

**QMN POLICY:                    Due Diligence Policy  
(Cultures & Histories and Biodiversity &  
Geosciences Programs)**

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**1.0    POLICY STATEMENT**

The purpose of this policy is to outline the principles upon which the QMN ensures material is only acquired or borrowed where the vendor, donor or lender have legal title or at least legal authority to sell, donate or lend the items; there is established provenance, the material is authentic and has not been looted or illegally obtained or exported. The policy applies when material is being considered for acquisition via purchase, gift (including via the Australian Government's Cultural Gifts Program), bequest or exchange or in the case of inward loan.

In addition, it also outlines the **due diligence** principles with regard to the requirements associated with lending material to external borrowers.

**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).

**Act** – *The Queensland Museum Act 1970*, as currently in force.

**Ancestral Remains** refer to skeletal remains, soft tissue or hair samples of deceased Aboriginal people or Torres Strait Islanders. It also includes any plaster casts of Aboriginal people or Torres Strait Islanders remains. Access to this material is highly restricted

An **Archaeological specimen** is a product of manufacture, alteration or use that may have been modified by or deposited due to human activities. It is primarily of value for its prehistoric, historic, cultural or scientific significance, and discovered on or beneath land or submerged or partially submerged beneath the surface of any water course or permanent body of water. Such objects may derive from indigenous, historical, maritime, prehistoric or classical contexts, including stone, plant, faunal, ceramic, glass, metal, charcoal, sedimentological or other materials.

An **Authorised Officer** for the receipt of packages and handling of biological material is the qualified Collection Manager or Curator who has the specific knowledge of the nature and risks of handling particular biological material (to protect both the person and the biological material).

**Biological Material** includes any living or dead specimens, biologically-derived material such as tissue samples, skeletal elements or parts of specimens, or material which contains biological agents including bacteria, viruses, micro-organisms, genetically modified

organisms/micro-organisms which might pose a risk to health and safety of individuals or the environment.

**Board** is the Board of the QM as established under the *Queensland Museum Act 1970*.

**Burial goods** or **grave goods** refer to items found with Ancestral Remains such as bark coffins and other objects. Access to this material is highly restricted.

**Campus** means one of the QMN public facilities – Queensland Museum and Sparklab (QM&S), The Museum of Tropical Queensland (MTQ). The Workshops Rail Museum (TWRM), Cobb+Co Museum, Museum of Lands, Mapping and Surveying, Queensland Museum Research & Loans Centre, Earth Sciences Museum.

**CEO** is the Chief Executive Officer of QMN.

**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.

**Collection Management** is the responsibility and function that fosters the preservation, accessibility and utility of the collections and associated data.

The **Collection Management System (CMS)** is the term used in this policy to describe QMN data systems used to manage and report on the collections. It includes both electronic and hard copy Records. (From 2008, all Documentation relating to collection objects has been recorded in the Vernon CMS.)

A **Collection Record** is documentation which relates specifically to the QMN Collection, it is a primary source of information, a working collection, a history and legacy of collectors and researchers and a support tool for collection discovery and research. It can be in electronic or paper based format.

**Conservation** is the application of science to the examination and treatment of museum objects/specimens and to the study of the environments in which they are placed. This involves activities such as preventive conservation, examination, documentation, treatment, research, and education that maximises the preservation or minimises the deterioration of an object/specimen through time, with as little change to the object as possible.

**Cultural awareness** and **sensitivity**, is the knowledge and interpersonal skills that allow people to understand, appreciate, and work with individuals from cultures other than their own.

**Cultural Safety** is an environment that is spiritually, socially and emotionally safe, as well as physically safe for people; where there is no assault challenge or denial of their identity, of who they are and what they need. It is about shared respect, shared meaning, shared knowledge and experience of learning together.

**Cultural awareness training** is training which provides an understanding of how a person's culture may inform their values, behaviours, beliefs and basic assumptions. It recognises that we are all shaped by our cultural background, which influences how we interpret the world around us, perceive ourselves and relate to other people.

**Cultural material** is physical and documentary material that represents the intangible and tangible elements of individual cultures. Such material, 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.

**Curation** is the process whereby objects or specimens are identified and organised according to discipline-specific recommendations using the most recently available scholarly literature and expertise. A primary objective of this research process is to verify or add to the existing documentation for these objects/specimens, and to add to knowledge about them.

A **Curator** is responsible for use of and access to discipline-specific collections.

**Deaccessioning** is the formal process of removing an item permanently from the State Collection, for sale, repatriation or other form of disposal. Deaccessioning requires the prior approval of the CEO or Board depending on valuation

**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, lending, analysing, treating, 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*.

