

Newcastle Art Gallery Acquisitions and Deaccessioning Policy

December 2024

Version: 5



City of
Newcastle

Table of Contents

Part A - Preliminary	1
1 Purpose	1
2 Context	1
3 Scope	1
4 Principles	1
Part B - Policy Statement	3
ACQUISITIONS	3
5 Collecting priorities.....	3
6 Other considerations for acquisition	3
7 Recommendations and approval for acquisitions	4
DEACCESSIONING.....	4
8 Criteria for deaccessioning.....	4
9 Recommendation and approval for deaccessioning	4
Part C - Roles and Responsibilities	6
Annexure A - Definitions	7
Annexure B - Policy Authorisations	8
Document Control	9

Part A - Preliminary

1 Purpose

1.1 The purpose of this Policy is to:

- a) Provide a framework for the acquisition and deaccession of Works of Art in the Newcastle Art Gallery collection, the city of Newcastle's largest publicly-owned cultural asset.

2 Context

2.1 This Policy is developed as a CN initiative

- a) Related policies, procedures, guidelines and industry standards codes informing this Policy include:
 - i. *Local Government Act 1993*
 - ii. *Australian Federal Government: Australian Best Practice Guide to Collecting Cultural Material 2015*
 - iii. *Australian Federal Government: Cultural Gifts Program Guide 2022*
 - iv. *Newcastle Art Gallery Acquisitions and Deaccessioning Committee Charter 2024*

Newcastle Art Gallery recognises the *UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970* and acknowledges that Australia is a signatory to the Convention. Newcastle Art Gallery recognises the terms of the *Protection of Moveable Cultural Heritage Act 1986*.

This Policy and the best practice acquisition and deaccessioning processes followed by Newcastle Art Gallery are also informed by the *International Council of Museums (ICOM) Code of Ethics*, *Museums Australia Code of Ethics* and the *Australian Best Practice Guide to Collecting Cultural Material*.

3 Scope

3.1 This Policy applies to all Works of Art acquired for and deaccessioned from the Newcastle Art Gallery collection

3.2 This Policy does not apply to City of Newcastle Public Art

3.3 This Policy applies to Council and all City of Newcastle (CN) Staff involved in the acquisition and deaccession of Works of Art

3.4 This Policy applies to no-CN expert members of the Newcastle Art Gallery Acquisitions and Deaccessioning Committee. The Committee selection process, responsibilities and code of conduct are outlined in the *Newcastle Art Gallery Acquisitions and Deaccessioning Committee Charter 2018*

3.5 Requirements

- a) This policy is required by CN initiative.
- b) This Policy is not required to be publicly exhibited prior to adoption as it incorporates specialist subject matter expert knowledge. If required at Policy review stage, external consultation on this Policy is only made with subject matter experts. The adopted Policy is required to be made publicly available, with the current Policy made available on the Newcastle Art Gallery website

3.6 A breach of this Policy is a breach of CN's Code of Conduct.

4 Principles

4.1 Newcastle Art Gallery commits itself to the following objectives:

- a) **Accountability and transparency** – This Policy provides a framework for the transparent and relevant acquisitions of Works of Art for and deaccessioning from the Gallery Collection.

Newcastle Art Gallery approaches all acquisitions and deaccessioning negotiations and administration ethically, in line with the City of Newcastle procedures, and in a manner that maintains the public and sector reputation of the Gallery and the national repute of the collection. Newcastle Art Gallery seeks to follow institutional best practice processes to ensure that it legally acquires authentic Works of Art with valid title and an established chain of ownership.

Newcastle Art Gallery acquires Works or Art through Donation and purchase. Donations may be via direct Donations or via the Australian Government's Cultural Gifts Program. Purchases of Works of Art for the collection are made with dedicated funds provided to the Gallery by direct Donation, bequest, in trust or other such philanthropic support. These funds are facilitated by City of Newcastle.

- b) **Alignment with CN strategies** - This Policy aligns with the strategic direction of Newcastle Art Gallery and Creative priorities outlined in Newcastle 2040.
- c) **Continuous improvement** – Newcastle Art Gallery acquires local, national and global Works of Art for the collection in line with the strategic direction and vision. The Gallery collects Works of Art that are of outstanding quality and relevance to the current collection, and that strengthen the renown of artists and the Gallery. Reflecting the artistic, cultural and social development of the City of Newcastle.
- d) **Levels of service** – This Policy underpins the Gallery's commitment to enhancing the community's awareness, understanding and appreciation of art, and providing the community with opportunities to engage with Works of Art in the collection within the Gallery's long-term public displays and temporary collection-related exhibitions.
- e) **Ethical Conduct** - This Policy aligns with the CN Code of Conduct for Staff which sets out acceptable standards of ethical behaviour.

