



# Deaccessioning and Disposal Policy and Procedures

## Section 1 – Purpose

The purpose of this policy is to set out the principles and rationale that guide the deaccessioning and disposal of material from the Tasmanian Museum and Art Gallery (TMAG) collections and to ensure that such disposals are neither unwarranted nor haphazard.

The objectives of this policy are to enable TMAG to:

- a) improve the collections by rationalising, consolidating, and focusing the collections as outlined in the TMAG Acquisition Policy.
- b) dispose of material that is not required as part of its collections, in accordance with approved procedures.
- c) transfer material that may be better placed in another museum or similar public collection institution; or
- d) exchange material with another museum or public collecting institution where this will result in the mutual enrichment of both collections.
- e) dispose of hazardous material that represents a risk to staff, that is deemed not significant enough to retain in the collection.
- f) repatriate cultural material to relevant communities.
- g)

These objectives are to be achieved by ensuring that TMAG:

- a) applies rigorous, ethical, and accountable standards in proposals to deaccession and dispose of collection material.
- b) considers and approves the deaccessioning and disposal of collection material in accordance with established delegated authority.
- c) collection practices and procedures are transparent and provides the basis upon which responsible deaccessioning and disposal of items may be undertaken.

## Scope

This policy applies to all TMAG staff who manage or are involved in the deaccession and disposal of collection material.

## **Authorities / Legal Framework**

This policy is established by the Director and approved by the Board of Trustees (the Board) pursuant to the *Tasmanian Museum and Art Gallery Act 2017* (the Act)

This policy should be read in conjunction with:

- TMAG Acquisition Policy and Procedure
- TMAG Discipline Specific Acquisition Policies and Procedures
- TMAG Unclaimed Material Policy and Procedure
- TMAG Object Exit Policy and Procedure
- TMAG FileMaker Pro Manual and Procedures
- Environmental Protection and Biodiversity Conservation Act 1999 (Cth)
- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) – March 1973
- Convention on Biological Diversity (CBD) and the Nagoya Protocol (2010)
- 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property
- Protection of Moveable Cultural Heritage Act 1986 (Cth)
- Significance 2.0: a guide to assessing the significance of collections (2018) Second Edition Roslyn Russell and Kylie Winkworth.

## **Section 2 – Glossary / Definitions**

### **Act**

The Tasmanian Museum and Art Gallery Act 2017.

### **Board**

Means the Board of Trustees of the Tasmanian Museum and Art Gallery.

### **Collection Management System (CMS)**

The electronic system that TMAG uses for the management of information about collection items.

### **Content Manager (CM)**

The electronic records management system used by TMAG.

### **Deaccessioning**

Is the formal process by which items in the museum's collection are removed from the collection and are made ready for disposal. Deaccessioning is part of collection management.

### **Disposal**

The action taken to remove an item from the museum's ownership, control, or possession. This action may take the form of gift, transfer, exchange, surrender, repatriation, sale, or destruction.

## **Provenance**

The full history and chain of ownership of an item from the time of its discovery or creation to the present day, through which authenticity and legal title are determined.

## **Significance**

The historical, aesthetic, scientific or social values that a museum object or collection has for past, present and future generations.

## **Title**

The legal right to ownership of property. This may be supported by full evidence of every transaction subsequent to the first owner's title.

# **Section 3 – Policy**

## **Part A – Statement**

TMAG recognises that the ability to deaccession and dispose of material from the collection is an essential part of effective collection management. This policy covers the deaccessioning and disposal of material from TMAG's collections.

This policy does not cover the disposal of unaccessioned items found in the collection, or other material that may fall under the Unclaimed Material Policy and Procedure.

This policy does not cover non-collection assets as outlined in the Disposal Procedure for non-TMAG Collection items, such as redundant fixtures, equipment or plant.

Under Section 17 of the Act, the Board at its discretion may deaccession and dispose of material from the TMAG collections if satisfied that:

- a) the material is unfit, unsafe, or unsuitable for the collection.
- b) the material is no longer required as part of the collection; or
- c) there are other compelling reasons for effecting the disposal.

