

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

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

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.

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).

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.

Burial goods refer to items found with Ancestral Remains such as bark coffins and other objects.

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 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 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*.

A **Donation** is an item given to QMN without encumbrance. Donations are to be recorded on the appropriate forms and reported to the Board.

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.

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.

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.

QMN means the Queensland Museum Network

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

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.

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 interpretation, storage, access and use.

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 the 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 QM.

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 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.

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 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 Ministry for 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 \(Appendix 2\)](#) 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 CRRC located in the QM&S Library or a campus / Collection specific repository) in accordance with *QM319 Collections and Research Record Keeping Procedure*.)

The QMN web site 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

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, legislative or organisational change warrants a change to this document.

Once printed this document is no longer a controlled document.