Part B - Policy Statement

ACQUISITIONS

5 Collecting priorities

- 5.1 Newcastle Art Gallery collects works of art in line with our strategic direction and vision with a focus on:
- a) Enhancing the strengths of the existing collection
 - b) Addressing key gaps in the current holdings; and
 - c) Developing a considered representation of the art of our time.
- 5.2 The Gallery's priorities for collecting are also informed by a commitment to principles of equity, diversity and inclusion.
- 5.3 The focus of Newcastle Art Gallery's collecting is in the following:
- a) Local - Outstanding Works of Art in all mediums, with an emphasis on Works of Art that:
 - i. Pertaining to Newcastle and the Hunter Region; and
 - ii. Professional artists associated with Newcastle and the Hunter Region
 - b) National - Outstanding Works of Art - in all mediums, from all regions of Australia, with emphasis on Works of Art that:
 - i. Enhance the Gallery's representation of the diversity of Australian art practice
 - ii. Are historically important
 - iii. Represent the contributions of artists who are widely recognised as important or conversely who have been under-recognised in Australian art history
 - iv. Demonstrate a moment of significant development or breakthrough in an artist's career; and/or
 - v. Augment the collection strengths in Australian art ceramics from the twentieth century to present day
 - c) Global - Outstanding Works of Art in all mediums by artists from outside of Australia, an emphasis on:
 - i. Pertaining to Newcastle, Australia
 - ii. Enhancing the existing Works of Art in the Gallery's collection; and
 - iii. Japanese art, particularly art ceramics from the twentieth century to present day

6 Other considerations for acquisition

- 6.1 The Gallery will only acquire a Work of Art for the collection if the Work of Art is:
- a) Relevant to, the collection and informed by one or more of the collection priorities, and;
 - i. Not a duplicate of a Work of Art already in the collection
 - ii. Being acquired for public display
 - b) Has documented provenance and is:
 - i. Unencumbered to allow unconditional right to retain custody and control in perpetuity; and
 - ii. Unencumbered to allow the legal and equitable title to transfer to CN
 - c) Is in a condition that is:
 - i. Of Gallery / Museum quality and in a good state of preservation and:
 - ii. Able to be cared for and stored appropriately long-term by the Gallery

7 Recommendations and approval for acquisitions

- 7.1 If the Art Gallery Director considers that a Work of Art is appropriate for acquisition by purchase, Donation or bequest, the Art Gallery Director will present a proposal report for the Acquisitions and Deaccessioning Committee recommending that the Work of Art be considered
- 7.2 The Committee will:
- a) Review the proposal report of the Art Gallery Director against the collection priorities provided in clause 4 and other considerations for acquisition provided in clause 5
 - b) Make a recommendation on the acquisition of the Work of Art
- 7.3 If the Acquisitions and Deaccessioning Committee recommends the acquisition of a Work of Art:
- a) By Donation or bequest, the Art Gallery Director may acquire the Work of Art in accordance with Newcastle Art Gallery Procedures and CN asset reporting procedure. A CEO memo will be prepared for update only
 - b) By purchase under \$1 million, the Art Gallery Director may progress a CEO memo regarding the recommendation to approve the acquisition of the Work of Art in accordance with Gallery procedure and CN delegations. The Art Gallery Director may proceed with the acquisition on receipt of CEO ratification; or
 - c) By purchase over \$1 million with CN funding, the Art Gallery Director will prepare the report for presentation to CN Council for consideration of the purchase of a Work of Art through the resolution of the Council. Approval for budget increases to the acquisitions budget will be sought through the adopted quarterly review process and reported to Council
- 7.4 If the Acquisitions and Deaccessioning Committee does not recommend the acquisition of the Work of Art, CN must not acquire the Work of Art.

DEACCESSIONING

8 Criteria for deaccessioning

- 8.1 The Gallery may only deaccession Works of Art if it is established that the Work of Art:
- a) Is identified as an object of significance to an Aboriginal or Torres Strait Islander community or Indigenous community in another country and will be returned to that community or a representative museum, cultural centre or keeping place as negotiated, as required by law or as determined by principles of best practice
 - b) Is inconsistent with this Policy or was erroneously included in the collection
 - c) Is no longer representative of the collection in line with Gallery's vision and priorities for collection development at the time of deaccessioning
 - d) Has no clear legal and equitable title
 - e) Has significance or aesthetic merit that falls below the general level of the collection
 - f) Lowers the overall quality of representation of an artist or collection area
 - g) Has been lost or stolen
 - h) Has its authenticity proven to be in question
 - i) Is damaged or suffered serious deterioration in condition
 - j) Is an obvious duplication or repetition of the Work of Art already in the collection

9 Recommendation and approval for deaccessioning

- 9.1 If the Art Gallery Director considered that a Work of Art is no longer appropriate to the Collection, the Art Gallery Director will report to the Committee recommending that the Work of Art be de-accessioned. The report will:
- a) Review the work against the Criteria for deaccessioning provided in clause 7.

