

DEACCESSIONING AND REMOVAL OF WORKS OF ART POLICY

Approved 10 May 2021
Queensland Art Gallery Board of Trustees

1. PURPOSE

This policy sets out the key principles that the Queensland Art Gallery | Gallery of Modern Art ('the Gallery' or 'QAGOMA') will adhere to in the development, maintenance and refining of the permanent collection ('the Collection') of the Gallery through the practice of deaccessioning and removal of works of art.

2. SCOPE

This policy applies to all works of art in the Collection under consideration for deaccessioning, and should be read in conjunction with the Gallery's current [Strategic Plan](#) and related collection management documents, including the [Acquisitions Policy for Works of Art](#).

This policy also applies to deaccessioning relating to trusts of which the Board is trustee, where practicable and with due regard to the conditions of each trust as specified in its formal dossier.

This policy does not extend to works of art forfeited or seized by government under legislation, or surrendered pursuant to a court order, that urgently need to be returned to a person or entity that is able to establish legal title to the work of art.

3. POLICY STATEMENT

This Policy supports the Gallery's primary objective, stated in the [Queensland Art Gallery Act 1987](#) ('the Act'), 'to contribute to the cultural, social and intellectual development of all Queenslanders' by ensuring that the Gallery develops and manages the Collection in a responsible manner, having regard to best practice internationally and within Australia.¹

In this context, deaccessioning and removal of works of art from the Collection is a legitimate collection management activity.

In line with the [Human Rights Act 2019](#), QAGOMA acknowledges the importance of respecting, protecting and promoting human rights. When making a decision under this policy, the decision-makers must comply with that obligation.

4. DEFINITIONS

The following definitions apply to this document:

Acquisition: the acceptance, through gift or purchase, of a work of art into the Gallery's Collection.

Deaccessioning: the administrative process of removing a work of art from the Collection.

Removal: the physical removal of the work of art from the organisation through an authorised process.

¹ Section 19 of the Act

5. POLICY ELEMENTS

5.1 AUTHORITY

Under section 19 of the Act, management and development of the Collection is a function of the Board of Trustees ('the Board'), which is undertaken on behalf of the people of Queensland.

Authority, therefore, for the deaccessioning of a work of art from the Collection and the approval of the method of removal rests with the Board.

The Board delegates limited authority, equal to the delegated authority for the discretionary purchase of a work of art for the Collection, to the Director to deaccession a work of art.

Legal advice may be sought when considering the deaccessioning of certain works of art and appropriate methods of removal.

5.2 PRINCIPLES OF DEACCESSIONING

5.2.1 Selection

A work of art should be retained in the Collection if it continues to be of relevance and significance, as articulated in the [Acquisitions Policy for Works of Art](#) and Collection Development Plan, and for as long as the Gallery is able to appropriately utilise and care for it.

Deaccessioning may be considered when these standards are no longer met and when removal through sale or otherwise would contribute to the enhancement of the Collection.

Deaccessioning, however, can only be pursued where there are no residual legal constraints from the time of acquisition (for example, if the Gallery has acquired a work of art under a contractual obligation to keep it permanently).

Where it is identified that the Gallery 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 the Gallery does not have secured legal title, the Gallery shall disclose this information and take the necessary action for the restitution of the work to the rightful owner.

Where it is identified that the Gallery is in possession of a work of art which is of special cultural significance to Aboriginal and/or Torres Strait Islander peoples, the Gallery shall disclose this information and consult with the Gallery's Indigenous Advisory Panel and act in accordance with the Aboriginal and Torres Strait Islander Engagement Strategy. In addition, the Gallery will apply the principles outlined in the [First Peoples: A Roadmap for Enhancing Indigenous Engagement in Museums and Galleries](#), developed by the Australian Museums and Galleries Association.

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 the Gallery's intention to deaccession a work of art.

5.2.2 Criteria

When preparing a proposal for the deaccessioning of a work of art, a thorough justification must be prepared and may include:

1. The work of art is no longer of a standard suitable for inclusion in the holdings of a major public collection.
2. Holding the work of art in the Collection is no longer in line with any collection or acquisition policy of the Gallery.
3. Superior examples of the work of the artist or period have been acquired, or are available for acquisition.
4. Duplicates of the work of art are already held in the Collection, where duplication serves no scholarly or educational purpose.

