

Mildura Arts Centre Collections Policy

Policy – CP069

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1. The purpose of this policy is:

To provide guidelines for the considered collection of items for the Mildura Arts Centre Permanent Collection (the 'Collection') by purchase, gift/bequest, transfer or commission.

Founded upon the bequest of R.D. and Hilda Elliott the Collection is a significant and valuable asset which is often referred to 'as one of Victoria's best kept secrets'. There are significant opportunities for our community and region through development and promotion of the Collection.

Mildura Arts Centre is a leading regional arts, culture and heritage precinct which includes a public gallery, performing arts theatre, sculpture park, and Mildura's most important heritage building, Rio Vista Historic House.

This policy provides avenues for the Collection to be embraced on a local, national and international level, to preserve it and invest in cultural heritage.

This policy provides guidance regarding acquisitions to the Collection which will enhance the cultural vitality and viability of our community.

The Collection's Areas of Significance are:

1	British Art	Period: 1890s to 1930 approx. Work by Frank Brangwyn or William Orpen Work by artists associated with Brangwyn and Orpen Work associated with existing collection works
2	Historical Australian Art	Period: pre-1950s Work depicting the Murray-Darling Region (the 'Region')
3	'Modern' Australian Art	Period: 1960 to early 1980s approx. Work by artists associated with the events collectively known as the Sculpture Triennials. This area of the collection concentrates on material of research value relating to Australian sculpture from 1961 to 1984, especially material relating to the Mildura Sculpture Prize, the Mildura Sculpture Triennials and Mildura Sculpturscape. Work associated with existing collection works

4	Aboriginal and Torres Strait Islander Art from the Murray-Darling Region	Period: all Work by Aboriginal and Torres Strait Island artists and cultural practitioners living in the Region or with language group affiliations to the Region
5	Contemporary Visual Art of the Murray-Darling Region	Contemporary work with conceptual links to the Region Work by 'Local' artists: artists living in the Region or with demonstrated links to the Region Work by 'National' or 'International' artists: artists responding to the specific issues/environment of the Region
6	Rio Vista Historic House and Chaffey Family Historical Items	Objects, documents, manuscripts and photographs associated with Rio Vista Historic House and the family of William Benjamin Chaffey (the 'Chaffey family')
7	Other Related Material	Documents, manuscripts, photographs and ephemera with direct relationship/s to existing collection items Historical items and materials which are significant to telling the history of Rio Vista Historic House and the day to day experiences of the Chaffey family

The purpose of this policy is:

- To guide the acquisition of artworks of high quality which are significant to Australia's cultural heritage and to the cultural heritage of the Region,
- To provide a framework for the appropriate management and care of items in the Collection in order to ensure their long-term safeguarding and safekeeping.
- To guide the acquisition of objects, memorabilia and historical artefacts specifically relating to Rio Vista Historic House and the Chaffey family.

2. Policy Statement

The Mildura Arts Centre Collections Policy guides future acquisitions to the Collection and provides a collection management framework for acquisition processing, documentation, care and preservation.

3. Principles

The core principles of the Policy are:

- Acquisitions to the Collection
- Funding of acquisitions – through financial or Deductible Gift Recipient status
- Storage, display and preservation
- Access and use
- Deaccessioning

3.1 Methods of Acquisition

To be eligible for acquisition into the Collection, items must meet the requirements of the Collection's 'Areas of Significance'. Acquisition may be achieved in the following ways:

- Purchase
- Bequest
- Gift
- Commission

Other methods of acquisition will be considered on a case by case basis where the transactions enable the passing of full legal title to Mildura Arts Centre.

Regardless of the method of acquisition, all new acquisitions require the completion of an 'Acquisition Proposal' form or a 'Deed of Gift' form. Completion of the form will initiate the acquisition process.

To safeguard the integrity of the Collection and guard against misrepresentation, any and all potential acquisitions will be subjected to a process of 'Due Diligence' prior to final determination.

The Due Diligence process must ensure items proposed for acquisition:

- Relate to one or more of the Collection Areas of Significance;
- Come with clear legal title (proof of ownership or 'provenance') and allow full transfer of title to Mildura Arts Centre and not be 'long-term/permanent loans';
- Be able to be appropriately stored, displayed and cared for under conditions Mildura Arts Centre can feasibly provide and according to the National Standards for Australian Museums and Galleries, and that will ensure their availability for education, research and public access;
- Be in good condition, or be able to be conserved without undue financial burden;
- Be unlikely, in the future, to result in major expense (i.e. conservation, maintenance, storage, display, security) unless such likelihood is identified and considered in the approval process;
- Potential acquisitions are to be considered within the parameters of Occupational Health and Safety, including but not limited to consideration of moving and handling items or the presence of potentially hazardous substances;
- Comply with the Museums Australia *Code of Ethics for Art, History and Science Museums* (1999) and the UNESCO Cultural Convention of 1970 regarding "means of prohibiting and preventing of illicit import, export and transfer of ownership of cultural property";
- Where religious and/or cultural sanctions are attached to items, especially those from Australian Aboriginal culture, the items will not be acquired or exhibited in breach of those sanctions or of the Aboriginal Heritage Act 2006 and Aboriginal Heritage Act Regulations 2018.

