

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

1.0 POLICY STATEMENT

The *QM78 QMN Collection Policy* outlines information in **section 5.8** relating to the acquisition function; the Acquisition Policy links the document and the procedures and forms in the acquisition process.

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).

Accessioning - see Registration. Includes the process of undertaking a significance assessment.

A **Collection item** is an Object or Specimen and associated data that has been formally acquired by QMN.

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).

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

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.

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.

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.

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

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 '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 assists staff in both the Cultures & Histories and Biodiversity & Geosciences Programs, and outlines the processes involved in the acquisition of material into their respective collections.

4.0 PRINCIPLES

The *QM78 QMN Collection Policy* outlines the underlying legislation and general requirements relevant to the application and interpretation of this policy. However, staff should be aware of the Museums obligations outlined in the following conventions: *ICOM Code of Ethics for Museums, 2004*; *Protection of Cultural Objects on Loan Act 2013*; the *Protection of Movable Cultural Heritage Act, 1986*; the *UNESCO Convention on the Means of Prohibiting and Preventing Illicit Import, Export and Transfer of Ownership of Cultural Property, 1970*; the *2013*; *Environmental Protection and Biodiversity Conservation Act, 1999*; *UN Convention on Biological Diversity, 1992*; *CITES Convention, 1975* and the *Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization, 2010*.

Specifically staff must undertake **due diligence** in order to ensure the Museum only acquires material where the vendor or donor has legal title, the item is authentic and is not identified as having been looted or illegally obtained or exported. This applies to material acquired through purchase, gift (including via the Australian Government's Cultural Gifts Program), bequest or exchange. Staff are required to make professional judgements on the extent of **due diligence** required on a case by case basis based on the specific situation and the objects or specimens in question; assessing the potential risks and balancing the resources required in each situation to mitigate those risks; in accordance with the parameters of *QM 305 Due Diligence Policy* and *QM 306 Due Diligence Procedure*.

(If the material proposed for acquisition contains material of a specific cultural or sensitive nature, then staff must also complete a *QM322 Cultural and Sensitive Material Checklist*; which has been developed to guide staff through the process of identifying whether or not material may pose additional risks for the Museum. When doing so staff must adhere to the

protocols outlined in *QM321 Protocols for Community Consultation*; this process will ensure that the Museum has consulted with relevant stakeholders in the community to whom the cultural material proposed for acquisition relates.)

5.0 ELEMENTS

5.1 Donation

A donation is defined as the legal transfer of ownership – the item must be transferred voluntarily, not as a result of a contractual obligation and must provide no advantage of a material kind to the donor. A donation or bequest may be accepted from any source, and in accordance with the *QM78 QMN Collection Policy* and the *QM45 Procedure for Acquisition (Cultures & Histories Program)* and *QM199 Procedure for Acquisition (Biodiversity & Geosciences Program)*.

All donations which have a value over \$50,000 must be reported to the CEO and Board individually rather than as part of the general monthly Key Performance Indicators.

(The Museum may accept custody and control of material without legal title. This may occur when items are transferred to the Museum as a result of statutory requirements such as through state heritage legislation; in relation to shipwrecks or archaeological material or Voucher Specimens of animal material used for biodiscovery purposes. Also material may be deposited at the Museum by request of Traditional Owners, such as Secret / Sacred objects or human remains. In these cases staff must be aware that the relevant legal and QM procedures in relation to this type of material will override the procedures as outlined here.)

5.1.1 Cultures & Histories Collection

In general, all items donated to QMN, **prior** to their acceptance, are assessed against a number of criteria. These assessments require the discretion of Curators who are familiar with existing gaps in their collection and also the specific *Strategic Themes*. Curators are required to complete an *Acquisition Proposal* in the Vernon *Acquisition Proposal module* which includes a Significance Assessment based on the Queensland Museum *Definitions of Significance Criteria* and basic object information. The proposal then requires assessment by Conservation and Collection Management staff, also within the Vernon *Acquisition Proposal module*. Finally the relevant Program Head should undertake an assessment of the proposed donation in relation to specific collection priorities and Program resources, and long term storage implications, and is responsible for ultimate approval of the acquisition. (QMN will not acquire items as outlined in the specific situations outlined in *section 5.5* of the *QM78 QMN Collection Policy*.)

