

# Museums and Collections Department

## Disposal Protocols



### 1. Principle Statement

The University of Melbourne Museums and Collections Department (M&C Department) are custodians of significant cultural collections. It is the responsibility of the University of Melbourne to develop and manage its Collections according to international best practice in collection management. The M&C Department recognises that Deaccession and Disposal of material from Collections is an essential aspect of intentional and sustainable collection development and management to ensure the Collections are maintained to an optimum level. Deaccession and Disposal occurs within an accepted framework to ensure compliance with legal, ethical and cultural considerations. The Director, M&C Department acknowledges their obligations under the UoM [Collections Policy](#) to develop, maintain, and manage the Collections.

### 2. Application

This Protocol applies to the Disposal of Deaccessioned objects from the Collections, as well as the disposal of items that have been abandoned, deposited as unsolicited material, or otherwise held as non-accessioned items.

### 3. Background

- 3.1 This Protocol applies to objects which are not part of the Collection i.e. objects that have been Deaccessioned, as well as items that have been abandoned, received unsolicited or remain uncollected.
- 3.2 In accordance with the Deaccession Protocols, suitable methods of Disposal will be identified in the Deaccession proposal and approved by the delegated authority.
- 3.3 No commitment may be given to any possible recipient until Deaccession and Disposal of the object has been approved.

### 4. Method of Disposal

The M&C Department may dispose of items by the following methods:

- 4.1 Gifts made under the Cultural Gift Program will not be returned to the donor as the donor has already received the benefit of a tax deduction for the gift;
- 4.2 with the exception of objects acquired under the terms of the Cultural Gifts Program, return to the living donor or the immediate heirs or trustees of the donor's estate, trustees of corporate donors, or the artist; or
- 4.3 return, Repatriation or Restitution to a legally proven owner; or
- 4.4 return, Repatriation or Restitution to another party arising from cultural or ethical claims to the possession of the object; or

- 4.5 donation to another UoM Collection, other UoM Department, School or similar, including for research, teaching, demonstration, or similar use; or
- 4.6 donation to another University's collection, or another public collecting institution, with preference given to the collection, research and access priorities of the recipient institution; or
- 4.7 public auction, sale or tender; or
- 4.8 donation to a charitable organisation; or
- 4.9 supervised destruction or recycling of materials or components. The M&C Department will consider the destruction of an item only where instructed to do so by the artist, or where no other form of Disposal is viable or practicable, or where the item poses a significant risk to health or safety, or where the item has been Deaccessioned due to its deteriorated condition or similar, such that the integrity of the item in its original form cannot be viably restored through conservation treatment; or
- 4.10 depending on the manner and circumstances of the acquisition, consideration may be given to rescinding the purchase or donation by which the item was acquired; or
- 4.11 other method approved by the Director, Museums and Collections on the recommendation of the Collection Development Advisory Group.

## 5. Other Considerations

- 5.1 In the instance of an item found to have been falsely documented, described or attributed and/or a forgery, consideration must be given to the protection of the public interest and details of any errors in the documentation, description or attribution of the item will be made known.
- 5.2 Where an item recommended for Disposal has significance to the collecting priorities of another UoM Collection, University Collection, or public institution it should be donated to that institution to ensure that it remains in the academic or public domain.
- 5.3 Preference should be given to institutions offering the greatest research, teaching or public access to the item/s. Criteria for selecting an institution to which an item/s will be disposed are:
  - 5.3.1 significance of the item to the teaching and learning priorities of the UoM Collection or the institution; and
  - 5.3.2 significance of the item to region/theme/collecting Policy of the institution; and
  - 5.3.3 intended use, research and accessibility of the item/s by the institution; and
  - 5.3.4 (if relevant) professional standard of care and management available for the items/s.
- 5.4 Unless in exceptional circumstances, the M&C Department will not dispose of items to individuals, private collecting institutions or organisations operating for profit, or for the financial benefit of any individual, except as provided for in the Methods of Disposal section of this Protocol.
- 5.5 The M&C Department will only pursue sale, auction or tender of an item where the realisable value of the item (i.e. the expected return from the sale) exceeds the real cost to the University of processing the item/s for sale.
- 5.6 The M&C Department may dispose of non-accessioned objects (other than items listed on the University Assets Register) by the same methods as those listed in the Methods of Disposal section of this Protocol, or as otherwise agreed with the depositor, subject to any conditions pertaining to Disposal imposed by the donor or depositor.
- 5.7 In circumstances where the M&C Department is in possession of an item beyond the period of any previously agreed incoming loan or deposit arrangements and the University is unable to contact the owner, depositor or lender despite its best and genuine efforts, the items may be considered for Disposal, on a case-by-case basis. The Disposal or transfer of possession of the items will be approved by the Director, M&C Department, and managed in accordance with relevant legislation, this Protocol, and any applicable terms of the receipt, Incoming Loan Agreement and/or Incoming Loans Protocols.
- 5.8 Items may not be purchased by, exchanged, or have ownership transferred to, or otherwise be made

available to be acquired by any University staff or Council members, or members of their immediate family or close associates. Nor may any of these parties receive any personal benefit from the Disposal of an object.