Additional Considerations:

- Valuations must be completed by valuers registered through the Australian Tax Office's Cultural Gifts Program. Items 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.
- Conditional gifts, pledges or bequests will be discouraged. Donors of items will relinquish all rights to the item donated, except in exceptional circumstances in which an exemption is granted by Council prior to being accepted into the Collection
- All acquisitions will be accompanied by either a *Deed of Gift* or a *Deed of Acquisition*, completed and signed by the donor/vendor.
- The relevant procedures and documentations will be completed when dealing with acquisitions to ensure an open and transparent process and procedures and will practise and demonstrate standards of professional due diligence.

Selection and Approval of Acquisitions

- The Arts and Culture Development Manager shall make recommendations on acquisitions to the Collection and will report on all acquisitions through the Mildura Rural City Council reporting structure.
- Approval of acquisitions must be in accordance with Council's financial delegations.
- The application of the policy and the emphasis placed on any one or several areas at any time will depend on available funds and conditions that apply to funds from particular bequests, foundations, donations or grants and on the availability of items of significance.

Record of Accession

- Accessioning is the formal acceptance of all acquisitions into the Collection. All newly acquired items shall be accessioned and documented with details recorded in the collection management system. Acquisition information will include current valuation details; and
- Following completion of Mildura Arts Centre accessioning procedures, appropriate Council Officers will be notified of each new acquisition to the Collection and relevant reporting completed.

Restrictions

- Items that are encumbered by restrictions such as a gift with the condition that it be on permanent display which is not possible to fulfil, will not be acquired under this policy.

3.2 Funding of Acquisitions – Financial and DGR

Mildura Rural City Council shall consider funding for acquisitions towards the Collection during its annual budget program.

Mildura Arts Centre will seek other funding opportunities where applicable to support the acquisitions budget.

Deductible Gift Recipient – (DGR) status from the Australian Tax Office:

- To encourage donors to gift artwork that fits into the policy, Mildura Arts Centre has acquired endorsement as a public art gallery to accept gifts of artwork. Donors of items will be able to obtain a deductible tax incentive;
- A prerequisite for DGR endorsement is that Mildura Rural City Council maintains a gift fund for any monies or artworks to be accountable and separately identified and be for the sole purpose of the Mildura Arts Centre Gallery; and
- Winding up clause. If for any reason in the unlikely event of the gift fund being wound up, or revoked, any surplus assets of the gift fund remaining after the payment of liabilities attributed to it, shall be transferred to a fund, authority or institution to which income tax deductible gifts can be made.

Financial Reserves

Artwork Acquisition Reserve

A reserve created to account for any annual unspent capital works expenditure allocation towards the restoration and expansion of Council's permanent artwork collection.

DGR Donations Reserve - Mildura Arts Centre Gallery

Reserve to hold deductible gifts for the Mildura Arts Centre Gallery and is a requirement of being registered as a deductible gift recipient by the Australian Taxation Office.

3.3 Condition and Care

- Collection items will be exhibited, stored, sited and otherwise maintained in accordance with the National Standards for Australian Museums and Galleries and shall not be stored or hung in situations where conditions are detrimental to the work or have the potential to be harmful to the public.
- The display of items with cultural and/or religious significance will be in accordance with the *Code of Ethics for Art, History and Science Museums* (1999), the Aboriginal Heritage Act 2006 and Aboriginal Heritage Act Regulations 2018.
- Items held or displayed outside of Mildura Arts Centre facilities will be subject to risk assessment (to the item and persons), preventative conservation assessment and a cycle of monitoring and reporting.
- All public artworks in the Collection, located both on public and private land, will be subject to an annual inspection and approval by the Arts and Culture Development Manager as to the on-going siting of each artwork. This will also apply where items have been realised in partnership with other organisations.

3.4 Access and Use

- The Collection may be accessed through exhibitions and displays, approved external loans, personal inspection or by virtual means.
- Information such as valuation, security and location details will be maintained by Mildura Arts Centre and only made available to authorised personnel.
- Access and use will be determined in consideration of conservation and security of artworks to ensure their long-term survival.

