

NATIONAL GALLERY OF AUSTRALIA

DEACCESSION AND REMOVAL OF WORKS OF ART POLICY

Endorsed by Council 30 April 2008

1. Introduction

Central to the aims of the National Gallery of Australia as prescribed in the National Gallery Act 1975 is the development and maintenance of a national collection of works of art. As part of this collection development activity, the Gallery from time to time, needs to refine its collection through a process of deaccession and removal of works of art that for various reasons no longer positively contribute to the quality of the collection. A decision to deaccession a work of art from the collection requires Curatorial, Directorial, Council and Ministerial approval. In deaccessioning any item, the Gallery needs to proceed with great care and consideration to avoid any undue public concern and importantly avoid adverse reaction to current and future benefaction.

The policy provides the rationale, authority, process and criteria for the deaccession and removal of a work of art from the national art collection. It is distinct from the Gallery's Write-off and Disposal of Assets Policy which relates to non-work of art assets belonging to the Gallery.

2. Authority

2.1 The Gallery's powers to remove a work of art are expressly set out in the Act. The main provisions are contained in section 9 of the Act which deals with disposal by means of sale, gift or destruction and section 10 of the Act which enables the Gallery to arrange for the exchange of a work.

2.2 Section 9 of the Act provides that where the Council of the Gallery is satisfied that a work of art:

- (a) is unfit for the national collection; or
- (b) is not required as part of the national collection

it may resolve that the work be disposed of by sale, gift or destruction provided that in the case of a gift or destruction the Council is satisfied that the work has no saleable value. Where the Council resolves to dispose of a work it must then seek the approval of the Minister to that removal. If the Minister gives approval the Gallery may arrange for the disposal to take place

3. Principles and Parameters of Deaccession and Removal

- 3.1 Deaccession will only take place with the overall objective of improving the collection or pursuant to paragraph 4.1.8.
- 3.2 Deaccession will not take place in response to current trends or on the basis of personal taste.
- 3.3 Deaccession of work which was the subject of a gift or bequest to the Gallery will not be disposed of except as provided in 5.2.
- 3.4 The Gallery will not dispose of a work by a living artist except with the written permission of the artist.
- 3.5 A work that has been acquired for the collection with a restriction that it be retained for a certain period of time will not be disposed of while the restriction continues.
- 3.6 Removal of the work will be undertaken in an accountable process such as public auction or tender, transfer to another institution, gift or by destruction where the removal is required pursuant to paragraph 4.1.8 and the work has no saleable value.
- 3.7 In the case of a transfer of a work, regard will be given to other Commonwealth collecting agencies where appropriate.
- 3.8 Funds received from the disposal of a work must be used for the acquisition of works for the same area of the collection or such other area of the collection as the Council

may approve on the recommendation of the Director and relevant curatorial staff.

3.9 Where possible and relevant, the name of the donor or the fund from which the work was originally acquired is to be credited to a new acquisition.

3.10 Full documentation on the work will remain with the Gallery.

3.11 The Gallery will provide full disclosure in the Gallery's annual report.

4. Criteria for Deaccession and Removal

4.1 When considering a work for deaccession the Council will have regard, amongst other things, to whether the work falls within any of the following categories:

4.1.1 A work, the significance or aesthetic merits of which falls below the general level of the collection.

4.1.2 A work which lowers the overall level of quality or representation of an artist or any area in the collection.

4.1.3 A work where a more superior example has been acquired.

4.1.4 A work which has deteriorated to such an extent that it is no longer exhibitable and is beyond restoration to an acceptable standard.

4.1.5 A work which has been found to have been falsely documented, described or attributed, or to be a forgery.

4.1.6 A work which is duplicated in the collection where duplication serves no scholarly or educational purpose. A duplicate means a work produced as a multiple or in an edition, for example a work struck from the same die or printed from the same block or plate.

4.1.7 A work which is no longer representative of the collection, as characterised in the Gallery's Acquisition Policy at the time of disposal.

4.1.8 A work which presents a risk to staff, the public or to other works.

5 Donated work or a work by a living artist

5.1 The Gallery will not dispose of a work by a living artist except with the written permission of the artist.

5.2 Having regard to any conditions or trusts attaching to gifts or bequests the Gallery will not dispose of a work falling outside the Gallery's Acquisition Policy without first obtaining the consent of the donor, the relevant trustee or the personal representatives of the donor's estate save that if, despite every reasonable effort having been made, the Gallery is unable to locate the donor, trustee or personal representative then, it may dispose of the work in accordance with sections 9 or 10 of the Act.

6 Procedures leading to disposal

6.1 A report by the relevant curatorial staff, recommendation by the Director is to be submitted to Council stating the reasons for the proposed removal of the work from the collection, the context of the work within the collection and the effect its removal would have. The report should include an estimate of the current market value of the work with, where ever possible, documentary verification. The report should satisfy the Council that:

6.1.1 In the case of gifts and bequests every reasonable effort should be made to locate the donor, trustee or personal representatives in accordance with 5.2.

