

BLUE MOUNTAINS CULTURAL CENTRE FINE ART COLLECTION POLICY

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Contact position: Manager Cultural Services

Policy statement

This document provides guidance for the development and management of the Blue Mountains Cultural Centre Fine Art Collection, including acquisition of artworks, deaccessioning, rights and legalities, registration, loans, valuation and conservation.

The Blue Mountains Cultural Centre Fine Art Collection will be a resource for research, exhibitions and educational programs. The collection aims to provide cultural enrichment and representation of the various communities in the Blue Mountains region.

Scope

This policy covers all Blue Mountains City Council employees, particularly those who work at the Cultural Centre and with the Blue Mountains Cultural Centre Fine Art Collection.

Roles and responsibilities

Positions	Responsibilities
Director Cultural & Community Services	Approve loans of collection artworks to other organisations.
Manager Cultural Services	Recommend artworks to the City Art Committee for acquisition. Ensure artworks are not duplicated in the collection. Ensure artworks do not encroach on nearby institutions' collecting focus. Monitor and regulate the Blue Mountains Cultural Centre's collections budget. Approve moving an artwork to a location other than the Blue Mountains Cultural Centre. Consult with the custodians of any Indigenous or other culturally distinct artwork before recommending its accession to the collection. Negotiate commissions, copyright and loan agreements.

Positions	Responsibilities
	Execute deeds of gift or purchase.
Artistic Program Leader	Oversee storage and safe keeping of the collection. Organise appraisals.
Curator	Research acquisitions. Complete Commonwealth Government Cultural Gifts applications.
City Art Committee	Approve acquisitions, loans, deaccessions and conditions of disposal. Maintain accurate minutes of committee meetings. Avoid or declare any conflicts of interest. Advise the Blue Mountains Cultural Centre on matters within its expertise.

Definitions

Term	Definition
Accession	The process of transferring ownership of an artwork from the current owner to a new owner. This artwork is then added to an existing collection.
accession number	A number assigned to each artwork that becomes part of the collection. An accession number remains specific to the artwork, even once the artwork is deaccessioned.
Acquire	To take possession of an artwork (whether the artwork is bought or donated) that will be part of the collection. Does not include artworks on loan.
Bequest	In this policy, refers to the bestowal by will of privately owned cultural artworks to public art galleries, museums and libraries.
Cultural Centre	Refers to the Blue Mountains Cultural Centre, which includes the Blue Mountains City Art Gallery.
deaccession/disposal	The process of permanently removing artworks from a museum/gallery collection.
deed of gift	An executed document transferring title of an artwork without charge.
deed of purchase	An executed document transferring title of an artwork for payment to the previous owner.
artwork	In this policy, includes any item that is (or is proposed to be) part of the Blue Mountains Cultural Centre Fine Art

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	Collection. Includes any objects, works or material of artistic, cultural or historical significance that meet the collection's criteria.
Provenance	The origin of an artwork and/or the record of an artwork's ownership.
the 1970 Convention	Refers to UNESCO's Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, 1970.
the collection	Refers to the Blue Mountains Cultural Centre Fine Art Collection.
the committee	The Blue Mountains Cultural Centre's City Art Committee, endorsed by the Blue Mountains City Council to advise on the ongoing activities of the Blue Mountains Cultural Centre.
title	In this policy, refers to ownership (not the name) of an artwork.
Vendor	Any person or entity from whom the Blue Mountains Cultural Centre buys an artwork for the collection.

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1. Key policy principles

Blue Mountains Cultural Centre is an entity of Blue Mountains City Council that operates in conjunction with its peer institutions, related industries and the broader community. As the largest visual art display space in the Blue Mountains region, it plays a pivotal role in promoting the work of local artists and providing access to arts and cultural services for Blue Mountains residents and visitors.

The Blue Mountains City Art Gallery is located within the Blue Mountains Cultural Centre. It is recognised in Australia's gallery and museum industry as a professional exhibition space that meets international standards of preservation, climate control and security, enabling major national and international exhibitions to be displayed and housed.

