

**NATIONAL  
PORTRAIT  
GALLERY**

**COLLECTION  
DEVELOPMENT  
POLICY**





# 1. THE NATIONAL PORTRAIT GALLERY OF AUSTRALIA COLLECTION STATEMENT OF PRINCIPLES

The Gallery's Collection (Collection) embodies one of the key functions of the National Portrait Gallery of Australia (Gallery) as per the *National Portrait Gallery of Australia Act 2012*: 'to develop, preserve, maintain, promote and provide access to a national collection of portraits (including portraits that reflect the identify, history, diversity and cultural of Australia), other works of art and related material.'

In line with the Gallery's vision of:

'aspiring to reflect the face of Australia. We are the place where the national story unfolds with clarity, without complacency or self-satisfaction. We use portraiture to tell Australian stories and to increase understanding and appreciation of Australian people – their identity, history, culture, creativity and diversity.'

the Collection provides opportunities for research, exhibition, educational and interpretive programs for the Gallery's visitors while contributing to the cultural enrichment of the Australian community.

The standards observed and actions undertaken by the Gallery in its management of the Collection under these principles are outlined in this Collection Development Policy (Policy).

# 2. FUNDAMENTAL COLLECTION PRINCIPLES

## 2.1 Operational principles

- a. The Collection primarily consists of works of art (works) of individuals who have influenced or contributed to the shaping of Australia as a nation and a society.
- b. The Collection consists of historical and contemporary works across all artistic media.
- c. The Collection is developed through formal recommendations to the National Portrait Gallery of Australia Board (Board); these are made in line with the provisions of this Policy by key professional staff of the Gallery including the Director; Director, Collection & Exhibitions; Curator, Collection & Research; Associate Curator; Collection Administrator; and Collection Manager.
- d. The Board approves or ratifies all decisions relating to the acquisition of works of art and associated material, according to the provisions of this Policy.
- e. No item in the Collection will be subject to deaccession and disposal unless the Gallery formally identifies the need for deaccessioning under the provisions outlined in this Policy.
- f. This Policy is a public document and is subject to annual review.

## 2.2 Collecting principles

The Collection primarily consists of works of art (works) of individuals. Works, primarily in the form of portraits, acquired by the Gallery aim to represent an inclusive view of Australia, its people, society and history. The Collection aims to reflect, in its represented subjects, the broadest array of fields of endeavour and individual contributions to Australian history and society. The works in the Collection aim to represent the diversity of Australia and to include subjects and artists from all Australian states and territories.

1. The subjects of works acquired into the Collection are to be Australian, or have made an important contribution to Australia. Subjects should either:
  - a. be significant or well-regarded in their field of endeavour;
  - b. have made a substantial contribution to, or impact on, the course of Australian history or society;
  - c. have lived a life which sets them apart as an individual and which will be of long-term interest to the public.
2. Consideration may be given to the inclusion of other subjects when conditions of exceptional interest apply.
3. All works acquired by the Gallery should have been created from life. Posthumous portraits will only be considered in exceptional circumstances.

Beyond the above, the selection of works for the Collection is also informed by:

4. Artistic merit,
5. The artist,
6. Existing Collection holdings,
7. Provenance of the work, and
8. Condition of the work.

## 2.3 Study collection

The Gallery's Collection is supplemented with a study collection. The study collection holds works or material that relates to the development of a portrait, and/or material that relates to the life of its subject, that is not appropriate for inclusion in the Gallery's Collection. Material may include but is not limited to:

- non-limited digital prints
- photographic proof sheets
- copy photographs (i.e. second generation prints from existing prints)
- objects or ephemera associated with a particular portrait
- publications (of a rare or limited type)
- postage stamps

Items accepted into the study collection will be registered (not accessioned) and will not be listed in annual reports. Recognition of donors will occur on exhibition labels, but as a rule, not on the donor boards.

Original works in any medium (such as preparatory drawings) will in the first instance be considered for their suitability for inclusion in the Collection, before being considered for the study collection.

# 3. ACQUISITIONS

The Gallery will ensure that acquisitions are authentic, have clear provenance and valid and transferable title. All acquisitions will be negotiated and managed by the Gallery on terms that are ethical and transparent. All acquisitions and associated processes will represent and maintain the Gallery's reputation for legal and ethical practices.