Regardless of the intended method of disposal, if the Board suspects the market value of the material exceeds or might exceed the threshold value under Section 18 of the Act, then the Board is to notify the Minister of its intention to affect the disposal and await the Minister's decision. The Board is not to affect the disposal unless the Minister, by notice to the Board, approves the disposal.

## **Part B – Responsibilities**

### **Minister**

The Minister decides on proposals for the disposal of collection material valued at or over the threshold value as defined in the Minister's Statement of Expectation.

The Minister has set the threshold value for section 17(4) of the Act at \$100,000.

## **Board**

The Board is responsible for ensuring the deaccession and disposal of material is consistent with the provisions of Division 2 of the Act.

The Board approves proposals for the deaccessioning and disposal of material up to the threshold value as set out below.

## **Director**

The Director is responsible for recommending the deaccessioning of collection material submitted to the Board for approval, as per delegations as set out below.

## **Deputy Director Collections and Research**

Responsible for ensuring deaccession documentation is completed as per this policy and making a recommendation to the Director.

## **Employees**

Employees of TMAG are responsible for submitting recommendations on the deaccession and proposed disposal of collection material to the Deputy Director, or Director, or for the Board's approval, depending on the required delegation (see below).

## **Part C - Principles**

### **Reasons for deaccessioning material**

An item can be deaccessioned from TMAG's collection for the following reasons:

- TMAG collection policies have been revised since the item was acquired and/or the collections focus has been refined or altered.
- The material constitutes Aboriginal and Torres Strait Islander human remains and secret/sacred material.
- Items and human remains identified and/or required to be returned to the country of their origin.
- Items come under the terms of the Aboriginal Relics Act 1975 and the Museums (Aboriginal Remains) Act 1984.
- Items are of a particular genre of which TMAG possesses better examples.
- The item is a lesser quality duplicate of an item in the collection.
- Items are so degraded or irreparably damaged that they are no longer recognisable or restorable and no longer suitable for scholarly or other museum purposes.
- Items are so degraded that the cost of restoration and storage is disproportionate to the significance of the item.
- The item can no longer be suitably stored.
- Items are incorrectly identified or attributed or are forgeries.
- Items are of a hazardous nature which may pose a serious WHS risk to staff and visitors.

- Items may have been unlawfully obtained by TMAG or may be claimed legitimately by an individual or their heirs, trustees, or representatives, or by an organisation or institution representing a claimant, community, or nation.
- With the exception of special study collections, art works which fall below the general level of aesthetic quality or historical significance in TMAG's representation of an artist, period or style.

### **Exclusions from deaccessioning**

Items that will NOT be considered for deaccessioning include:

- those subject to a trust or other legal impediment or have conditions attached expressly or by implication which prohibits deaccessioning.
- those that may, by law, be required to be retained or otherwise dealt with in accordance with heritage, archival or other similar legislation; and
- those acquired less than ten years prior to the time of the proposed deaccession.

Natural sciences material that will NOT be considered for deaccessioning include specimens:

- of extinct, rare, endangered, and vulnerable species.
- of historical, cultural or provenance significance.
- that have been cited in published scientific work.
- that have been formally labelled or otherwise annotated, indicating they have been used for a scientific study.
- that are from sites from which further material cannot be collected; and
- for which label data are in the public domain, such as in the Australian Virtual Herbarium, Atlas of Living Australia, Global Biodiversity Information Facility, or the Tasmanian Natural Values Atlas.

## **Section 4 – Deaccession Procedures**

### **Provenance checking**

When disposal of objects is proposed, check all possible sources of information about the objects. Where available, this might include:

- Entry records
- Loan agreements.
- Accession registers.
- Minutes of meetings at which acquisitions were considered or reported.
- Annual reports
- Catalogue records.
- Object history files.
- Present or former staff and volunteers.