The City Art Gallery operates to provide a quality visual art collection that displays the breadth of local and international art practice (both past and present). Key policy principles of this collection include the following:

- a) The collection is comprised of ideas and concepts relevant to historical, environmental and cultural aspects of the Greater Blue Mountains region.
- b) The collection is intended to provide a balance between historical and contemporary cultural material, recognising the region's rich heritage while highlighting current art production in the Blue Mountains.
- c) Expert care and diligence is taken when collating the collection to ensure no artworks are duplicated and the collection does not encroach on the collecting focus of other public visual art collections within the Greater Blue Mountains region or neighbouring areas.
- d) The collection will be developed through the rigorous curatorial judgement of the Cultural Centre's expert staff, but no acquisitions will be made without being recommended by the Manager Cultural Services and approved by the City Art Committee.
- e) Collected artworks will be of a high quality, relevant to the collection and have sound provenance.
- f) Prior to the acquisition of any Indigenous or other culturally distinct artwork, Cultural Centre staff will consult with the artwork's recognised custodians.
- g) Due to the limited financial and physical resources of the Blue Mountains City Art Gallery, artworks will be acquired only if they can be adequately cared for and stored and effectively used.
- h) No artwork in the collection will be disposed of unless the City Art Committee formally identifies sufficient reasons for doing so.
- i) The collection will be stored, housed and catalogued in the Cultural Centre. If any artwork is to be moved to another location, the Manager Cultural Services must provide written approval to do so.

2. Collection composition

The collection will include artworks of any conventional or experimental media from any time period by artists from, influenced by or inspired by the Greater Blue Mountains region.

The Cultural Centre will also collect artworks from outside the region by artists of state, national or international significance.

The Cultural Centre recognises the need for cooperation and consultation between museums with overlapping interests and collection policies and will seek to consult with such institutions to define areas of specialisation.

3. Acquisition process

Artworks for the collection can be acquired through purchase, gift or commission. All acquisitions must be outright, unconditional and made in accordance with accepted museum practice.

All proposed acquisitions must be supported by a written proposal that must be submitted to the Manager Cultural Services in the first instance. If the Manager Cultural Services supports the proposal, they will forward it with a recommendation to the City Art Committee for approval.

The proposal submitted for the committee's consideration must include (at a minimum) the following:

- the artist's details,
- proposed method of acquisition,
- source of acquisition,
- provenance, vendor or donator of the artwork,
- exhibition history,
- condition,
- price and additional costs,
- price comparison,
- legal restrictions,
- a description of the artwork's significance in the artist's oeuvre,
- assessment of the artwork's value to the collection, and
- consideration of this policy and the collection's priorities.

Any artwork proposed for acquisition should, if possible, be present at the City Art Committee meeting at which it is to be considered. This will not always be possible and artworks may have to be considered on the evidence of a photograph or written description at the committee's discretion.

Before recommending any Indigenous or other culturally distinct artwork for acquisition, the Manager Cultural Services must consult with the artwork's recognised custodians, consider their recommendations and include any related correspondence as part of the recommendation to the committee.

Details of all acquisition recommendations and decisions will be recorded in the minutes of committee meetings. The acquisition of artworks will be subject to a formal motion being carried. If there are exceptions to the standard ratification procedures, these will be recorded fully and accurately in the meeting minutes.

4. Commissions and copyright

On approval from the City Art Committee, the Cultural Centre may commission a new artwork for the collection. The Cultural Centre must ensure a detailed brief is developed and

the Manager Cultural Services and the artist must sign a comprehensive commission contract before any commission is undertaken.

When acquiring artworks, the Manager Cultural Services will undertake to seek limited, non-commercial copyright clearance for the purpose of promoting the collection. The Cultural Centre will seek copyright clearance from the creator, copyright owner or exclusive licensee or agent when reproducing the work for all other purposes.

