

City of Newcastle

Charter

Acquisitions and De-accessioning Committee Charter

22 November 2018

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Advisory Committee Charter

Charter title	Acquisitions and De-accessioning Committee Charter
Committee Type	Management
Charter owner	Director Newcastle Art Gallery
Prepared by/Committee Facilitator	Curator Newcastle Art Gallery
Approved by	CEO
Date approved	20 November 2018
ECM number of Council decision	ECM 5701426
Relevant strategic direction	Open and Collaborative Leadership Vibrant and Activated Public Places
Related Documents	Acquisitions and De-accessioning Policy Code of Conduct Acquisitions and De-accessioning Procedure
Dissolution date	

Table of Contents

Table of Contents.....	1
1 Interpretation	2
2 Establishment and dissolution	2
3 Authority	3
4 Responsibilities of the Committee	3
5 Members.....	3
6 Attendees	4
7 Appointment of Stakeholder Organisation representatives	4
8 Appointment of Community Representatives	4
9 Termination of Membership.....	5
10 Responsibility of Members	6
11 Responsibility of Chairperson	6
12 Responsibility and requirements of Facilitator	6
13 Responsibility and requirements of Secretary	7
14 Attendance at meetings	7
15 Quorum	7
16 Meeting schedule.....	8
17 Meeting agendas and proposal documents.....	8
18 Actions and outcomes	8
19 Minutes.....	8
20 Conduct by Members	8
21 Public Comment	9
22 Review of Charter	9
23 Confidentiality.....	9

1 Interpretation

- 1.1 **Act** means the *Local Government Act 1993* (NSW).
- 1.2 **Attendee** means CN staff members listed at clause 6 who are entitled to attend meetings.
- 1.3 **CEO** means the 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).
- 1.4 **City of Newcastle (CN)** means Newcastle City Council.

References to City of Newcastle are references to Newcastle City Council as prescribed under the *Local Government Act 1993* (NSW).
- 1.5 **Chairperson** means Director of the Art Gallery.
- 1.6 **CN Officer** means full time, part time, temporary and casual staff employed by CN, and volunteers
- 1.7 **Committee** means the Acquisitions and De-accessioning Committee.
- 1.8 **Community Representative** means a representative expert from an external arts/educational/cultural organisation or a professional artist, who is a CN Volunteer in line with CN Volunteer Guidelines.
- 1.9 **Council** means elected Council.
- 1.10 **CN Volunteer** means an individual who gives their time to CN willingly for the common good and without financial gain.
- 1.11 **Facilitator** means a CN Officer appointed to fulfil the tasks set out in clause 12.
- 1.12 **Member** means each of the individuals described in clause 5.
- 1.13 **Secretary** means a CN Officer appointed to fulfil the tasks set out in clause 13.
- 1.14 **Stakeholder Organisation** means Newcastle Art Gallery Foundation, Newcastle Art Gallery Society and Newcastle Art Gallery Guides.

Unless stated otherwise, a reference to a clause is a reference to a clause of this Charter.

2 Establishment and dissolution

- 2.1 The Committee was established by the CEO on **date to be inserted**.
- 2.2 The Committee may be dissolved by the CEO, at any time.
- 2.3 This Charter may be amended by recommendation by the Committee with approval of the CEO, at any time.
- 2.4 This Charter will be reviewed every two years.

3 Authority

- 3.1 In carrying out its responsibilities, the Committee must at all times recognise that primary responsibility for management of CN rests with the elected Council and the CEO, as provided in the Act.
- 3.2 The Committee has no executive powers and cannot make decisions on behalf of Council. Furthermore, the Committee is not a committee delegated authority therefore it cannot exercise powers under s.355 of the Act.
- 3.3 Neither the Committee nor any of its Members may direct any CN Officer in his or her duties.
- 3.4 This Committee is not a Council committee as defined in section 260 of the Act, because its membership is not constituted solely by Councillors.
- 3.5 The Chairperson of the Committee may, if considered reasonably necessary, request external professional advice to allow the Committee to meet its responsibilities.

4 Responsibilities of the Committee

- 4.1 The responsibilities of the Committee are as follows:
 - 4.1.1 meet at least quarterly or on an as needs basis, as required;
 - 4.1.2 meet to consider recommended works of art in line with the Acquisitions and De-accessioning Policy for acquisitions and/or de-accessioning from the Newcastle Art Gallery collection;
 - 4.1.3 review all relevant reference material supplied prior to meeting;
 - 4.1.4 review the report of the Art Gallery Director against the primary areas of collecting and criteria for acquisition provided, outlined in the Acquisitions and De-accessioning policy; and
 - 4.1.5 make a recommendation on the acquisition of a Work of Art.

5 Members

- 5.1 The Committee's membership comprises:
 - 5.1.1 two representatives from Stakeholder Organisations appointed in accordance with clause 7; and
 - 5.1.2 two Community Representatives appointed in accordance with clause 8.
- 5.2 Each Member is entitled to vote.

