

Council Policy

<h2>ART ACQUISITION AND COLLECTION POLICY</h2>	Date Adopted:	14 July 2021
	Adopted By:	Council
	Review Due:	14 July 2025
	Responsible Officer:	Manager Cultural Arts
	Directorate:	Planning & Development
	EDRMS No:	D/21/68851

PURPOSE

The purpose of this policy is to provide a framework for the management, including to the acquisition, commission or donation, of works of art offered and contained in Southern Grampians Shire Council permanent collection, managed by Hamilton Gallery.

DEFINITIONS

Council	means Southern Grampians Shire Council
Work of art / art work	means a form or expression of the visual arts. It may include objects of cultural heritage.
Acquisition	taking legal possession and ownership of a work of art through purchase, bequest of gift.
Art Collection	held in trust for the benefit of the Southern Grampians Shire and its residents. Consideration is given to any acquisition to the collection, or the disposal of any items in the collection. Southern Grampians Shire Council recognises its responsibility, when acquiring a work to the permanent collection, to ensure that care, documentation and use of collections will meet gallery and museum standards. It will take into account limitations on collecting imposed by such factors as resources, staffing and storage.
Bequest	a work of art or financial donation left to the Gallery as part of a deceased estate.
Cultural Gifts Program	the Australian Government's program of tax incentives for culturally significant gifts to Australia's public collections. Eligibility is restricted to institutions registered as DGR's.
De-accessioning	the permanent removal of a work of art from the permanent collection.
Deductible Gift Recipient (DGR)	funds, authorities or institutions endorsed by the Australian Tax Office. Collections recognised as DGR's are eligible for registrations with Australian Government's Cultural Gift Program.

Disposal	the physical removal of a work of art or public art from the collection, following de-accessioning.
Works of Art Committee	<p>Advisory committee, established to keep the cultural and aesthetic standards of the permanent collection at a level of excellence.</p> <p>The Works of Art Committee will comprise of:</p> <ul style="list-style-type: none"> • A Member of the Hamilton Gallery Trust • A Member of the Hamilton Gallery Friends • Director Planning and Development • Manager Cultural Arts • Hamilton Gallery Artistic Director • Hamilton Gallery Collections Coordinator

APPLICATION AND SCOPE

This policy applies to the acquisition and de-accession of works of art in relation to the permanent collection, including but not limited to donations, purchases, gifts or bequests.

This policy does not apply to public art and/or other objects, artistic or heritage, owned by Southern Grampians Shire Council but not accessioned within the permanent collection.

GENERAL PROVISIONS

GENERAL PRINCIPLES

Commitment to the following principles apply:

- a) collecting is always in the pursuit of developing a high-quality cultural asset;
- b) economic growth of the asset is not the key focus of collecting;
- c) transparency in acquiring and de-accessioning of works of art, to and from the permanent collection;
- d) the policy framework is to provide process in relation to accessioning and de-accessioning practices;
- e) collecting is in the interest of enhancing the community's understanding and appreciation of art.

ACQUISITION

CRITERIA

A work of art will be acquired for the permanent collection if:

- a) that work of art adheres to this policy
- b) the work is acquired unencumbered to allow the unconditional right to retain custody and control in perpetuity. Council will not accept works which bear inappropriate or unacceptable restrictions on their use.
- c) Council, via Hamilton Gallery, can care for and store the work of art appropriately
- d) the work of art is in a good state of preservation
- e) the work of art is not a duplicate of a work already in the collection

- f) that work of art is suitable for public display
- g) the title can be legally transferred unencumbered to Council

PROCESS

If a work of art is deemed appropriate for the permanent collection, a recommendation by the Hamilton Gallery Artistic Director will be made to the Works of Art Committee. This will include works of art offered via donation, gift, bequest or via Council allocated funds.

Purchases utilising Hamilton Gallery Trust funds, either partially or in full, will be presented by the Hamilton Gallery Artistic Director to the Hamilton Gallery Trust for approval. An acquisition report is required to be written to accompany the request.

The acquisition process will adhere to both the Works of Art Committee and Hamilton Gallery Trust governance guidelines.

Acquisitions to the permanent collection from time to time will fall outside of the Council's Procurement Policy.

This process must be read in conjunction with Council's Accounting for Assets Policy.

REMOVAL OF ITEMS (DE-ACCESSIONING)

To de-accession an artwork is to officially remove the work of art from the registered and accessioned holdings of the permanent collection. A record of all items de-accessioned will be kept. A work of art will be nominated in a written report which clearly outlines why the item is no longer appropriate to be retained by Council.

CRITERIA

Council can only de-accession a work of art if it:

- a) is damaged or suffering from serious deterioration
- b) has been lost or stolen
- c) has no legal title
- d) is inconsistent with this policy or was incorrectly included in the collection
- e) poses a high risk to other collection objects, staff or the public by storing the object
- f) is a duplication of a work of art already in the permanent collection
- g) the legal and/or ethical circumstances are such that it is unfit to remain in the collection and should be returned to a particular person, entity, community or country.

LIMITATIONS

Council will not de-accession a work of art if:

- a) it significantly damages the Council or Hamilton Gallery's reputation
- b) it impedes the willingness of current and/or future donations from benefactors
- c) it contradicts the Australian Cultural Gifts Programs policies and procedures
- d) it is to fund any other aspect of Council or the Gallery, including but not limited to operating costs, facility upgrades, other cultural projects etc.

RECOMMENDATION AND APPROVAL FOR DE-ACCESSIONING

If a work of art is deemed appropriate for de-accession, the Hamilton Gallery Artistic Director will make a full written report and present the recommendation to the Works of Art Committee.

The committee will review the report against the criteria of this policy and determine if it is appropriate to de-accession.

A de-accessioned item must be disposed of by the following methods listed in priority order:

1. return to the donor or family
2. sold by public auction (funds will be used solely for the purchase of future acquisitions for the collection)
3. transferred to another appropriate institution by gift
4. destroyed or recycled

Works of art obtained through the Cultural Gifts Program must follow the conditions set by the Program and the Australian Tax Office. This includes a condition that any item obtained through the Cultural Gifts Program cannot be returned to the donor as they have already obtained a tax benefit from their donation.

No member of Gallery staff, the Works of Art Committee, Southern Grampians Shire Council or their families shall be eligible to purchase or otherwise obtain a de-accessioned object.

This section must be read in conjunction with Council's Asset Disposal Procedure.

IMPLEMENTATION

This Policy was first adopted by Council on 12 June 1996 and was last reviewed on the following dates:

- 10 May 2017
- April 2021

CHARTER OF HUMAN RIGHTS COMPLIANCE

It is considered that this policy is compatible with the relevant human rights identified in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)*.

GENDER EQUALITY COMPLIANCE

It is considered that this policy is compatible with the relevant gender equality principles identified in the *Gender Equality Act 2020*.

Is a Gender Impact Assessment required?

- Yes (*legally required for all policies that have a direct and significant impact on the public*)
- No (*please provide an explanation why a Gender Impact Assessment is not required*)

ASSOCIATED DOCUMENTS

Council's Asset Disposal Procedure

Gender Equality Act 2020

REVIEW

This Policy must be reviewed a minimum every four years.

AUTHORISED

Adopted at Council Meeting on 14 July 2021.

END