5. Gifts, bequests and loans

Gifts, bequests and loans to the Cultural Centre do not warrant automatic inclusion in the collection. Artworks offered for donation may be declined on the basis of relevance, conservation needs or storage requirements once appraised.

In considering donations to the collection, the City Art Committee should be informed of or may advise on other collections that may be more appropriate for the artworks being donated.

Gifts and bequests will be accepted if they meet this policy's guidelines. All donations will be irrevocable upon formal transfer of the artwork to the Cultural Centre.

The Cultural Centre will adhere to the regulations and procedures of the Australian Government's Cultural Gifts Program when considering any gift proposed through that program.

Long-term or permanent loans of artworks will be agreed to only after careful consideration and approval from the committee. The committee will decide whether to enter into a loan agreement based on considerations such as the artwork's value to the collection, the lender's motivation and other advantages or disadvantages of doing so.

Long-term loans will be for one-year terms that can be renewed if the loaned artwork continues to meet the Cultural Centre's needs and the terms of the loan remain acceptable to the Cultural Centre. Loans are subject to both parties signing a comprehensive loan agreement.

For the period of the loan, the Cultural Centre is responsible for the artwork's safety and preservation. No conservation or modification will be carried out without the owner's written consent.

The Cultural Centre will not borrow any artwork that is physically fragile or in need of conservation.

6. Appraisals

The Manager Cultural Services will arrange appraisals to determine the value of any artwork proposed for acquisition. The appraisal will be completed by recognised and unbiased authorities. It will be undertaken at the Cultural Centre's expense and submitted as part of the recommendation to the City Art Committee. The committee can request further appraisals of an artwork before approving it for acquisition.

7. Post-acquisition deed and records

Once acquisition has been completed, it needs to be formalised. The Cultural Centre must obtain physical possession of the artwork and ensure that a valid deed of purchase (for

purchased artworks) or deed of gift (for donated artworks) is executed by the Manager Cultural Services and the selling or donating party.

The Cultural Centre will maintain complete and current records of all artworks in the collection.

The Cultural Centre will ensure, to the best of its ability, that living artists are informed if an artwork of theirs is acquired for the collection so that they can update their biographical details.

The City Art Committee will not approve the acquisition of any artwork for the collection, whether by purchase, gift, bequest, exchange or other method, unless it is satisfied that a valid title can be acquired for that artwork. In particular, it should establish that the artwork has not been acquired in or exported from any country in which it is owned in violation of that country's or Australian law. Where the validity of ownership is in question, the Cultural Centre may act as custodian pending resolution.

8. Violations of the 1970 Convention

If the Cultural Centre discovers that an artwork in its possession has been exported or transferred in violation of the 1970 Convention and the country of origin seeks its return (after demonstrating that the artwork is part of that country's cultural heritage), the Cultural Centre will, if legally free to do so, take steps to return the artwork on a fair and equitable basis.

9. Indigenous cultural awareness

The Cultural Centre will be mindful of the religious sanctions attached to certain artworks in Aboriginal and Torres Strait Islander or other First Nations cultures. It will not acquire or exhibit an artwork in breach of any religious sanctions and/or traditional law.

The Cultural Centre will not acquire or exhibit artworks if there is reasonable cause to believe that the circumstances in which they were collected involved careless or intentional destruction of or damage to Aboriginal and Torres Strait Islander or other First Nations' ritual places or archaeological sites.

The Cultural Centre will abide by Australian legislation regarding the powers of museums and other bodies to protect natural and cultural heritage.

10. Budgets and reporting

The budget for collection purchases will be held in a dedicated acquisitions ledger line. All funds donated for acquisitions will be recorded against the acquisitions ledger line.

No acquisition will be made that compromises or jeopardises the Cultural Centre's financial viability.

The Cultural Centre may negotiate periodical payments to the vendor to obtain maximum benefit when purchases cannot be made in one lump sum.

The Cultural Centre will respect vendors' confidentiality and will not normally disclose prices paid for artworks.