- b) Outline and considerations of:
 - i. Public interest
 - ii. The reputation of City of Newcastle and Newcastle Art Gallery
 - iii. The Gallery's relationship with the artist, artist's Estate or original donor; and
 - iv. Method of deaccessioning, including taking into account the requirements related to deaccessioning in the Australian Government's Cultural Gifts Program Guide where Works of Art donated under this initiative may not be returned to the donor if deaccessioned from the collection
- 9.2 Deaccessioning methods may include, in order of exploration:
- a) Transferring to another public collection where institutional collecting priorities are more aligned with the Work of Art
 - b) If donated, return the Work of Art to the donor if the donor is in agreement:
 - i. Except where the Donation was made under the Australian Government's Cultural Gifts Program
 - ii. Except where reasonable effort has been made to contact the donor and no contact has been made, following four attempts to contact the donor in writing, by phone, through known relatives, over a period no less than 12 months
 - c) Sell the work at public auction or by tender, with limitations such that:
 - i. CN Council and CN officers, including Newcastle Art Gallery staff, are not permitted to bid for nor purchase the Work of Art
 - ii. Funds raised through the sale must be returned to support future acquisitions of Works of Art for Newcastle Art Gallery collection, or the major conservation work on collection works, but not for the standard operational costs nor staffing of CN
 - d) Destruction will only be considered in exceptional circumstances where a work of art is damaged beyond repair such that it is no longer able to be presented in any form, and following:
 - i. A formal and in-depth report by two independent conservation experts
 - ii. Written approval from the artist (if living) further confirming that there is nothing that can be done to rectify the state of the Work of Art
 - iii. Written approval from the artist or estate of the artist (if able to be identified) on the proposed the method of destruction, and format of subsequent documentation of destruction to be provided (i.e. written report and photographic evidence).
- 9.3 The Committee will:
- a) Review the report of the Art Gallery Director and make a recommendation on the deaccessioning of the Work of Art
- 9.4 If the Committee recommends the deaccessioning of a Work of Art, CN may deaccession the Work of Art in line with CN asset management procedures and delegations, where Works of Art are:
- a) Under the value of \$1 million, the Art Gallery Director may progress a CEO memo regarding the recommendation to approve the deaccession of the Work of Art in accordance with Gallery procedure and CN delegations. The Art Gallery Director may proceed with the deaccession on receipt of CEO ratification; or
 - b) Over \$1 million, the Art Gallery Director will prepare the report for presentation to CN Council for consideration of the deaccession of a Work of Art through the resolution of the Council.
- 8.5 If the Committee does not recommend that the Work of Art be deaccessioned, CN must not deaccession the Work of Art.

Part C - Roles and Responsibilities

POSITION	RESPONSIBILITY
Newcastle Art Gallery Director	<p>Carry out all responsibilities as per the Newcastle Art Gallery Acquisitions and Deaccessioning Committee Charter.</p> <p>Make recommendations to the Committee for Works of Art to be considered for acquisition or deaccessioning from the collection.</p> <p>Carry out all responsibilities of reporting recommendations of the Committee to the CEO and/or Council as required.</p>
Newcastle Art Gallery Acquisitions and Deaccessioning Committee	<p>The Acquisitions and Deaccessioning Committee will carry out all responsibilities as per the Acquisitions and De-accessioning Committee Charter and make recommendations as per approved responsibilities and in line with the Acquisitions and Deaccessioning Committee Charter.</p> <p>The Acquisitions and Deaccessioning Committee is made up of five non-CN officer members. The Acquisitions and Deaccessioning Committee Charter outlines the makeup of the Committee, their responsibilities, term of membership, and the selection and approval process, including that:</p> <ol style="list-style-type: none"> a) Committee members are unpaid volunteers. b) Committee members include two representatives from Newcastle Art Gallery stakeholder groups and three industry subject matter experts from the local and national community. c) Applications for Committee membership are called for via public advertisement (open call), and selection of the Committee is made against the criteria outlined in the Charter, with recommendations for Committee membership made by the Art Gallery Director and approved by the CEO. d) Committee terms are three years during standard business operations.
CEO	<p>Ratify the recommendations by the Committee of Acquisitions by purchase to the Newcastle Art Gallery collection.</p> <p>Ratify the recommendations by the Committee of Deaccessioning from the Newcastle Art Gallery collection.</p>
Council	<p>Council may consider and approve the recommendation to purchase of Works of Art with CN funding to the value of \$1 million or more through the resolution of the Council.</p>
Newcastle Art Gallery Staff	<p>Carry out all responsibilities as per their role within the organisation and as per Newcastle Art Gallery Acquisitions and Deaccessioning Committee Charter.</p> <p>Ensure accurate record keeping of all recommendations and decisions made regarding acquisitions and deaccessioning, and that all acquisitions and deaccessioning procedures are completed in line with this Policy and CN asset management requirements.</p>

