

Use of Funds from the Gordon Ellis Trust Policy

Adopted:
Commences: 22 September 2010
Review date: 22 September 2012

1.0 INTRODUCTION

The Gordon Ellis Trust was established in 1959 following the death of Dr Leonard Gordon Ellis, a noted collector and local doctor.

In 1991 Dr Stephanie Ellis, the widow of Dr Leonard Gordon Ellis, relinquished her interests in the Will.

In April 1993 the Whakatane and District Historical Society (Incorporated) relinquished its interests in The Gordon Ellis Trust in favour of the Whakatane District Museum & Gallery Collection Development Fund.

In May 1993 the Whakatane Museum & Gallery Board of Control became the primary beneficiary of The Gordon Ellis Trust, and agreed that income from the Trust be applied to purchases for the H D London Library and Museum through the Collection Development Fund.

In 2009 the Whakatane District Council began to review The Gordon Ellis Trust to establish formal protocols and procedures for acquisition of items for the Whakatane Museum and H D London Library. This coincided with the development of new and improved facilities for the Library and Museum.

The Trust is administered by The New Zealand Guardian Trust Company Limited, who has responsibility for the management of the fund and the decision on release of any funding. The purpose of the policy is to provide a framework for the expenditure of any available funding.

2.0 OBJECTIVES

To provide for the long term care and preservation of The Gordon Ellis Collection, this was gifted by the Whakatane District and Historical Society (Incorporated) to the Whakatane District Council in July 1985.

The guiding principles of this policy are:

- a) the long term preservation, protection, access and development of the collection of the Whakatane District Museum & Gallery, and in particular the H D London Library (incorporating The Gordon Ellis Collection).
- b) designed to record in permanent form the early history of New Zealand and in particular the general history of the Whakatane District or to acquire any article or thing which may in any manner augment any existing collection of articles of historical value applicable either to the Whakatane District or New Zealand as a whole be acquired

3.0 DEFINITIONS

Acquisition means the legal transfer of ownership of an object(s), and acquire has a corresponding meaning.

Accession is the formal acceptance of an acquisition into the Gordon Ellis Collection, or into the collection of the Whakatane District Museum & Gallery and the recording of the act by the Museum.

Copyright means "Copyright" as provided in the Copyright Act 1994 and includes the right to reproduce, publish, perform, adapt, broadcast and transmit.

Deaccessioning means the formal process of removing an object from the Gordon Ellis Collection, or which has been acquired through the Gordon Ellis Trust

Disposal means relinquishing ownership by the Museum through gift, exchange, sale, repatriation, or destruction.

Donation is a gift or bequest of an object(s) in support of the Gordon Ellis Trust

The Gordon Ellis Collection (the "Collection") refers to the original bequest from the Estate of Leonard Gordon Ellis to the Whakatane District Historical Society (Incorporated) and owned since 1985 by the Whakatane District Museum and Gallery.

The Gordon Ellis Trust (the "Trust") refers to the fund established by the Estate of Leonard Gordon Ellis for the benefit of the citizens of the Borough of Whakatane, and its successors.

The New Zealand Guardian Trust Company Limited is the legal successor to **The Guardian Trust and Executors Company of New Zealand** (the "Trustee") is the sole executor for the Estate of Leonard Gordon Ellis and the Gordon Ellis Trust.

Intellectual Property Rights is the legislation governing copyright, patents and trademarks.

Material Culture is an artifact or object left by past cultures.

Museum and Gallery Board (the "Board") is a special Committee of the Whakatane District Council.

Object means an item or article of material cultural, property, or a scientific specimen.

Object means an object or item of material culture, property or specimen.

Protected Objects Act (the "Act")

Purchase is to acquire an object(s) through a monetary transaction.

Whakatane District Council (the "Council") is a New Zealand Local Government Territorial Authority, and is the legal successor to the Whakatane Borough Council

Whakatane District Museum and Gallery (the "Museum") form part of the Arts & Culture "activity" within the operational activities of the Whakatane District Council.

Whakatane and District Historical Society (Incorporated) (the "Society") is a historical society founded in 1952.

4.0 POLICY

4.1 This policy is to be read in conjunction with the Collections Policy of the Whakatane District Museum & Gallery.

4.2 The Gordon Ellis Trust funds will only be used for the following:

- a) Enhance The Gordon Ellis Collection of nineteenth and early twentieth century books and manuscripts through acquisitions which relate to the early history of New Zealand, and in particular the general history of the Whakatane district.
- b) Enhance the permanent collection of the Whakatane District Museum & Gallery through the acquisition of any article or thing which may in any manner tend to augment any existing collection of articles of historical value applicable either to the Whakatane District or New Zealand as a whole.
- c) Maintenance of The Gordon Ellis Collection of nineteenth century and early twentieth century books and manuscripts
- d) Maintenance of acquisitions made from The Gordon Ellis Trust since 1959

Explanation: The Gordon Ellis Trust is to apply at its discretion in perpetuity the income derived from such fund in and towards the establishment and maintenance of an historical library and museum in Whakatane aforesaid where the primary objects of such institution

shall be the collection and development of material designed to record in permanent form the early history of New Zealand and in particular the general history of the Whakatane district or to secure or to acquire any article or things which may in any manner tend to augment any existing collection of articles of historical value applicable either to the Whakatane District or New Zealand as a whole.

4.3 The Gordon Ellis Trust will be selective and not comprehensive in its acquisitions.

5.0 PURCHASING

5.1 All items purchased using the Gordon Ellis Trust funds will be clearly identified on the Museum Collection Management system, and an annual inventory will be made available.