A **Donation** is the result of the process by which the owner of an item voluntarily transfers the title and possession from themselves to the QMN, without any consideration or encumbrance for potential inclusion in the State, Research or Reserve Collection.

A **Deposit** is a specimen 'collected in the field' either by a QM employee, an external researcher or a member of the public which may become part of the State, Research or Reserve Collection.

**Due diligence** involves all reasonable 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, inward or outward loan.

**Educational Loans** are loans 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 QM which are borrowed for the purposes of temporary display, research, identification or 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.

**Legal Title** is the legal right to ownership of property.

A **Letter of comfort** is a communication from one party to another party that indicates a willingness to enter into a contractual obligation absent of the elements of a legally enforceable contract. The objective is to create a morally binding but not legally binding assurance. (Despite their nonbinding statuses, letters of comfort nonetheless provide risk mitigation because the initiating party is putting its own reputation in jeopardy.)

**Loans** are the temporary transfer of collection items from QMN to another institution or body for research (**Research Loans**), education (**QMN Loans**) or display (**Exhibition Loans**) purposes.

**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

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).

An **Object file** (in relation to the Cultures and Histories Collection) is a file created with information that may be relevant to a registered object or group of objects (e.g. newspaper clippings, photocopies, etc.).

**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.

**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.

**Program** means the collections and curatorial Programs of QMN.

**Program Head** means the role responsible for a Program of the QMN.

**Provenance** is an object's or specimen's full history from the time of its discovery or creation to the present day, through which authenticity and ownership are determined.

**QMATSICC** is the Queensland Museum Aboriginal and Torres Strait Islander Consultative Committee, a group of community representatives which has the responsibility of advising the QM Board, and to consult with communities.

**Queensland Museum** when referring to the legal entity of the Museum, the Board or in regard to the Act the term **Queensland Museum (QM)** will be used, when referring to the Museum in terms of the combination of campuses the term **QMN** will be used.

A **Record** is the corresponding data related to an Item.

**Research Collection** consists of objects or specimens for research or loan generally intended to be kept indefinitely, but not individually registered and without a significance assessment (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 QM (loans in, and loans out, respectively), for the purposes of authorised research. They can be from intrastate, interstate or international locations.

**Reserve Collection** items 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. These items do not meet QMN criteria for state significance, are not accessioned into the State Collection, nor intended to be held in perpetuity.

**Restitution** refers to the return of an item from the Museum Collection to a party found to have a prior and continuing relationship with the object, which is seen to override the claims of the holding museum.

**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.

**Secret Sacred Objects** are objects with intrinsic cultural significance to Aboriginal peoples and/or Torres Strait Islanders. This material is traditionally subject to restrictions and/or protocols regarding access and use.

The **Senior Decision Maker** is the person who makes a final decision and accepts responsibility for that decision in relation to collection management processes including acquisitions, loans, international exhibitions, deaccessioning etc. It could be the relevant Program Head, Director or CEO, and will differ depending on the specific circumstances of the situation. (In some cases this role may be performed by a **Project Board**.)

**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.

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

**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 the QM.

A **Type Specimen** is a zoological, paleontological 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, etc.) and Secondary Types (paratype, paralectotypes, etc.) underpin the concept of biological 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 'bio discovery' 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 supports the development and use of the Queensland Museum Collection in accordance with the highest ethical standards and legal requirements and applies to staff of the Cultures and Histories, Biodiversity and Geosciences Programs and all other QMN staff who are required to work with Collections.

### 4.0 PRINCIPLES

This document was informed by the *Australian Best Practice Guide to Collecting Cultural Material* produced by the Department of Communication and the Arts. The Queensland Museum is compliant with the Australian Government's *Protection of Cultural Objects on Loan Act 2013*, *Protection of Cultural Objects on Loan Regulation 2014*, *Protection of Movable Cultural Heritage Act 1986* (reporting annually on objects / specimens exported and returned to Australia) and the *Environmental Protection and Biodiversity Conservation Act 1999* and adheres to all obligations under the *CITES Convention 1975 on International Trade in Endangered Species of Wild Fauna and Flora*.

In addition the **QM78 QMN Collection Policy** outlines all additional underlying legislation and requirements relevant to the application and interpretation of this policy.

