

ACQUISITIONS POLICY FOR WORKS OF ART

Approved 17 August 2020
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' or 'QAGOMA'). The Collection is a significant cultural asset held in trust by the Gallery, on behalf of the state government, for the people of Queensland.
- provides guidelines on how acquisitions can be made, and outlines criteria that potential acquisitions must fulfil in order to be submitted for acquisition approval. Procedures for documenting acquisitions are provided in the Acquisitions Procedures.

2. SCOPE

This policy applies to all works of art recommended for acquisition by the Gallery, and should be read in conjunction with the Gallery's current [Strategic Plan](#) and related documents, including the Collection Development Plan.

This policy also applies to acquisitions relating to trusts of which the Board is trustee, where practicable and with due regard to the conditions of each trust as specified in its formal dossier.

3. POLICY STATEMENT

This policy supports the Gallery's:

- primary objective, as stated in the Queensland Art Gallery Act 1987 ('the Act'), 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'¹.
- strategic vision: 'to be the leading institution for the contemporary art of Australia, Asia and the Pacific', and its purpose 'to engage people with art and artists through memorable and transformative experiences onsite and online'.

4. DEFINITIONS

The following definitions apply to this document:

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

Authentic: a work of art found to be genuine, not a copy or of disputed origin, and supported by evidence.

¹ section 19 of the Act

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 should ideally be supported by sufficient credible evidence of every transaction subsequent to the first owner's title.

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

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

5. POLICY ELEMENTS

5.1 ACQUISITIONS

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

- title of 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 comply with conventions or legislation addressing the movement of cultural artefacts and the protection of endangered species
- acquisition of works of art should not be of a culturally restricted nature or offend the cultural sensitivities of Aboriginal and Torres Strait Islander or other First Nation communities
- the Gallery can house and care for the proposed acquisition according to appropriate and accepted museum practice
- the work is in, or capable of being returned to, an acceptable state of preservation (exceptions being 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 a work of art's ongoing viability as part of a public art collection, including assessment of such factors as:

- the work's potential for future iterations for public display; 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 re-installation
- 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. These collecting areas have been developed over many years and reflect the Gallery's strategic vision. Special opportunities for acquisition may arise from time to time 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.

Curatorial teams work collaboratively to develop the Collection in a holistic manner, with the Collection divided into the following areas:

Australian Art

- The work of Australian artists or artists working in Australia, has been collected by the Gallery since its earliest years. 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 post-war 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 also tracks developments in the modern movement of the 1950s and 1960s, including abstraction and assemblage 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 historical and contemporary works by Queensland artists, encompassing all media.

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. Works from the mid-twentieth century such as Hermannsburg School watercolours and bark paintings have recently been complemented by a group of 1970s paintings on board from Papunya.

Asian Art

- The collecting of Asian art engages with significant developments in the art and culture of Asia, with a focus on the contemporary period. It is among the most extensive of its kind in the world, comprising works from the late 1960s to the present. The Gallery acquires a range of media including painting, sculpture, installation, video, photography, ceramics 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 Asia Pacific Triennial of Contemporary Art since 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 aspires to convey key narratives and techniques, rather than create an encyclopaedic historical collection, focussing on painting, printmaking, sculpture, ceramics, textiles, photography and the decorative arts to reflect the diversity of media, faiths and art forms across the region.

Pacific Art

- The Pacific collection covers the geographic areas of Aotearoa New Zealand, Papua New Guinea, the island nations and cultures of the Pacific north to Hawai'i and east to Rapa Nui 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 Aotearoa New Zealand, Papua New Guinea, the Autonomous Region of Bougainville 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. Themes of trade and the exchange of cultural influence recur across the collection.
- In recent decades, the geographic scope of collecting art made after 1975 has broadened to reflect the increasingly globalised contemporary art world, as well as artists referencing their local histories and the lasting impact of colonialism, war, urbanisation and technology. Video, film and media hold a significant place in the contemporary International collection. Complementing QAGOMA's Australian Cinémathèque, this collection area ranges from early experiments in video to multi-screen installations by leading artists, and represents many forms of the moving image and its ongoing interaction with other artistic disciplines.

