



Museums and Collections Department Acquisition and Accession Protocols

1. Principle Statement

The responsibility to develop and manage the University of Melbourne Collections in the custodianship of the Museums and Collections Department is vested in the Director, Museums and Collections through the UoM [Collections Policy \(MPF1309\)](#). The Director, Museums and Collections acknowledges their obligations under the UoM [Collections Policy](#) to develop, maintain, and manage the Collection.

2. Application

This Protocol relates to the Acquisition and Accession of artworks and items into the UoM Collections stewarded by the Museums and Collections Department.

The Museums and Collections Department acquires artworks and items into the Collections in its stewardship according to the priorities outlined in the relevant Collections Strategies.

3. Background

The Museums and Collections Department will ensure that all Acquisitions are negotiated and managed on terms that are ethical, responsible and visible to public scrutiny and will maintain and extend the University's standing and reputation for collecting excellence in the academic, public and museum communities, both nationally and internationally.

In developing its Collections, the Museums and Collections Department will seek to ensure that it acquires artworks and items with valid Title, established Provenance and authenticity and that have not been identified as having been looted or illegally obtained or exported.

4. Approval of Acquisitions

- 4.1 Acquisitions to the Collections are approved by the Director, Museums and Collections, or by the Deputy-Vice Chancellor Global, Culture and Engagement, informed by the Collections Development Advisory Group, in accordance with the University of Melbourne [Collections Policy \(MPF1309\)](#).
- 4.2 Acquisitions up to a value approved by the Collection Development Advisory Group may also be approved by the Director, Museums and Collections in order to secure works at art fairs, markets etc.¹ With the exception of clauses 4.1 and 4.8, all other terms of these protocols will apply to such acquisitions. Acquisitions approved by the Director, Museums and Collections will be noted by the Collection Development Advisory Group.
- 4.3 Acquisitions are noted by the Museums and Collections Steering Committee.
- 4.4 All proposed Acquisitions with a purchase price above the Director's delegation will be endorsed by the Deputy-Vice Chancellor Global, Culture and Engagement, on the basis of the recommendations of the Collections Development Advisory Group and Director, Museums and Collections.
- 4.5 Proposed acquisitions through the Miegunyah Art Acquisition Fund, which supports the development of the Grimwade Collection will be considered by the Director, Museums and Collections, and the Directors Art Museums, and Collections. Once a recommendation to proceed has been received, proposed acquisitions will be presented to the Miegunyah Art Acquisition Sub-Committee (a subcommittee of the Russell and Mab Grimwade 'Miegunyah' Trust Committee) for approval. Following

¹ The Collection Development Advisory Group approved purchases up to an annual limit of \$10,000 (minutes, CDAG Meeting 3/2023, 31/8/2023).

approval by the Miegunyah Art Acquisition Sub-Committee, proposed acquisitions will proceed through acquisition approval procedures outlined at 4.1 to 4.3.

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- 4.6 All proposed acquisitions sourced through the secondary/auction market must be considered through the approval process outlined above prior to bids being made at auction, up to an approved value.
 - 4.7 All Acquisitions will be considered on their merit, taking into account the principles and terms of this Protocol and the details of the proposed Acquisition, outlined in the Acquisition proposal.
 - 4.8 Acquisition proposals are prepared by the relevant curator and presented for consideration and endorsement by the relevant members of the Leadership Team.
 - 4.9 All approved Acquisitions will be reported to relevant Working Groups, Committees, Boards or Advisory Groups for noting.

5. Acquisition and accession into the Collections

- 5.1 The Museums and Collections Department employs a template Deed of Gift. As a rule, Title in a Gift passes when the Deed of Gift is executed by the Donor and the Museums and Collections Department. Exceptions will be considered and assessed on a case-by-case basis and approved by the Director or their delegate and the decision will be documented.
- 5.2 In the case of Acquisition by Purchase (other than Purchases at auction), Title passes in accordance with the terms of relevant Purchase agreements or contracts.
- 5.3 For artworks and items purchased at auction, Title passes in accordance with the terms and conditions of sale established by individual auction houses, including online auction houses and entities.
- 5.4 For Acquisition by Commission, Title passes when the parties intend it to pass, as agreed and documented in the Commission Agreement. Exceptions will be considered and assessed on a case-by-case basis and approved by the Director or their delegate and the decision will be documented.
- 5.5 Irrespective of the method of acquisition, the date of accession into the collection is the date of the approval meeting or other approved mechanism at which the acquisition is formally approved.