If there is reason to think that the objects are on loan, and it is possible to contact the lender (or their estate) to discuss returning them, refer to the [TMAG Incoming Loans Policy and Procedure](#).

If it seems likely the objects were unsolicited deposits, or apparently accepted loans or deposits (of either known or unknown provenance) refer to the TMAG Unclaimed Material Policy and Procedure.

If there is clear evidence that the objects belong to TMAG, but there are legal constraints or specific agreements with donors that might prevent disposal, seek advice before proceeding further.

If the objects clearly belong to TMAG and there are no conditions preventing disposal, double check relevant codes and make sure there are no ethical objections to the disposal.

Open a file in Content Manager under the classification TMAG - COLLECTION DEVELOPMENT & MANAGEMENT - DEACCESSIONING & DISPOSAL. Keep notes on the research carried out to date as evidence of due diligence should problems arise in the future. Note the documentation location in the CMS.

If there is any doubt about the legality or ethics of the disposal, you should seek advice, particularly if the objects are of high intrinsic or monetary value. If particular expertise is not available in-house, seek advice from a subject specialist.

Include any advice you receive in the CM file.

## **Preparing the Deaccession or Disposal Proposal**

Proposals for deaccessioning and disposal of collection material should be submitted to the Director for endorsement before being referred to the Board. Refer to the [Disposal Inventory template](#), [Disposal Proposal template](#) and [Deaccession Proposal template](#)

The deaccession proposal should include the following:

- full details of the item, including accession number (if one exists) and provenance.
- images
- advice on legal status of item.
- full details of the circumstances of the item's acquisition, including any prohibitions or restrictions on deaccessioning (including statutory restrictions) and notification requirements (including grant funding agreement terms);
- Significance assessment of the objects against the context of TMAG Acquisition and Collection policies
- Current insurance value or best estimate
- If relevant, costs estimates for ongoing conservation maintenance and storage of the object if it were to be retained
- reasons for the proposed deaccessioning.
- recommendations for the means of disposal; and

A copy of the proposal must be filed in CM with the other documentation.

## Approval of Deaccessions and disposals

Deaccessions of collection items approvals are outlined in the TMAG Manual of Authorities:

Position title	Purpose	Conditions
Minister	Approve deaccession and disposals that are or might be expected to be of market value above \$100,000	Disposals cannot be effected until Ministerial approval received.
Board	Approve deaccessions and disposals except low significance hazardous items.	Must be in accordance with Treasurer's Instructions, the Acquisition Policy, the Act.  deaccessions that are or might be expected to be of market value between \$20,000 and \$100,000
Director	Approve deaccessions and disposals of low significance hazardous items.	Must be in accordance with Treasurer's Instructions, the Deaccession and Disposal Policy, the Act, within portfolio responsibilities and approved budget.  Deaccession can incur costs of no more than \$20,000.  Items must be considered low significance*  Items must not have a value greater than \$20,000.
Head of Herbarium /Senior Curator (Zoology)	Approve deaccessions and disposals of Natural Science specimens.	Must be in accordance with the Deaccession Policy and the Act.  Deaccession can incur no costs, have no market value, and must not exceed 800 samples/lots

\*In assessing significance use the framework provided by Significance 2.0<sup>1</sup> to undertake a significance assessment including researching and understanding the meanings and values of items and collections. There are three variations of the process for assessing significance: for single items; for a collection or parts of a collection; and for cross-collection projects. Then assess the item against the primary criteria: historic, artistic or aesthetic, scientific or research potential, and social or spiritual.

<sup>1</sup> Russell, R and Winkworth, K (2018) Significance 2.0: a guide to assessing the significance of collections Second Edition

Determine the degree of significance by assessment against the comparative criteria: provenance, rarity or representativeness, condition or completeness, and interpretive capacity.

The Board may include a notice of a disposal in the TMAG Annual Report as per section 17 (7) of the Act.

