

## CI 2449a QUEENSLAND ART GALLERY

### QUEENSLAND ART GALLERY | GALLERY OF MODERN ART RESPONSE TO THE NATIONAL CLASSIFICATION SCHEME REVIEW (IP 40)

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#### Summary

The Queensland Art Gallery is pleased to submit this response to the Australian Law Reform Commission (ALRC), in relation to the National Classification Scheme Review (NCSR) currently underway. The Gallery also looks forward to an opportunity to respond to the Discussion Paper due for release in September 2011.

The following document provides responses to some of the questions raised in the Issues Paper IP-40. The Gallery recognises that the purview of the National Classification Scheme Review is broad and not limited to issues of art gallery exhibitions and the content of art works on public display. We therefore have selected questions most pertinent to our business. However, we also note that public art galleries make important contributions to the vitality of our social and cultural life, and that it is important that we participate in this debate.

The Gallery's practice of acquiring and exhibiting art works is informed by the Queensland Art Gallery's *Collection Management Policy 2010*, which is itself informed by the parameters of the existing National Classification Scheme (NCS). The following excerpt from the *Collection Management Policy 2010* on the subject of Censorship explains our approach:

*The Queensland Art Gallery does not practice censorship when acquiring or displaying art objects, nor does it knowingly collect, publish or exhibit material in contravention of state or Commonwealth legislation.*

*As a museum which collects and exhibits contemporary art, it is the Gallery's responsibility to present a range of examples to its diverse audiences, and this may include challenging or confronting material.*

*Accordingly, the Gallery takes into account the potential sensitivities of its diverse audiences. Where it is decided that material may be perceived by some visitors as objectionable, the Gallery carefully considers how and where the material is displayed. Consideration is also given to the use of informative signage and if advice regarding viewing by children is necessary.*

*As with any material of a challenging nature, it is each adult visitor's responsibility to determine what they are comfortable viewing.*

*Decisions regarding the presentation of such material are made by the Executive Management Team, and responses to concerns raised by members of the public, media and other sources are directed to the Marketing and Business Development Executive Manager.*

*Relevant material:*

*Classification of Films Act 1991 (QLD)*

*Classification of Publications Act 1991 (QLD)*

*Classification (Publications, Films and Computer Games) Act 1995 (C'wlth)*

In short, the Queensland Art Gallery believes that the current self-regulatory practices governing our acquisition and exhibition of art works are highly effective and not in need of review. With relation to exhibitions, art works and public art galleries, the NCSR should recommend minimal changes to the existing legislation, to bring the NCS in line with recent developments in technology.

**QUESTION 1. In this inquiry, should the ALRC focus on developing a new framework for classification, or improving key elements of the existing framework?**

In terms of its relevance and suitability for application within an art gallery context, the Queensland Art Gallery believes that the ALRC should retain the current framework for classification.

Some amendments to the current NSC may be necessary in terms of its frame of reference for new media. This would include the clarification of the rules regarding the exemption of art works and exhibitions from classification when they engage these media.

**QUESTION 2. What should be the primary objectives of a National Classification Scheme?**

The Queensland Art Gallery believes that the primary objective of the NCS should be:

- to enable Australian consumers to make informed choices within commercial contexts (or relatively unregulated contexts) regarding their exposure to potentially confronting or offensive material, and;
- to restrict any access to material (audio-visual or in any other form) that is unlawful to distribute in the Commonwealth of Australia.

The NCS should not impose a system of classification and censorship on artworks, or limit personal expression in any way (provided it is within the bounds of the existing law).

Above all, the NCS should not substitute for, or replace, the responsibility of adult consumers to determine their exposure to material that they personally may find offensive (material that is nonetheless legally appropriate for public dissemination), nor their responsibility to make such decisions to protect minors that are in their care.

Representative bodies such as the International Council of Museums (ICOM), Museums Australia (MA), and the Council of Australian Art Museum Directors (CAAMD) are appropriate organisations for providing guidance to individual public art galleries and museums on how to manage potentially controversial or sensitive materials.

The ALRC's review of the NCS may provide the impetus for further discussion and development of these issues through forums convened by such organisations, which would be a development welcomed by the Queensland Art Gallery.

**QUESTION 4. Should some content only be required to be classified if the content has been the subject of a complaint?**

The Queensland Art Gallery believes that its self-regulation of content is in line with the current NCS principles and that the classification of art works is not required. The Gallery does not believe that art works should be classified even if the content has been the subject of a complaint.

The Gallery takes its responsibilities towards its audiences very seriously and is careful to consider the appropriateness of art works for its audiences when developing and designing its exhibitions and displays.

