

## ART GALLERY OF SOUTH AUSTRALIA

### Gifts, Bequests and Donations Policy

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#### 1. Purpose of the policy

The purpose of this policy is to specify the principles and procedures to be followed by the Art Gallery of South Australia (AGSA) with respect to bequests, donations, gifts or monies raised that are to be used for the benefit of AGSA.

#### 2. Scope

The policy applies to all AGSA staff, officers and Board directors who are involved in processes relating to the offer, acceptance and use of gifts, donations and bequests to AGSA. The Art Gallery Foundation and the 'Contemporary Collectors' also have an obligation to act in accordance with this policy, when exercising their powers delegated from the Art Gallery Board.

#### 3. Principles

- a. AGSA welcomes gifts, donations and bequests that benefit the collection, facilities and activities of AGSA.
- b. All gifts, donations and bequests received by AGSA shall only be used for the purpose for which they are given and in accordance with Section 29 of the Art Gallery Act 1939.
- c. All gifts, bequests and donations, whether in the form of works of art or monies to be used for the purchase of works of art, must be treated in accordance with the applicable legal requirements and relevant AGSA policies.
- d. The decision to accept, or decline a gift, donation or bequest is to be made by the Director, AGSA or by the Art Gallery Board as the case may be.

## 4. The Art Gallery Act - Section 29

Section 29 of the Act provides that AGSA may accept gifts or bequests 'for the purposes of the Gallery' and these must be applied by the Art Gallery Board towards the purposes for which the gift was made. Gifts given for a specific purpose must be accounted for separately.

Gift types include, but are not limited to:

- bequests with a specific purpose
- bequests with no specific purpose
- donations with a specific purpose
- donations with no specific purpose
- donations placed in collection boxes within the Art Gallery
- grants and conveyance of land and rights of occupation of land.

The financial management, monitoring and reporting of gifts will comply with Section 29 requirements, South Australian Government and AGSA financial policies and procedures, and the Bequests and Donations Procedure 2019.

## 5. Responsibilities

- a. The Gallery Board is responsible for ensuring that AGSA has the appropriate policies and procedures in place for receiving and managing gifts, donations and bequests to AGSA.
- b. The Gallery Board is responsible for making the final decisions on approving gifts and bequests to AGSA.
- c. The Foundation and Contemporary Collectors have delegated powers from the Board to encourage gifts to AGSA and to raise funds through benefaction, membership and other fund-raising activities for the benefit of AGSA.
- d. The Acquisitions Committee and AGSA Director are responsible for advising the Board on gifts of works of art.
- e. The Board Funds Management Committee is responsible for the investment and release of funds donated to AGSA, in accordance with the Section 29 of the Art Gallery Act 1939, the conditions attached to donations and bequests and AGSA policies and procedures.
- f. The AGSA Deputy Director and Management Accountant are responsible for monitoring and reporting on all AGSA fund types.
- g. Benefaction and Membership staff are responsible for liaising with stakeholders considering making donations or bequests and with organising the receipt of donations and bequests, in conjunction with other designated staff.

## 6. Related Policies and Procedures

Related policies include:

- Acquisitions Policy
- Acquisitions Committee Charter
- Due Diligence and Provenance Policy
- Board Funds Management Committee Charter
- Board Funds Management Policy

## 7. Review

This revised policy will be reviewed after its first year of operation and then on a five-yearly basis.

Policy approved by the Art Gallery Board, 16 April 2019.