## **Recording the Deaccession**

On confirmation of the approval of the deaccession ensure that:

- A signed copy of the Deaccession Proposal is filed in CM
- A record is created in IS Movement of Items database, see [TMAG FileMaker Pro Manual and Procedures](#)
- The Object record for each item is updated with
  - reference to the CM file where documentation is filed
  - Deaccession date

As disposal may occur sometime after the Deaccession is approved, and the item may be removed from “premium” storage, ensure the location of the item continues to be tracked.

## **Section 5 – Disposal Procedures**

### **Disposal of deaccessioned material**

A disposal may be effected by the following means the Board in its discretion thinks is most appropriate in the circumstances:

- donation (gift)
- transfer
- exchange\*
- surrender
- repatriation
- sale\*
- destruction – applies only if the material has no market value or only negligible market value; or that for safety, legal, public policy or other compelling reasons the material should be destroyed. Material should be destroyed completely and no evidence of previous TMAG ownership apparent.

\* In the case of exchange or sale other than by public auction: in the case of sale at least one independent valuation of the item, and in the case of exchange with a collector or dealer at least two independent authentications and valuations shall be obtained from a qualified external assessor, prior to the exchange or sale.

In relation to an exchange, and after certified valuations and authentication, payment of a sum of money shall be made or received in recognition of the difference in value between the items exchanged if appropriate.

Under no circumstances shall a deaccessioned item be purchased, transferred or given to any Board member or TMAG employee or any member of their immediate family.

## **Disposal options**

Depending on the nature of the deaccessioned material and the rationale for removing it from the collection, the following provisions for disposal of material should be followed:

- Items that were donated, and where the original donor is still contactable, may be returned to the donor. Note that where the object was gifted under the Australian Government's Cultural Gifts Program, formerly the Tax Incentives for the Arts Scheme, it cannot be returned to the donor as the donor has received the benefit of a tax deduction for the gift. Therefore, under these circumstances, this option is not to be considered.

If a donor is identified, refer to the [Unclaimed Material Policy and Procedure](#) for next steps

- Items that have a significant cultural value, but which do not conform to the collections development should, wherever possible, be placed with the most appropriate public institution, by means of gift, transfer, exchange or sale.

Allow a minimum of two months for an interest in acquiring material to be expressed.

- Items that do not have a significant cultural value but do have a market value may be disposed of by public auction or tender.
- Items whose trade and movement are governed by any applicable laws or agreements, such as the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES), or the *Environment Protection and Biodiversity Conservation Act 1999*, should only be disposed of in accordance with such laws or agreements.
- Items that are degraded to the point where they are no longer recognisable or restorable, and which do not have any saleable value, may be destroyed or recycled for materials or components if all other avenues for disposal have been exhausted.
- Items that cannot be disposed of in any other way, and which do not have any saleable value, may be destroyed.
- Disposal of hazardous or unsafe material must only be undertaken after liaison with relevant government departments and in accordance with legislative requirements for handling of dangerous goods.

## **Agreement of terms for sale or transfer**

If the disposal is by exchange or sale, there will need to be agreement on the terms of the deal. Even if giving objects away there needs to be agreement on such issues as who is responsible for collecting or delivering them, any conservation work or packing needed, insurance costs, timings and other practical matters.

## **Recording the Disposal**

Ensure that on delivery or collection of the objects

- An Outgoing Receipt is completed, see [TMAG Object Exit Policy and Procedure](#). A record is created in IS Movement of Items database, see [TMAG FileMaker Pro Manual and Procedures](#)
- If appropriate a Deed of Gift is completed.

Ensure any other relevant information about the disposal is either filed in CM, or added to the Object record. Relevant Information might include:

- Any restrictions that were applied to the disposal (Disposal provisos)
- Disposal recipient information
- The new number of the object in the recipient's collection (if relevant),
- The disposal price if objects were sold.

## **Proceeds from disposal**

Any proceeds resulting from sale or exchange of a deaccessioned item will be used for the development of TMAG's collections.

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