5.2 All books purchased will have the Gordon Ellis Trust bookplate placed in them.

5.3 All ephemera purchased will be recorded as being part of the Gordon Ellis Trust Collection, and all exhibition and loan labels will acknowledge the collection source

6.0 DEACCESSIONING

6.1 Any item which is deaccessioned from The Gordon Ellis Collection or which has been formerly purchased using funds from The Gordon Ellis Trust will be deaccessioned following the current policy of the Whakatane District Museum & Gallery.

6.2 If the item is sold, then revenue achieved from the sale of the item is to be returned to The Gordon Ellis Trust only, from which it may be applied to the purchase of objects in accordance with the current policy of The Gordon Ellis Trust.

7.0 ACCOUNTABILITY

7.1 Whakatane District Council will make annual recommendations on expenditure to The New Zealand Guardian Trust Company Limited.

7.2 The Trustee will advise the Council the current available funds from The Gordon Ellis Trust on an annual basis.

7.3 The Mayor and Chief Executive will meet annually with The New Zealand Guardian Trust Company Limited and provide a report on items purchased or conserved through The Gordon Ellis Trust.

7.4 The Manager, Arts & Culture will provide an annual report to the Council on The Gordon Ellis Collection. The report will include items purchased or conserved using funds from The Gordon Ellis Trust.

7.5 The Manager, Arts & Culture will provide a six monthly report to the Whakatane District Museum & Gallery Trust Board and/or its successor on items purchased from The Gordon Ellis Trust and make recommendations for any conservation treatment of any items within The Gordon Ellis Collection, or which have been purchased by The Gordon Ellis Trust.

Explanation: Each distribution of funds from The Gordon Ellis Trust requires The New Zealand Guardian Trust Company Limited to exercise a discretion and they must on each occasion be satisfied that the ultimate use of the money is within the terms of the Trust. Even with a policy such as this in place, The New Zealand Guardian Trust Company Limited is

not able to delegate this function to the Council and ask that they ensure compliance. This role must rest with the Trustee, The New Zealand Guardian Trust Company Limited.

8.0 REVIEW

The review will include the Whakatane District Museum & Gallery Trust Board and/or its successor, the Whakatane District Council, The New Zealand Guardian Trust Company Limited.

APPENDIX I

1.0 BACKGROUND

Leonard Gordon Ellis was born in Canterbury in 1908. He graduated in medicine from Otago University in 1946, and worked at a number of hospitals prior to coming to Whakatane in 1951. Amongst other activities Dr Ellis displayed considerable interest in early New Zealand history and the desire to establish a museum in Whakatane.

He had amassed a collection of over 400 rare New Zealand history books prior to his death in July 1959. His collection of rare books was bequeathed to the Whakatane and District Historical Society, with a life interest being left to his wife Dr Stephanie Ellis.

The New Zealand Guardian Trust Company Limited was appointed sole executors and trustee of the residual estate.

The residual estate was to be known as The Gordon Ellis Trust.

In 1991 Dr Stephanie Ellis, life tenant in the Estate relinquished her interest under the Will and the trust in favour of the museum or Historical Library.

In May 1993 the Whakatane and District Historical Society (Incorporated) advised the Trustee (The New Zealand Guardian Trust Company Limited) that it wished to relinquish its interests in the Trust.

The Whakatane and District Historical Society (Incorporated) stipulated that the income should be applied to the Collection Development Fund with income being used to enhance the H D London Library and the collections of the museum. It was emphasised by the Whakatane and District Historical Society (Incorporated) that funds should not be applied to capital expenditure or maintenance.

2.0 THE GORDON ELLIS COLLECTION

Clause 4 states: *I GIVE AND BEQUEATH my collection of books and all other literature relevant to the early history of New Zealand or the District of Whakatane unto the Whakatane and District Historical Society (Incorporated) (hereinafter referred to as "the Society") to be known as "The Gordon Ellis Collection".....suitable permanent building is erected for and available to the said Society for occupation as a museum and/or Historical Library.*

In June 1985, Errol J Westgate, Secretary of the Whakatane and District Historical Society (Incorporated) offered the Society's collection of books, manuscripts and other records to the Museum Board of Control. The Society noted that with additions to the museum library it would now be difficult to separate Society and Museum books. This offer included The Gordon Ellis Collection. The offer was accepted on 25 July 1985, and the Society ceased to have a direct interest in The Gordon Ellis Collection.

3.0 THE GORDON ELLIS TRUST

Clause 9 states: *.....The Gordon Ellis Trust is to apply at its discretion in perpetuity the income derived from such fund in and towards the establishment and maintenance of an historical library and museum in Whakatane aforesaid where the primary objects of such institution shall be the collection and development of material designed to record in permanent form the early history of New Zealand and in particular the general history of the Whakatane district or to secure or to acquire any article or things which may in any manner tend to augment any existing collection of articles of historical value applicable either to the Whakatane District or New Zealand as a whole....*

The Trustee (The New Zealand Guardian Trust Company Limited) was authorised only to make payments following *consultation with the Corporate Body known as The Mayor Councillors and Citizens of the Borough of Whakatane... "Council"*.

The Council was provided with the option of receiving the income directly or the Trustee could make a payment directly to the Society.

Should a museum or historical library not be established within a period of fifteen years from the date of my death or if after establishment it becomes defunct or the said Society is wound up then the funds would be applied to alternative named uses within the Whakatane Borough.

On the 28 April 1993, the Council of the Whakatane & District Historical Society Inc., relinquished its interests in The Gordon Ellis Trust in favour of the Whakatane District Museum & Gallery Collection Development Fund.

On the 27 May 1993 the Museum & Gallery Board of Control, a sub-committee of the Whakatane District Council passed the resolution: *That the income from the Gordon Ellis Trust be applied to the purchase of items for the H D London Library and Museum through the medium of the Collection Development Fund. White/Harvey (Carried)*