The Gallery recognises and is bound by the terms of the *Protection of Moveable Cultural Heritage Act 1986* and the supporting *Protection of Movable Cultural Heritage Regulations 2018*. The Gallery recognises the *UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970* (the Convention) and acknowledges that Australia is a signatory to the Convention.

In line with these acts and conventions, the Gallery will not acquire any work unless it can be satisfied that a valid title can be acquired for that work and that it has not been acquired in, or exported from, its country of origin (or any intermediate country in which it may have been legally owned) in violation of that country's laws, and in accordance with the aforementioned acts, regulations and conventions.

In acquiring works by, or of, Aboriginal and Torres Strait Islander people the Gallery recognises the Australia Council's *Protocols for using First Nations Cultural and Intellectual Property in the Arts*.

The Gallery's acquisition practices are guided by the International Council of Museums (ICOM) *Code of Ethics*, *Museums Australia Code of Ethics* and the Australian Government's *Australian Best Practice Guide to Collecting Cultural Material*.

## 3.1 The distributed national collection

The National Portrait Gallery of Australia Collection is part of the Distributed National Collection, a concept embracing the holdings of all significant galleries, libraries, archives and museums in Australia. The Gallery recognises the place of its Collection alongside the major national and state collecting institutions and supports a collaborative approach to collection development and management.

## 3.2 Considerations for acquisition

In line with the functions of the Gallery under the *National Portrait Gallery of Australia Act 2012*, the Gallery will acquire portraits (including portraits that reflect the identity, history, diversity and culture of Australia), other works of art and related material, both historical and contemporary and in all media. Acquisitions for the Collection will be through various modes of acquisition including purchases and gifts. The commissioning of portraits will be actively pursued subject to the availability of funds.

Further to the aforementioned Fundamental Collection Principles, when considering a potential acquisition, the Gallery will be cognisant of factors which may impact on the condition, care and preservation

of the work. Due account will be taken to ensure that there is adequate consideration of conservation needs, documentation and proper use, and that limitations of storage, conservation resources, display space, and staffing are also considered. This includes any issues or unusual costs in relation to the current and future condition and long-term care of the work, the storage and movement of the work, and the ability for the work to be displayed by the Gallery or lent to other institutions.

In relevant circumstances consideration may be given to the holdings and collecting policies of other Australian public collections, in order to avoid unnecessary duplication, and to ensure that works that may relate to specific social history or other categories of specialised interest are collected by appropriate institutions, for the benefit of all Australians.

Formal recommendations for acquisition are made in line with the provisions of this Policy, to the Board, by key professional staff of the Gallery including the Director; Director, Collection & Exhibitions; Curator, Collection & Research; Associate Curator; Collection Administrator; and Collection Manager.

### 3.3 Purchases

The Gallery may purchase portraits, others works, or related material for the Collection. Purchases may be undertaken from dealers, commercial galleries, shops, private individuals or companies. The Gallery may also purchase works at auction.

#### PURCHASES FROM DEALERS, GALLERIES, SHOPS, PRIVATE INDIVIDUALS AND COMPANIES

In evaluating a proposed acquisition for purchase the Gallery will seek to ensure that the owner/vendor can provide clear and unencumbered title to the work, that the purchase is free from restrictions or encumbrances, and that the work is being offered at a price which is fair and reasonable.

The Gallery, except in exceptional circumstances, will pay for purchases (on submission of a valid invoice) after the work has been received and confirmed as correct, complete and in an acceptable condition consistent with the condition understood at the time of offer. In any instances where a part or full payment is required in order to secure the transfer of possession, the requirements of such an agreement will be articulated to the Board.

#### PURCHASES AT AUCTION

When a work is offered for sale at auction and is deemed desirable for inclusion in the Collection the Director and Board will consider its purchase using the provisions of this Policy. The auction house's terms of sale must be evaluated for warranty of title and authenticity in accordance with this Policy and the Gallery's established due diligence and provenance procedures.

In the event of an auction taking place between Board meetings, two of the following Board members, the Director, the Chairman, Deputy Chairman or a Board Member, are authorised to determine whether a bid will be made for the work and the financial limit for bidding, considering the availability of funds. A nominated staff member will then bid upon the proposed work up to this

limit, cognizant of the inclusion of buyer's premium fees in addition to the hammer price.

In instances of auction purchases the Gallery will pay for purchase on submission of a valid invoice from the auction house, prior to the work being received, consistent with the terms and conditions of the auction.

