

Due Diligence and Provenance Policy

(AGSA006) Revision 0.2 (12/18/2012)

1. Purpose

The *Due Diligence and Provenance Policy* aims to ensure that The Art Gallery of South Australia ("The Art Gallery") as a major cultural collecting agency with a charter to collect Australian and international works of art across all media, conforms to appropriate standards to ensure that the objects it brings into the collection have clear title of ownership, appropriate ownership history (provenance) and conform to legislation in relation to moveable cultural heritage.

2. Scope

This policy is applicable to all staff who acquire works on behalf of the Art Galley of South Australia.

3. Policy Details

The Due Diligence and Provenance Policy aims:

- To acquire of all works of art in a responsible manner, in accordance with the Art Gallery's *Acquisitions Policy* and approved acquisition strategies and collection development principles
- To acquire all works of art according to the highest standards of ethical and professional practice
 - The Art Gallery should ensure that all the works of art acquired have clear title of ownership
 - The Art Gallery does not support the illicit trade of works of art, the destruction or defacing of ancient monuments, and the theft of works of art from individuals, museums or other repositories
 - The Art Gallery shall not knowingly acquire objects which have been stolen in peace time, or appropriated by theft or other illicit means during times of civil unrest and armed conflict
- To take into consideration cultural sensitivities in the collecting, display and publication of works of art

- The Art Gallery supports best practice and protocols to inform fair, sensitive and effective consultation in dealing with Indigenous artists, their representatives, and their communities
- The Art Gallery will refrain from acquiring, displaying and publishing works of art which would offend the cultural sensitivities of Indigenous communities
- To rigorously research the provenance of works of art prior to acquisition
 - The Art Gallery recognises that for some works of art provenance information is incomplete or unobtainable. Such works may deserve to be publicly displayed, preserved, studied and published because of their rarity, importance and aesthetic merit
- To acquire all works of art in compliance with Australian legislation and Australian and International codes of practice, which preclude museums from participating in transactions involving illicit material specifically:
 - *Convention on the Means of Prohibiting and Preventing the Illicit Import and Export and Transfer of Ownership of Cultural Property* (UNESCO 1972)
 - *Protection of Movable Cultural Heritage Act* (1986)
 - *Code of Ethics for Museums* (ICOM 2004)
 - *Code of Ethics for Art, History & Science Museums* (1999)
 - *Indigenous Australian Charter of Principles for Publicly Funded Collecting Institutions* (2009)
- Where an object belonging to the Art Gallery is identified or claimed for restitution, such claims will be handled with respect and sensitivity.
 - Any considered restitution by the Art Gallery will take into account the individual merits of the case, the Art Gallery's *De-Accessioning Policy*, cultural, legal and legislative factors and the long-term preservation of the work of art.

4. Related Documents

- The Art Gallery of South Australia Acquisitions Policy
- The Art Gallery of South Australia Acquisitions and Due Diligence Guideline
- The Art Gallery of South Australia De-accessioning Policy

5. Responsibilities

- The Director is responsible for ensuring that staff responsible for acquiring works of art are familiar with and adhere to the policy as outlined
- Curatorial staff are responsible for ensuring appropriate research is undertaken and presented to the Directors prior to any acquisitions being made

6. Definitions

Term/Acronym	Definition
AGSA	Art Gallery of South Australia
Movable Cultural Heritage	Inherently valuable, rare and vulnerable non-renewable resources that represent culture including (but not limited to) works of art, artefacts and archives etc
Provenance	History of ownership or location of a work of art

7. Approval

Rhana Devenport

Director

Art Gallery of South Australia

8. Policy Information:

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Further Information:

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