

REGULATION REGARDING ACQUISITION ADVISORY COMMITTEES AND CONDITIONS FOR
THE ACQUISITION AND ALIENATION OF GOODS THAT ARE THE WORKS OF MAN BY THE
MUSÉE NATIONAL DES BEAUX-ARTS DU QUÉBEC

National Museums Act
L.R.Q., c.M-44 a. 20, al. 2 par. 2 and 5

PREFACE

Under the *National Museums Act*, the Musée national des beaux-arts du Québec (MNBAQ) adopts the following provisions related to its acquisition and alienation process for goods that are the works of man (works, objects and documents).

CHAPTER I – COLLECTIONS

1. The MNBAQ's permanent collection is composed of all works acquired with the intent to conserve and promote them in compliance with its mandate, as defined by the *National Museums Act*.
2. The Prêt d'œuvres d'art collection, established to support and share contemporary Québec art, is composed of works acquired for those purposes and circulated through its rental program; these works must be appropriate for presentation in offices and workspaces, and are not subject to the same conservation and promotion rules as works in the permanent collection.
3. The MNBAQ's study collection is composed of a set of works and objects that are associated with an artist's career and can be used for interpretation, education and entertainment, or that describe the creation process for works in the permanent collection or the artists represented therein; this collection is not subject to the same conservation and promotion rules as works in the permanent collection and does not include items that come from an artist's personal life (home, furniture, books, documents, archives).
4. The MNBAQ's private collections and fonds are composed of documents that are either grouped according to a shared characteristic (collection) or used by a physical or legal person to perform their activities or duties (fonds) and are important documentation for the recognition of Québec art.

CHAPTER II – COMMITTEES

5. Internal acquisition committees are responsible for studying and examining a good submitted for acquisition or alienation by the MNBAQ, then issuing their recommendations to the relevant external acquisition advisory committee or the Executive Director.
6. External acquisition advisory committees are responsible for studying and examining a good submitted for acquisition or alienation by the MNBAQ, then issuing their recommendations to the Board of Directors.
7. Acquisition committees ensure that the purchase price for all goods submitted for acquisition by the MNBAQ is equal to their fair market value. If this is not the case, the Board of Directors must be informed.
8. One internal acquisition committee and two external acquisition advisory committees are created for the permanent collection.
 - One internal acquisition committee is created for the Prêt d'oeuvres d'art collection.
 - One internal acquisition committee is created for the study collection.
 - One internal acquisition committee is created for the private collections and fonds.
9. The term for a member of an external acquisition advisory committee as described in articles 20 and 33 is one (1) year. This term is renewable.
10. The registrar of the MNBAQ's collections serves as a secretary for each external acquisition advisory committee. However, they cannot serve as a member of the committee.
They call committee meetings and create and sign reports, then send the reports to the members of each committee. They are also the guardian of the archives and committee documents.
11. The chair of each committee leads committee meetings.
12. External acquisition advisory committees hold their meetings at the location named in the meeting notice. The meeting notice and agenda are sent at least 7 days before the meeting date.

There may be deviations from the formalities of convocation if all members consent to said deviations in writing or by telephone.
13. Separate quorums are required for the external acquisition advisory committees for the permanent collection and those for the Prêt d'oeuvres d'art collection; each quorum must include one or more members named by the Board of Directors.
14. Each member of the external acquisition advisory committees has voting rights.

15. The decisions of each external acquisition advisory committee are made by majority vote. Votes are made aloud. In the event of a tie, the chair shall have the final say.
16. In order to ensure transparency in the acquisition and alienation process for a good, a formal disclosure must be made and stored in the report for the internal and external acquisition advisory committees and the meeting minutes of the Board of Directors if there is any relationship between a person with an influential or decision-making position regarding the acquisition or alienation process and a person who is releasing or acquiring these goods, and said relationship may cause or appear to cause a conflict of interests. If these people are members of an internal or external acquisition advisory committee or of the Board of Directors, they must abstain from participating in deliberations or decisions regarding the matter in which they have a true or perceived interest.

CHAPTER III – CONDITIONS OF ACQUISITION

SECTION I

GENERAL PROVISIONS

17. "Acquisition" refers to the MNBAQ's procurement of ownership title through purchase, donation, bequest, exchange or split purchase/donation (donation with charge). During all acquisitions, the MNBAQ will ensure that the ownership of the good is free and established satisfactorily. The MNBAQ will also ensure the authenticity of the good. Furthermore, the MNBAQ agrees to respect all copyrights attached to a good, according to the laws and limits described in the acquisition contract for said good.