Copyright

- Mildura Arts Centre acknowledges that copyright in the works is and remains the property of the Licensor (or the party authorising this licence) and the Works will only be dealt with by the Gallery as allowed under the Copyright Agreement or the Copyright Act 1968 unless other uses are allowed under a separate agreement.
- Without limiting any moral rights under the Copyright Act 1968, Mildura Arts Centre agrees that it will not alter the Works without obtaining prior written consent from the Licensor.
- The reproduction of items in the Collection are protected by copyright and may only be reproduced as permitted under the Copyright Act 1968.

3.5 Deaccessioning

- All recommendations to deaccession shall include the item's accession register information and provenance, a statement of justification, proposed method of disposal, current valuation, and where deaccessioning a lost/stolen item, the date last seen, by whom, and steps taken to locate the item.
- Provided there be no adverse effect on the Mildura Arts Centre's ability to attract future donations of items or financial assistance towards acquisitions.
- The Arts and Culture Development Manager shall make recommendations regarding deaccessioning following an investigation report and in consultation with the Gallery and Heritage Team Leader and Collections Registrar.
- The recommendation will be presented to Council with the final decision regarding deaccessioning resting with Council.

Criteria for deaccessioning

Any work held in the Collection may be deaccessioned if it:

- Does not comply with the Collection Areas of Significance specified in this Policy;
- Is found to be in breach of the UNESCO Cultural Convention of 1970, Code of Ethics for Art, History and Science Museums 1999, the Aboriginal

Heritage Act 2006 and/or the Aboriginal Heritage Act Regulations 2018, or applicable law;

- Is not deemed to be complimentary to existing holdings;
- Is of insignificant historical, artistic or archival value;
- Is damaged beyond repair; or
- Is stolen, either in whole or in part, and cannot be recovered.

After deaccessioning the following shall be maintained:

- Record of deaccession against the item in the accession register; and
- A record of all previous documentation, including catalogues, cards, correspondence and research, to be placed in a separate deaccession file housed with the accession and registration records.

Disposal

Monies derived from deaccessioning will only be used for new acquisitions or such other purposes deemed to contribute to the development or the exhibition of the arts in Mildura. No person shall benefit financially or in any other way from deaccessioning.

Deaccessioned items that have been rendered untradeable shall be disposed of:

- By transfer to the ownership, by gift, exchange or private treaty sale, to another public gallery or suitable institution or organisation;
- By public sale through a reputable art dealer or auction house; and
- By return to donor or sponsor.

Exclusions from deaccessioning

Items excluded from deaccessioning include:

- Prizes, bequests, specific grants and gifts made through the Cultural Gifts Program where such items are in acceptable condition and do not cause offence; and
- Items where legal encumbrances would prohibit an item from deaccession.

4. Who is responsible for implementing this policy?

- The general day to day exhibitions, care, management and monitoring of the Collection shall be the responsibility of the Arts and Culture Development Manager with the Gallery and Heritage Team Leader and Registrar and Collections Officer.
- Responsibility of ensuring proper storage and display facilities rests with Mildura Rural City Council; and
- The Collection shall remain the property of Mildura Rural City Council.

5. Definitions

<i>Aboriginal and Torres Strait Islander Art from the Murray Darling Region</i>	Work in all media by Aboriginal and Torres Strait Islander artists and cultural practitioners from the region including, but not limited to, work by artists who have lived, trained or worked in the region and those with language group affiliations with the region.
<i>Accession</i>	The process which formally acknowledges a work of art as part of the Collection and, prima facie, a work to be held in perpetuity.
<i>Acquisition</i>	Taking legal possession and ownership of an item through gift, purchase, bequest or commission.
<i>Australian Sculpture 1961-1984 including 'ephemera'</i>	<p>Sculptures and installations, prints, drawings, manuscripts, personal memorabilia artists, curriculum vitae, catalogues, photographs, proposals and designs, artists and curators' statements, media and other documentation and ephemera which supports the existing collection.</p> <p>This area of the collection concentrates on material of research value relating to Australian sculpture from 1961 to 1984, especially material relating to the Mildura Sculpture Prize, the Mildura Sculpture Triennials and Mildura Sculpturscape.</p>
<i>Bequest</i>	A gift or form of pledge made to the Gallery as part of a deceased estate.
<i>British Art</i>	Brangwyn, Orpen, or artists associated with these artists. Existing works, such as Degas' <i>Femme a' la baignoire se coiffant</i> , which add to the historical and artistic context within which Orpen and Brangwyn worked, should be properly cared for and opportunities sought to expand on this aspect of the collection, especially in the areas of research and source material, including prints, drawings, paintings, books, manuscripts, catalogues and other pertinent documentation which contextualises the existing collection. Special consideration should be given to the period 1890 or early 1900 – 1930, with emphasis on work by Frank Brangwyn, William Orpen and artists associated with Brangwyn and Orpen.
<i>Commission</i>	Council may commission an artist to produce a work of art for the Collection. The terms and conditions of the commission will be stipulated in a commissioning Contract.

