

Friends of the Pioneer Museum  
PO Box 1325  
Geraldton WA 6531

99261729  
[tfd@westnet.com.au](mailto:tfd@westnet.com.au)

11<sup>th</sup> July 2011

**To the Commissioners of the Greater City of Geraldton**

Dear Sirs and Madame,

Following the former City of Geraldton-Greenough council vote 9-1 on 24<sup>th</sup> May 2011 in favour of calling for open EOI for the leases on the three museums; the Geraldton-Greenough Historical Society (GGHS) informed the caretakers that no volunteers were prepared to open the Greenough Pioneer Museum as from that date.

Please note that the caretakers had already notified GGHS that they would be on holiday for five weeks from June 9<sup>th</sup> to July 14<sup>th</sup>. Consequently GGHS's decision would have resulted in the museum being closed for six weeks, if the caretakers had not voluntarily kept the museum open. However, as stated in the minutes of a recent special meeting held by the GGHS, (see attachment 1) the caretakers were instructed to close the Pioneer Museum from Monday 4<sup>th</sup> July to the 8<sup>th</sup> July, for the purpose of the GGHS to conduct an inventory of the collection with intent to lease the collection. This notification was only issued to the caretakers on the Sunday evening, the day before the closure was to take effect. During the advertised dates of closure for the inventory not one member of the GGHS counted or documented one item of the collection.

As a result of recent media reports on these issues a public outcry encouraged the caretakers to open the museum last weekend Sat 9<sup>th</sup> and 10<sup>th</sup> July, free to the public. Over 300 people came to support the museum and express outrage over the GGHS's intention to lease the collection. It is stated in the National Museums Standards (signed by the GGHS) that the GGHS are custodians of the collection not owners, and as such cannot profit from the collection (other than charge entrance fees). The objects were loaned and or donated in good faith that they remain at the Greenough Pioneer Museum

Friends of the Pioneer Museum fully acknowledge that the City of Greater Geraldton cannot enter into the debate over the ownership of the collection. However we note that the CGG and the GGHS do not have a current legal and binding lease or management agreement of the Greenough Pioneer Museum (see attachment 2 paragraph 3 under BACKGROUND).

Therefore we submit the enclosed petition of 206 signatures collected at the Greenough Pioneer Museum on July 9th and 10<sup>th</sup> in support of securing the building to prevent any actions by the GGHS to remove any objects, archives, documents or loaner's and donor's property from the building.

We, the Friends of the Pioneer Museum and the signatories of the enclosed petition (see attachment 3) ask the City of Greater Geraldton to immediately inform the GGHS that they have no legal tenure over the Greenough Pioneer Museum, that the ownership and status of the collection is in doubt and must remain in-situ until a legal position is obtained by the City.

Further the City informs the GGHS that the building and collection shall remain under the care of the current curator and caretaker until further notice.

The current caretakers are willing to be volunteers in this position until the new leases are in place. The caretakers acknowledge that for reasons of transparency, this interim dual caretaking position may need to be advertised and are willing to apply and have any utilities put in their names for the interim period.

Yours sincerely

For, and on behalf of the Friends of the Pioneer Museum and enclosed signatories of the petition.

A handwritten signature in cursive script that reads "Peter Dameon".

Peter Dameon  
Caretaker  
Pioneer Museum  
Greenough

**CE147 PROPOSED MUSEUM LEASE AGREEMENTS**

**AGENDA REFERENCE:** 11/060327  
**AUTHOR:** L MacLeod, Land and Leasing Facilitator  
and R McCracken, Senior Community  
Development officer.  
**EXECUTIVE:** B Davis, Director Commercial Enterprises  
**DATE OF REPORT:** 28 March 2011  
**FILE REFERENCE:** A63383, A64094, A11868 & A11869  
**APPLICANT / PROPONENT:** City of Geraldton-Greenough  
**ATTACHMENTS:** Yes x 3

**SUMMARY:**

The purpose of this report is to seek council's consideration to enter into lease agreements with the Geraldton Historical Society Inc. to oversee the operation of the Greenough Pioneer Museum buildings and public grounds, the Light House Keepers Cottage buildings and grounds, and the Walkaway Station Museum Management Committee to oversee the Walkaway Station Museum buildings and grounds. The proposed Schedule to the Lease addresses the management of the Museums housed in these buildings.

**PROPONENT:**

The proponent is the City of Geraldton-Greenough.

**BACKGROUND:**

The City has a current lease agreement with the Geraldton Historical Society for the Light House Keepers Cottage and grounds on Reserve 27234 and Reserve 31162. This agreement will be surrendered and a new agreement entered into to bring all three lease agreements into line. The lease was varied in July 2005 at the request of the Historical Society making the Society responsible for maintenance of the building and grounds. The Historical Society has found it extremely difficult to meet this obligation.