6 Attendees

6.1 Attendees are:

- 6.1.1 the Director Newcastle Art Gallery (Chairperson);
- 6.1.2 the Facilitator; and
- 6.1.3 the Secretary.

Attendees are not entitled to vote.

7 Appointment of Stakeholder Organisation representatives

- 7.1 Two relevant Stakeholder Organisation representatives will be appointed following an Expression of Interest (**EOI**) process for membership of the Committee. The Stakeholder Organisations include the Newcastle Art Gallery Foundation, Newcastle Art Gallery Society and Newcastle Art Gallery Guides.
- 7.2 Written applications must be lodged with CN and address the following selection criteria:
 - 7.2.1 demonstrated and solid knowledge of the Newcastle Art Gallery collection and an understanding of its importance in the local, state and national context;
 - 7.2.2 demonstrated and solid knowledge of Australian art and artists; and
 - 7.2.3 ability to analyse works of art and assess importance in relation to Newcastle Art Gallery's collection.
- 7.3 If more than two applicants are deemed suitable for appointment as a Stakeholder Organisation Representative, offers of membership will be made to the top applicants and the remainder placed on an eligibility list.
- 7.4 All nominees will be recommended for appointment by the Art Gallery Director and approved by the CEO.
- 7.5 Stakeholder Organisation representatives are required to undergo induction to ensure they can perform their role safely, efficiently and effectively.

8 Appointment of Community Representatives

- 8.1 The appointment of Community Representatives to the Committee will:
 - 8.1.1 seek to achieve a mix of skills to facilitate the sound functioning of the Committee;
 - 8.1.2 seek to represent the diversity within and interests of the community;
 - 8.1.3 be a representative expert from an external arts/educational/cultural organisation; or
 - 8.1.4 be a professional artist.
- 8.2 Community Representatives will be appointed following a public Expressions of Interest (**EOI**) process.

- 8.3 Written applications must be lodged with CN and address the following selection criteria:
- 8.3.1 relevant tertiary qualifications in Visual Arts, Museology and/or Creative Industries;
 - 8.3.2 demonstrated and solid knowledge of the Newcastle Art Gallery collection and an understanding of its importance in the local, state and national context;
 - 8.3.3 demonstrated and solid knowledge of Australian art and artists;
 - 8.3.4 ability to analyse works of art and assess importance in relation to the Gallery's collection;
 - 8.3.5 knowledge of the Australian Art Market;
 - 8.3.6 minimum five years' experience at a senior level in a visual arts/cultural organisation (Expert from an external arts organisation);
 - 8.3.7 minimum five years' experience exhibiting (Professional Artist);
 - 8.3.8 commitment to participate in regular meetings and adhere to policies and procedures;
 - 8.3.9 possess or be willing to undertake a Working with Children Check;
 - 8.3.10 good oral communication skills;
 - 8.3.11 commitment to participatory and consultative processes; and
 - 8.3.12 demonstrated their ability to be constructive and objective.
- 8.4 Applications will be assessed:
- 8.4.1 on merit according to the selection criteria;
 - 8.4.2 by at least two officers from Newcastle Art Gallery, including the Facilitator; and
 - 8.4.3 be recommended for appointment by the Art Gallery Director and approved by the CEO.
- 8.5 If more than two applicants are deemed suitable for appointment as Community Representatives, offers of membership will be made to the top two and the remainder placed on an eligibility list.
- 8.6 Community Representatives are required to undergo induction to ensure they can perform their role, safely, efficiently and effectively.

9 Termination of Membership

- 9.1 Each Member shall remain a member of the Committee:
- 9.1.1 for a three year period, or until the Committee is otherwise dissolved, pursuant to clause 2 of this Charter; or
 - 9.1.2 until the Member resigns.

- 9.2 Membership of any Member of the Committee may be terminated by resolution of the Committee due to:
- 9.2.1 the Member's non-attendance at three consecutive Committee meetings without prior notification of their non-attendance and the granting of leave by resolution of the Committee; or
 - 9.2.2 the Member's conduct being inconsistent with this Charter or CN's Code of Conduct.
- 9.3 If the terminated Member was a:
- 9.3.1 Member from a Stakeholder Organisation, the Art Gallery Director, with the approval of the CEO, will determine a replacement Member pursuant to clause 7.3, where applicable. If not applicable, the Facilitator will commence a new selection process, pursuant to clause 7;
 - 9.3.2 Community Representative, the Art Gallery Director, with the approval of the CEO, will determine a replacement Member pursuant to clause 8.5, where applicable. If not applicable, the Facilitator will commence a new selection process, pursuant to clause 8.

