

CHAPTER SEVENTEEN: COURIERS¹

1. Introduction

A courier is a disciplined, knowledgeable and logical person who safeguards cultural objects in transit, during installation/deinstallation, and throughout any internal museum movements that may be negotiated. Using a courier is one option that can be considered in managing the overall risks inherent in transporting and displaying museum objects. A courier needs to understand the type of objects for which they are caring (what they are made of, what they may be susceptible to, and so on), as well as the legal parameters of the loan transaction and occasionally the acquisition process that has necessitated the transit.

It is important to choose an appropriately skilled and informed person who can act with authority when making decisions about the objects they are couriating, and be diplomatic in representing the lending institution/owner. The reason for sending a courier needs to be clearly assessed and the role of the courier clarified on a case by case basis. This chapter will examine why a courier is used, how the role relates to managing risk, the legal parameters governing the role of the courier, and alternative methods of supervision if a courier is not used.

2. Background

In the past, the requisite skills for being a courier were of little concern to museum administrators, who used the opportunity for travel, at another institution's expense, as a way of carrying out research and other business. This approach did not acknowledge that specific skills are needed to negotiate the transit environment, problem-solve when issues arise, and deal with the technical requirements of an installation. Throughout the 80s and 90s couriers, became the norm for many of the transits carried out by larger institutions but the choice the reason for sending a courier and the expectations of the role lacked clarity.

Given the high cost associated with couriers, there have been recent initiatives to introduce a level of analysis about whether a courier is required for a transit, and also a general trend toward professionalising the role of the courier. In 2008, the Bizot Group (otherwise known as the International Group of Organizers of Large-scale Exhibitions) asked for a revision to the guidelines in the courier section of their document *General Principles on the Administration of Loans and Exchange of Cultural Goods Between Institutions*.

The working group charged with this revision made key recommendations that fundamentally challenge the accepted courier practices of many institutions. In summary, the key changes to the courier section of the *General Principles* were as follows:

- a change of focus to reflect a fair and reasonable approach on the part of both the Lender and the Borrower;

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- a fundamental change to the original assumption that a courier is always required;
- strong presumption against sending a courier unless a risk assessment is made to the contrary;
- encouraging sharing of couriers wherever possible; and
- defining the role and responsibilities of the courier, with emphasis on the importance of suitable training.

These recommendations (together with others detailing more specific aspects of courier arrangements) were adopted in 2009.²

3. Reason for sending a courier

There are a number of reasons or combinations of reasons to send a courier with museum objects:

- an item may be difficult to install or require specialist knowledge to install;
- the freight routing may be complex and require multiple trans-shipments and/or extensive handling;
- an item may be of particularly high monetary value or cultural significance;
- an item may be of a particular size or fragility that requires careful handling; or
- the borrower may have been unable to provide full information to assess the loan but a decision has been made to lend anyway (particularly when the borrower is opening a new building or gallery).

4. Choice of courier

The reasons for requiring a courier, shape the choice of person to take on the role.

For example, a display technician with the working knowledge of a particular object is the obvious choice for an object with difficult display requirements. The choice of courier becomes less clear-cut when working on the basis of value or cultural significance and the choice can become clouded by the perceived benefits of travel rather than the task at hand.

In addition, there are base-line skills and knowledge that a person requires to fulfil this role:

- working knowledge of correct freight palletisation and loading procedures;
- working knowledge of packing and installation procedures;
- ability to check the condition of an object in line with accepted conservation procedures;
- exceptional ability to identify and solve problems in pressured and stressful situations (often with limited resources);
- excellent communication skills and the ability to relate to a wide variety of people; and
- physical stamina (to spend long hours in uncomfortable situations such as freight terminals and dock ways, and on trucks and long haul flights).

Museum staff who are assigned the role of courier should be delegated full authority to make decisions about the objects for which they are responsible during the transit and installation processes. They can expect to receive an itinerary detailing every aspect of their trip in advance of the departure. Provision should be made for couriers to have as much access as possible to the handling/loading of the works at all stages of the process, from the time they are packed right through to final installation. Once the installation has been witnessed by the courier it is expected that no one will touch or move the object subsequently, except in case of emergency, until the courier returns to oversee the deinstallation at the end of the exhibition.

