**Art Gallery of South Australia**

**Deaccessioning Policy**

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**1 . Purpose of this Policy**

Deaccessioning refers to the process that formally removes a work of art from the Art Gallery of South Australia (AGSA) collection. AGSA will from time to time deaccession works of art from its collection in order to refine and improve the collection. Following deaccession, a work of art may be disposed of by various means, including sale, exchange, transfer/gift for no monetary consideration, or destruction.

This policy specifies the authority, principles, criteria and process for the deaccessioning and disposal of a work of art from the collection.

**2. Scope**

This policy applies to AGSA’s staff, officers and Board members who are involved in the deaccessioning of works of art on behalf of AGSA.

**3 . Authority**

The powers and responsibilities of the Art Gallery Board in relation to deaccessioning and disposal are determined by the Art Gallery Act 1939 (Version 12.5.2011), which states that:

* The Board has the power to: acquire, hold, take on hire, lend, exchange or dispose of objects, works or collections of artistic, historical or cultural interest;
* The Board is not obliged to accept or keep material that is not, in its opinion, of sufficient artistic, historical, cultural or other interest to justify its collection or preservation under this Act.

**4 Principles**

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| **4.1** | A work of art should be retained in the collection:   * if it is consistent with the objectives of the Acquisitions Policy and the Art Gallery Act * if it continues to be of relevance and significance to the collection, * and for as long as AGSA is able to appropriately care for it. |
| **4.2** | Any work of art proposed for deaccessioning will be the subject of a deaccessioning report which will be submitted to the Art Gallery Board for approval. The deaccessioning report will address criteria specified in the Deaccessioning Procedure (item 3). |
| **4.3** | Deaccessioning is to be seen as a part of collection development and improvement, this being the only reason for removal of any works of art from the collection. |
| **4.4** | In deaccessioning a work of art, AGSA must proceed with great care, balancing a range of considerations, including:   * the integrity and long-term quality of the collection * the public interest * the effects any publicity may have on the willingness of current and future benefactors to donate or bequeath works of art to AGSA. |
| **4.5** | Deaccessioning will never be contemplated in response to current art trends or on the basis of individual personal taste. |
| **4.6** | Deaccessioning can only be pursued where there are no residual legal constraints from the time of acquisition (for example, if AGSA has acquired a work of art under a contractual obligation to keep it permanently). |
| **4.7** | If a work of art proposed for deaccessioning has been acquired by gift or bequest, then the donor or surviving family of the donor, or the appropriate trustee or executor of the donor’s estate should be consulted. If such persons cannot be located, AGSA must demonstrate that every reasonable effort has been made to locate them, and subsequent disposal can only be made by way of transfer to another South Australian statutory State Collection. |
| **4.8** | The deaccessioning of a work of art by a living artist shall only be considered in exceptional circumstances. The living artist or their representative shall be notified of AGSA’s intention to deaccession a work of art. |
| **4.9** | De-accessioning of any works of art acquired through the James and Diana Ramsay Fund will be considered under the same principles, criteria, process and guidelines as for any work of art in AGSA’s collection. Item 9 of the ‘James and Diana Ramsay Fund Art Gallery of South Australia Regulations’ 2003 clearly outlines deaccessioning as follows:  9. It is the desire of the donors that in order that the Board may have some flexibility the Board may sell any item acquired by the monies supplied by the Fund under the following conditions:  9.1 That the sale proceeds received by the Board be added to and  form part of the Fund; and  9.2 That the Board shall continue to maintain a register of  acquisitions and disposals made by the Fund. |
| **4.10** | Where it is identified that AGSA is in possession of a work of art which has been obtained from the legal owner by the illicit actions of a third party, and therefore AGSA does not have secure legal title, AGSA shall disclose this information and take the necessary action for the restitution of the object to its rightful owner. |
| **4.11** | Where it is identified that AGSA is in possession of a work of art which is of special cultural significance to Aboriginal, Torres Strait Islander or non-Australian indigenous community, AGSA shall disclose this information and consult with AGSA’s Cultural Advisory Committee as to the appropriate course of action. |

**5 . Criteria for deaccessioning**

To be considered for removal from the collections a work of art must meet one or more of the following criteria:

1. A work of art in the collection which is no longer perceived as falling

within the AGSA’s existing Acquisitions Policy.

1. A work of art the significance or aesthetic merit of which falls substantially

below the general level of the collection.

1. A work of art which lowers the overall level of quality or representation of

its specific area of the collection.

1. A work of art which is duplicated in the collection where the duplication

serves no scholarly or educational purpose.