The Walkaway Station Museum, Reserve and buildings were under a Management Agreement, through the incorporated Management Committee, with the Shire of Greenough which expired in late 2009.

The former Shire of Greenough has a current Management Agreement with the Pioneer Museum Management Committee for the Greenough Pioneer Museum that will expire on 1 January 2017 however, as this body is not incorporated, it is not a legally enforceable Agreement.

It is the intention of the City to grant each venue with a 21 year lease (structured 7 + 7 + 7 lease term) with an attached schedule clearly showing that the City accepts responsibility for maintenance of the buildings and grounds and that the incorporated bodies are responsible for staffing the venues and adhering to accepted national curatorial standards regarding the collections. The City is proposing to offer each venue an annual allowance to facilitate the curatorial standards.

**COMMUNITY CONSULTATION:**

Pursuant to Regulation 30 of the Local Government (Functions and General) Regulations 1996, no advertising is required for this disposal. However with regard to the proposed Schedule for the Lease, extensive consultations were held with the Geraldton Historical Society and the Walkaway Station Museum via emails dated 19 April, by hand to Mrs Jo Logue on 20 April and via email note of 12 May 2011 (see additional attachments). General discussions have been held at regular Museum Managers meetings over several months. Representatives from the Geraldton Historical Society have been present at these meetings.

**COUNCILLOR/OFFICER CONSULTATION:**

Discussions have been held with the Manager Community Development and the Senior Community Development Officer in the Department of Creative Communities and with Officers of the Department of Commercial Enterprises.

**STATUTORY IMPLICATIONS:**

Section 3.58 of the Local Government Act 1995 (as amended) – **Disposing of Property**

Section 3.58:

(1) *In this section –*

*“dispose” includes to sell, lease, or otherwise dispose of, whether absolutely of not;*

*“property” includes the whole or any part of the interest of a local government in property, but does not include money*

Regulation 30(2)(b) of the Local Government (Functions and General) Regulations 1996 gives exemption to dispositions of property to which Section 3.58 of the *Local Government Act 1995* (as amended) does not apply. In this regulation a disposition of land is an exempt disposition if:

(b) *the land is disposed of to a body, whether incorporated or not –*

(i) *the objects of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*

(ii) *the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions.*

**POLICY IMPLICATIONS:**

There are no policy implications.

**FINANCIAL AND BUDGET IMPLICATIONS:**

It is intended to offer each venue an amount of \$8000 per annual to assist in ensuring that the curatorial standards for maintenance and documentation are met. Provision has been made in the draft 2011/2012 budget to meet this obligation, if agreed by Council.

**STRATEGIC & REGIONAL OUTCOMES:****Strategic & Plan for the Future Outcomes:**

Key Result Area 2: Opportunities for Creativity.

Outcome 2.2: A city that attracts creative people through nurturing creative industries.

Strategy 2.2.1 Develop, promote and market our unique arts, cultural and heritage qualities.

**Regional Outcomes:**

The ongoing maintenance and high standard of museums in the Geraldton-Greenough region encourages tourism to the area. Each Museum, because of the nature of the venue and collection, is developing a specialist area of expertise and display thus extending the attractiveness to cultural tourists.

**ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:****Economic:**

There are no economic impacts affecting this proposal.

**Social:**

The specialisation occurring at each venue is increasing the cultural complexity of the stories being told and the collections being developed.

**Environmental:**

There are no environmental impacts affecting this proposal.

**Cultural & Heritage:**

Support for this proposal will assist in the ongoing preservation of Geraldton and Greenough's colourful and vast culture and heritage.

**RELEVANT PRECEDENTS:**

The City has leased the Light House Keepers Cottage to the Geraldton Historical Society since 1972.

**DELEGATED AUTHORITY:**

There is no delegated authority existing related to this proposal.

**VOTING REQUIREMENTS:**

Simple majority is required.

**OPTIONS:****Option 1:**

As per Executive Recommendation in this report.

**Option 2:**

---

That Council by Simple Majority pursuant to Section 3.58 of the Local Government Act 1995 RESOLVES to:

1. DEFER this item; and
2. MAKES the determination based on the following reasons:
  - a. To be determined by Council.

**Option 3:**

That Council by Simple Majority pursuant to Section 3.58 of the Local Government Act 1995 RESOLVES to:

1. SEEKS expressions of interest/s from a legal entity/s and/or encourage the formation of a legal entity or entities to accept a lease for each of Greenough Pioneer Museum and grounds, Walkaway Station Museum and the Lighthouse Keepers cottage; and
2. MAKES the determination based on the following reason:
  - a. to be determined by Council.