<i>Contemporary visual art</i>	<p>Paintings, sculptures, installation, printmaking, photography, video and new media, drawing and other visual art by artists with a contextual or thematic links to the Murray Darling Region, including the work of:</p> <ul style="list-style-type: none"> • Local artists: Artists living in the Mildura district and artists with demonstrated strong links to the region. • National and international artists' work produced as a result of sabbatical or field work, artist/s in residence and other arts projects • National and international artists' work produced as a result of formal arts projects, festivals or events • Work specifically addressing regional issues.
<i>Cultural Gifts Program</i>	The Australian Government's program of tax incentives for culturally significant gifts to Australia's public collections.
<i>De-accessioning</i>	The permanent removal of a work of art from the Collection.
<i>Deed of Gift</i>	A formal, legally binding document that establishes that title of an item is given as a gift. The Deed of Gift documentation also outlines the terms and conditions of the gift and its acceptance (and includes warranties and indemnities from the donor).
<i>Disposal</i>	The physical removal of an item from the Collection, following normal deaccessioning.
<i>Due Diligence</i>	For this policy, a comprehensive assessment of an artwork item to assess its ownership and provenance and identify any gaps in these accordingly.
<i>Gift</i>	Any donation by an individual or organisation is categorised as a gift. That is, the transfer of property and title in an item.
<i>Heritage, Historic Memorabilia</i>	Items relating to Rio Vista Historic House, and/or the family of William Benjamin Chaffey.
<i>Historical Australian Art</i>	Paintings, sculptures, works on paper and photographs depicting the Murray Darling Region.
<i>Item</i>	For the purpose of this policy a 2 or 3 dimensional physical object or digital content that is either a work of art or of historical or cultural significance.
<i>Loan</i>	The temporary physical transfer of a work of art from the collection a third party, or the temporary receipt of works from a third party for temporary display in the gallery.

<i>'Modern' Australian Art</i>	Australian and international art including sculptures, installations, performance documentation, paintings, works on paper, photographs and film from approximately the 1960s and 1970s or broadly coinciding with the years of the 'Mildura Sculpturscape and Sculpture Triennial' events and particularly work by artists associated with those events.
<i>Murray Darling Region</i>	For the purpose of this policy, geographical locations associated with North West Victoria, South West New South Wales, Riverland of South Australia.
<i>Pledge</i>	A gift commitment made where part or all of the receipt of the gift is deferred until an agreed date(s) in the future.
<i>Provenance</i>	The history and ownership of an item from the time of its discovery or creation to the present day, through which authenticity and ownership are determined.
<i>Purchase</i>	The acquisition of property and title of an item through the exchange of money.

6. Legislation and other references

6.1 Legislation

For further information related to this policy refer:

- Income Tax Assessment Act 1997 Division 376 – Gifts or Contributions.
- Cultural Bequests Program Guidelines (No1) 1997.
- Cultural Bequests Program (Maximum Approval Amounts) Determination (No1) 1997.
- Australian Government's Cultural Gifts Program.
- Museums Australia, *National Standards for Australian Museums and Galleries* (Version 1.4, 2014).
- Aboriginal Heritage Act 2006.
- Aboriginal Heritage Act Regulations 2018;
- Australian Copyright Act 1968 (Cth).
- ICOM Code of Ethics, 2006.
- Australian Best Practice Guide to Collecting Cultural Material, Australian Government, Attorney General's Department, Ministry for the Arts, 2014.

6.2 Documents

This Policy is implemented in conjunction with the following documents:

- Mildura Arts Centre Collection Conservation Management Plan.
- Rio Vista Conservation Management Plan and Significance Assessment.
- Mildura Arts Centre Permanent Collection Acquisition Proposal form.
- Mildura Arts Centre Permanent Collection Deed of Gift/Acquisition form.

- Mildura Arts Centre Copyright Licence Agreement.
- Mildura Arts Centre Access Conditions.
- Mildura Arts Centre Protective Security Protection Guidelines.
- Mildura Rural City Council Financial Reserves Policy (OP178).
- Mildura Arts Centre Loans Policy (CP070).
- Public Art and Design Policy (CP045).

6.3 Risk Assessment Reference

Risk Category	✓	Risk Category	✓
Asset Management	✓	Financial Sustainability	
Committees		Human Resource Management	
Compliance – Legal & Regulatory		Leadership & Organisational Culture	
Contract Management		Occupational Health & Safety	
Contract Tendering & Procurement		Organisational Risk Management	
Corporate Governance		Project Management	
Environmental Sustainability		Public Image and Reputation	✓