SECTION II

PERMANENT COLLECTION

18. The internal acquisition committee is composed of curators and the Director of Collections and Research, who acts as the committee chair.
19. Two external acquisition advisory committees are created:
 - Ancient and modern art committee
 - Contemporary and current art committee
20. Each external acquisition advisory committee is composed of the following people:
 - The Executive Director of the MNBAQ
 - The Director of Collections and Research
 - A voting member of the Board of Directors, designated by resolution of the Board of Directors
 - Five (5) other people designated by resolution of the Board of Directors, chosen from among collectors, art critics, artists, art historians or any other person interested in art history and museology.

21. The Executive Director of the MNBAQ is the chair of the external acquisition advisory committees by virtue of their office. Should the Executive Director be temporarily disabled, the Director of Collections and Research will serve as the acting chair of the committees.
22. The quorum for the external acquisition advisory committees is at least four (4) members, including at least two (2) people designated by resolution of the Board of Directors.
23. External acquisition advisory committees generally meet twice per year.
24. If the MNBAQ intends to acquire a work, the internal acquisition committee will study said work and issue a recommendation to the relevant external acquisition advisory committee.
25. All acquisition proposals submitted to the external acquisition advisory committees must be accompanied by a technical file prepared by the MNBAQ. This file contains the following information:
 1. Artist name
 2. Title of the work
 3. Description of the work
 4. Source and relevant information about ownership rights for the work
 5. History of the work
 6. Artist's bibliography and exhibits
 7. Conservation status of the work
 8. Justification for acquisition of the work, accompanied by a photograph
 9. Means of acquisition of the work
 10. Price requested by the owner or any other conditions associated with acquisition of the work (if the proposal is made as a sale)
 11. The fair market value of the work (if the proposal is made as a donation, bequest, exchange or donation with charge)
26. As a general rule, the Board of Directors will approve the acquisition of a work after taking the external acquisition advisory committee's recommendation into consideration.
27. The deposit of a work with intent to donate it to the permanent collection is treated the same as an acquisition by donation and is approved by the Board of Directors upon deposit.
28. Works resulting from orders or contests may be added to the permanent collection; these acquisitions are endorsed once the mock-up has been received and follow the acquisition process described in articles 18 to 26.
29. The acquisition of a work that requires a fast ruling (auction, immediate ruling following a succession or bankruptcy, etc.) is subject to a recommendation by the internal committee.

- The recommendation of the relevant external acquisition advisory committee and approval by the Board of Directors can then be obtained by telephone or email.
30. Notwithstanding articles 26 and 29, the Executive Director may acquire a work that will undisputedly enhance the permanent collection without receiving a recommendation from the relevant external acquisition advisory committee or approval from the Board of Directors if they are unable to obtain said recommendation or approval on time.
 31. The Executive Director must have the Board of Directors ratify all acquisitions made under article 30 during the meeting following the transaction.
 32. The members of the relevant external acquisition advisory committee will be informed of acquisitions made under article 30 during the meeting following the transaction.

SECTION III

« PRÊT D'ŒUVRES D'ART » COLLECTION

33. One internal acquisition committee is created for the Prêt d'œuvres d'art collection. It is composed of the following people:
 - The Director of Collections and Research
 - The Curator of the Prêt d'œuvres d'art collection
 - The current curator
 - One other person designated by resolution of the Board of Directors, chosen from among experts in current art who have a strong knowledge of the business world
34. The Director of Collections and Research is the chair of the external acquisition advisory committee by virtue of their office. Should the Executive Director be temporarily disabled, the Director of the Prêt d'œuvres d'art collection will serve as the acting chair.
35. The quorum for the external acquisition advisory committee is at least two (2) members, including the person designated by resolution of the Board of Directors.
36. The external acquisition advisory committee meets once per year.
37. The MNBAQ will announce, online and/or in specialized magazines and to Québec's cultural organizations, its intention to acquire works in the fields indicated in the notice. The notice will mention the registration deadline, which will also appear on the form on the MNBAQ's website.

All acquisition proposals must be accompanied by this form, which must be duly signed by the artist or their representative. The form contains information about the artist (identity, training and professional activities) and the proposed works (description of works, including price).

38. The Curator of the Prêt d'œuvres d'art collection issues recommendations to the external acquisition advisory committee regarding acquisition projects.
39. As a general rule, the Board of Directors will approve the acquisition of a work after taking the external acquisition advisory committee's recommendation into consideration.

SECTION IV

STUDY COLLECTION

40. The internal acquisition committee for the study collection is composed of curators and the Director of Collections and Research, who acts as the committee chair.
41. The internal acquisition committee for the study collection issues recommendations to the MNBAQ's Executive Director regarding acquisition projects for works or objects.
42. The Executive Director of the MNBAQ approves the acquisition of works or objects when the fair market value of the proposed items is less than \$25,000, or issues recommendations to the Board of Directors when the fair market value of the proposed items is \$25,000 or more.
43. When the fair market value of the proposed items is \$25,000 or more, the Board of Directors approves the acquisition of works or objects after taking the Executive Director of the MNBAQ's recommendation into consideration.