6.1.2 There is no legal restriction on the deaccession and removal of the work.

6.1.3 Consideration has been given to the implications of disposing of a work given to the Gallery.

6.2 A period of not less than six months should be allowed to elapse following the Council's approval in principle of the recommendation and the Council's final resolution to remove the work. Exceptions would only relate to objects that posed a danger to humans or other works of art.

6.3 Subsequent to the Council's resolution to dispose of a work after the six month setting aside period, Council will seek the approval of the Minister to the proposed removal.

6.4 Following the Minister's approval to the deaccession of the work, or, in the case of an exchange, following the Council's resolution to exchange the work, the acquisition records relating to the work will be marked accordingly.

6.5 The acquisition number will not be reassigned to another work and the IRN (Internal Record Number) for the work held on the Collection Management System will be marked as deaccessioned, not for publication on the internet and not retired.

6.6 Section 10 of the Act provides that where the Council is satisfied that the exchange of a work of art in the national collection for another work of art would be advantageous to the collection then the Gallery may make the exchange.

6.7 Catalogue and other records of the work will reflect that the work has been deaccessioned and removed. In all cases except of a gift or exchange with a public museum, the Gallery will retain all original documentary material concerning the work including photographs and appraisals. In the case of a gift or exchange with a public museum the original documentation will be transferred to the museum with the Gallery retaining copies.

7 Removal

7.1 Following the Minister's approval to remove a work by way of sale the work may be offered for sale by public auction or tender.

7.2 Where the Gallery has decided to gift or exchange a work in accordance with section 10 of the Act the agreement for exchange may include payment of a sum of money in recognition of the difference in value between the works exchanged.

7.3 Where the provisions of 4.1.4 apply the Council may, subject to obtaining the Minister's approval for removal under section 9 of the Act, remove the work to the Gallery's Conservation Department for practical testing or research purposes.

7.4 Where the provisions of 4.1.5 apply any removal must take into account the protection of the public interest as well as the interest of the Gallery.

7.5 Depending on circumstances surrounding the acquisition of the work consideration may be given to:

7.5.1 rescission of any purchase order

7.5.2 sale by public auction or tender with full disclosure.

8 Ethics, Confidentiality and Disclosure

8.1 Reflecting the Gallery's ethical standards under no circumstances should a work be purchased by or have its ownership transferred to any member of the Council or the Gallery staff, or members of the immediate family of any of those people.

8.2 Neither Gallery staff nor members of Council shall inform any non-essential third parties that a decision has been made to remove a particular work or the manner by which the work is to be disposed. Such information must be kept confidential to the Gallery.

8.3 Where appropriate the Council may require any person assisting with the sale of a work to keep the provenance confidential subject to the Director's discretion.

8.4 Details of the disposal will be reported promptly to the Council and be included in the Gallery's Annual Report.

1. Interpretation

9.1 In this Policy:

a reference to a 'work' is a reference to one or more art objects or a work of art in the national collection;

a reference to 'the collection' is a reference to the national collection; and

a reference to 'the Act' is a reference to the National Gallery Act 1975.

The following is an example of a Submission Form that will provide comprehensive information on which to base a deaccession decision for an art museum:

NATIONAL GALLERY OF AUSTRALIA
Council Meeting [date]

Submission for Deaccession

Artist or culture:

Title / date:

Medium / size:

Donor/Vendor:

Valuation when acquired:

Current market value:

Curator's report [250 words]

Curator: name, title

Date:

Assistant Director, Australian / International Art recommendation:

Date:

Director's recommendation:

Director

Date:

File no:

National Gallery of Australia Council Meeting [date]_____

Submission for Deaccession

Curator: name, title

File number:

Submission for Deaccession

Artist or culture:

Title / date:

Medium / size:

1. ACQUISITION DETAILS:

Date acquired:

If the work was a donation or bequest are there any restrictions attached to the work?

If the work was a donation is the donor still alive?

If not, have other surviving members of the family been contacted to ascertain that they have expressed no objection to the disposal

If the work was purchased, state the specific fund used and the price paid for the work

Provenance

•

2. Condition of the work:

When was it last exhibited:

Exhibitions and references in standard texts:

3. Does the work have future value as a loan, as part of a study collection, or for research purposes?

•

4. How well is this type of work represented in the collection?

Similar works in Australian public and private collections?

5. Reasons for deaccessioning and disposal?

Expert opinions sought or volunteered?

Proposed methods of disposal [in order of priority]

6. Outline any legal restrictions that would limit the Gallery's right to dispose of the work

PREPARED BY:

DATE:

.....

.....

(Curator)

I certify that the deaccessioning and disposal of would be in accordance with the Disposal Policy of the National Gallery of Australia.

CERTIFIED BY:

DATE

.....

.....