² The Bizot Group is an informal club of the directors of some of the world's largest museums

5. Contractual parameters

The standards of care and expected the process in the event of loss or damage, should be clearly defined in the loan agreement that covers the transit and installation of an object. Couriers need to be familiar with this contract and any amendments so that they can adhere to it and ensure compliance with its terms. Couriers also need to understand the extent of any delegated authority to make changes to what has been previously agreed by the parties in the contract.

Couriers also need to be aware of the insurance or indemnity arrangements in place for a transit, including any exclusions to this cover. An awareness of the extent of insurance is vital for a courier if they need to make difficult decisions in the course of a transit and/or are instructing contractors (such as agents or airlines) to carry out certain tasks.

The expectations around the care of the courier should also be included in the loan agreement. This should include:

- the specified class of travel and accommodation;
- the number of days required to carry out the courier tasks (including recovery time before the return journey);
- the amount of *per diem* provided;
- how and when the courier will be paid to the courier; and
- how airport transfers will be reimbursed.

6. Personal liability

Taking on the role of courier means taking on a high level of personal responsibility – and it is important couriers make sure that they are indemnified for their actions when taking on this role.

While is unlikely that indemnification for a courier's actions would extend to gross negligence, criminal acts or other deliberate wrong doing, it is important that the legitimate decisions made in carrying out this role do not expose couriers to any personal liability in the event of damage or loss. To ensure this, it is important to scrutinise carefully the government indemnification or insurance to make sure the actions of the owner as well as the actions of the owner's representative are covered.

7. Waivers of liability

If a museum makes the decision to courier on behalf of another institution or owner it is important that it is clear as to its responsibilities and the extent of its legal liability.

If a museum is borrowing objects that it is couriering, it is likely that they will travel under the museum's own insurance, in which case the liability for the transit rests with the borrowing museum. If, however, the courier overseeing an object is doing so on behalf of another museum lending to a third museum, it is important that he or she is not in any way liable for the transit and installation of the object. It is prudent to set up a Waiver of Liability with the owner that releases not only the museum, but also its officers, trustees, agents and employees from any claims against them for any liability arising out of the loss or damage to the object during transit and, where appropriate, installation at the borrowing museum's venue.

8. Supervision options instead of a courier

In assessing transit risks, it is important to be aware of other supervision options that still allow for a high degree of control during a transit. Please note that the options listed here are framed from the perspective of lending out but can equally be applied to borrowing objects in.

The first option, suitable for air shipments without trans-shipment stops, is that of supervising the loading at the airport on departure, and asking a representative of the borrowing institution to supervise the unloading on arrival

at the destination airport, with the reverse occurring when the object is returned. This option is premised on the idea that a courier can do little if anything, were an incident to occur during the flight. It is of course contingent on the relationship with the borrowing institution, and a presumption that the borrowing institution has the same standards as yours in handling objects. This method of supervision may therefore be best used with like institutions or institutions that are known to yours. Where this method of supervision is used, it is important to clearly define in the loan agreement what procedures will apply if damage occurs to the objects in transit. For example, would you send a staff member to assess any such damage?

The second option is to buy supervision from a fine art freight company. This can be used in air transits with trans-shipment stops and is particularly useful in shipments where a courier would not be allowed to access the freight terminal of the airport(s) to oversee handling anyway. This would mean that a representative of the nominated freight company would oversee the handling of the material in the freight environment up to the time that it is loaded onto the aircraft and the aircraft pushes back from its airport gate. This option can be used in conjunction with a courier, but is also a valid option in the absence of a courier.

Usually, fine art freight companies can get a higher degree of access to airports than museum workers and can convey information about what is occurring back to the owner via telephone and/or using photos so that the owner is still involved in the decision-making process. In using this option the museum needs to define clearly its expectations of handling with the designated freight companies (remember you may be using several freight companies in different countries), and be aware that specialist freight companies are contracted on the basis that their liability is extremely limited in the event of damage. It is also important to note that, while this option may be less expensive than sending a courier, there are still significant associated costs with this supervision method.

The final option is to share couriers. This could mean sharing courier duties with another Australian institution that is also lending to the same exhibition, or sharing courier duties with the borrower, with the expectation being that a courier from another organisation will oversee your object in at least one direction of the transit. This method of supervision offers substantial cost savings, largely because it either narrows the number of couriers required or it means the courier will fly economy class (as many museums do not allow their staff to fly business class if the museum is paying for it). This approach is, however, contingent on clear expectations about the standard of care required, the procedure to be adopted if the object is damaged and the extent of the courier's decision-making power and liability, all of which should be clearly defined in a contract between the parties.