## 5.0 ELEMENTS

### 5.1 Due Diligence Standards

The Museum will undertake appropriate **due diligence** at all levels by following *QM 306 Due Diligence Procedures*. In doing so the highest levels of ethical and professional practice will be exercised in accordance with applicable laws in order to ensure that material has not been acquired in, or exported from, the country of origin in violation of that country's laws. Specifically the Museum ensures that it will:

- **not** acquire or knowingly borrow cultural material where there are suspicions it was obtained through unauthorised or unscientific excavation of archaeological sites, the destruction or defacing of ancient monuments, historic places or buildings, or via theft from individuals, museums or other repositories in peacetime or appropriated, stolen or obtained via other illicit means during times of civil unrest or armed conflict
- **not** acquire or knowingly borrow biological or geological material that has been collected, sold or otherwise transferred in contravention of applicable national or international laws, regulations or treaties
- **will** consult with relevant communities before acquiring or loaning an object, in particular reference to material relating to Aboriginal Peoples and Torres Strait Islanders in accordance with *QM321 Protocols for Community Consultation*.

### 5.2 Items requested for outward loan

All outward loans must be conducted in accordance with *QM64 Loans Policy (Inwards & Outwards)* and *QM2 Procedure for Outward Research Loans* and *QM66 Procedure for Outward Exhibition Loans*.

When items are requested for external loan the Museum must be able to assure the borrower that all appropriate **due diligence** was applied at the time the items were originally acquired (with regard to legal title, accuracy and authenticity of information, provenance and so on).

If this is not possible and if further research still raises concerns in this regard, it may be necessary to decline lending specific items.

### 5.3 Items requested for inward loan

All inward loans must be conducted in accordance with *QM64 Loans Policy (Inwards & Outwards)* and *QM36 Procedure for Inward Research Loans* and *QM73 Procedure for Inward Exhibition Loans*.

In undertaking an inward loan the relevant Program staff member is responsible for evaluating available provenance information provided by the lender and if required undertake independent **due diligence** research. (In the case of a **pre-packaged exhibition**, the QM&S Senior Creative Producer, Major Projects (or designate/equivalent role at QMN campuses) is responsible for seeking all necessary **due diligence** information from the lender.)

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.

In both cases this information must be passed to the **Senior Decision Maker** in order to assist them in the exercise of their professional judgement in determining if the legal and ethical status of the loan objects is sound and that any risk has been considered prior to borrowing.

If after undertaking **due diligence** there is still suspicion about an object, the lender or the circumstances surrounding the loan, the final decision as to whether the loan of a specific object will proceed rests with the **Senior Decision Maker**.

#### **5.4 Accountability and Transparency**

The purpose of this **due diligence** policy is to enable the Museum to adhere to a nationally consistent approach and in line with emerging international standards; ensuring a high degree of accountability and transparency in the acquisition and loan transaction processes.

In order to ensure this is the case, the Museum will collate all documentation and information collected as part of the **due diligence** process, making it available to the relevant **Senior Decision Maker** who will be responsible for making the overall determination as to whether an acquisition or loan will go ahead. This information will also be retained as a permanent record, scanned and attached to the relevant record in Vernon (where one exists) and hard copies kept in the appropriate file located in the Collections and Research Records area (whether that is the designated archive located in the QM&S **Research Library** or a campus / Collection specific repository) in accordance with *QM319 Collections and Research Record Keeping Procedure*.)

The QMN website will also publish information, in accordance with the *QM306 Due Diligence Procedures* on objects proposed for loan from overseas which are expected to be protected under Part 2 of the *Protection of Cultural Objects on Loan Act 2013*, at least **4 weeks** before they are due to arrive in Australia and until they are exported. The page will also provide further information with regard to the PCOL Act and relevant policies and procedures in relation to the Museum's **due diligence** role associated with loans.

#### **5.5 New information**

The Museum is committed to review any new information which might come to light about items already in the Museum's Collection, and undertake further investigations and reassess previous decisions about an item if required.

## 5.6 Consideration of claims

Upon receipt of an enquiry or claim with regard to restitution, return, custodianship or ownership, provenance or authenticity, the Museum will follow the process as outlined in **QM 308 Consideration of Claims Procedure** in a timely, professional and sensitive manner. All claims will be considered on a case by case basis in accordance with the relevant cultural or ethical protocols and legal requirements; with the assistance of external specialist advice as required.

## 6.0 DOCUMENT HISTORY

VERSION	DATE	AMENDMENT
0.1	August 2015	Initial draft circulated for comment
1.0	September 2015	Final document including staff comments
1.1	March 2016	Updated to include comments supplied via the Ministry for the Arts
1.2	June 2016	Further updates supplied via the Ministry for the Arts
1.3	Nov 2019	Updates made following discussions with Policy and Procedure Working Group.

## 7.0 MORE INFORMATION

<b>Policy owner/creator:</b>	Head, Collection Services
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## 8.0 AUTHORISATION

<b>Approved by:</b>	Dr Jim Thompson
<b>Title:</b>	CEO, QMN
<b>Approval date:</b>	Feb 2020
<b>Signature:</b>	

## 9.0 REVIEW PROCESS

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

*Once printed this document is no longer a controlled document.*