### 3.4 Gifts

The Gallery welcomes gifts of works that align with the provisions of this Policy as stated in its Collecting Principles. Gifts may be accepted in four forms: as an outright gift, as a gift through the Australian Government's Cultural Gifts Program, as a proposed or pledged gift, or as a bequest.

The Gallery will not accept gifts upon which the donor has applied any conditions, restrictions or encumbrances or where there is a reserve to the donor of any power of control or revocation. In exceptional circumstances in which the Gallery, approved by the Board, elects to accept an encumbered or restricted gift, the decision must be ethical and transparent and the conditions cannot impede on the Gallery's functions under the *National Portrait Gallery of Australia Act 2012*. The basis of the decision will be minuted specifically in the Board meeting minutes.

The Gallery reserves the right to decline a proffered gift for any reason including but not limited to instances where the work does not meet the provisions of the Collecting Principles: the work does not have sufficient provenance; the donor does not hold clear and unencumbered title to the work of art; the work is not of sufficient artistic merit; the subject of the work is already represented in the Collection; and/or the work does not meet the collecting priorities of the Gallery; and/or there are restrictions, conditions or encumbrances on the work.

#### OUTRIGHT GIFTS

A donation of work or material owned by a living individual, individuals, an organisation or institution for which there is no tax benefit is considered an outright gift.

For an outright gift, the donor must have clear intention to donate the work to the Gallery, full and unencumbered title to the work, and the Gallery must have clear intent to accept the work. The transfer of title and possession of the donated work must be unencumbered and absolute. All donors are required, after confirmation of the Gallery's acceptance of their gift, to sign a Deed of Gift providing legal documentation of the transfer of title and possession of the work. The Deed of Gift provides the Gallery with a range of warranties and indemnities and affirms the agreement of both or all parties to the transfer and acceptance of title and possession of the work.

#### GIFTS UNDER THE CULTURAL GIFTS PROGRAM

A donation of a work or material owned by a living individual or individuals for which there can be a tax benefit will be processed under the Australian Government's Cultural Gifts Program (CGP). The Gallery will adhere to the regulations and procedures of the CGP when considering any donation of a work through this program.

The Gallery recommends that any donor considering donating under the CGP seek advice from their accountant or financial advisor to ensure the program is suitable for their specific requirements.

For donations made under the CGP, the Certificate of Donation provided and signed by the donor and countersigned by the Gallery fulfils the role of the Gallery's Deed of Gift.

#### PROMISED OR PLEDGED GIFTS

A donor may undertake to commit to donating a work to the Gallery where part or all of the receipt of the gift is deferred until an agreed date in the future. Gallery staff will work with the donor to assess legal title and provenance of the promised or pledged gift to ensure that it meets the due diligence and provenance requirements prior to accepting the future commitment.

Title is retained in the work by the donor until such time as the gift is realised. The donor may retain physical possession until the gift is realised or may enter into a loan arrangement with the Gallery. Unless in exceptional circumstances, the Gallery will only realise the promised gift after possession of the work has transferred to the Gallery, and the Gallery has confirmed that the work is complete, all components or parts have been received, and that the work is in an acceptable condition, consistent with the condition understood at the time of the acquisition commitment.

In the rare instance that the work is found to be in an unacceptable condition, or in the event that other factors relating to the authenticity, provenance or attribution of the work are not as they were understood to be at the time of the commitment, the Gallery reserves the right to not proceed with acquisition.

#### BEQUESTS

The Gallery welcomes bequest gifts of works that align with the provisions of this Policy and its Collecting Principles. All, some, or none of the works and material offered to the Gallery as a bequest may be accepted for the purpose of entering the Collection. In addition, in accordance with the conditions of the bequest works may be acquired by the Gallery as property to be disposed of to the benefit of the Collection.

In instances where it is possible, prior to the realisation of a bequest, Gallery staff will work with the benefactor to assess the proposed bequest, to ensure that it meets the provisions of this Policy, including legal title, provenance, and condition and its Collecting Principles.

For accepted bequests, prior to their realisation, a copy of the will, codicils and other related documentation will be submitted to the Gallery and will be retained as part of the Gallery's records.

Unsolicited bequests may be accepted for acquisition into the Collection or as property to be disposed of to benefit the Collection in accordance with the conditions of the bequest.

The Gallery reserves the right to decline any bequest.

