

ACQUISITIONS POLICY FOR WORKS OF ART

Approved 18 August 2017
Queensland Art Gallery Board of Trustees

1. PURPOSE

This policy presents the rationale and guidelines for the acquisition of works of art for the permanent collection ('the Collection') of the Queensland Art Gallery | Gallery of Modern Art ('the Gallery'). The Collection is a significant cultural asset held in trust by the Gallery, on behalf of the state government, for the people of Queensland.

It provides guidelines on the different means by which acquisitions can be made, and outlines criteria that potential acquisitions must fulfil in order to be approved. Procedures for documenting acquisitions are provided in the Acquisitions Procedures, available to Gallery staff involved in the acquisitions process.

2. SCOPE

This policy is applicable to all staff who recommend the acquisition of works of art by the Gallery, and should be read in conjunction with the Gallery's current Strategic Plan and related documents, including the Collection Development Plan. The Acquisitions Policy will be reviewed on a regular basis to ensure it reflects best practice and it also serves as a source of information for the public.

3. POLICY STATEMENT

This Acquisitions Policy supports the Gallery's primary objective, as stated in the *Queensland Art Gallery Act 1987*, which is 'to contribute to the cultural, social and intellectual development of all Queenslanders', by providing guidelines to enable the Board to fulfil its function 'to develop the art gallery's collection of works of art' (Div.3, §19).

Works of art proposed for acquisition will further the Gallery's strategic vision: 'to be the leading institution for the contemporary art of Australia, Asia and the Pacific', and its mission 'to engage people with art and artists through memorable and transformative experiences onsite and online' (*QAGOMA Strategic Plan 2014–19*). In recognition of the important role that historical collections play in representing the Gallery's institutional history, as well as the broad potential for learning and enjoyment that they provide Gallery audiences, opportunities to strengthen these areas will continue to be sought (see 5.1.1).

4. DEFINITIONS

The following definitions apply to this document:

Acquisition: means the acceptance, through gift or purchase, of a work of art into the Gallery's Collection.

Authentic: an item found to be genuine and not a copy or of disputed origin and supported by evidence.

Due Diligence: the steps undertaken to verify the accuracy of information before deciding on a course of action, including establishing authenticity and checking provenance information, identifying and assessing any gaps in the chain of ownership, including consulting with external experts and checking stolen art databases etc.

Legal title: the right to ownership of property and its subsequent transfer. This may be supported by full evidence of every transaction subsequent to the first owner's title.

Loan: the temporary transfer of the physical possession, custody or control of an object directly or indirectly from one entity to another.

Provenance: the research into the history and chain of ownership of a work of art since its creation to the present day, to determine authenticity and verify ownership and history.

5. POLICY ELEMENTS

5.1 ACQUISITIONS

All works of art proposed for acquisition must further the mission and strategic vision of the Gallery.

Proposed acquisitions for the Gallery's Collection must satisfy the following criteria:

- legal title in the work of art can be transferred by the vendor/donor and satisfy the criteria set out in this Policy and the Provenance and Due Diligence Policy;
- the Gallery's actions regarding the proposed acquisition will be compliant with conventions or legislation addressing the movement of cultural artefacts and the protection of endangered species;
- acquisition of the works of art should not be of a culturally restricted nature or offend the cultural sensitivities of Aboriginal and Torres Strait Islander or other Australian communities;
- that the Gallery can house and care for the proposed acquisition according to generally accepted museum practice; and
- the work is in, or capable of being returned to, an acceptable state of preservation. Exceptions are made if the deteriorated physical condition is integral to the meaning of the work, or if the object provides documentary, technical or aesthetic information to support Collection objectives.

Consideration must also be given to the work's ongoing viability as part of a public art collection, including assessment of such factors as:

- the work's potential for future iterations on public display, in terms of conservation and storage requirements, flexible options for future display of large, multi-part works of art (if appropriate to the work and agreed to by the artist) and any financial and logistical considerations relating to its re-installation; and
- the presence of any technological elements that may become obsolete and whether these elements can be replaced or upgraded (with the agreement of the artist where applicable).

5.1.1 Collecting areas

Works of art are acquired to strengthen existing areas of collecting focus, which are outlined in detail in the Collection Development Plan. Many of these collecting areas have been developed over several decades, while others may be relatively new and reflect the Gallery's current strategic vision. Special opportunities for acquisition may from time to time arise that are not anticipated by the Collection Development Plan. In most respects, these are likely to involve opportunities to acquire exceptional stand-alone works of art or profile collections.

