



Old Court House Law Museum

THE LAW SOCIETY OF WESTERN AUSTRALIA

OLD COURT HOUSE LAW MUSEUM: COLLECTION POLICY

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PURPOSE OF THIS DOCUMENT

The Old Court House and Law Museum Collection Policy

This document is the overarching guide to policies relating to the development, growth, management, conservation and protection of materials held at the Old Court House Law Museum, and in the adjacent Supreme Court in Stirling Gardens Perth. Built in 1836, the Law Museum is the oldest built structure in Perth.

SCOPE

The **Collection Policy** (hereinafter the Policy) defines what the Old Court House Law Museum will collect and grow, and how the archival, oral history, document, photograph, object, regalia, ephemera and artwork Collection is to be cared for. The Policy also outlines what will *not* be collected, describes accession and deaccession processes, and provides provenance guidance.

Note: Hereinafter this document is referred to as 'the Policy', the Old Court House Law Museum is referred to as 'the Museum'; The Law Society of Western Australia is referred to as 'the Society'; The Oral History, Museum and Building Sub-Committee is referred to as the OHMB Sub-Committee. The use of 'items' or 'materials' throughout serve as a gloss for items, artworks, photographs, archives and so on that constitute the Museum's Collection.

1. STATEMENT OF PURPOSE

To connect people to the law of Western Australia and to inspire reflective discussion

2. WHAT THE MUSEUM WILL COLLECT, AND WHY

KEY THEMES

The Museum will collect a range of materials relevant to the history of state law, the legal profession and, where appropriate, customary law in Western Australia defined by:

- The Old Court House building and the Swan River Colony
- Establishment of a state legal system in Western Australia
- Indigenous Law, sometimes referred to as Customary Law, and conflicts with British legal systems
- Significant trials in Western Australia
- Substantive reforms in Western Australia's legal history (e.g. to Women's status; introduction of the Native Title Act; Industrial Relations).
- Evolving legal and social issues over time (e.g. justice reinvestment, mandatory sentencing, over-representation of Aboriginal people in the WA justice system)
- Matters and/or Trials relating to federal and state jurisdictions when these also refer to Western Australia
- Geographic boundaries to include remote, regional and urban WA with regard to the legal and cultural history of WA, and the Western Australian legal profession.
- Items, Archives, Photographs, Regalia, Artworks, Maps, Oral histories, furniture and ephemera and all related materials from the date of WA colonisation, 1829, to the present, which are of relevance to any, and/or all, of the above.

3. WHAT THE MUSEUM WILL NOT COLLECT, AND WHY

The Museum will not collect items or any other materials where it does not have the ability to store or conserve the item appropriately as per the *National Standards for Australian Museums and Galleries*. This includes large technology items, non-muzzle loading firearms which have not been rendered, items in very poor condition that are judged by the Curator/s as not being worthy of being restored and/or conserved. Items without any form of provenance will not be collected or added to the Collection.

Where there is an abundance of collected items, for instance, wigs, gowns or photograph frames, the Museum Curator/s will decide whether or not to collect any more than required, depending on how representative the Collection is of over-donated items. In such cases, the Curator/s will explore other relevant collecting organisations where the items might be of interest, for unwanted photographs.

The Museum will not collect, conserve and store estrays, i.e. those items, documents or items for which there is no provenance data available, and no clear evidence of how to research the original document or object maker.

4. COLLECTION ACCESS

- The Museum provides access to the items primarily by display.
- Access to oral histories is provided via the State Library of WA and in the Museum by appointment.
- Access to items for the purposes of research will be offered by appointment on a case-by-case basis.
- Highly significant documents offered to other institutions, for example the State Library of Western Australia, for temporary display or copying, will be allowed.
- The Museum will work towards putting Collection records online via the Museum web page and other relevant digital platforms as resources permit.
- With appropriate funding resources and support, Museum staff will work towards digitising and displaying some of the significant documents in its Collection via the Museum web page and other relevant digital platforms, depending on their volume and space allocation.
- To ensure the Museum's Collection is fully secure, staff will always retain paper copies of archival and other documentation (e.g. oral histories, maps) regardless of the extent of digitization and e-technology advances. All paper documentation in the Collection will be properly conserved, stored, and provenanced.

5. ACQUISITION EMPHASES AND CRITERIA

Acquisitions

The Museum shall acquire items for the permanent Collection by donation, bequest, purchase or transfer. The Museum will not accept conditional donations or bequests.

All acquisition decisions will be made by reference to Policy Guidelines via the Curator/s with the approval of the Manager Education and Community Services.