### 3.5 Commissions

The Gallery may commission an artist or artists to create a work for the Collection. Commissioning portraits

enables the Gallery to target significant subjects during their lifetimes, and to acquire works by sought-after artists, including artists not usually working in the field of portraiture.

All commissions are subject to Board approval prior to the generation of contractual agreement between the Gallery and the artist. The terms and conditions of the commission will be stipulated in the Gallery's commissioning agreement. The agreement contains clauses to ensure that the execution of the contract effects the transfer of possession and title to the Gallery, absolute, unencumbered and free of restriction.

Following the completion of the commissioned portrait and its receipt at the Gallery, the acquisition of the work into the Collection will be subject to the approval of the Board.

#### OFFERS BY THIRD PARTIES TO COMMISSION PORTRAITS

The Gallery may be approached by an external party seeking to commission a portrait for the Collection. While the subject may meet the provisions of this Policy and the Gallery may hold an interest in seeing the proposed subject enter the Collection, the Gallery is unable to enter into a commissioning agreement care of a third party, nor to provide any guarantees of acceptance of any externally commissioned work into the Collection.

The portrait on its completion may be offered to the Gallery as an outright gift and will be assessed by Gallery staff and the Board according to the provisions of this Policy.

If the work is accepted as an outright gift, it will be credited as a gift by the donor and not as a commissioned work.

### 3.6 Permanent joint ownership

The Gallery recognises the potential benefits and increasing frequency of joint ownership of works. Accordingly, the Gallery may undertake to jointly acquire a work with another collecting institution. Any transactions involving binding terms for permanent joint ownership of a work must be reviewed, subject to legal advice, and approved by the Board.

The terms of any agreement of joint ownership must ensure conditions for shared possession, preservation and conservation, storage conditions, display, outward loan, transportation, handling, and any other considerations for collection management and access are agreed. The terms of the agreement of joint ownership must include considerations by all parties of each owners' acquisition and deaccessioning policies and processes. The agreement must include specific terms regarding acquisition and deaccession in reference to these policies and processes.

The agreement must also make provision for first option for acquisition of the remainder of the title in the work to be given to the co-owner(s) in the event that either or any of the parties intends to dispose of their share, and that if this option is not taken that any new co-owner, in order to acquire part title of the work, enters into an agreement to maintain appropriate shared custodial arrangements with the Gallery, including meeting agreed museum-standard conditions.

### 3.7 Other processes of acquisition

Other forms of acquisition may be considered by the Board on a case by case basis. Any consideration of other forms of acquisition will be undertaken with reference to the provisions of this Policy.

### 3.8 Delegate authority to acquire

All acquisitions, notwithstanding other conditions noted in this Policy for auctions and director's delegation, will be made following consultation with the Board at a scheduled Board meeting or through circular resolution. As per section 47 of the *National Portrait Gallery of Australia Act 2012* 'the Gallery must not, without the written approval of the Minister acquire any portrait, another work of art or related material for a consideration exceeding in amount or value the amount prescribed by the regulations.'

### 3.9 Director's delegation

In situations when an immediate purchase is necessary, the Director may authorise the purchase of works to the total value of \$20,000 in any one financial year without prior consultation with the Board. In making these judgements, the Director shall adhere to the provisions of this Policy and report in writing to the Board on the details of the purchase.

### 3.10 Conflict of interest

Acquisitions of works by any method from Gallery Board members, employees (paid or unpaid), or related parties, must be disclosed to and minuted by the Board as part of its approvals process. Board members and employees must exclude themselves from any discussion or decision by the Board in relation to acquisitions in which they, or their related parties, are involved. This exclusion must be minuted.

### 3.11 Documentation and communication

Prior to public disclosure by the Gallery of Board or ministerial approval to acquire a work, neither Gallery staff nor members of the Board will inform any non-essential third parties that the work is being considered for acquisition.

Decision making for all acquisitions is to be recorded in Board minutes. The formal acquisition of a work into the Collection will be identified by accession number, assigned by Gallery staff in line with Australian and international registration processes. All acquisitions will be documented in the Gallery's collection management system and these records will include information on the work, as well as information related to the decision and process of the acquisition. Additional documentation, correspondence and other content related to an acquisition will be kept in the Gallery's electronic records system.

Acquisitions for each financial year will be noted in the Annual Report for reasons of public record.