10 Responsibility of Members

- 10.1 Members are expected to:
- 10.1.1 be familiar with the Acquisitions and De-accessioning policy;
 - 10.1.2 attend meetings, unless prior notice of unavailability has been given;
 - 10.1.3 adhere to CN's Code of Conduct;
 - 10.1.4 be able to contribute the time needed to review the proposal documents and to attend Committee meetings;
 - 10.1.5 provide advice and feedback on matters brought before the Committee pursuant to clause 4 of the Charter; and
 - 10.1.6 comply with clause 20 (Conduct by Members).

11 Responsibility of Chairperson

- 11.1 The Chairperson will officiate and conduct each meeting.
- 11.2 If the Chairperson is absent from a Committee meeting, the Facilitator will chair the meeting.

12 Responsibility and requirements of Facilitator

- 12.1 The Facilitator will be a suitably qualified CN Officer who will undertake the following functions:
- 12.1.1 oversee and be responsible for the functions of the Secretary;
 - 12.1.2 accept or reject items of business;
 - 12.1.3 ensure Members are familiar with this Charter and CN's Code of Conduct;

- 12.1.4 collate Committee proposal documents prepared or submitted by CN Officers, Committee Members, working parties and stakeholders;
 - 12.1.5 facilitate the recommendations and discussion at committee meetings, provide input to meetings and be an active (non-voting) Member of the Committee;
 - 12.1.6 focus the Committee on its responsibilities outlined in clause 4 of this Charter and the meeting agenda items;
 - 12.1.7 act as the communication link between the Committee and CN;
 - 12.1.8 manage the resources available to the Committee;
 - 12.1.9 manage the performance of the Committee; and
 - 12.1.10 work closely with the Chairperson to administer the Committee and its meetings.
- 12.2 The Facilitator may take on the role of a Secretary while performing her/his responsibilities as a Facilitator.

13 Responsibility and requirements of Secretary

- 13.1 The Secretary will be a suitably qualified CN Officer who undertakes the following functions:
- 13.1.1 prepare agendas;
 - 13.1.2 maintain a meeting attendance register;
 - 13.1.3 take minutes at Committee meetings and prepare them for circulation (once approved by the Facilitator);
 - 13.1.4 book meeting venues and organise the provision of any necessary equipment; and
 - 13.1.5 provide administrative assistance to the Facilitator.
- 13.2 This position may be shared among a number of suitably qualified CN Officers or be the same person.

14 Attendance at meetings

- 14.1 Attendance at any meeting of the Committee is limited to the following:
- 14.1.1 Members;
 - 14.1.2 Attendees; and
 - 14.1.3 CN Officers and external personnel by invitation of the Committee.

15 Quorum

- 15.1 A quorum is constituted by attendance of a majority of two Members.

16 Meeting schedule

- 16.1 The Committee will meet at least four times per year or as otherwise resolved by the Committee.
- 16.2 Additional meetings may be scheduled by the Chairperson or Facilitator.
- 16.3 All meetings of the Committee will be closed to the general public.

17 Meeting agendas and proposal documents

- 17.1 The Facilitator will ensure that notice of meetings, including the agenda and proposal documents, are provided to the Committee at least two business days prior to the day of the meeting. These may be transmitted electronically.

18 Actions and outcomes

- 18.1 Recommendations endorsed by the Committee must be consistent with this Charter and the Acquisitions and De-accessioning Policy.
- 18.2 The CEO, Directors and Service Unit Managers may undertake actions under delegated authority in accordance within the recommendations of the Committee.
- 18.3 Outcomes of actions will be tracked and discussed at future meetings.

19 Minutes

- 19.1 All Committee business will be properly minuted and recorded by the Secretary. The minutes will be:
 - 19.1.1 approved by the Facilitator in draft;
 - 19.1.2 approved by the Art Gallery Director as final by resolution;
 - 19.1.3 managed in accordance with CN's Records Management Policy.
- 19.2 Draft minutes will be distributed to the Committee no later than 10 business days after the meeting.
- 19.3 Draft minutes of the previous meeting are to be adopted by resolution of the Committee at the following meeting.

20 Conduct by Members

- 20.1 Members must conduct themselves in accordance with CN's Code of Conduct.
- 20.2 Conflicts of Interest must be declared and managed in accordance with the Code of Conduct. A record of a declared conflict of interest in the minutes is sufficient.
- 20.3 Pecuniary or significant, non-pecuniary conflicts of interest must be managed by the Member excluding themselves from the meeting during the discussion of the relevant agenda item. Such exclusion should be recorded in the minutes.

20.4 Members who are Community Representatives must also comply with CN's Volunteer Guidelines.

21 Public Comment

21.1 The Lord Mayor/Administrator and CEO are the official spokespeople for Council, in accordance with CN's Media Policy, and no Members should speak to the media or members of the public on behalf of Council or the Committee.

22 Review of Charter

22.1 This Charter will be reviewed every two years.

23 Confidentiality

23.1 Unless otherwise resolved by the Committee, all meetings of the Committee will be closed to the general public.