5. The work of art has been or is highly likely to have been illicitly traded and the Gallery does not have legal title to it.
6. After thorough due diligence, the provenance of the work of art is unsatisfactory having regard to current best practice (including Australian ethical codes and Australian Government guidelines and expectations).
7. The work of art is of special cultural significance to Aboriginal and/or Torres Strait Islander peoples or non-Australian First Nations peoples and has been requested for return.
8. The Gallery is unable to continue to provide an appropriate level of care for the work of art.
9. The work of art was incorrectly attributed or described, falsely documented and/or is a forgery.
10. The work of art is in poor condition and beyond restoration, or the importance of the work of art is insufficient to warrant the allocation of resources necessary to restore it.
11. The work of art poses an unacceptable risk to staff or visitors, or to other assets.

5.2.3 Proposals

A work of art proposed for deaccessioning and removal should be subject to a rigorous assessment and documentation process equivalent to that applied to a work of art under consideration for acquisition. This assessment should address the criteria outlined in 5.2.2. A written recommendation for deaccessioning and method of removal must be submitted to the Director for consideration via the Deputy Director, Collection and Exhibitions, and progressed to the Board if applicable. The recommendation should be supported by the relevant Curatorial Manager.

5.2.4 Approval/ratification

The deaccessioning and method of removal for works of art requires approval by the Board of Trustees.

The Director may approve the deaccessioning and method of removal of a work of art, where the value of the work of art does not exceed a determined financial value as per the [Board of Trustees Instrument of Delegation](#).

5.2.5 Removal

The deaccessioned work of art may be offered for removal by way of:

1. Sale (including direct to a dealer or by public auction or tender)
2. Gift (to an appropriate public collecting institution)
3. Exchange (with artist, dealer or other public collecting institution)

The Gallery will preferentially consider removal of a work of art to another public collecting institution, to maintain public access to the work of art. However where a work may have high personal value (rather than merely monetary value), consideration may secondarily be given to returning the work to any donor or the immediate family of the donor. If a deaccessioned work, however, was donated to the Gallery under the terms of the Cultural Gifts Program, it should not be returned to the donor as they have already received the benefit of a tax deduction for the gift².

A deaccessioned work of art shall not be available directly by sale or gift to Gallery staff or members of the Board, or their immediate families, nor may they receive any personal benefit from the removal of a deaccessioned work of art.

The income derived from the removal of a deaccessioned work shall be used only for the acquisition of works of art for the Collection or for conservation of works of art in the Collection, in line with the [ICOM Code of Ethics for Museums](#)³. All such acquisitions shall be made in conformity with the Gallery's [Acquisitions Policy for Works of Art](#).

² According to the Cultural Gifts Program Guide (2013), "gifts under the program should not be returned to the donor as the donor has already received the benefit of a tax deduction for the gift".

³ Section 2.16 of ICOM Code of Ethics for Museums

The use of income derived from the removal of a deaccessioned gift toward the acquisition of another work of art shall be acknowledged in the credit line for the new acquisition and shall include the name of the original donor. Consideration shall be given to the donor's interests when selecting a new acquisition.

In extenuating circumstances, a deaccessioned work of art may be considered for destruction if its deteriorated condition renders it unsaleable or irreparable, the work of art is a danger to the public or to property or is a forgery.

The details of the method of removal of a deaccessioned work of art shall be made available to the public upon request.

On occasion the Gallery may accept a work of art which is donated by gift or bequest, but which is not deemed appropriate for accessioning into the Collection. With the formal approval of the Board, on each occasion these items shall not be accessioned but removed of in the most appropriate manner. As these items are not accessioned, such works will not be subject to the deaccessioning process set out in this Policy.

5.2.6 Reporting

A decision by the Board to deaccession a work of art and its method of removal will be documented in the minutes of the Board meeting. All works of art deaccessioned in the financial year will be reported in the Queensland Art Gallery Board of Trustees Annual Report.