## 4. DEACCESSIONS

Deaccessioning is the process of permanently removing a work (or related material) from a collection, including the formal adjustment of records to reflect the removal of the work. Deaccessioning is finalised through a process of disposal which outlines the discharge of the work in accordance with the conditions of this Policy and the provisions of the *National Portrait Gallery of Australia Act 2012*.

Deaccessioning is a legitimate collection management activity, applied when a work meets very specific requirements. Deaccessioning must in all instances be applied with due diligence and consideration of the past, current and future requirements of the Collection.

Formal recommendations for deaccession are made in line with the provisions of this Policy, to the Board, by key professional staff of the Gallery including the Director; Director, Collection & Exhibitions; Curator, Collection & Research; Associate Curator; Collection Administrator; and Collection Manager.

In instances where donated work has been approved for deaccession, every effort will be made to notify any living donor whose gift has been approved for deaccessioning. In instances where donated funds are related to a deaccessioned work, the acknowledgement of the donated funds in the credit line may be, in consultation with the donor, assigned to another work.

Any funds generated from the deaccession and disposal of a work may only be used for Gallery activities which directly improve the Collection, such as future acquisitions or the conservation or management of other works.

### 4.1 Criteria for deaccessioning

Works in the Collection will be considered for deaccession in the following limited circumstances:

- Where the status of a subject of a work no longer falls within the parameters of this Policy.
- Where the work is a non-essential duplication of a work already held in the Collection.
- Where the work is a forgery, or is incorrectly identified or attributed, in artist or subject.
- Where the work is in an advanced and irreversible state of deterioration.
- Where the work is subject to conditions or legislation which prevents the Gallery from displaying the work or from holding full and unencumbered title to the work.
- Where the work has been legitimately claimed for repatriation or restitution.
- Where the work presents a risk to staff, the public, the Gallery building or other works.

The Gallery when deaccessioning any work must balance a range of considerations. These include but are not limited to:

- the reason for deaccessioning;
- the public interest;
- the Gallery's reputation;
- the impact on the Gallery's relationship with any living subject or artist;

- the conditions outlined in policies related to the Australian Government's Cultural Gifts Program;
- the impact on current and future benefaction, philanthropic willingness to donate or bequeath work to the Gallery in the future.

The Board will consider the deaccession of any work with caution, and will incorporate delay and review mechanisms in the approval processes as appropriate.

#### 4.2 Disposal methods

The Gallery will dispose of deaccessioned work in accordance with national and international gallery and museum standards and in adherence to the asset disposal procedures of the Gallery.

Potential disposal methods are limited to:

- Returning the deaccessioned work to the original donor or their nearest living relative, except in instances where the donation was made through the Australian Government's Cultural Gifts Program<sup>1</sup>.
- Donating the deaccessioned work to a non-profit collecting institution.
- Exchanging the deaccessioned work for another work with a non-profit collecting institution.
- Selling the deaccessioned work at a private or public auction.
- Destroying the deaccessioned work by means of physical destruction (this is limited to instances where the work is in an advanced and irreversible state of deterioration).

In the method of disposals of donation or exchange (b or c), the Gallery will consider non-profit collecting institutions that can demonstrate the ability to care for and preserve the deaccessioned work and that can provide beneficial public and scholarly access. Consideration will include those non-profit collecting institutions who can financially support the physical transfer of the work.

In instances where a deaccessioned work is to be disposed via private or public sale, the highest price possible will be sought. Any financial proceeds gained from the disposal of a deaccessioned work will be utilised solely for future acquisitions or the ongoing care and management of the Collection.

#### 4.3 Ethical considerations related to deaccession and disposal

In no instances will the work be transferred, given away or knowingly sold to any Gallery Board member, staff, or any member of the immediate family of a Board member or staff (except in instances where they were the original donor of the work).

Prior to public disclosure by the Gallery of Board or ministerial approval to deaccession and dispose of a work, neither Gallery staff nor members of the Board will inform any non-essential third parties that the work is being considered for deaccessioning.

Once the disposal of the work is completed the deaccession will be noted in the Annual Report for reasons of public record.

<sup>1</sup> Donations made through the Australian Government's Cultural Gifts Program are not eligible for return to the original donor and/or their relatives in an instance of deaccessioning and disposal. This results from a tax deduction for the donation having been provided to the donor, through Australian Taxation Office process at the time of the donation.