Donations are accepted without encumbrance or conditions imposed by the donor as to their use in display, research, education, accessibility by the general and scientific communities, or even as to their potential disposal, unless expressly directed otherwise by

the CEO. Specific details of donors are not to be released under the Privacy Act unless specific waivers agreeing to do so are signed by donors upon receipt of donation.

Due Diligence when assessing the suitability of donations into the State Collection includes:

- relevance to the legislative mandate of QMN and to its objectives and priorities;
- significance, such as association with an event, person, historical period or geographic area; or underpinning a biotechnological product;
- provenance, or the history of the object's ownership, export from country of origin and import into Australia;
- results of primary research in Queensland, such as Voucher Specimens and samples;
- availability of human and financial resources to acquire, document, preserve, store, interpret and or display the Object or Specimen;
- opportunities for use, exhibition, research and other program requirements;
- physical condition;
- cultural sensitivity including outcomes of community consultation;
- adequate oral or written documentation or contextual/scientific data to support ownership, authenticity, study and use;
- full title must accompany all items;
- absence of unmanageable threats or risks to users or to other elements of the collection;
- there are no encumbrances attached to the Item(s) (notwithstanding privacy provisions contained within the *Privacy Act*, and confidentiality provisions specified in the *Biodiscovery Bill 2004*); that the *Personal Property Securities Register* has been consulted and
- compliance with applicable legislation and regulations as referred to in the *QM78 QMN Collection Policy*.

All documentation must be scanned and attached to the relevant record in Vernon (where one exists) and hard copies must be 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*.)

5.2 Field collecting – Biodiversity & Geoscience Collections

Specimens or Objects may be collected by QMN staff, or by others acting on behalf of QMN, directly from the field. Animals will be collected according to the highest principles of humane, scientific and ethical conduct. QMN will hold authorised collection permits from

appropriate regional, state and commonwealth authorities relative to its current collecting activities; QMN is also bound by a number of Codes of Practice in all its collection activities (see the *QM78 QMN Collection Policy*; section 4.1)

5.3 Specimens used for Biodiscovery

Biodiscovery (or bio prospecting) refers to the analysis of molecular, biochemical or genetic information about biological material for the purposes of commercialising the material or intellectual property obtained from the material. Under the *Queensland Government Biodiscovery Act 2004* QMN is the authorised 'receiving entity' for the State to accept and maintain Voucher Specimens of animal material used for biodiscovery purposes by another party (a 'collection authority'), refer to the *QM78 QMN Collection Policy*, section 5.7.

QMN has the right to refuse material if the following conditions are not met:

- (a) the specimens are **not** of a sufficient size and quality to enable scientific classification of the material; and
- (b) the specimens are **not** fixed and preserved in a way approved by QMN; and
- (c) the specimens are **not** labelled in an appropriate way, including, for example, by bar coding, stating
 - (i) the number, or other identification, of the authority under which the material was taken; and
 - (ii) the date on which it was taken; and
 - (iii) if the holder is reasonably able to classify the material by using current scientific nomenclature - its classification to the lowest taxonomic level reasonably possible; and
 - (iv) the geographic location from which the material was taken, including, for example, by reference to geographic coordinates.

If the sample is **not** labelled as required, QMN may:

- (a) classify the material to the lowest possible taxonomic level; and
- (b) recover from the holder, as a debt, the costs reasonably incurred by QMN in carrying out the classification.

5.4 Purchase

Objects or Specimens may be purchased from any legitimate source with the prior approval of the Program Head. However a purchase from a member of the Board, staff honoraries or family or friends require the approval of the CEO. In such cases QMN will establish a purchase price that reflects fair market value, with adherence to ethical guidelines.