**QUESTION 5. Should the potential impact of content affect whether it should be classified? Should content designed for children be classified across all media?**

With its self-regulatory procedures in place, the Queensland Art Gallery does not feel it is necessary to broaden the NCS to include content designed for children.

Over the last 13 years, the Gallery has established a committed and well-informed family audience for contemporary art. The Gallery's Children's Art Centre has worked with more than 100 Australian and international artists to develop exhibitions, projects, workshops and commissions specifically for

children and families. Each project is subject to a rigorous curatorial process including research and development and project trials, all of which is overseen by staff at executive and senior levels.

In line with the Gallery's strategic plans, the Children's Art Centre aims to provide access to a dynamic range of exhibitions and displays, and it supports the informed choices of its family audience by taking due care to provide detailed information regarding content through program brochures and marketing materials.

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

The Gallery strongly believes that classification of selected art works before exhibition for the purpose of restricting access or providing consumer advice is unnecessary. During the long history of the Queensland Art Gallery (est.1895), we have maintained strong and loyal audiences and public support through the considered and innovative selection, acquisition and display of historical and contemporary art from around the world.

We believe that the objectives of the current NCS continue to be relevant and appropriate with relation to public art galleries. The current basis of exemption on the grounds of 'artistic merit' continues to be valid and protects freedom of expression within a healthy democracy. The system of self-regulation in place in Australia's public art galleries has been demonstrably effective, and is implemented through such policies and procedures as the Queensland Art Gallery's *Collection Management Policy 2010*, which states:

*... the Gallery takes into account the potential sensitivities of its diverse audiences. Where it is decided that material may be perceived by some visitors as objectionable, the Gallery carefully considers how and where the material is displayed. Consideration is also given to the use of informative signage and if advice regarding viewing by children is necessary.*

The Gallery follows these general principles:

- Early identification and discussion by curators and senior management of any works which may be considered challenging to some members of the audience, to enable best course of action. This includes digital content displayed within the Gallery's exhibition spaces;
- Provision of signage to alert visitors, especially parents and carers, to works that may be deemed unsuitable for children's viewing, so that accompanying adults may make an informed choice about entry to a gallery space;
- Advice on exhibition websites, and at point-of-sale (in-person or online) of tickets, of any aspect of exhibition content that may be considered unsuitable for children;
- Access to the Queensland Art Gallery's Collection Online database is a minimum two-step process when accessed via the Gallery's homepage and involves a deliberate choice by the user. If an online visitor searches for an artwork via an external search engine, direct access to works in the database is possible. Although we have no concerns about the general appropriateness of all images and text published on the Gallery's Collection Online database, we acknowledge that if this content were to change in the future, we may consider providing an advisory notice on the front page of the database to enable all visitors to make an informed choice.

**QUESTION 9. Should the potential size and composition of the audience affect whether content should be classified?**

The Queensland Art Gallery does not believe that the extension of the NCS to artworks is necessary regardless of the potential size and composition of the audience. Our audiences are often diverse in terms of age, background and art historical knowledge, and it is therefore a key part of the Gallery's mission to ensure that its exhibition program be accessible and relevant to all of our visitors. This

program consists of a broad range of exhibitions that include both Australian and International content, historical and contemporary works, and covers a wide range of media.

The Gallery provides information to visitors through a variety of means, which invariably includes some or all of the following: artwork labels, extended labels, didactic texts, signage in exhibition spaces, publications, education material, on-line resources, audio guides and mob tags/Quick Response readers, which contain contextual or further information related to a particular art work or artist.

Other opportunities for dissemination of advisory messages are provided by the Gallery's front-of-house staff, including information desk staff, ticket sellers and Gallery Services Officers stationed within gallery spaces. All front-of-house staff are fully briefed on the content of and historical / aesthetic context for artworks that may elicit particular interest or concern.

**QUESTION 15. When should content be required to display classification markings, warnings or consumer advice?**

The Queensland Art Gallery follows rigorous self-regulatory practices, in common with other public art galleries in Australia, and actively informs visitors about the context and content of art works to allow them to make informed decisions about viewing. It does not believe that restriction or further classification of artworks would be appropriate or necessary.

The Queensland Art Gallery has a range of strategies in place to ensure that visitors are adequately informed about the display of potentially contentious material such as sexually explicit content or material that references violent themes. In these cases art works will be accompanied by multilayered information or display strategies such as purpose-built rooms and signage within exhibition spaces. Floor staff are also proactively assigned near artworks that might be considered sensitive, to ensure visitors can make an informed decision to view an art work.