#### 4.4 Approvals and recording keeping for deaccessioning and disposal

In the instance where a work of art meets one or more of the aforementioned criteria and is proposed to be deaccessioned a written deaccessioning proposal will be provided to the Board. Written deaccessioning proposals will be made in line with the provisions of this Policy by key professional staff of the Gallery including the Director; Director, Collection & Exhibitions; Curator, Collection & Research; Associate Curator; Collection Administrator; and Collection Manager.

A deaccessioning proposal must include:

- the work's accession or identification number,
- a description of the work,
- a summary of due diligence carried out in establishing the status of the work,
- an estimated current market value or asset value for the work,
- documentation pertaining to the legal status of the work and any conditions related to its purchase or donation, including if there was a tax benefit claimed by the donor through the Australian Government's Cultural Gifts Program,
- any donor implications for the deaccession including any contact made with the donor, their trustee or personal representative,
- the conservation status of the work,
- the reasons for proposing the deaccession of the work, and
- a recommended method of disposal.

At a Board meeting or through circular resolution the Board may accept the proposal to deaccession the work and the recommended method of disposal. This will be defined as an in-principle determination to deaccession.

The Board's in-principle determination to deaccession will be subject to a cooling off period of a minimum of six (6) months. Following the conclusion of this period, the Board will be requested to ratify their in-principle determination to deaccession, with a final approval to deaccession.

If the value of the work, at the time of the final approval to deaccession is within the Board's delegation under the *National Portrait Gallery of Australia Act 2012*, Gallery collection staff will deaccession and dispose of the work in line with the approved arrangements.

Gallery finance staff including the Chief Operating Officer will be informed of the deaccession so that the work may be derecognised from the Gallery's financial accounts and relevant disclosures are included in annual financial statements.

A record of the deaccessioned work will remain on the Gallery's collection management system as a record of the decision and process. All records of the deaccessioned work and the circumstances of its deaccessioning and disposal will be marked clearly and kept on file for future reference. The accession number of a deaccessioned work will remain assigned to the record and will not be reused.

Should the value of the work to be deaccessioned and disposed exceed the Board's delegation for disposal of property under the *National Portrait Gallery of Australia Act 2012*, the Director will, with the support of the Board,



promptly apply in writing to the Minister for their approval to deaccession and dispose of the work.

While the work is awaiting Ministerial approval, it will be defined only as deaccessioned in-principle. During this time the work will continue to be acknowledged as an asset in the Gallery's financial asset registers and the collection management system.

Following receipt of approval from the Minister the Gallery's collection and finance staff will undertake the aforementioned final deaccessioning and disposal actions.

#### **4.5 Delegate authority to deaccession and dispose**

As outlined in the *National Portrait Gallery of Australia Act 2012* section 11 'Disposals of works of art and related material' per clause 1:

'[T]he Board may resolve that a portrait, another work of art or related material in the national collection be disposed of by sale, exchange, gift or destruction if the Board is satisfied that the portrait, other work of art or related material is (a) unfit for that collection; or (b) is not required as part of that collection.' It also notes that in clause 2 'the Board must not resolve that a portrait, another work of art or related material be disposed of by way of destruction unless the Board is satisfied that the portrait, other work of art or related material has no saleable value'. In instances where the Board has given permission as per clause 3 'If the Board has resolved, in accordance with this section, that a portrait, another work of art or related material be disposed of, the Gallery may dispose of that portrait, other work of art or related material accordingly.'

Should the value of the work to be deaccessioned and disposed exceed the Board's delegation for disposal of property under the *National Portrait Gallery of Australia Act 2012*, the Minister must be applied to for their approval to deaccession and proposed method of disposal prior to any further action being undertaken.

## **5. POLICY AND REVISION AND APPROVAL HISTORY**

Only the Board on recommendation from the Director and/or the Director Collection & Exhibitions, may approve changes to this Policy. This Policy is to be reviewed annually.

## **6. AUTHORISATION**

*National Portrait Gallery of Australia Act 2012*

## **7. REVOCATIONS**

This Policy revokes all other policies relating to acquisitions and deaccessions from the effective date.

## **8. TARGET AUDIENCE**

This Policy applies to members of the NGPA Board, the NPGA Director, NPGA staff including volunteers, interns and contractors, and current and future donors and vendors.

## 9. DEFINITIONS

**Accession:** the process of formally acknowledging a work as part of the National Portrait Gallery permanent collection.