Collecting areas are defined by geography rather than by particular media, and are primarily focused on the following:

Australian Art

- The work of Australian artists or artists working in Australia, have been collected by the Gallery since its foundation in 1895. These works date from the colonial period onwards, with particularly rich holdings of paintings and sculptures by leading Australian expatriate artists, such as those living in the United Kingdom and France at the turn of the twentieth century. Strong holdings of postwar art include works by artists with particular connections to Queensland. The Gallery also has rich holdings of the decorative arts including, wood, glass, ceramics, metalwork and jewellery. Collecting activity tracks developments in the modern movement of the 1950s and 1960s, including abstractions and assemblages and conceptual/post-object art of the late 1960s and 1970s.

- Collecting post-1975 has followed artists working in a wide variety of media, such as installation, photography, film, and digital and electronic media, while continuing to recognise core practices such as painting, sculpture, drawing and printmaking. There is strong representation of ephemeral and time-based art, including performance art and its documentation. The collection includes substantial holdings of works by Queensland artists, encompassing all media, both historical and contemporary.

Indigenous Australian Art

- The Gallery collects works from all regions of the country, with the rich variety of Aboriginal and Torres Strait Islander cultures and experiences in Queensland being a key focus. Holdings have grown remarkably in recent years, with a strong focus on contemporary art, including paintings, sculpture, printmaking, photography, video and installation, especially from urban-based artists. A special focus is contemporary works from desert communities and there is also a profile collection of works in fibre. This collecting area also includes a group of late nineteenth- and early twentieth-century works, with a strong emphasis on Queensland, as well as mid-twentieth century works such as the Hermannsburg School watercolours and bark paintings.

Asian Art

- The collecting of Asian art engages with significant developments in the art and culture of Asia today, with a focus on the contemporary period. It is among the most extensive of its kind in the world, comprising over 1000 works from the late 1960s to the present. The Gallery acquires painting, sculpture, installation, video, photography and works on paper by leading artists from East, Southeast, South, North, Central and West Asia, as well as the Asian diaspora. The Collection has been shaped primarily by the exhibition The Asia Pacific Triennial of Contemporary Art which commenced in 1993, and distinguishes the Gallery nationally and internationally through its depth, range and ambition. Collection strengths include contemporary art from China, Japan and India, as well as art in specific media, such as contemporary porcelain, miniature painting, video art and installation.
- A collection of historical Asian works highlights key artistic developments from the Neolithic period to the 20th century, providing insights into the richness of Asian cultural traditions as well as contributing to the interpretation and appreciation of the Gallery's contemporary Asian collection. It also draws attention to the importance of cultural exchange in the development of Asian aesthetics. The Gallery collects painting, printmaking, sculpture, ceramics, textiles, photography and the decorative arts to reflect the diversity of media, faiths and techniques across the region. East Asian art, particularly Japanese art, is a Collection strength, and there are growing holdings in South and Southeast Asian art.

Pacific Art

- The Pacific collection covers the geographic areas of New Zealand, Papua New Guinea, the island nations and cultures of the Pacific north to Hawai'i and east to Easter Island, as well as artists from the diaspora. The Gallery focuses on the period post-1970, acquiring key works in all media to reflect the diversity of contemporary Pacific art, including innovation in customary practices. Particular strengths include contemporary art from New Zealand, Papua New Guinea and Vanuatu, as well as textiles, photography and body adornment.

International Art

- 'International Art' is broadly used by the Gallery to refer to art from parts of the world other than Asia, Australia and the Pacific. For works made before 1975 – which represent the historic core of the Gallery's collection – this encompasses primarily Western Europe and North America. The Gallery's historical international art collection spans approximately five centuries, from the early Renaissance to the second half of the twentieth century. European painting, sculpture, prints and drawings constitute the majority of the over 2000 works in this area, and approximately half the works are British.
- In recent decades, the geographical scope of collecting art made after 1975 has broadened from its focus on Europe and North America to encompass Africa, the Middle East, Central and Eastern Europe and Central and South America. This reflects the expanded international field of the contemporary art world. Collecting targets contemporary art works across all media. Areas of

particular emphasis include: works by artists who are recognised as defining and influential figures in late twentieth- century and early twenty-first-century art; major works by artists who are recognised as pioneering new directions in contemporary art practice; and works that reflect the expanding role of technology in twenty-first-century art.

The Gallery considers works of art in any media for acquisition across all collecting areas, as relevant, from painting, drawing and sculpture through to film, video and new media. The Gallery's Australian Cinémathèque — the only facility in Australia to specialise in the presentation and collecting of film within an art museum environment — actively researches, proposes and assesses films (16mm, 35mm and digital formats) for acquisition. These acquisitions reflect the areas of collecting focus outlined in the Collection Development Plan.