Annexure A - Definitions

Acquisition means the process by which **Works of Art** are proposed for and then enter a public collection.

CEO means Chief Executive Officer of the City of Newcastle and includes their delegate or authorised representative.

References to the Chief Executive Officer are references to the General Manager appointed under the *Local Government Act 1993* (NSW).

CGP means the Australian Government's Cultural Gifts Program. As noted on the CGP website: "The CGP offers tax incentives to encourage people to donate cultural items to public art galleries, museums, libraries and archives in Australia." <https://www.arts.gov.au/what-we-do/cultural-heritage/cultural-gifts-program>.

Charter means the Acquisitions and Deaccessioning Committee Charter, the governing guidelines for the Committee.

City of Newcastle (CN) means Newcastle City Council.

CN Staff means employees of CN (including full time, part time, fixed term and casual) and volunteers.

Collection means all Works of Art contained in the Newcastle Art Gallery current public collection.

Committee means the Acquisitions and Deaccessioning Committee and who are the members of the five person Committee, elected as per the Charter.

Council means the elected Council.

Deaccession means the process by which Works of Art are proposed for removal from a public collection.

Director means Art Gallery Director, employed by CN as the Service Unit Manager of Newcastle Art Gallery.

Donation means either a gift of a Work of Art directly to the Art Gallery or as a Cultural Gift Program Donation (CGP) through the Australian Government's Cultural Gifts Program.

Gallery means Newcastle Art Gallery.

Newcastle Art Gallery Staff means full time, part time, temporary and casual staff employed by CN to work within the Service Unit of Newcastle Art Gallery.

Procedure means the Newcastle Art Gallery internal acquisitions and deaccessioning procedures.

Public Art means Works of Art to be staged in a public domain.

Work/s of Art means artwork, art piece, art object or an aesthetic item or artistic creation.

Unless stated otherwise, a reference to a section or clause is a reference to a section or clause of this Policy.

Annexure B - Policy Authorisations

This Policy Authorisation may be updated and amended by the CEO from time to time.

In accordance with section 378 of the *Local Government Act 1993*, the Chief Executive Officer delegates the following functions to the positions listed:

Title of Authorisation	Description of Authorisation	Position Number and Title
Nil		

Document Control

Policy Title:	Art Gallery Acquisitions and Deaccessioning Policy
Audience:	CN Staff, Community
Service Unit:	Newcastle Art Gallery
Policy Owner:	Art Gallery Director
Policy Writer:	Head of Curatorial and Exhibitions
Approved by:	Council
Date Approved:	10 December 2024
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Related Document Information, Standards & References

Related Legislation:	<i>Local Government Act 1993</i> <i>Protection of Moveable Cultural Heritage Act 1986</i>
Related Policies (Council & Internal):	N/A
Related Procedures, Guidelines, Forms or documents:	<i>Newcastle Art Gallery Acquisitions and Deaccessioning Committee Charter 2024</i>
Standards, Codes or other references:	Australian Federal Government: <i>Australian Best Practice Guide to Collecting Cultural Material 2015</i> Australian Federal Government: <i>Cultural Gifts Program Guide 2022</i> <i>Newcastle Art Gallery Acquisitions and Deaccessioning Committee Charter 2024</i> <i>UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970</i> <i>International Council of Museums (ICOM) Code of Ethics</i> <i>Museums Australia Code of Ethics</i> <i>Australian Best Practice Guide to Collecting Cultural Material</i>

Relevant Newcastle 2040 Theme/s

Term / Abbreviation
Creative

Version History

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Version 1 - Approved March 1992 - ECM 5663713, Version 2 - Approved 23 September 2011 - ECM 3065452, Version 3 - Approved August 2022 - ECM 7613050, Version 4 - Approved 23 August 2022 - ECM 7613050, Version 5 - Approved December 2024 - ECM 8680711