



Penrith Performing Arts & Visual Arts Ltd

PENRITH PERFORMING & VISUAL ARTS LTD

PENRITH REGIONAL GALLERY & THE LEWERS BEQUEST

DEACCESSION POLICY

PENRITH REGIONAL GALLERY & THE LEWERS BEQUEST COLLECTIONS DEACCESSION POLICY

Adopted 4 March 2009

1. Definitions

1.1 *Collection*

- The Lewers Bequest
- Penrith Regional Gallery & The Lewers Bequest Collection
- Penrith Performing & Visual Arts Collection.

1.2 *PRG&TLB*

Penrith Regional Gallery & The Lewers Bequest.

1.3 *PP&VA*

Penrith Performing & Visual Arts Ltd.

1.4 *PCC*

Penrith City Council.

1.5 *The Bequest*

The original Lewers Bequest.

1.6 *The Board*

The Penrith Performing & Visual Arts Ltd Board of Management.

1.7 *Deaccessioning*

The permanent removal of an object from the Collection and the processes involved in doing this.

1.8 *Collection Acquisitions Policy*

The PP&VA Acquisitions Policy.

1.9 *Artwork*

Meaning artworks, cultural objects or ephemera.

1.10 *CEO*

PP&VA Chief Executive Officer.

Purpose/Objectives

PP&VA recognises that the ability to deaccession Artworks (except those from the original Lewers Bequest) from the Collection is an essential part of an effective Collection Management Strategy. PP&VA also recognises that acceptance of an Artwork into the Collection involves the acceptance of responsibility for that Artwork, first on behalf of the donor or vendor, secondly on behalf of the public that PP&VA serves, and ultimately on behalf of all people.

PP&VA is empowered to deaccession Artworks from the Collection (except those from the original Lewers Bequest). To effect deaccession of Artworks PP&VA requires a Deaccession Policy, and appropriate operational procedures based on the Policy, that will enable deaccessioning to take place while ensuring that it is neither unwarranted nor haphazard. The guidelines in this Policy provide the basis on which responsible deaccessioning of Artworks may be effected.

The purpose of this Policy is to provide a process whereby the Collection is re-evaluated and enriched. This process will effectively balance the potentially conflicting interests of Collection management and Collection integrity.

The five key objectives of the Deaccessions Policy are:

1. Protect Artworks contained in the original Lewers Bequest from deaccessioning.
2. Deaccession Artworks that are not required as part of the Collection, in accordance with the categories set out under Section 2 of this Policy.
2. Transfer Artworks which by virtue of their subject focus, may be better placed in another museum or similar public collecting institution.
3. Exchange Artworks with another museum or similar public collecting institution, where this will result in the mutual enrichment of both collections.
4. Offer Artworks for sale as required by the PP&VA Board.

Policy Statement

The Policy recognises that the greatest care must be taken to accept Artworks into the Collection which are worthy of preservation for current and/or future generations, and that any subsequent decision to deaccession Artworks must be exercised with caution and appropriate rigorous controls.

All Collection Artworks must be analysed critically before approval for deaccession is obtained. It is impossible to determine a general overall policy on the matter of deaccessioning therefore it is more appropriate to define a set of broad considerations which act as guidelines for possible deaccessioning and then consider each Artwork individually.