6. Acquisition for purposes other than entering into the Collections

- 6.1 As a rule, the Museums and Collections Department will not acquire material for purposes other than entering into the University's collections. In some instances, where an acquisition is of benefit to the University, items, artworks or other material may be acquired which are not accessioned into the Collections. Principally this will occur in circumstances where:
 - 6.1.1 The material is not appropriate for accession into the collections, but is of benefit as it relates to or supports the existing collections for purposes of research, study or reference; or
 - 6.1.2 the conditions of a bequest allow the University to acquire title and dispose of all or some of the bequeathed material. Any proceeds arising from the disposal of material in this manner will be used within the terms of the bequest, generally solely for the acquisition of material for the collections, or for collections management. The original source of the bequest will be credited in relation to any subsequent purchases arising from the proceeds of such disposal.
- 6.2 The Collection Development Advisory Group will be advised of any acquisitions for purpose other than entering into the Collections. Any such material will be recorded in the collection management system with a status of "Acquired - Not Accessioned".
- 6.3 The Museums and Collections Department employs a template Deed of Gift, and it will be made clear in the Deed and to the Donor that the material is being acquired for purposes other than accessioning into the University collections.

7. Methods of Acquisition

The Museums and Collections Department acquires artworks and items by Gift, Purchase, Bequest, Commission or any other approved transaction by which legal Title to an item passes to the University. To safeguard the integrity of the Collection and guard against misrepresentation, it is critical that, prior to Acquisition, regardless of method, the item ownership be thoroughly researched and Due Diligence

undertaken as outlined in section 7.1 Provenance and Authenticity. Gifts and Bequests are transacted in accordance with the [UoM Gift Policy \(MPF1348\)](#), and in consultation with the Advancement Department, as required.

7.1 Gift

7.1.1 Outright Gift

7.1.1.1 Any Gift of artworks and items by an individual or organisation to the University collection is categorised as a Gift. To make a valid Gift to the University, there must be clear intention on the part of the Donor to transfer Title and possession of the item. Unless by exception, agreed by the Director, Museums and Collections, to make a valid Gift, the transfer of both possession and Title shall be absolute and unencumbered. Unless otherwise agreed and formalised, the Donor is required to sign a Deed of Gift, evidencing the Donor's transfer of Title and possession of the item, and providing the University with a range of warranties and indemnities.

7.1.1.2 The University accepts Gifts under the Commonwealth Cultural Gifts Program in accordance with the program's procedures.

7.1.2 Promised Gift

7.1.2.1 A Donor may promise a Gift to the University for the University collection during their lifetime. A promised Gift is a commitment by the Donor to give an item to the University wherein part or all of the receipt of the Gift is deferred until an agreed date(s) in the future.

7.1.2.2 After approval of the promised Gift in accordance with the approval processes outlined in this Policy, the intended transfer of Title and possession will be formalised with the completion by the Donor and the University of an agreement outlining the terms of the promised Gift. Title is retained in the item by the Donor until such time as the Gift is realised. The Donor may retain physical possession of the item until the gift is realised or may enter into loan arrangements with University.

7.1.2.3 Should the item not be in an acceptable condition, or in the event that other factors relating to the authenticity, Provenance or attribution of the item are not as understood at the time the agreement for the promised Gift was entered into, the University reserves the right to not proceed with the Acquisition of the item.

7.2 Purchases from dealers, private individuals and companies

Artworks and items may be purchased for the University Collection. Although the transfer of Title is implied in every sale of an item, a Purchase Agreement or contract will be entered into, setting out various warranties that the vendor gives to the University including the conveyance of Title in the item, free from encumbrances.