Criteria

The Curator/s will consider the following criteria before approving acquisition of an object, archive, artwork, photograph or any associated material:

- **Relevance:** The Museum only collects items that relate to the Museum's purpose and key collecting themes
- **Significance:** Priority is given to materials regarded as significant for their historic, aesthetic, scientific/research or social/spiritual value.
- **Provenance and Documentation:** Priority will be given to items where its history is known and associated documentation, that is, as long as its provenance and support material, can be provided.
- **Condition, intactness, integrity:** The condition of the item must be taken into consideration when acquiring material. Badly damaged material will not normally be accepted into the Collection.
- **Interpretive Potential:** Items that tell a story that adds to the interpretation of Museum themes will be prioritised.

- **Rarity:** Items may be prioritised if they are rare examples of a particular kind of object
- **Representativeness:** Items may be prioritised if they are an excellent representative or unique example.
- **Duplications:** Items that duplicate items already in the Collection will not be accepted unless they are of superior condition and/or historic value. In such a case the incumbent item may be considered for deaccessioning. The Museum may collect a duplicate object in cases where a “spare” is considered advisable or where the object is provenanced to a person significant to the history of law or the legal profession in Western Australia.
- In certain circumstances and on a case-by-case basis, the Museum may accept into the Education Collection items that are representative, but not necessarily provenanced to, the history of law in Western Australia.
- **Legal Requirements:** The Museum only accepts items where the donor/vendor has legal title to the object.

6. LEGAL AND ETHICAL OBLIGATIONS

The Museum will only acquire cultural material in accordance with State and Federal law and international agreements between Australia and other countries (e.g. *UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property*).

The Museum will not acquire cultural material known to have an illegal or unethical provenance. If legal or ethical problems become apparent after acquisition, the Museum will endeavour to rectify the situation.

The acquisition of items for the Collection by staff will always be conducted in accordance with the standards of the *Museums Australia Code of Ethics*.

7. ABORIGINAL AND TORRES STRAIT ISLANDER ARTEFACTS

Acquisitions, conservation, disposal and access to Aboriginal and Torres Strait Islander cultural material, including use in public programmes, will take into account, or incorporate as appropriate, the views of the Aboriginal and Torres Strait Islander community of whose cultural traditions the items form part.

The Museum does not collect Aboriginal and Torres Strait Islander human remains nor restricted Aboriginal and Torres Strait Islander material.

The Museum will, with the assistance of appropriate persons from the relevant language groups and communities, seek to identify Aboriginal and Torres Strait Islander cultural material of a restricted sacred nature in its Collections and its provenance.

Culturally restricted material, and/or material restricted on the basis of gender, will be considered for return to the traditional custodians in accordance with procedures recommended in '*Continuous Cultures, Ongoing Responsibilities*', Museums Australia, February 2005.

In accordance with Museums Australia Guidelines, requests from Aboriginal and Torres Strait Islander Communities for the return to them of cultural items held by the Museum will be given serious consideration.

8. WEAPONS

The Museum will ensure that weapons in their possession are stored and displayed securely.

Non muzzling loading firearms will be rendered inoperable.

9. HUMAN REMAINS

Other than the severed finger currently in the collection the Museum will not collect human remains.

10. TRANSFER OF OWNERSHIP TO THE OLD COURT HOUSE LAW MUSEUM

All items entering the Collection will be accompanied by a deed of gift document giving full and unencumbered title of its ownership to the Museum, without restriction as to its use or future disposal. All items will subsequently be accessioned into the Museum's Computer Management System (CMS) or Database.

11. HEALTH AND SAFETY

The Museum will avoid accepting cultural material that is likely to endanger the health or safety of staff, volunteers or the public. All Health, Safety and Environmental guidelines will be adhered to by staff, volunteers and visitors.

12. ORAL HISTORIES COLLECTION

See Appendix 1: Oral Histories Collection Policy

13. COLLECTION CARE: DOCUMENTATION, CONSERVATION & STORAGE

Documentation and Record-Keeping

The Museum aims at all times to maintain an effective documentation system to record and retrieve information about its Collection.

Storage and Conservation

The Museum aims to achieve high standards of Collection care and storage as per the *National Standards for Australian Museums and Galleries*.

- Storage areas must remain clean, secure and sealed against the weather.
- Temperature and relative humidity should be kept as stable as possible.
- Access to storage areas is to be secure and controlled.
- Ultra-violet light should be excluded from storage areas. When storage areas are not in use lights must be turned off.
- Archival quality storage materials should be used.
- Storage areas must be regularly checked and fumigated for pests and other problems.
- Items are not to be stored on the floor
- New staff must undergo an introduction on 'Object Handling', to be given by Curator/s.
- Untrained personnel should never attempt to clean, treat or restore Museum items.

