrower that appropriate **due diligence** has been carried out.

A finite loan period must be specified and accurately documented and tracked using the Vernon Collection Management System and accompanying Loan form (*Outward Loan Agreement*). The documentation will also include information relating to the value and condition of the object or specimen. Requests for extensions of a loan must be received in writing and amended and tracked on the Vernon Collection Management System.

The management of all loans sent from QMN is the responsibility of the relevant Curator or Collection Manager who in turn is responsible to the Program Head.

Loan of zoological Type specimens is only permitted to appropriately CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora) registered institutions (and non-CITES registered institutions registered with the Department of Environment for scientific exchange). The specimens must be transported in the most secure manner possible. Written approval by the Program Head is required for all Type specimens sent on loan.

Permissions for any destructive sampling of item(s) must be in accordance with *QM303 Procedure for Destructive Analysis*.

In cases where large numbers of Specimens or Objects are requested for Loan by another institution (such as the complete QMN collection of a particular class of items, or a particularly significant or valuable series of objects), QMN will generally use the precautionary principle whereby two or more partial loans will be made sequentially, rather than a single Loan, such that the first consignment must be returned before subsequent consignments are sent on Loan.

It must be made clear to all borrowers that no material is to be 'loaned on' to another location or borrower without the express permission of QMN in writing.

All Loans are subject to Conservation advice and specialist transportation where necessary. QMN reserves the right not to lend Objects or Specimens. Institutions that have consistently been unable to uphold or maintain the conditions of loan can be 'black listed', negating their ability to borrow collection material in the future.

5.4 Loans from QMN (Non State Collection)

The loan of non State Collection material is subject to the relevant Program procedure. QMN reserves the right not to lend Objects or Specimens.

5.5 Destructive sampling of DNA loans

QMN's collections of tissue samples stored in freezers or in special chemicals for DNA and other analyses are designed specifically for destructive sampling. These samples are available for research, sale or exchange to other research and collecting institutions on a commercial basis where appropriate, with access controlled by procedures outlined in the *QM204 Genetic Resources Collection Policy*.

Generally, these collections are underpinned by matching voucher Specimens incorporated into the State Collection. Requests for further destructive analysis of the Voucher Specimens must be in writing to the relevant Curator or Collection Manager and approved by the Program Head. In evaluating such requests consideration will be given to:

- The value of the research undertaken, balanced against the preservation of the Specimen;
- The experience and track-record of the researcher(s), including their supervision of student projects;
- The rarity or uniqueness of the Specimens and the proportions of the parts / tissues requested to be removed for destructive research.

6.0 DOCUMENT HISTORY

VERSION	DATE	AMENDMENT
1.0	12 October 2007	Original content taken from Collection Development Policy 2007 draft v0.4
1.1	17 October 2007	Draft Guidelines for comment
1.2	19 December 2007	Draft incorporating comments by CM Forum
1.3	17 June 2009	Final draft after updated changes due to sign-off of final Collection Policy
1.4	29 th March 2011	Reviewed and updated
1.5	16 th August 2013	Updated with new branding information
1.6	Aug 2014	Biannual review and update
1.7	Sept 2015	Updated to incorporate Due Diligence requirements
1.8	March 2016	Updated to include comments supplied by Ministry for the Arts

7.0 MORE INFORMATION

Policy owner/creator:	Head, Collection Services
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8.0 AUTHORISATION

Approved by:	Prof. Suzanne Miller
Title:	CEO, QMN
Signature:	
Approval date:	December 2016

9.0 REVIEW PROCESS

This policy will be reviewed every two years and at other times, if any significant new information, legislation or organisational change warrants a change to this document.

Once printed this document is no longer a controlled document.