1. Assessment of Objects for Deaccessioning

- a) Deaccessioning will only be considered when the Artwork has been fully assessed and the related procedures have been observed. These procedures will be developed in accordance with the categories set out in Section 2 of this Policy.
- b) The assessment, initiated by the CEO, will be conducted with the PP&VA Acquisitions Policy and the condition of Artworks being assessed foremost in mind. The CEO must argue a case as to why the Artwork no longer fits into the Collection. The CEO will liaise with, and formally seek the approval of the PP&VA Visual Arts Subcommittee, before presenting the proposed Artwork for deaccessioning to the PP&VA Board of Management.
- c) Artworks warranting deaccessioning, PP&VA's ownership to the Artwork must be established before it can be considered for deaccessioning. When written ownership is confirmed, the Artwork will be fully examined and assessed by the CEO and PP&VA Visual Arts Subcommittee, as per the Collection Deaccession Procedure. Where appropriate, other relevant experts and the case for its possible deaccessioning must be considered within the context of the Policy.
- d) Where possible, the authenticity, current market value and cultural and historical significance of an Artwork identified for deaccessioning should be ascertained by professional valuers that are recognised by the Department of Communications, Information Technology and the Arts, before a formal proposal is submitted to the PP&VA Visual Arts Subcommittee and subsequently the Board.
- e) The CEO will present all Artworks proposed for deaccessioning to the PP&VA Visual Arts Subcommittee for its advice before they are presented to the PP&VA Board of Management for decision to deaccession.
- f) If, after the Artwork has been fully assessed, and deaccessioning is deemed appropriate the CEO will, upon instruction from the PP&VA Visual Arts Subcommittee, submit a formal proposal to the PP&VA Board for approval before the Artwork can be deaccessioned.

2. Categories of Artworks for Deaccessioning

- a) In the case of donations, gifts and/or bequests, deaccessioning can only be considered in the most exceptional cases. In some instances, it may be appropriate to discuss the possible deaccessioning of gifts with the donor(s).

b) Each Artwork for deaccession is to be considered on its own merits. The following categories of objects in the Collection should be considered as a guideline:

- i. Artworks that do not fall within the scope of the current PP&VA Acquisitions Policy. It is imperative that the irrelevance of the Artwork is proven through a written report and that the PP&VA Board of Management approves the deaccessioning of the Artwork based on the report.
- ii. Artworks, which are not authentic e.g. facsimiles.
- iii. Artworks which are so degraded or irreparably damaged that they are no longer recognizable or restorable, or Artworks that are so degraded that the cost of restoration is disproportionate to the significance of the Artwork.
- iv. Artworks about which no documentation is available in regard to their acquisition, objects details and provenance.

3. Methods of Deaccessioning Collection Artworks

a) The donor/vendor retains no legal rights in Artworks acquired by PP&VA without restriction. If the Artwork is subsequently deaccessioned, there is no legal requirement to seek the approval of the donor/vendor. As a matter of "goodwill", however, the CEO may wish to notify the donor/vendor of impending deaccessioning actions.

Where the Artwork has been given to PP&VA with conditions, and is recommended for deaccessioning, every effort must be made in writing to consult with the donor/vendor or the donor's/vendor's heirs. If every effort has been made by PP&VA to contact the donor/vendor or the donor's/vendor's heirs and all attempts to contact have been unsuccessful within a period of twelve months, all legal rights of the Artwork will revert to PP&VA.

b) Depending on the nature of the Artwork and the rationale for removing it from the Collection, five methods may be considered for deaccessioning:

- i. Donation or exchange, with the most appropriate public institution to ensure that the Artwork remains in the public domain i.e. museums, cultural or educational institutions.
- ii. Return to donor or vendor after every effort has been made by PP&VA to contact the donor/vendor or the donor's/vendor's heirs.
- iii. Public auction. Proper valuations must be established before an Artwork is auctioned by registered valuers listed by the Department of Communications, Information Technology and the Arts.
- iv. Disposal of Artworks that are degraded to the point where they are no longer recognisable or restorable. This method is the last resort.

c) All proceeds from deaccessioned Artworks will be used as required and/or designated by the PP&VA Board of Management.

4. Disputes

All disputes arising out of this policy shall be submitted to mediation to be administered by the Arts Law Centre Mediation Service (ALCMS) before having recourse to arbitration or litigation. The mediator shall be a person agreed to by all parties and the ALCMS will assist the parties by providing a list of qualified mediators.

5. Implementation Timetable

a) The Deaccession Policy recognises that the deaccessioning of Collection Artworks will be an ongoing process subject to the conditions of the Deaccession Policy.