7.3 Purchases at auction

Artworks and items may be purchased at auction for the University collection. Purchases at auction are made on the auction house's terms. The Museums and Collections Department must undertake Due Diligence as outlined in section 7.1 Provenance and Authenticity, and the auction house's terms of sale must be evaluated for warranty of Title and authenticity in accordance with this Policy.

7.4 Bequest

Artworks and items may be bequeathed to the University. The decision whether to Accession bequeathed artworks and items is determined according to the relevant Collection Strategy. Bequests do not have to be accepted, and accepted items do not have to be accessioned. All, some or none of the bequeathed artworks and items may be Accessioned. The Museums and Collections may decide to dispose of bequeathed material in accordance with the Deaccession and Disposal Policy.

7.5 Commission

The University may Commission the production of an item for the relevant University collection. The terms and conditions of the Commission will be stipulated in the Commission Agreement. The Agreement must contain clauses to ensure that the execution of the contract affects the transfer of both possession and Title to the University and that this transfer is absolute, unencumbered and free of restrictions.

7.6 Other forms of Acquisitions

Other forms of Acquisition may be considered by the University on a case by case basis.

8. Considerations in the Acceptance of Acquisitions

The Museum and Collections Department undertakes to be open and transparent in its decision-making processes and procedures and will practice and demonstrate appropriate standards of Due Diligence when acquiring artworks and items for the University collection.

8.1 Provenance and Authenticity

- 8.1.1 The Museums and Collections Department supports the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (UNESCO Convention 1970) and acknowledges that Australia has ratified the Convention. The Museums and Collections Department also recognises and is bound by the terms of the Protection of Moveable Cultural Heritage Act 1986 (Cth) and the Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth), as well as the Aboriginal Heritage Act 2006 (Vic).
- 8.1.2 The Museums and Collections Department will undertake research and Due Diligence before proposing an item for Acquisition in order to establish Provenance and authenticity, in accordance with established procedures. The Museums and Collections Department adheres to Australian and international best practice, including the Ministry for the Arts *Australian Best Practice Guide to Collecting Cultural Material*, Museum Australia's *Code of Ethics* and the ICOM *Code of Ethics for Museums*.
- 8.1.3 The Museums and Collections Department recognises that the *Protection of Moveable Cultural Heritage Act 1986* (Cth) enacts Australia's obligations under the *UNESCO Convention 1970*. No artworks and items will be acquired that were unlawfully imported into Australia, or if not yet imported, that would not be eligible to be lawfully imported into Australia.
- 8.1.4 No item/s will be acquired that are known to have been collected through unauthorised or unscientific excavation of archaeological sites, the destruction or defacing of cultural heritage, monuments, historic places or buildings, or the theft from individuals, communities, museums or other repositories.

8.2 Consultation

- 8.2.1 The Museums and Collections Department recognises the importance of consultation in the fulfillment of its obligations under the Collections Policy (MPF1309), and other relevant University policies, including the Aboriginal and Torres Strait Islander Cultural Heritage Policy (MPF1289).
- 8.2.2 The Museums and Collections Department aims to establish relationships of recognition and reciprocity with individuals, groups and communities that retain a connection to artworks and items acquired for the UoM Collection. Consultation assists in ensuring the historical, social, spiritual and intellectual property significance of the artworks and items in the UoM Collection are considered and acknowledged.
- 8.2.3 The Museums and Collections Department acknowledges that artworks and items may hold particular value, significance and meaning for Aboriginal and Torres Strait Islander individuals, groups and communities and will adhere to the *United Nations Declaration of the Rights of Indigenous Peoples*, including in regards to consultation, participation and prior informed consent in relation to Acquisitions of artworks and items or activities of any kind undertaken by the Department that may impact on Aboriginal and Torres Strait Islander peoples.
- 8.2.4 Where relevant, the Museums and Collections Department will undertake consultation with appropriate individuals, groups, communities or statutory bodies as part of Acquisition Proposal and

assessment of an item considered for Acquisition. Consultations will inform whether the Department will proceed with a proposed Acquisition.