**CONCLUSION:**

The City of Geraldton-Greenough and its predecessors have had various arrangements for the management of each of the three volunteer-run Museums occupying City owned buildings. It is opportune that these arrangements be made equitable and that identical leases be offered to appropriate legally incorporated not-for-profit bodies for the management of the Museums to appropriate standards.

**EXECUTIVE RECOMMENDATION:**

That Council by Simple Majority pursuant to Section 3.58 of the Local Government Act 1995 RESOLVES to:

1. CONSENT to lease to the Geraldton Historical Society Incorporated:
  - a. The Greenough Pioneer Museum located at Lot 1 Victoria Location 142, Brand Highway;
  - b. The Lighthouse Keepers Cottage located on Reserve 27234 and Reserve 31162 with Ministerial consent;
2. CONSENT to lease to the Walkaway Station Management Committee Incorporated:
  - a. The Walkaway Railway Museum located on Reserve 46610 with Ministerial consent;
3. SET the proposed conditions as;
  - a. enter into 21 year lease agreements (structured 7 + 7 + 7 lease term) with the above bodies;
  - b. set the lease fee at \$1.00 per annum for the term of the agreement; and
  - c. the lessee being responsible for separately paying all applicable rates, taxes and other utilities.

---

*Cr Martin declared a direct financial interest in Item CE147 as he is the occupier of the building and left Chambers at 8.09pm*

**MOVED CR ASPLANT, SECONDED CR GREENAWAY**  
That Council by Simple Majority pursuant to Section 3.58 of the Local Government Act 1995 RESOLVES to:

1. **SEEKS** expressions of interest/s from a legal entity/s and/or encourage the formation of a legal entity or entities to accept a lease for each of:
  - a. Greenough Pioneer Museum buildings (Maley's Cottage) and grounds,
  - b. Walkaway Station Museum buildings and grounds;
  - c. Lighthouse Keepers cottage and grounds;
2. **RECOMMEND** for consideration as part of the 2011/12 City of Greater Geraldton budget that an allocation of \$8,000 per building for curatorial standards and maintenance and documentation be provided; and
3. **MAKES** the determination based on the following reason:
  - a. that having three separate groups managing the three facilities may provide greater resources.

**CARRIED 9/1**

**REASON FOR VARIATION TO THE EXECUTIVE RECOMMENDATION:**  
That Council defines in Point 3 above.

*Cr Martin returned to Chambers at 8.34pm*

Attachment 9 (1)

**Minutes of the Special General Meeting of the Geraldton –Greenough Historical Society Inc held at 4.30pm on Wednesday 29<sup>th</sup> June 2011 held at Birdwood House Geraldton**

1. **OPENING:** The President opened the meeting at 4.30pm
2. **Present:** Rita Stinson (President) Stan Gratte (Vice President) Barry Stinson, Shirley Valle, Connie Sullivan, William.Saunders, Doreen Allen, Coleen Etherton, Ron Bertelson, Helen Sumpton, Marion Hatch, Bette Patience, Isabel Atkinson, Marie Sears, Tom O'Malley, Elam O'Malley, Bea duBoulay, Graeme Harrison, John Schneider, Elaine Schneider, Patricia Powell, Joy Gratte, Ed Peet, Bronwen Peet, Glenis Thomas
3. **Apologies:** Gordon Thomas, Joy Thomas. Ian Winch-Buist

**4. REPORT FROM THE PRESIDENT**

**4.1 Leases:**

The decision by the City of Geraldton-Greenough, to advertise for expressions of interest for the lease of the building the Pioneer Museum is housed in, has far reaching implications for the Geraldton-Greenough Historical Society and Pioneer Museum. Therefore, the Society is forced to make decisions regarding the leases and the collection at the Pioneer Museum.

We must understand very clearly that it is the **lease of the BUILDING** that expressions of interest are being called for and **NOT the contents of the building**. **The City does not own the contents of the building. The Pioneer Museum is simply a collection of items the GGHS has control of, house in a leased building**

The Management Committee of Geraldton-Greenough Historical Society met to discuss our options and the Committee came up with the options sent to you in the Notice of today's meeting. Since then we have obtained information that it will be some time before the Lease documents are completed by council so we have time to make our decisions

**4.2 Collection:**

While the Geraldton-Greenough Historical Society may not apply for a new lease of the premises, we are not relinquishing any of our right, title and interest to any items in our collection, on display, or stored at the premises. The Geraldton-Greenough Historical Society will not consent to the surrender of any items in the collection, except, those items on loan from third parties who request their return.



#### **4.3 Collection Options:**

Options presented to you for the collection owned by the Geraldton-Greenough Historical Society Inc: If we don't apply for the lease of the Museum:

- Advertise/or negotiate a lease agreement for the lease of our collection.
- Offer our collection to a like museum
- Sell the collection as a total collection
- Auction the collection piece by piece  
also.