SECTION V

PRIVATE COLLECTIONS AND FONDS

44. The internal acquisition committee for the private collections and fonds is composed of the Director of the Information and Collections Management Service, the Director of Document Management and Archives and the Director of Collections and Research, who serves as the chair.
45. The internal acquisition committee for the private collections and fonds issues recommendations to the MNBAQ's Executive Director regarding acquisition projects for documents.
46. The Executive Director of the MNBAQ approves the acquisition of documents when the fair market value of the proposed documents is less than \$25,000, or issues recommendations to the Board of Directors when the fair market value of the proposed documents is \$25,000 or more.

47. When the fair market value of the proposed items is \$25,000 or more, the Board of Directors approves the acquisition of documents after taking the Executive Director of the MNBAQ's recommendation into consideration.

CHAPTER IV – CONDITIONS FOR ALIENATION

SECTION I

GENERAL PROVISIONS

48. "Alienation" is the MNBAQ's cessation of ownership through donation, exchange or sale of a good from its collections.
49. Goods received as part of an exchange are subject to the rules in chapter III regarding conditions for acquisition.
50. If the MNBAQ alienates a good, the Director of Collections and Research ensures that the tax provisions in the legislation in effect are followed.

SECTION II

PERMANENT COLLECTION AND PRÊT D'ŒUVRES D'ART COLLECTION

51. A work can be donated to or exchanged with another Québec museum institution, a city or municipality or any other public organization. The MNBAQ can also allow the artist or their beneficiaries to collect a work that it wishes to alienate.
52. Ideally, works should be sold through a public auction. The proceeds from the sale are to be used primarily for the acquisition of other works. Use of the proceeds for other purposes must be approved by the Board of Directors.
53. Alienation projects for a work must be submitted to the internal committee and relevant external acquisition advisory committee for study and recommendation.
54. All alienation proposals submitted to the external acquisition advisory committee must be accompanied by a technical file prepared by the MNBAQ. This file must contain and make available the following information:
 1. Artist name
 2. Title of the work
 3. Description of the work
 4. Source and relevant information about ownership rights for the work
 5. History of the work
 6. Artist's bibliography and exhibits
 7. Conservation status of the work
 8. Justification for alienation of the work, accompanied by a photograph

- 9. Means of alienation of the work
 - 10. Price requested by the MNBAQ or any other conditions associated with alienation, if applicable
 - 11. Fair market value of the work
55. As a general rule, the Board of Directors will approve the alienation of a work after taking the external acquisition advisory committee's recommendation into consideration.
56. Once a work has been alienated, the MNBAQ will take reasonable measures to inform the artist and/or the donor and/or their beneficiaries.
57. The full file on the alienated work must be kept by the MNBAQ.
58. The alienation of a work is recorded in the MNBAQ's database with the following information:
- a) Means of alienation
 - b) Name of the new owner, if applicable
 - c) Sale price or title of the work received in exchange, if applicable

SECTION III

STUDY COLLECTION AND PRIVATE COLLECTIONS AND FONDS

59. The relevant internal acquisition committee issues recommendations to the MNBAQ's Executive Director regarding alienation projects for documents.
60. The Executive Director of the MNBAQ approves the alienation of documents when the fair market value of the proposed documents is less than \$25,000, or issues recommendations to the Board of Directors when the fair market value of the proposed documents is \$25,000 or more.
61. When the fair market value of the proposed items is \$25,000 or more, the Board of Directors approves the alienation of documents after taking the Executive Director of the MNBAQ's recommendation into consideration.

CHAPTER V – OTHER PROVISIONS

62. The transfer of a good from one collection to another must be recommended by the internal committee and, if applicable, the relevant external acquisition advisory committee. The recommendation must then be approved by the Executive Director of the MNBAQ.

The Board of Directors is informed of these transfers at the end of each fiscal year.

63. The MNBAQ may renounce ownership of a good that is damaged to the point where its integrity is compromised. If the good in question is a work, the MNBAQ will take reasonable measures to inform the artist and/or their beneficiaries and suggest that they collect the work.

The MNBAQ may dispose of the work by returning it to the artist or their beneficiaries or destroying it under the supervision of the Director of Collections and Research.

The Board of Directors is informed of these cases at the end of each fiscal year.

64. If the Executive Director is made aware of the loss or theft of a work, they must inform the Board of Directors as quickly as possible.

CHAPTER VI – FINAL PROVISIONS

65. This regulation takes effect the day of its adoption by the Board of Directors. It repeals and replaces the regulation adopted on March 27, 2007.

Adopted on October 4, 2012 by resolution of the Board of Directors (no. 12-920).