8.2.5 Consultations in relation to artworks and items considered for Acquisition will be in accordance with this Protocol and the Aboriginal and Torres Strait Islander Cultural Heritage Policy (MPF1289), and relevant protocols and procedures.

8.3 Condition and Care

The Museums and Collections Department acquires artworks and items for the University Collection where it has the capacity to store, manage, document and preserve those artworks and items, including the management of any risk to health and safety posed by the item.

8.4 Conditional Acquisitions

Conditional Gifts or Bequests will only be entered into in extraordinary circumstances following a thorough risk assessment. In general, donors will relinquish all rights, excepting copyright, intellectual property rights, and Indigenous Cultural and Intellectual Property Rights, to the artworks and items they donate, except in exceptional circumstances in which an exemption is granted by the Director, Museums and Collections.

8.5 Conflict of Interest

8.5.1 All Acquisitions of artworks and items by any method from the Director, Museums and Collections, Museums and Collections Department staff or their immediate family, or members of the Collections Development Advisory Group and related parties must be disclosed and documented at all stages of the process of recommendation and approval.

8.5.2 Collection Development Advisory Group members and attendees must exclude themselves from any discussion or recommendation by the Advisory Group in which they or related parties are involved. Further the Director, and Deputy-Vice Chancellor Global, Culture and Engagement must exclude themselves from any decision making in relation to Acquisitions in which they or related parties are involved. The declared conflict and exclusion from decision making will be minuted by the Collection Development Advisory Group.

8.5.2 University staff involved in the acquisition of artworks are bound by all relevant University Policy, including but not limited to the Managing Conflict of Interest Policy (MPF1366).

8.5.3 In the event the delegated approver has a conflict of interest, the delegation will escalate in accordance with the University's Regulatory Framework.

9. Record Keeping

In accordance with the [UoM Records Management Policy \(MPF1106\)](#), and established protocols and procedures, the Museums and Collections Department will maintain records for each new Acquisition, including proposed Acquisitions that are not approved. These records will include information on approval processes, key decisions, consultations, transactions, negotiations, Provenance, Due Diligence undertaken including copies of all research and documentation compiled, and signed Deeds of Gift, Purchase Agreements and any other agreements in relation to the relevant Acquisition. All records will be kept securely and permanently by the University.

10. Compliance

Museums and Collections Department staff involved with Acquisitions and Accessions will be informed of all relevant University policies, protocols and procedures and conform to those at all times.

11. Roles and Responsibilities

Director, Museums and Collections: Approves new Acquisitions in accordance with the UoM Collections Policy (MPF1309) within established financial delegation, informed by the recommendations of the Collection Development Advisory Group.

Collections Development Advisory Group: Advises on and recommends endorsement of Acquisitions.

Museums and Collections Steering Committee: Notes new Acquisitions approved by the Director, Museums and Collections.

Deputy-Vice Chancellor Global, Culture and Engagement: Approves new Acquisitions in accordance with the UoM Collections Policy (MPF1309) which exceed the financial delegation of the Director, Museums and Collections.

Director, Collections: Has overall responsibility for ensuring that Acquisition and Accession is undertaken in accordance with this protocol and related plans, policies and procedures, and provides endorsement for Acquisition proposals.

Director Indigenous Collections, Director Art Museums, and Director Science and Academic Programs: Have overall responsibility for ensuring that the University acquires artworks and items into its Collection according to the collecting criteria and collecting priorities in the relevant Collection Strategy(ies), undertakes research and Due Diligence for proposed Acquisitions and provides endorsement for Acquisition proposals.

Curators: Undertake research and Due Diligence for proposed artworks and items in order to establish Provenance and authenticity during the Acquisition process and prepare Acquisition documentation for endorsement by the discipline Directors.

Collections Managers: Advise on collection management considerations for proposed Acquisitions, and manage formal Accession of new Acquisitions into the University Collections.