11. Conflicts of interest

In acquiring and exhibiting artworks, the Cultural Centre's interests will be the primary consideration. At all times, City Art Committee members and Cultural Centre employees must avoid situations in which their interests conflict with those of the Cultural Centre. Committee members and employees must declare any conflict of interest before deliberating on the acquisition of an artwork, as per Blue Mountains City Council's Code of Conduct.

The Cultural Centre will not determine the purchase or accept donated artworks from past, current or future Cultural Centre employees or City Art Committee members.

If a past, current or future employee or committee member is the creator of a potential collection artwork, an independent valuation of the artwork and a resolution of acquisition from the committee will be required as per standard practice.

Cultural Centre employees and committee members purchasing artworks for their own private collections must ensure their interests do not conflict with those of the Cultural Centre.

12. Care and use of the collection

The Cultural Centre will designate funds in its annual budget for the care and conservation of artworks in the collection. Conservation will be carried out only by qualified professional conservators.

Artworks from the collection will be displayed in the Blue Mountains City Art Gallery, public areas of the Cultural Centre or in the Cultural Centre's office spaces.

Artworks may also be installed in other public buildings in the Blue Mountains with the written approval of the Manager Cultural Services. All artworks displayed will be accompanied by a label including catalogue details and denoting the Cultural Centre's ownership. Where an artwork on display is not the original, it will be appropriately identified.

The Cultural Centre will constantly seek ways to use multimedia and new technologies to promote access to the collection. It will also implement programs to allow maximum public access to the collection (subject to health or legislative restrictions) at all times.

The Cultural Centre will lend artworks from the collection to public and private organisations and will maintain a detailed and comprehensive register of its artworks on loan. The Cultural Centre's obligation to care for the collection will be considered when evaluating proposals to lend artworks. Any loans to other organisations must be approved by the Director Cultural & Community Services and the details of the loan must be reported to the committee.

13. Research

The Cultural Centre will actively undertake research activities on the collection, including documentation and interpretation. Research on the collection (including copyright of any published material) is the property of the Cultural Centre unless contracted otherwise. The Cultural Centre will fully acknowledge authorship of all research carried out on its behalf.

14. Deaccession and disposal

No artwork in the collection will be deaccessioned unless it is found to no longer meet the collection's criteria.

Deaccession may occur only if an artwork:

- is a duplicate of another artwork in the collection,
- is badly damaged or deteriorated beyond repair,
- cannot be suitably stored,
- should be returned to an Aboriginal, Torres Strait Islander or other community group as part of a national or international convention on the restitution of cultural property, or
- is subject to legislation that prevents the Cultural Centre having title to it.

Written recommendations to the committee to deaccession an artwork must include:

- the artwork's accession number and description,
- advice on the legal status of the artwork (if legal status is a potential issue),
- reasons for deaccessioning,
- any written advice from experts or others consulted about the artwork's value to the collection, and
- a recommended method for disposal.

The committee will consider the deaccessioning of any artwork with caution and will incorporate delay-and-review mechanisms in the disposal procedures. However, this policy acknowledges that the right to deaccession an artwork is a necessary part of developing the collection to its fullest potential.

The committee will set conditions on the manner in which an artwork must be disposed of depending on what it considers most appropriate for the collection and for the artwork. This may include sale, exchange, gift or destruction.

Only registered non-profit charities may receive the gift of a deaccessioned artwork.

Destruction of an artwork will be considered only if the artwork is dangerous or has deteriorated beyond repair.

All proceeds gained from the sale of an artwork will be used solely for the collection's development, care and management.

All records of deaccessioned artworks will be marked clearly and kept on file for future reference. Accession numbers must not be reused.

15. Related documents

This document should be read in conjunction with:

Legislation

- *Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth)*
- Code of Ethics for Museums, International Council of Museums 2017
- *Convention Concerning the Protection of World Cultural and Natural Heritage*, UNESCO 1972

Other documentation

- Blue Mountains City Council's *City Art Policy*
- Blue Mountains City Council's Code of Conduct

- *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, UNESCO 1970*