Australian Cinémathèque

- The Australian Cinémathèque's collecting interest is defined by media rather than geography, reflecting the Gallery's establishment of a Cinémathèque and its increasing emphasis on the acquisition of film and video works, as well as specific technical needs and issues related to varying forms of distribution and licensing. The collection of media works has been driven by the Contemporary International, Asian, Pacific and Australian Art Collections, and is catalogued within these collections with the support of the Australian Cinémathèque. This reflects the department's focus to engage with film, video and the broader screen culture sector. The Australian Cinémathèque does not have a separate portfolio at this time, rather works collected by the department will be in conjunction with the ongoing research and acquisitions work of other curatorial portfolios and sit within their geographical collections.

The Gallery considers works of art in any media for acquisition, across all collecting areas, as relevant, from painting, drawing and sculpture through to performance, film, video and new media. These acquisitions reflect the areas of collecting focus outlined in greater detail in the Collection Development Plan.

5.1.2 Protocols for acquiring Aboriginal and Torres Strait Island works of art

QAGOMA will work collaboratively with Aboriginal and Torres Strait Islander artists and communities in respect to cultural heritage matters, including acquisitions. The Gallery will work with relevant artists and communities on a case-by-case basis to determine the appropriateness of works of art for the Collection. General protocols to be applied to all Aboriginal and Torres Strait Island works of art being considered for acquisition include:

- the Gallery will recognise that works of art are part of the cultural traditions of Aboriginal and Torres Strait Islander communities
- where reasonably relevant, the Gallery will make relevant Indigenous communities and stakeholders aware of works of art entering the Collection
- artists (where known and available), along with representatives and communities, will be consulted during the artwork acquisition process to ensure their insights are documented for future access
- a field will be added to the Acquisition Proposal and Director's Delegation templates to identify relevant artists or communities who can be consulted on protocol/permissions issues
- for contemporary Indigenous artists who are operating in established commercial gallery systems, a certificate of authenticity may not be required.

In regards to secret and sacred material:

- the Gallery will not seek to acquire secret or sacred items except to remove them from private collections or general circulation, or other special circumstances
- the Gallery will endeavour to identify the maker, location and story of secret and sacred works of art in the Collection, with the assistance of relevant Indigenous community members and the Indigenous Advisory Panel
- curators should establish whether works of art contain secret or sacred imagery and include this in acquisition paperwork, including initial advice regarding the appropriate handling of the work.

5.1.3 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 from dealers, agents, artists and collectors, or 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.
- Gifts 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.
- A direct donation is received by the Gallery without a tax benefit to the donor. This method of donation is common for works of low financial value.
- The Cultural Gifts Program (CGP) is a Commonwealth Government initiative that, by offering tax benefits, creates incentives for private collectors to consider donating works to public institutions. As part of this process, Gallery staff provide assistance to 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 that all prospective donors seek personal legal and financial advice in matters relating to their gifts and the resulting tax and estate planning implications.
- The Gallery reserves the right to decline a proposed gift if the work 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. For example, the Gallery might accept a work of art (including as part of an estate) on the basis that it will not be retained for the Gallery's Collection, but be sold to raise funds for the Gallery. In other cases, the Gallery might act as a 'museum of last resort', and accept a work of art in order to act as a custodian only, to protect it. Procedures for managing works held on a custodial basis only are detailed in the [Deaccessioning and Removal of Works of Art Policy](#).

5.1.4 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 Board members.

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.