**Acquisition:** the process of obtaining valid title to a work or other material.

**Acquisition proposal:** a document which details information about the work(s) proposed for acquisition and outlines the considerations when assessing the acquisition. The proposals detail the work's information, known provenance, costs, vendor/donor information and any potential funding sources (purchases/commissions only).

**Board member:** a member of the National Portrait Gallery of Australia governing Board appointed in accordance with the *National Portrait Gallery of Australia Act 2012*.

**Collection:** works in various media that are Gallery property and have been formally accessioned into the collection or registered in the study collection. For the purposes of this Policy, the terms work and work of art are used interchangeably to describe all art or other material accessioned into the Collection.

**Deaccession:** deaccessioning is the process of permanently removing a work or other material from a collection including the formal adjustment of records to reflect the removal of the work. Deaccessioning is finalised through a process of disposal.

**Deed of Gift:** a formal, legally binding document that establishes that title to a work has been transferred to the Gallery, as a gift, by the donor(s). The deed outlines the terms and conditions of the gift.

**Director:** the Director of the National Portrait Gallery of Australia appointed under the *National Portrait Gallery of Australia Act 2012*. It includes a person appointed by the Minister as acting Director.

**Disposal:** the discharge of the work through sale, gift, exchange, return, transfer or destruction of a deaccessioned work or material in accordance with the conditions of this policy and the provisions of the *National Portrait Gallery of Australia Act 2012*.

**Donor:** an individual, group or entity that makes a gift of a work or supports the acquisition of a particular work by a cash donation.

**Due Diligence:** the thorough assessment of a work to evaluate its authenticity, chain of ownership and provenance and to identify and assess any gaps in information in any of these three areas.

**Gallery:** the National Portrait Gallery of Australia, a statutory authority established in accordance with the *National Portrait Gallery of Australia Act 2012*. This term is interchangeable with the term NPGA.

**NPGA Act:** The *National Portrait Gallery of Australia Act 2012* which defines the statutory authority of the National Portrait Gallery of Australia.

**Owner:** the individual or organisation who has legal title to the work.

**Provenance:** the history of ownership of an item from the time of its discovery or creation to the present day, from which authenticity and ownership are determined.

**Repatriation:** the process whereby work or material in a gallery or museum collection is returned to lineal descendants and/or culturally affiliated communities, including countries of origin.

**Restitution:** the process of returning material to a valid title-holder in the event that the material has been obtained through illicit dealings, pillage in times of war, stolen, or that may have been otherwise illegally obtained.

**Staff:** permanent, temporary or contracted members of staff of the National Portrait Gallery of Australia, including volunteers and contractors.

**Title:** the legal right to ownership of property. Also referred to as Legal Title.

**Vendor:** an individual, group or entity selling a work of art to the Gallery.

**Work:** work of art, object, item or material owned by the National Portrait Gallery of Australia or any third-party.

# 10. REFERENCES

This policy should be read in conjunction with the following:

*Aboriginal and Torres Strait Islander Heritage Protection Act 1984*

*Art Loss Register*

Australian Government's *Australian Best Practice Guide to Collecting Cultural Material* 2015

Australia Council *Protocols for First Nations Cultural and Intellectual Property in the Arts* 2021

*Biosecurity Act 2015*

Collections Council of Australia *Significance 2.0 a guide to assessing the significance of collections* 2009

*Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)* 1979

(Bonn Amendment) and 1983 (Gaborone Amendment)

*Customs Act 1901*

*Environment Protection and Biodiversity Conservation Amendment (Wildlife Protection) Act 2001*

ICOM *International Observatory on Illicit Traffic in Cultural Goods*

ICOM *Code of Ethics* 2017

ICOM *Red Lists of cultural objects at risk*

INTERPOL *Stolen Works of Art Database*

*Income Tax Assessment Act 1997*

Museums Australia *Code of Ethics* 1999

*National Portrait Gallery of Australia Act 2012*

*National Portrait Gallery Regulation 2013*

*Personal Properties Securities Act 2009*

*Protection of Movable Cultural Heritage Act 1986*

*Protection of Movable Cultural Heritage Regulations 2018*

*Public Governance, Performance and Accountability Act 2013*

*Underwater Cultural Heritage Act 2018*

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 *The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict* 1954,

First Protocol 1954 and Second Protocol 1999

Unidroit *Convention on Stolen or Illegally Exported Cultural Objects* 1995