After a work of art is removed from the Collection, the Gallery should maintain its collection management documentation and digital record for future reference. All activity in relation to deaccessioning including relevant correspondence is to be compiled and recorded in line with the Gallery's [Record Management Business Rules and Procedures](#).

6. ROLES AND RESPONSIBILITIES

BOARD OF TRUSTEES

- Approve the deaccessioning of works of art for the Gallery's Collection as per the [Board of Trustees Instrument of Delegation](#).
- Oversee the Gallery's processes and principles for the deaccessioning of works of art in the Collection.

DIRECTOR

- Oversee the control, management and maintenance of the Gallery's assets, including the Collection.
- Approve the deaccessioning of works of art for the Gallery's Collection as per the [Board of Trustees Instrument of Delegation](#).
- Seek advice from the Deputy Director, Collection and Exhibitions, and curatorial and collection management staff regarding information and documentation of works of art for deaccessioning.
- Provide the Board of Trustees with advice and recommendations regarding works of art for deaccessioning.

DEPUTY DIRECTOR, COLLECTION AND EXHIBITIONS

- Provide the Director with advice and recommendations regarding works of art for deaccessioning, based on research and documentation from curatorial and registration staff.
- Oversee the deaccessioning documentation process.

REGISTRATION STAFF

- Maintain a record of all deaccessioned works of art, including the rationale for deaccessioning and the method of removal, in the Gallery's collection management system.
- Liaise with auction houses, buyers or relevant parties to sell, gift or exchange works of art.
- Channel funds raised through the removal of works towards the acquisition of works of art and/or maintenance of the Collection.

CURATORIAL STAFF

- In consultation with registration staff, make recommendations to the Deputy Director, Collection and Exhibitions, and Director of works of art for deaccessioning, in line with the [Acquisition Policy for Works of Art](#) and Collection Development Plan.
- Adhere to procedures for the deaccessioning of works of art outlined in this policy.

7. ADMINISTRATION

7.1 RELATED DOCUMENTS

- *Aboriginal and Torres Strait Islander Engagement Strategy (QR/18/1669)*
- [Acquisitions Policy for Works of Art](#)
- [Australian Museums and Galleries Association First Peoples: A Roadmap For Enhancing Indigenous Engagement in Museums and Galleries](#)
- *Collection Development Plan (QR/20/40817 limited access)*
- [Human Rights Act 2019](#)
- [ICOM Code of Ethics for Museums](#)
- [QAGOMA Strategic Plan](#)
- [Queensland Art Gallery Act 1987](#)
- [Queensland Art Gallery Board Instrument of Delegation](#)
- [Record Management Business Rules and Procedures](#)

7.2 DOCUMENT OVERSIGHT

Approval Authority	Queensland Art Gallery Board of Trustees		
Document type	Governing		
Document Owner	Deputy Director, Collection and Exhibitions		
Release	Internal and External	File reference	Qr/21/40216
Approval date	10 May 2021	Next review by	May 2024

7.3 DOCUMENT HISTORY

Version	Approved by	Date	Revisions
1.0	Queensland Art Gallery Board of Trustees	Feb 2011	Previously endorsed by the Board of Trustees 27 November 2000 Revised version endorsed by the Board of Trustees 14 February 2005 Reviewed February 2011
2.0	Queensland Art Gallery Board of Trustees	30 April 2018	Major review included: Removal of procedures to a separate internal operations document Updating of museum policies and guidelines

			Insertion of new clauses for: insecure legal title; provenance; duplicates; and holding work not in line with collections or acquisitions policy
2.1	Queensland Art Gallery Board of Trustees	10 May 2021	<p>Major review included:</p> <ul style="list-style-type: none"> • Refined scope • Revision of phrasing in line with review of Acquisition Policy for Works of Art (reviewed 2020) and current collection management processes • Insertion of full roles and responsibilities • Updating links and related documents • Removing repeated or redundant clauses <p>Document Owner confirmed that the separate procedure referred to in the 2018 revision notes is no longer required and thus is rescinded.</p>