5.1.5 Provenance

Provenance' and chain of ownership of a work of art are used to determine authenticity and verify ownership and history. Works of art will only be acquired for the Collection in circumstances where the Gallery is comfortable that all legal and beneficial title can be transferred (without any encumbrance) by the vendor or donor, and where the Gallery is satisfied that the history of ownership or provenance of the work of art complies with relevant international conventions and Australian legislation relating to cultural material.

The Gallery applies the ethical standards set out in UNESCO's [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](#) and the [ICOM Code of Ethics for Museums](#), and including by consulting lost and stolen art registers and local organisations where appropriate.

The Gallery maintains a publicly available 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 confirm as best it can a work's 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 at any point stolen or sold under duress or exported from a country of origin in violation of that country's laws.

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 [ICOM Code of Ethics for Museums](#).

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; or 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 other works of art.

More information regarding deaccessioning and disposal procedures is contained in the Gallery's [Deaccessioning & Removal of Works of Art 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 conducted and documented 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

BOARD OF TRUSTEES

- Approve acquisitions for the Gallery over a determined financial value as per the Board of Trustees Instrument of Delegation.
- Oversee the Gallery's processes for acquisitions of works of art to the Collection.

DIRECTOR

- Oversee the control and management of the Gallery's assets, including the Collection.
- Approve acquisitions of works of art for the Gallery's Collection up to a financial value as per the Board of Trustees Instrument of Delegation.

- Seek advice from the Deputy Director, Collection and Exhibitions, and curatorial staff regarding information and documentation of works of art, in line with the Collection Development Plan.
- Provide the Board of Trustees with advice and recommendations regarding works of art for acquisition.

DEPUTY DIRECTOR, COLLECTION AND EXHIBITIONS

- Provide the Director with advice and recommendations on works of art for acquisition, based on research and documentation from curatorial staff.
- Oversee the acquisition documentation process.
- Inform the Director of any issues relating to acquisitions of works of art, including related to provenance and title.
- Support communication with private and commercial sellers and donors, and work with the Philanthropy Manager to identify appropriate funding for acquisitions.

CURATORIAL STAFF

- Make recommendations to the Deputy Director, Collection and Exhibitions, and Director of works of art for acquisition, in line with the Collection Development Plan and based on research relating to: themes and content, artist practice, price, value of the work to the Collection, provenance and due diligence, and other relevant considerations.
- Adhere to principles outlined in the [Provenance and Due Diligence Policy](#).
- Administer processes relating to the Commonwealth Government's Cultural Gifts Program.
- In exceptional circumstances and with approval from the Director, acquire works of art for the Collection when conducting field research trips, such as when in remote communities in Australia and the Pacific. 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

- *Aboriginal and Torres Strait Islander Engagement Strategy*
- [Aboriginal and Torres Strait Islander Heritage Protection Act 1984](#)
- [Customs Act 1901](#)
- [Exhibition Policy](#)
- [Fraud and Corruption Policy](#)
- [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](#)
- [Provenance and Due Diligence Policy](#)
- [Provenance and Due Diligence Procedures](#)
- [Queensland Art Gallery Act 1987](#)
- [Queensland Art Gallery Board of Trustees Instrument of Delegation](#)
- [Record Management Business Rules and Procedures](#)
- [Risk Management Framework](#)

7.2 DOCUMENT OVERSIGHT

Approval authority	Queensland Art Gallery Board of Trustees		
Maintained by	Deputy Director, Collection and Exhibitions		
Release	Internal and External	File reference	QR/20/48464
Approval date	17 August 2020	Next review by	August 2023

7.3 DOCUMENT HISTORY

Version	Approved by	Date	Revisions
1.1	Queensland Art Gallery Board of Trustees	18 August 2017	Template and hyperlink updates
1.2	Queensland Art Gallery Board of Trustees	17 August 2020	Standard review including text updates; expansion of scope to include trusts of which the Board is trustee; addition of the Australian Cinémathèque and considerations for Aboriginal and Torres Strait Island works; related documents updates; and the introduction of the 'roles and responsibilities' section to align with current policy template.