14. ACCEPTANCE OF ITEMS FOR NON-COLLECTION PURPOSES

Education Collection

Items which have no place in the Collection of the Museum may be accepted for education purposes and must be identified as belonging to a separate Education Collection. This includes items acquired by the Museum for display and hands-on use in the Museum's public programmes. Items in this Collection are typically not appropriate for inclusion in the Permanent Collection and may include reproductions or damaged pieces. Although the Education Collection is cared for responsibly, it is not accorded the same level of care as the Permanent Collection.

Spare Parts

Damaged or incomplete items may be accepted in order to provide spare parts for the conservation, restoration or repair of like or similar material, or for education purposes.

15. LOANS

See Appendix 2: Loan Policy.

16. DEACCESSIONING AND DISPOSAL

See Appendix 3: Deaccessioning and Disposal Policy.

17. IN THE EVENT OF DISSOLUTION OF THE LAW SOCIETY

In the event of the winding up or dissolution of the Society, the Museum Collection, consisting of acquired items, articles, documents, photographs, regalia, artworks and records, that have been formally catalogued and those awaiting cataloguing in a Collection Management System shall be dealt with as follows:

- Any item that has been loaned shall be offered for return to the donor or lender, and/or her/his family
- The Collection of the Museum shall be formally transferred to another Museum or a similar institution.

18. POLICY REVIEW

The Collection Policy will be reviewed within five years of its adoption by the Law Society of Western Australia.

Review of the policy will follow a procedure of review by the *Oral History, Museum and Building Sub-Committee* and recommendations submitted to the *Law Society Council* for approval.

19. DATE OF NEXT REVIEW

Month (TBC) 2023

ASSOCIATED REFERENCE DOCUMENTS

- International Council of Museums *Code of Ethics for Museum*
http://icom.Museum/fileadmin/user_upload/pdf/Codes/code_ethics2013_eng.pdf retrieved 9/2/2016
- Oral History Association of Australia *Guidelines of Ethical Practice*
http://www.oralhistoryaustralia.org.au/page/guidelines_of_ethical_practice.html retrieved 5/2/2015

- Museums Australia *Continuous Cultures, Ongoing Responsibilities*
http://www.nma.gov.au/data/assets/pdf_file/0020/3296/ccor_final_feb_05.pdf
retrieved 16/2/2016
- Museums Australia Inc. *Code of Ethics*.
<http://Museumsaustralia.org.au/userfiles/file/Governance/maethics.pdf>
retrieved 9/2/2016
- *National Standards for Australian Museums and Galleries*
http://www.mavic.asn.au/assets/NSFAMG_v1_4_2014.pdf retrieved 5/2/2016
- UNESCO ***Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970***
http://portal.unesco.org/en/ev.php-URL_ID=13039&URL_DO=DO_TOPIC&URL_SECTION=201.html retrieved 9/2/2011

APPENDICES

- *Appendix 1: Oral Histories Collection Policy*
- *Appendix 2: Loans Policy*
- *Appendix 3: Deaccessioning and Disposal Policy*
- *Appendix 4: Interpretation Policy (to be formulated)*
- *Appendix 5: Procedures Manual (to be formulated)*
- *Appendix 6: Conservation Policy (to be formulated)*



Old Court House Law Museum

THE LAW SOCIETY OF WESTERN AUSTRALIA

APPENDIX 1: ORAL HISTORIES COLLECTION POLICY

STATEMENT OF PURPOSE

To connect the law to the lives of Western Australians by recording the memories of those who have participated in it.

AIMS

- To connect people to the law that affects the lives of Western Australians
- To reflect the diversity of people, careers, impacts, and experiences of the law in Western Australia
- To capture multiple perspectives and voices on the law and the legal system in Western Australia
- To encourage critical thinking about the past by capturing the recollections of those who helped shape it
- To showcase the oral histories and to make them accessible to the public in cases where no embargo applies.

CRITERIA

To interview those people who have participated in the law within Western Australia.

Within those criteria, it aims for diversity of:

- Age;
- Gender;

- Cultural, religious and social backgrounds – including Indigenous and non-Indigenous;
- Diversity of legal experience – including public practice, private practice and non-Australian;
- Geography – include interviewees from both metropolitan and rural Western Australia; and
- type of legal role – including judiciary, bar, academia, firms, sole practitioners, legislators, reformers, public servants, litigants and participants

Further, within the above criteria, the Museum will aim for diversity in exploring the Collection of oral histories on a thematic basis (for example, native title and law reform).