5.1.2 Means of acquisition

Works of art can be acquired for the Collection via two main channels — purchase or gift:

Purchase

- Works of art can be purchased directly from dealers, agents, artists and collectors, or can be purchased at auction. Purchases are most commonly acquired with funds provided by the QAGOMA Foundation.

Gift

- More than one-third of the Gallery's Collection has been acquired as a result of donations. These can be received through the QAGOMA Foundation and acknowledged at the appropriate Foundation membership level based on the value of the works of art at the time of donation.
- The gift of works of art can be made in three ways: as a direct donation; as a donation through the Cultural Gifts Program; or as a bequest.
- The Cultural Gifts Program (CGP) is a Commonwealth Government initiative that is recognised as an incentive to private collectors to consider donating works to public institutions. Gallery staff can provide assistance to potential donors in organising valuations and liaising with the administrators of the Cultural Gifts Program.
- By bequeathing works of art, financial assistance or property to the Gallery, benefactors can directly contribute to the expansion and development of the Gallery's Collection. Bequests to the Gallery are managed through the QAGOMA Foundation.
- The Gallery recommends to all prospective donors that they seek personal legal and financial advice in matters relating to their gifts and the resulting tax and estate planning consequences.
- The Gallery reserves the right to decline a proposed gift if the works of art does not further the vision outlined in its Strategic Plan and the collecting priorities that are provided in the Collection Development Plan. On occasion the Gallery may accept an object donated (usually by bequest) which is not deemed appropriate for retention in the Collection. By acting as a custodian for such cultural material it does so for the protection of the object as a last resort. Procedures for managing such works are detailed in the Deaccessioning Policy.

5.1.3 Managing conflicts of interest

Where there is a conflict of interest, perceived or declared, in the offering and acceptance of a gift or proposed acquisition, the issue shall be referred to the Queensland Art Gallery Board of Trustees for final consideration. The Board is proactive in managing conflicts of interest and perceptions of conflict of interest, including where it concerns its own membership. For further information regarding conflicts of interest among members of Government Boards, see the Office of the Queensland Integrity Commissioner's Statutory Office Holders & Conflicts of Interests - Information Sheet No. 3, available at www.integrity.qld.gov.au <<http://www.integrity.qld.gov.au/>.

Under the Code of Conduct for the Queensland Public Service, all Gallery staff are obliged to disclose a personal interest that could, now or in the future, be seen as influencing the performance of their duties.

5.1.4 Provenance

'Provenance' means the research into the history and chain of ownership of a work of art since its creation to the present day, to determine authenticity and verify ownership and history. Works of art will only be acquired for the Collection in circumstances where the Gallery has verification that legal title in the works of art can be transferred by the vendor or donor, and where the Gallery's actions would be compliant with conventions or legislation addressing the movement of cultural artefacts.

The Gallery observes the UNESCO Convention on the *Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970*, to which Australia is a signatory. The Gallery follows stringent procedures to establish detailed provenance documentation and proof of ownership and origin, adhering to Australian and international museum best practice, including the Australian Government's *Australian Best Practice Guide to Collecting Cultural Material*, *Museums Australia's Code of Ethics for Art, History & Science Museums* and the *ICOM Code of Ethics for Museums*, as well as consulting lost and stolen art registers and local organisations where appropriate.

The Gallery maintains an online register of works of art of European origin that may have gaps in their provenance records, or vague or inaccurate information about their ownership during the World War Two era (1933–46).

Despite best efforts, provenance information or chain of ownership for some works of art or cultural material may be incomplete or unobtainable. The Gallery will endeavour to discover and to confirm as best it can to confirm its ownership history and assess the associated risks with bringing the work into the collection. Works of art however will not be acquired through purchase or accepted as a gift in cases where there is any reason to believe that the work of art was stolen or sold under duress.

5.2 DEACCESSIONING

Deaccessioning is a legitimate collection management activity that refers to the formal adjustment of records to reflect the removal of works of art from the Gallery's Collection. The Gallery observes international standards for museums with regard to deaccessioning and the disposal of works of art, such as those outlined in the Code of Ethics published by both ICOM and Museums Australia.

Deaccessioning is only considered when a work of art ceases to be of relevance and significance to the Collection; when the Gallery is unable to appropriately utilise and care for it; and when disposal through sale or otherwise would contribute to the enhancement of the Collection. It is also an appropriate response to a legitimate claim for the repatriation or restitution of a work of art.

The Gallery does not endorse the use of collections as a financial resource nor the application of funds derived from deaccessioning to any museum activity other than those which directly improve the Collection, for example through the acquisition or conservation of works of art.

More information regarding deaccessioning and disposal procedures is contained in the Gallery's Deaccessioning Policy.