1. A work of art which has deteriorated or damaged to such an extent that it

is no longer has integrity as a work of art and is beyond restoration to an

acceptable standard.

1. AGSA is unable to continue to provide an appropriate level of care for the

work of art.

1. The work of art poses an unacceptable risk to staff or visitors, or to other

objects.

1. The work of art may be found to be incorrectly attributed, falsely

documented and/or is a forgery.

1. The work of art has been or is highly likely to have been stolen or illicitly

traded and AGSA does not have legal title to it.

1. The work of art has been forfeited or seized by government under

legislation, or surrendered pursuant to a court order obtained by a person

or entity that is able to establish a better title to the work of art than

AGSA.

1. The work of art is of special cultural significance to an Aboriginal, Torres

Strait Islander, non-Australian indigenous or international community and

is to be returned to that community or a representative museum, cultural

centre or keeping place as negotiated, as required by law or as

determined by principles of best practice.

**6 Guidelines for the disposal of deaccessioned works of art**

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| **66.1** | The deaccessioned work of art may be offered for disposal by way of:   1. Sale (including direct to a dealer or by public auction or tender). Where appropriate the Art Gallery Board requires any vendor assisting with the sale of the deaccessioned work of art to keep the provenance confidential. The use of any monies obtained through this process can only be expended as outlined in clause 6.5. 2. Exchange (with artists, dealer or other public collecting institution). 3. Transfer/gift (to another public collecting institution). 4. Disposal without any monetary consideration. If the work of art is of no commercial value, then AGSA may approve of its disposal in this manner, including:  * where a deaccessioned gift or bequest has high personal/sentimental value, consideration may be given to returning the work of art to the donor or the immediate family of the donor; * when a work of art has deteriorated to such an extent that it no longer has integrity as a work of art, it may be transferred to Artlab for experimental purposes.  1. Destruction. In extenuating circumstances, a deaccessioned work of art may be destroyed. AGSA shall consider the destruction of a work of art only where:  * the work of art poses an extreme risk to health or safety; and/or * the work of art has deteriorated to the extent that it no longer has integrity as a work of art and cannot be conserved. |
| **66.2** | Where appropriate, the Art Gallery Board may dispose of works of art or other objects by sale, exchange or transfer(gift) to another public collecting institution, in an effort to maintain public access to the work of art. |
| **66.3** | AGSA shall not dispose of any works of art or other objects to staff, members of the Art Gallery Board or associates of such staff or members, whom AGSA knows to occupy such positions or relationships at the time of disposal; nor may they receive any personal benefit from the disposal of a deaccessioned work of art. |
| **66.4** | Prior to public disclosure by AGSA of the Board’s decision to deaccession a work of art, neither AGSA staff nor Board members will inform any non-essential third parties that the work of art is being considered for deaccessioning. Such information must be kept confidential. |
| **66.5** | Funds obtained from the sale of works of art from the collection will be applied exclusively to the acquisition of works of art for AGSA’s collection, preferably within a related collection area. |
| **66.6** | The use of funds received from the disposal of a deaccessioned gift toward the acquisition of another work of art shall be acknowledged in the credit line for the new acquisitions where possible and relevant and shall include the name of the original donor. Consideration shall be given to the donor’s interests when selecting a new acquisition. |

**7. Publication of Deaccessioning Policy and works of art deaccessioned**

* AGSA’s Deaccessioning Policy will be available to the public via the

AGSA website.

* All works of art deaccessioned in the financial year will be reported in the

Annual Report.

**8. Responsibilities**

* The Art Gallery Board is responsible for approving the deaccessioning

and disposal of works of art from AGSA’s collection.

* The Director is responsible for making a recommendation to the Board

whether to approve the proposed deaccessioning and disposal.

* The curatorial staff are responsible for the research and documentation

prepared in support of a proposed deaccessioning and for ensuring that

this meets the requirements of the relevant policies

**9 Related Policies and Procedures**

* Deaccessioning Procedure
* Acquisitions Policy
* Acquisitions Committee Charter
* Acquisitions Procedures
* Due Diligence and Provenance Policy
* Due Diligence and Provenance Procedures
* Acquisitions Provenance and Due Diligence Summary
* Ten Year Acquisition Strategy, to be revised 2020
* Gifts, Bequests and Donations Policy
* Gifts, Bequests and Donations Procedure
* Code of Ethics for the South Australian Public Sector

**10. Review**

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

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| Policy endorsed by Audit Committee | 14 May 2020 |
| Policy approved by Art Gallery Board | 24 June 2020 |
| Policy reviewed after first year of operation  (to be reviewed again in 2025) |  |