HOW WILL THE THEME FOR AN ORAL HISTORY PROJECT BE SELECTED

The Museum will invite the public and relevant stakeholders to suggest oral history project themes aligned to the Oral Histories Collection Policy statement of purpose.

The final decision regarding the oral history project theme will be made by the Museum Curator and the OHMB Sub-Committee with the project theme aligned to the Oral Histories Collection Policy statement of purpose.

PROCESS FOR CHOOSING THE PREFERRED CANDIDATES

Nominations for oral history candidates with Western Australian legal and social expertise are open for consideration only to the community and stakeholders.

The final decision regarding selected candidates will be made by the Museum Curator and the Oral Histories, Museum and Building Sub-Committee (OHMB Sub-Committee).

It is essential that the Museum Curator and the OHMB Sub-Committee's preferred candidates align with the Oral Histories Collection Policy criteria.

PROCESS FOR INVITING THE PREFERRED CANDIDATES TO PARTICIPATE

Law Society letters of invitation for each of the preferred candidates are prepared by the Museum Curator.

the Museum Curator and the OHMB Sub-Committee's list of preferred candidates, with details on how each individual aligns with the Oral Histories Collection Policy criteria , are then submitted to the Law Society President to be signed.

The invitation to the Committee's recommended candidate is forwarded to the candidate signed by the Law Society President.

ORAL HISTORY DEED

- A deed is signed by the Interviewer, the Oral Historian, and the Chief Executive Officer of the Law Society of Western Australia clearly stating conditions for the provision of the oral history.
- An Oral History Deed is signed by the person interviewed, the Interviewee, and the Chief Executive Officer of the Law Society of Western Australia which clearly states the purpose and intended uses of the interviews and what copyright provisions apply.
- A deed of gift is signed by the State Library and the Chief Executive Officer of the Law Society of Western Australia when an oral history for the Collection is donated to the State Library.

GUIDELINES OF ETHICAL PRACTICE

The Museum abides by the Guidelines of Ethical Practice of the Oral History Association of Australia.

In contacting rights holders and donors, the Museum shall use as standard practice *Procedural guidelines for reasonable search for orphan works*, as per National and State Libraries Australasia and State Library guidelines.

ACCESS

Access is provided to the Oral Histories Project Collection:

- By donating copies of oral histories in the Collection to the State Library of Western Australia where possible.
- By providing access to the Oral Histories Project Collection records online via the Museum's web page.
- .

Other possible forms of access are:

- By using excerpts from the histories in both physical and online exhibitions.
- By using excerpts of oral histories in public programs.

By establishing a collaborative relationship with other collecting institutions, especially the National Library Australia in Canberra.

ASSOCIATED REFERENCE DOCUMENTS

- National and State Libraries Australasia *Procedural guidelines for reasonable search for orphan works*

http://www.nsla.org.au/sites/www.nsla.org.au/files/publications/NSLA.Guidelines-Reasonable.Search.Orphan.Works_2010_0.pdf retrieved 5/2/2016



Old Court House Law Museum

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APPENDIX 2: LOANS POLICY

PURPOSE

The objectives of this policy are to outline the principles and guidelines that:

- provide appropriate conditions and controls under which other organisations may borrow items from the Museum's Collection for the purposes of exhibition or research; and
- provide access to the Museum's Collection and borrowed items while providing protection to the items, the Museum, lenders and borrowers provide relevant risk management guidelines and processes for the collection.

LOAN PROCEDURES

- The Museum will not accept items on a permanent or semi-permanent loan basis.
- The Museum can accept items on a temporary loan basis for use in temporary displays.

INWARD LOANS

- Inward loans shall only be accepted for specific exhibitions and for fixed periods of time.
- Inward loans shall be recorded separately to the Collection.
- A representative of both the Museum and the lender will be required to sign an agreed inward loan form setting forth the responsibilities of the Museum with regards to use, care, maintenance, and insurance of the material. Its condition will be described and the environmental conditions under which it will be

transported and used set out. A time limit for the period of the loan will always be nominated.

- Each party will hold a copy of this agreement.
- The Museum agrees to exercise the same care with respect to loans as it does for its own Collection
- Loans shall remain in the possession of the Museum for the time specified on the form.

OUTWARD LOANS

Loans entering or leaving the care of the Museum will be accompanied by a loan return form. A time limit for the period of the loan will always be nominated.