## 6. Proceeds of Disposal

- 6.1 Any proceeds derived from the Disposal of items in accordance with this Protocol will be used solely for the purpose of Acquisition of items to the same Collection.
- 6.2 The use of income derived from the disposal of an item(s) in accordance with this Protocol will be acknowledged in the credit line for the new acquisition and will include the name of the original donor, or otherwise reflect the source of funds for the item that has been disposed of.

## 7. Record Keeping

In accordance with the [UoM Records Management Policy \(MPF1106\)](#), and established protocols and procedures, the Museums and Collections Department will maintain records for each Deaccession, including proposed Deaccessions that are not approved. These records will include information on approval processes, key decisions, consultations, transactions, negotiations, Provenance, Due Diligence undertaken including copies of all research, photographs and documentation compiled, and any other agreements or undertakings in relation to the relevant Deaccession. All records will be kept securely and permanently by the University.

## 8. Compliance

M&C Department staff involved with Disposal will be informed of all relevant University policies, protocols and procedures and conform to those at all times.

## 9. Roles and Responsibilities

**Director, Collections:** Has overall responsibility for ensuring that Disposal is undertaken in accordance with this Protocol and related plans, strategies, policies and procedures.

**Director, Art Museums and Director, Science and Academic Engagement:** Oversees sustainable development of relevant Collections to ensure the Collections are maintained and developed to an optimum level.

**Director, Indigenous Collections:** Oversees sustainable development and management of Indigenous Collections to ensure the Indigenous Collections are maintained and developed to an optimum level.

**Head of Collections Management:** Ensures that Disposal is undertaken in accordance with this Protocol. Oversees sustainable Collection management to ensure the Collections are managed and maintained to an optimum level.

**Relevant Head Curator:** Oversees sustainable collection development and management to ensure the whole Collection is maintained and developed to an optimum level.

**Curators:** Review and assess Collection material for significance and condition within the Collections and in accordance with Collection Strategies, and make recommendations for Deaccession or Disposal.

**Collections Managers:** Ensure that recommendations for Disposal are undertaken and documented in accordance with the Protocol and related Protocols, Policies, plans and procedures.

## 10. Definitions

**Deaccession:** The process of permanently removing an item from the Collections.

**Disposal:** The process by which the M&C Department effects the permanent removal of an item that is not part of the Collections from the University's care and custody.

**Title:** The legal right to ownership of property.

## 11. Related context

### 11.1 *Relevant legislation and external context*

This Protocol should be read in conjunction with the following:

- Aboriginal Heritage Act 2006 (Vic)
- Australian Government, Attorney General's Department, Ministry for the Arts, Australian Best Practice Guide to Collecting Cultural Material 2014
- Collections Council of Australia – Significance 2.0: A Guide to Assessing the Significance of Collections 2009
- Income Tax Assessment Act 1997 (Cth)
- [International Council of Museums \(ICOM\), Guidelines on Deaccessioning of the International Council of Museums \(ETHCOM, 2019\)](#)
- [Museums Australia – Code of Ethics 1999](#)
- University of Melbourne Act 2009 (Vic)
- Workplace Health and Safety Act 2011 (Cth)

### 11.2 *UoM*

This Protocol should be read in conjunction with the following UoM documents:

- [University of Melbourne Collection Policy \(MPF1309\)](#)
- [University of Melbourne Aboriginal and Torres Strait Islander Cultural Heritage Policy \(MPF1289\)](#)
- [University of Melbourne Human Remains and Burial Artefacts Policy \(MPF1226\)](#)
- [University of Melbourne Ancestral Remains and Secret or Sacred Objects Repatriation Protocols](#)
- Museums and Collections [Department Charter](#)

- Museums and Collections Department Deaccession Protocols
- [University Art Collection Strategy](#)
- [Grainger Collection Strategy](#)
- [Grimwade Art Collection Strategy](#)
- Indigenous Collections Strategy

All contextual documents, including legislation, regulations, protocols and guidelines referred to in these documents should be taken as context for these Protocols.

### 11.3 Other Supporting Documents

- Collection Development Advisory Group Terms of Reference
- Deaccession Proposal
- Deaccession and Disposal Procedures

The latest version of any University Policy, Museums and Collections Department Protocols and strategies, legislation, regulations or external context referred to will apply.

## 12. Amendment history

Version	Date issued	Notes	By
1	23 February 2023		Collection Development Advisory Group Director, Museums and Collections
2	31 August 2023	Clause 4.1 revised re: Cultural Gift Program. Staff titles updated.	Collection Development Advisory Group Director, Museums and Collections