



MEMORANDUM

TO	THE EXECUTIVE DIRECTOR, AUSTRALIAN LAW REFORM COMMISSION
FROM	FRANCES LINDSAY, ACTING DIRECTOR, NGV
CC	
DATE	15 JULY 2011
SUBJECT	NATIONAL CLASSIFICATION SCHEME REVIEW (IP 40)

Please find attached the submission for the National Classification Scheme Review (IP 40) from the National Gallery of Victoria.

Yours sincerely,

A handwritten signature in blue ink, which appears to read "Frances Lindsay". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Frances Lindsay
Acting Director

National Classification Scheme Review (IP 40)

Submission from the National Gallery of Victoria

15 July 2011

1. Background

The Australian Law Reform Commission is undertaking a wide ranging review of the National Classification Scheme. This will address a range of issues and assess the effectiveness of regulatory regimes for media not currently included in the National Classification Scheme. Submissions are due 15 July 2011, with a discussion paper to be released in the middle of the year and the final report of the Commission due by 30 January 2012.

The review reflects the fact that the framework for the classification of media content in Australia, based on the Classification (Publications, Films and Computer Games) Act 1995, state and territory enforcement legislation, and the Broadcasting Services Act 1992, must be brought up to date to address the technological changes in media which have occurred in the last 20 years, and the subsequent impact on children of inappropriate content readily available from a variety of sources.

The ALRC is seeking wide community input into the reform of the current classification system.

We note that most of the review focuses on existing structures and operations of the Classification System, but also puts forward a proposition for an extension of the scheme to include artworks.

Therefore, in terms of the review, the key area of concern for the National Gallery of Victoria, as articulated in the question posed by the ALRC Inquiry in its Issues paper, is as follows:

What content should be classified and regulated?

Question 7. Should some artworks be required to be classified before exhibition for the purpose of restricting access or providing consumer advice?

2. About the NGV

Founded in 1861, the National Gallery of Victoria is Australia's oldest public art gallery. We celebrated our 150th anniversary in 2011.

The National Gallery of Victoria Act 1966 established the NGV.

The Council of Trustees has general responsibility for the management of the NGV. Further details are set out in Attachment 1.

3. NGV Response

The NGV's position is that the extension of the National Classification Scheme to artworks is neither necessary nor desirable.

Gallery Displays

Under section 13(2) of the Act, the Council of Trustees of the NGV is obliged to carry out its responsibilities so as to contribute to the enrichment of the cultural, education, social and economic life of the people of Victoria.

In displaying art works, the established practice of the NGV, as consistent with international museum practice, entails providing advice to visitors when certain works in an exhibition or the collection display contain images which the professional staff consider may not be suitable for children or may offend some viewers. Normally this will involve providing advice at the point of sale for ticketed exhibitions, and highly visible signage alerting visitors before they encounter the works in question.

In the case of Indigenous artworks similar procedures are followed when works on display depict images of deceased persons or are of a secret and sacred nature not suitable for all indigenous persons to view. The NGV aims to facilitate informed choices by visitors in certain situations where professional evaluation and good judgment indicates that specific advice should be provided.

These procedures operate well and, although we receive over 1.6 million visitors a year, the NGV has received few complaints from the public, even in respect to artworks where advisory notices have been in place. Indeed, in the last decade it has received only a handful of complaints relating to sexually explicit material, in one instance for a 17th century allegorical painting for which such a warning had been deemed unnecessary.

In the case of complaints, the NGV responds to the complainant by explaining the context for the particular work in question, and assesses whether further action is warranted in terms of the provision of additional signage.

From antiquity to the present day art has featured nudity and dealt with issues pertaining to the 'human condition'. At times this can be disturbing as it is illuminating. For example, many people find Francisco Goya's etchings *The Disasters of War*, with their brutal depiction of violence, disconcerting; as is Michelangelo's *Last Judgment* in the Sistine Chapel. However, few would consider that these works should have restricted access.

Other Media

In terms of new technology, the NGV recognizes that we have moved from art being displayed on the gallery walls to new platforms of information delivery where the context for works can be negated by the changed circumstances of publication versus specific gallery display. This is particularly the case with photographic art works, film and video. Here too, public galleries currently comply with a range of legal obligations for copyright and follow museum industry guidelines with respect to indigenous art of a specific nature.

3. Conclusion

The NGV encourages the Inquiry not to widen the National Classification Scheme to include artworks, recognizing that public galleries already have in place rigorous self-regulatory procedures for works included in displays for public viewing.

Attachment 1

Legislative Frame Work

The National Gallery of Victoria Act 1966 established a Council of Trustees with overall responsibility for the National Gallery of Victoria.

The Act provides that 'in carrying out its functions, the Council must endeavour to Contribute to the enrichment of the cultural, educational, social and economic life of the people of Victoria.'

Council of Trustees Functions

Section 13 (1) of The National Gallery of Victoria Act 1966 provides that the functions of the Council shall be to:

- Control, manage, operate, promote, develop, and maintain the National Gallery land;
- Maintain, conserve, develop and promote the State Collection of works of art;
- To make material within the State Collection available to persons, departments and institutions in such manner and subject to such conditions as the Council determines with a view to the most advantageous use of the State Collection;
- Conduct public programs and exhibitions of material within the State Collection;
- To carry out and make available such other services, including computer and other technologies, and the printing publication and sale of books, information and reproductions in relation to pictures, works of art and art exhibits as the Council thinks fit;
- Assist the promotion, organisation, and supervision of art galleries and any body or association established for the promotion of art within Victoria;
- Advise the Minister and these organisations on matters of general policies relating to art galleries;
- Provide leadership in the provision of art gallery services in Victoria;
- Carry out other functions as the Minister from time to time approves;
- Carry out any other functions conferred on the Council under this Act.

NGV Values

Excellence, integrity, access

NGV Mission and Vision

NGV's Mission is 'to illuminate life by collecting, conserving and presenting great art.'

Our Vision is to ensure that, 'as Victoria's cultural flagship and home to Australia's finest art collection, the NGV is recognised as one of the leading art museums of the world.'

Locations

The NGV's St Kilda Road Gallery, designed by Sir Roy Grounds, opened in 1968. Since December 2003 NGV has operated across two sites – NGV International on St Kilda Road, redesigned by Mario Bellini, and The Ian Potter Centre: NGV Australia at Federation Square, designed by LAB Architecture Studio.

Collection

Over 70,000 works including paintings, sculpture, antiquities, works on paper, photography, decorative arts, furniture, fashion, textiles and multimedia.

Admission

Admission to the State Collection (the NGV Collection) is free. Entry fees are charged for some exhibitions.

Visitation

Over 1.5million visitors typically visit the NGV each year. During 2011 we will welcome our 15th millionth visitor since the Gallery reopened in 2002-3.

Performance Indicators (2009/10)

- Number of visitors: 1.6 million (target: 1.42 million; 08/09: 1.58 million)
- Pay exhibition tickets sold: 447,968 (target: 295,000 ; 08/09: 311,015)
- Participants in schools and public programs: 223,500 (target: 175,500; 08/09: 235,000)
- Visitors to touring exhibitions: 124,106 (target: 34,000; 08/09: 75,698)
- Visitors rating NGV visit as 'good' or 'very good': 98% (target: 95%; 08/09: 98%)
- Number of NGV Members: 51,168 (target: 40,000; 08/09: 41,511)
- Number of NGV publications sold: 44,291 (target: 30,000; 08/09: 36,240)