- The Museum will lend items to other Museums and organisations holding Collections. It will not lend to private collectors.
- Borrowers and a representative from the Museum will be required to sign two outward loan agreement forms setting out the responsibilities of the borrower with regards to use, care, maintenance, and insurance of the material. Its condition will be described and the environmental conditions under which it will be transported and used set out. Each party will hold a copy of this agreement. A time limit for the period of the loan will always be nominated.
- The borrower must exercise care in the handling, storage and display of the loan object and must be prepared to meet the conditions outlined in the outward loan agreement.
- The borrower shall show that the item is covered by the relevant insurance policy.
- The borrower will provide a secure display and/or storage area.
- The maximum loan period is 12 months. Applications for extension of this period must be made prior to the loan expiry date.
- Items cannot be treated or altered in any way without the written permission of the Museum.
- Loans will remain in the possession of the borrower until returned to the Museum.

ITEMS NOT AVAILABLE FOR LOAN

- items of great fragility
- secret/sacred material
- items required for display by the Museum over the period of the loan

POLICY REVIEW DATE

The Loans Policy will be reviewed within five years of its adoption by the Law Society of Western Australia.

Review of the policy will follow a procedure of review by the *Oral History, Museum and Building Sub-Committee*.

DATE OF NEXT REVIEW

Month TBC 2023



Old Court House Law Museum

THE LAW SOCIETY OF WESTERN AUSTRALIA

APPENDIX 3: DEACCESSIONING AND DISPOSAL POLICY

PURPOSE OF THIS DOCUMENT

The objectives of this policy are to enable the Museum to:

- dispose of items that are not required as part of its Collections, in accordance with the guidelines set out below;
- transfer items which by virtue of their subject focus may be better placed in another Museum or similar public collecting institution; and
- exchange items with another Museum or similar public collecting institution, where this will result in the mutual enrichment of both Collections.

SCOPE

The Museum recognises that the ability to deaccession and dispose of items is an essential part of an effective Collection management programme. This policy covers the deaccessioning and disposal of items from the Collection of the Old Court House Law Museum.

It is also recognised that deaccessioning is a difficult and complex process. Therefore it is preferable to protect the integrity of the Collection through controlling acquisition rather than through deaccessioning and disposal.

CATEGORIES FOR DEACCESSIONING ITEMS

The Museum will endeavour to deaccession items in the following categories:

- items that do not fall within the Collections policy of the Museum;

- Aboriginal and Torres Strait Islander human remains and restricted material;
- items and human remains identified and/or required to be returned to the country of their origin;
- items of a particular genre of which the Museum possesses better examples;
- items which are so degraded or irreparably damaged that they are no longer recognisable or restorable;
- items that are so degraded that the cost of restoration is disproportionate to the significance of the object;
- items in the possession of the Museum about which no documentation of their acquisition or provenance is available;
- items that have been incorrectly identified or attributed, or are forgeries;
- duplicates of items in the Collection; and/or
- items of a hazardous nature which may pose a serious occupational health and safety risk to staff and visitors.

ASSESSMENT OF ITEMS FOR DEACCESSIONING AND DISPOSAL

Items to be deaccessioned are identified and assessed by the Curator/s and submitted to the OHMB Sub-Committee for final approval. Assessment should include a significance assessment and proposed method of disposal. Artwork with an insurance value of over \$5,000 must also receive approval from the Law Society of Western Australia Council.

DISPOSAL OF DEACCESSIONED ITEMS

- Items that were donated, and where the original donor is still contactable, may be returned to the donor.
- Items that have a significant cultural value, but which do not conform to the Collections Development Policy should, wherever possible, be placed with the most appropriate public institution, by means of gift, sale or exchange.
- Items that do not have a significant cultural value but do have a market value may be disposed of by public auction or tender.
- Items that cannot be disposed of in any other way, and which do not have any saleable value, may be destroyed.
- Human remains may not be sold or auctioned as per the *Human Tissue and Transplant Act 1982 (WA)*
- Human remains must be disposed of in accordance with the *Environmental Protection (Controlled Waste) Regulations 2004*

- Deaccessioning and disposal of Aboriginal and Torres Strait Islander cultural items will be carried out in accordance with procedures recommended in *Continuous Cultures, Ongoing Responsibilities*, Museums Australia, February 2005.

POLICY REVIEW

The Deaccessioning and Disposal Policy will be reviewed within five years of its adoption by the Law Society of Western Australia.

Review of the policy will follow a procedure of review by the *Oral History, Museum and Building Sub-Committee*.

DATE OF NEXT REVIEW

Month TBC 2023

ASSOCIATED REFERENCE DOCUMENTS

- Government of Western Australia *Human Tissue and Transplant Act 1982 (WA)*
http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_436_homepage.html retrieved 9/2/2016

Government of Western Australia *Environmental Protection (Controlled Waste) Regulations 2004*
http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_1387_homepage.html retrieved 9/2/2016