5.3 RECORD KEEPING

All activity in relation to acquisitions including relevant correspondence is to be compiled and recorded in line with the Gallery's Record Management Business Rules and Procedures. The Gallery's research will be documented and conducted in a professional and accountable manner.

5.4 PUBLICATION OF ACQUISITION ACTIVITIES AND POLICIES

In developing the Collection, the Gallery makes its policies relating to the acquisition of works of art available to the public. Information on new acquisitions will be regularly updated online in its collection records and published in the annual report.

The Gallery will consider where appropriate and with consideration of third-party privacy issues, publishing provenance information on objects acquired by the institution. The names of donors, valuation of individual donations and participating-party transactions which is required to be documented for internal purposes will only be released with approval of those parties.

6. ROLES AND RESPONSIBILITIES

The Director, as representative of the Board, oversees the control, management and maintenance of the Gallery and its property, including the Collection (See *The Queensland Art Gallery Act 1987*, Div.3, §19).

The Director has delegation to acquire works of art for the Gallery up to a financial value determined by the Board of Trustees. In exceptional cases, curators are given licence to purchase directly in the field when conducting research trips in remote communities, such as those in remote regions of Australia or the Pacific region. The maximum value of any such purchases will be determined by the Director and the Deputy Director, Collection and Exhibitions, and will be within the Director's own delegation limit.

7. ADMINISTRATION

7.1 RELATED DOCUMENTS

Gallery Policies

- *Code of Conduct for the Queensland Public Service*
- *Exhibition Policy*
- *Fraud Control Policy*
- *Gifts and Benefits Policy*
- *Provenance and Due Diligence Policy*
- *Queensland Art Gallery Board Instrument of Delegation*

Gallery Guidelines and Procedures

- *Aboriginal and Torres Strait Islander Engagement Strategy*
- *Provenance and Due Diligence Procedures*
- *Record Management Business Rules and Procedures*
- *Risk Management Framework*

National and International Guidelines and Databases

- *The Art Loss Register*
- *Australian Government, Australian Best Practice Guide to Collecting Cultural Material*
- *CITES Convention on International Trade in Endangered Species of Wild Fauna and Flora*
- *Collections Law – Legal Issues for Australian Archives, Galleries, Libraries and Museums*
- *Combating Illicit Trade: Due diligence guidelines for museums, libraries and archives on collecting and borrowing cultural material (2005)*
- *ICOM Code of Ethics for Museums*
- *ICOM International Observatory on Illicit Traffic in Cultural Goods*
- *ICOM Red List*
- *ICOM-WIPO Art and Cultural Heritage Mediation*
- *IFAR Provenance Guide*
- *Interpol Works of Art Database*
- *Indigenous Australian Art Charter of Principles for Publicly Funded Collecting Institutions*

- *Museums and Galleries Australia Inc. Code of Ethics*
- *Museums and Galleries Australia Inc. Continuous Cultures, Ongoing Responsibilities*
- *Museums and Galleries Australia Inc. National Standards for Australian Museums and Galleries (Version 1.4, 2014)*
- *PIMA Code of Ethics for Pacific Museums and Cultural Centres*
- *Protocols for producing Indigenous Australian visual arts (2nd edition, 2010)*
- *Significance 2.0: A Guide to Assessing the Significance of Collections*
- *UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects*
- *UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970*
- *UNESCO Database of National Cultural Heritage Laws*
- *UNESCO Convention of the Protection of Cultural Property in the Event of Armed Conflict with Regulations of the Execution of the Convention 1954*
- *Combating Illicit Trade: Due diligence guidelines for museums, libraries and archives on collecting and borrowing cultural material (2005)*
- *UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005*
- *UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage 2003*

Queensland Legislation

- *Gifts and Benefits Directive*
- *Public Interest Disclosure DSITIA*
- *Public Records Act 2002*
- *Queensland Art Gallery Act 1987*

Commonwealth Legislation

- *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*
- *Customs Act 1901*
- *Personal Properties Securities Act 2009*
- *Protection of Cultural Objects on Loan Act 2013*
- *Protection of Cultural Objects on Loan Regulation 2014*
- *Protection of Movable Cultural Heritage Act 1986*
- *Protection of Movable Cultural Heritage Regulation 1987*
- *Biosecurity Act 2015*
- *Environment Protection and Biodiversity Conservation Act 1999*

7.2 DOCUMENT OVERSIGHT

Approval authority	Queensland Art Gallery Board of Trustees		
Maintained by	Deputy Director, Collection and Exhibitions		
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7.3 DOCUMENT HISTORY

Version	Approved by	Date	Revisions
1.1	Queensland Art Gallery Board of Trustees	18 August 2017	Template and hyperlink updates

8. LICENCE



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