12. Definitions

Accession: The act of processing and documenting an item into the Collection.

Accession Lot Record: A database record in the EMu Collection Management system, describing a single transaction relating to an item or group of items from a donor/source/vendor.

Acquisition: The process of obtaining legal Title to artworks and items. Artworks and items can be acquired through various methods including but not limited to gift, Purchase, Bequest or Commission.

Collections Development Advisory Group: In accordance with the Collections Development Advisory Group Terms of Reference, advises on and recommends endorsement of Acquisitions to the Director, Museums and Collections and Vice President Strategy and Culture as relevant, in relation to the development of the University of Melbourne Collections under the Museums and Collections Department's stewardship.

Bequest: A Gift or pledge made to the University, forming part of a Donor's will, to be received after the Donor's death.

Collection: The acquired Collection of material and artworks and items owned by the University and stewarded by the Museums and Collections Department, including the Donald Thomson Collection, University Art Collection, and Grainger Collection, and other as amended from time to time.

Commission: The process whereby the University contracts a creator to create an item or work. Not all Commissioned artworks and items must be acquired, and not all acquired Commissions are Accessioned into the Collection.

Deed of Gift: A formal, legally binding agreement that establishes transfer of Title to an item when given to the University as a gift and outlines the terms and conditions of the gift and its acceptance.

Donor: An individual, organisation or group who has made or is proposing to make a gift to the University.

Due Diligence: Due Diligence means the thorough assessment of an artwork or item to evaluate its authenticity, ownership and Provenance and to identify and assess any gaps.

Gift: The gratuitous transfer of property and Title in an item.

Provenance: The history and ownership of an item from the time of its discovery or creation to the present day, which assists in the assessment of authenticity and ownership.

Purchase: The Acquisition of property and Title in an item through the exchange of money or consideration.

Purchase Agreement or contract: A legally binding contract which outlines the rights, obligations and undertakings of a seller of an item and outlines the terms and conditions of the sale and the transfer of both property and Title.

Title: The legal right to ownership of property.

13. Related context

This Protocol should be read in conjunction with the following:

- University Art Collection Strategy 2022
- Grainger Collection Strategy 2022
- Grimwade Art Collection Strategy 2022
- [University of Melbourne Collection Policy \(MPF1309\)](#)
- [University of Melbourne Gift Policy \(MPF1348\)](#)
- [University of Melbourne Appropriate Workplace Behaviour Policy \(MPF1328\)](#)
- [University of Melbourne Fraud and Corruption Management Policy \(MPF1351\)](#)
- [University of Melbourne Managing Conflict of Interest Policy \(MPF1366\)](#)

All contextual documents, including legislation, regulations, protocols and guidelines referred to in these documents should be taken as context for this Protocol.

Supporting Documents:

- Collection Development Advisory Group Terms of Reference
- Acquisition Provenance and Due Diligence Checklist
- Acquisition Proposal
- Deed of Gift
- Commissioning Agreement
- Purchase Agreement or Contract
- Accession Lot Record in EMu Collection Management Database

The latest version of any University Policy, legislation, regulations or external context referred to will apply.

14. Amendment history

Version	Date issued	Notes	By
1	16 June 2022		Collection Development Advisory Group Director, Museums and Collections Department
2	6 November 2022	Revised Section 2 to remove names of Collections stewarded by Museums and Collections Dept; Revised Sections 7.4 and 8.4 to clarify management of risk associated with conditional gifts; and UoM Appropriate Workplace Behaviour Policy (MPF 1328) and UoM Fraud and Corruption Management Policy (MPF1351) added to Section 13.	Collection Development Advisory Group Director, Museums and Collections Department
3	31 August 2023	Review of 8.5 Conflict of Interest clause. Staff titles updated. Managing Conflict of Interest Policy (MPF1366) added to Section 13.	Collection Development Advisory Group Director, Museums and Collections Department
4	21 September 2023	Addition of 4.2 regarding delegated approval for acquisitions in certain circumstances.	Collection Development Advisory Group Director, Museums and Collections Department