Other options from the floor

#### **4.4 Collection Audit**

We must immediately conduct an Audit of the Collection. This will be an onerous task that must be conducted with great care to check and verify the location of all items accessioned into the collection. All accessioning documents must be checked off and any inconsistencies as to ownership of items on loan or gifted, followed up with donors to ensure the legal ownership of all items. To do this the Museum must be closed to the public until such time as the audit is complete. This will ensure that there is no interruption to the audit of the collection by visitor's interference to proceedings.

It is of great importance that owners of all items on loan be contacted to ascertain their wishes in regard to their item/s. Item/s on loan to the GGHS cannot be transferred to anyone else without the owner's permission.

The Audit will involve a methodical removal of items from displays, correct identification of items, re-recording of, and eventual replacement of the displays. This process will obviously take considerable time to conduct, the duration of which will be totally dependent on the number of volunteers willing to assist.

The correct accessioning document recently identified by the GGHS management committee i.e. forms being titled Greenough Pioneer Museum, where no such entity exists, can also be addressed at the same time as the audit by contacting all donors who gifted items and having them complete new deeds of gift to the correct legal entity i.e. GGHS. Anyone not wishing to do this can have their donations returned after the item/s are de-accessioned from the collection.

The President explained that a 'building' cannot own anything as it is not a legal entity.

*At this point \*Barry Stinson explained: when it comes to Societies, the Society must be incorporated to become a legal entity. (The GGHS is and incorporated body) The Pioneer Museum is not incorporated, so its not a legal entity, it cannot own nor do any business and the Geraldton Greenough Historical Society is the legal entity under which the museum operates. Any documentation to do with accessioning, de-accessioning of the collection must be through the Geraldton-Greenough Historical Society.*

#### **4.5 Missing Items**

In the recent Geraldton Guardian Newspaper article the GGHS was accused by Mr. Gary Martin, then honorary curator of the Pioneer Museum, of mismanagement of the historical collection of items held. The inference was made up to 400 items were missing from the collection. Steps will be taken during the audit to verify the location of the items in question, or confirm that they were de-accessioned from the collection in accordance with the Collection Management Policy document, or in fact they are missing. We also need to clarify, if the items are missing, who is responsible?

- Was an audit done when Gary Martin took over as Curator?
- If it was, why wasn't the Society notified at the time of items missing?
- If not, how can Mr. Martin accuse the Society of mismanagement of the Collection when he has been Curator for eight years?

\* Barry Stinson has recently completed his final unit in Museum Studies through Edith Cowan University

#### **5. Discussion:**

**5.1** The President advised members present that this must be a decision all are happy with and made it clear to members the decision was not left to the Management Committee. The issue of the leases was thoroughly discussed by members present.:

#### **MOTION:**

**MOVED: W. Saunders:** that subject to conditions, we decided today to apply for the lease of the Lighthouse Keepers Cottage when the lease is advertised and defer our decision regarding the lease of the Pioneer Museum building until the City of Geraldton-Greenough advertise for expressions of interest for the lease. **SECONDED"**

**C EHTERTON**

**Carried.**

#### **5.2 Operation of The Museum**

\*The operation of the Pioneer Museum was discussed. It was agreed the Society still have the Caretakers whose employment Agreement states they must work twenty hours per week each. This enables us to have the Museum open five days per week from 9,30am to 3.30pm and closed two days [Tuesday & Wednesday] This arrangement will remain in place until the Lease issue is resolved.

\*The Caretakers be advised of the meetings decision to close the Museum

#### **6.COLLECTION:**

The subject of the collection was discussed at length

**MOTION:**

**Moved P. Powell:** The Society conduct a thorough Audit of the Collection and in the case the Society does not apply for the lease of the building, we advertise/or negotiate a lease agreement for the lease of the collection and if fails to be leased, the Society to investigate alternative display or storage options. **Seconded" S. Valle**

**Carried.**

**MOTION:**

**Moved W. Saunders:** Close the Museum from Monday 4<sup>th</sup> July to Friday 8<sup>th</sup> July and thereafter on Tuesdays and Wednesdays so we can carry out the Audit of the collection until the Audit is complete. **SECONDED P. Powell**

**Carried**

- A number of members volunteered to assist with the Audit and a roster will be drawn up and members advised of days and times.
- Barry Stinson advised the meeting that only three people at a time would be needed.
- If others wanted to participate, the collection and display cases can be dusted and cleaned at the same time.

**7. CLOSE OF MEETING**

The President thanked all members for their attendance and input to the meeting and closed the meeting at 5.42pm

**Signed: .....** **Date .....**