5.5 Exchange

The exchange of objects or Specimens between institutions is an established and useful means of developing and improving a collection. Exchanges may be made by the Head of the relevant Program; provided that

- Both parties are in full agreement with the terms and conditions
- Both the acquisition and the disposal of objects are documented for the permanent records
- The removal of the Object or Specimen would not impair the collection in any functional way
- The removal will be approved through the deaccessioning process (see *QM57 Policy for Deaccessioning*)

5.6 Commonwealth Cultural Gifts Program

http://www.arts.gov.au/tax_incentives/cgp

The Commonwealth's Cultural Gifts Program encourages gifts of significant cultural items to public art galleries, museums and libraries by offering donors a tax deduction for the market value of their gifts. Gifts made under the program are exempt from capital gains tax and the tax deduction may be spread over a period of up to five years.

The Ministry for the Arts (Department of Communications and the Arts) administers the program with advice from the Committee on Taxation Incentives for the Arts. The committee advises the Secretary to the Department on the approval of valuers to participate in the program and examines donations to make sure they conform to the program's requirements.

Gifts of property that can be made under the program include:

- arts of Aboriginal People and Torres Strait Islanders
- cultural objects
- natural and scientific materials
- film and social history pieces
- paintings
- manuscripts
- books
- antiques, and
- jewellery.

Property gifted may take any form other than an estate or interest in land or in a building or part of a building. The property must be accepted by QMN for inclusion in a collection it is maintaining or establishing. Intending donors should contact QMN, then they or QMN

should seek further information from Minister for the Arts (Department of Communication and the Arts).

All items acquired via the Cultural Gifts Program must be reported to the CEO and Board.

QMN does not undertake paid or unpaid third-party valuations. Museum staff will not recommend to the public a specific dealer, valuer or auctioneer, but may provide a list of such people with the understanding that this does not constitute an endorsement.

5.7 Reserve Collections

Reserve Collections 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.

All Items should be assessed for significance and research value before being accepted into the Reserve Collection. If an Item is considered valuable by the relevant Program Head or Curator then that Item will be accessioned into the State Collection and will no longer be available for use within the Reserve Collection.

As the Reserve Collection is acquired predominately for hands-on use, all Items must be assessed in terms of condition, fragility, size, weight and cost of preparation and maintenance. Items within the Reserve Collection that are not being used or have deteriorated to the extent that cost-effective repairs cannot be undertaken will be removed from the Reserve Collection.

5.8 Intellectual property

Whenever QMN acquires Objects and Specimens other than through field collection, curators will use their best endeavours to record all available information for all rights owners of the Object including but not limited to donor, creator, and/or moral rights holder(s).

Curators will ascertain whether or not the donor owns copyright and will undertake necessary research to locate the rights owned. In addition, research may be required to ascertain other necessary information e.g. birth/death dates of creator to predict expiry date of copyright, and to document any limitations for use of the object.

All possible intended uses of the object will be considered (ie research, exhibition, publication, website, loan to other museums) and best endeavours will be used to ensure that rights are documented in Agreements/licences.

Uses that do not require permission/rights include:

- photographing material for administrative purposes only
- exhibition [with attribution]
- preservation copies of an original artistic work, film or sound recording.

Uses that probably require permission include

- reproducing images in publications
- providing access to material online
- reproducing material on commercial products

6.0 DOCUMENT HISTORY

VERSION	DATE	AMENDMENT
1.0	12 October 2007	Original content taken from Collection Development Policy 2007 draft v0.4
1.1	17 October 2007	Draft Guidelines for comment
1.2	08 November 2007	Draft Guidelines – after comment from CM
1.3	15 June 2009	Final draft after updated changes due to sign-off of final Collection Policy
1.4	18 February 2010	Draft amended in light of changes to procedure due to process being managed in Vernon
1.5	29 th March 2011	Reviewed and updated
1.6	16 th August 2013	Updated to include new branding information
1.7	Aug 2014	Biannual review and update
1.8	Sept 2015	Document updated to include Due Diligence requirements
1.9	March 2016	Document updated to include suggested changes by Ministry for the Arts
1.10	June 2016	Document updated to include further suggested changes by 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.