



# Public Art Policy

<b>Version No.</b>	October 2022
<b>Endorsement</b>	Executive - 25 October 2022 Policy Review Panel - 8 November 2022
<b>Authorisation</b>	Council – 12 December 2022
<b>Review date</b>	October 2025
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<b>Policy owner</b>	Coordinator Library and Arts Activation

## 1. Purpose

This policy guides the commissioning, management, maintenance and deaccessioning of public art in the City of Melton.

## 2. Scope

This policy applies across all of Council and guides Council’s engagement with third parties who may wish to collaborate in provision of public art on council land and in open public spaces.

It articulates the approach for works that are developed and managed by Council. It also defines Council and third party roles in facilitating privately commissioned works.

The policy applies to:

- Public art commissioned and developed by Council
- Public art commissioned and developed by private enterprises, associations, individuals, property developers, community groups, businesses or other third parties.
- Public art commissioned by third parties (including other government bodies) and transferred or donated to Council

The policy will influence guidelines for commissioning and maintenance of public art.

## 3. Definitions

Word/Term	Definition
<b>Artist</b>	For the purposes of the City of Melton public art collection, artists are defined as those with an established public art practice, artist led studios who work as a team, emerging and mid-career artists.
<b>Commissioning Models</b>	<b>Open Competition</b> An open competition method is a widely advertised call for an Expression of Interest (EOI) that attracts a broad range of artists. The competition is normally advertised for several weeks through a variety of media including newspapers and industry magazines, online and through email notifications. Clearly defined expectations on the level of expertise and experience of artists submitting proposals helps assist in ensuring submissions are relevant. An open competition involves considerable time and dedicated resources to promote, manage, and review submissions.

	<p><b>Limited Competition</b>  A limited competition method is an invitation sent out to a short-listed group of artists. This model is useful when an artist’s practice particularly suits the project vision and public art opportunities.  The limited competition process is less time-consuming and less expensive than an open competition and enables the project team to target artists whose artwork methods and practices suit the project vision and public art opportunities  An open or a limited competition can result in:</p> <ul style="list-style-type: none"> <li>• A short-list of artists who are invited to attend an interview</li> <li>• A short-list of artists invited to prepare a concept proposal for a fee or/</li> <li>• The selection of a successful artist invited to prepare concept proposal for a fee</li> </ul> <p><b>Direct Commission</b>  A direct commission is an invitation to one artist to prepare a concept proposal in response to an artist brief. The direct selection of an artist is carried out where there is a clear choice of artist to meet the project brief. Established high profile artists generally are directly commissioned and do not expect to participate in an EOI process.</p>
<p><b>Deaccession</b></p>	<p>The formal process of removal of public art from the collection.</p>
<p><b>Integration</b></p>	<p>An integrated artwork is one that is incorporated into another structure – such as a building, streetscape or landscape design. Typical examples of integrated public artworks include street paving, sculptural seating, and artist-designed glazing. Integration also refers to a site-specific response by an artist. A site-specific public artwork describes a situation when the artwork and the site are equally important, and each informs the other.</p>
<p><b>Intellectual Property</b></p>	<p>Intellectual Property protects the rights in creative and inventive efforts. These rights are protected through a number of separate federal Acts of Parliament, including copyright legislation which is set out in the Copyright Act 1968.  Copyright law acknowledges the creativity and skill of a creator as valuable ‘property’ and outlines the intellectual property rights in producing original artistic works. Exclusive rights to copyright are automatically assigned to the creator and are valid throughout their life and 70 years after their death. Copyright law outlines both economic rights (rights that can be sold or licensed) and non-economic rights (rights of the creator that can’t be sold or transferred – moral rights).</p> <p><b>Copyright Licensing</b>  Similar to rights over physical property, the economic rights of copyright can be sold or licensed for use by other parties. Commissioning an artist using Council’s set of contract agreements grants Council a royalty-free licence for the purposes of promoting, marketing, and publishing images of the artwork to the public, with the correct attribution for each image. This includes all images from the artist including images from their portfolio, concept designs, detailed designs, and the final artwork. Copyright ownership stays with the artist.  An artist’s work cannot be altered without their written consent. Consent from an artist is not required to remove or relocate an artwork, however Council must first advise the artist and give them the opportunity to respond. If the artwork is fixed to a building, structure, or area undergoing redevelopment, the artist must be notified with the opportunity to document the work in situ, and consulted over its removal, storage, deaccession or reinstatement</p>

	<p><b>Moral Rights</b> Moral rights are the personal, legal rights of the creator and were enshrined in 2000 by amendments to the provisions of the Australian Copyright Act 1968. They are the rights of the artist to:</p> <ul style="list-style-type: none"> <li>• Be attributed for their work;</li> <li>• Not to have their work falsely attributed; and,</li> <li>• Integrity - not to have their work treated in a derogatory way</li> </ul> <p>The Copyright Act defines "derogatory treatment "as any act in relation to the work that is in any manner harmful to the author's honour or reputation"</p> <p>Moral rights apply whilst the artist is alive and 70 years after their death, and in contrast to economic rights of copyright, moral rights cannot be transferred, assigned, or sold.</p> <p><b>Attribution</b> Under moral rights legislation, commissioners must correctly attribute the artist every time an artwork or an image of an artwork is displayed, published, communicated and/or promoted. An attribution plaque should be installed at the same time the artwork is installed in close proximity to the artwork.</p> <p>In line with moral rights, an artist's attribution is to acknowledge the artist as the creator of the work and as such, the attribution should be separate from any advertising and branding as this would compromise the integrity of the attribution.</p>
<p><b>Public Art</b></p>	<p>Public art encompasses a wide variety of creative expressions in the public realm. It includes works of art in any media that have been planned and executed with the specific intention of being sited or staged in the physical public domain, usually outside and accessible to all. Public art can be temporary or permanent.</p> <p>For some communities, public art is seen as a means of enhancing or personalizing otherwise impersonal spaces. For others, it's a way to activate civic dialogue, or provide a vehicle for communities to express their unique identity and includes works which are:</p> <p><b>Site specific/Site responsive:</b> works of art or projects that consider, interface with, or are otherwise informed by the surrounding environment. This includes the physical limitations of a site, weather conditions, history, audience demographics and usage, lighting and many other aspects.</p> <p><b>Permanent:</b> Public art can be designed and constructed as a permanent installation or be installed for a limited duration. Temporary public art can create delight in the unexpected, whereas permanent public art offers familiar aesthetics, long term benefits, and contributes to a sense of pride and community identity.</p> <p><b>Temporary:</b> Public art includes ephemeral work, performance, events, temporary installation of durable works, projections, light, and sound and land art. Permanent public art includes sculptures, wall reliefs, mosaics, ceramic pavement inlays and murals, memorials and monuments and integrated artworks.</p> <p><b>Functional:</b> Parts of a building, facility, or piece of infrastructure that have been made by an artist as an artwork that serves a specific function – e.g., downpipes, manhole covers, street furniture, lightshades.</p>

	<p><b>Integrated:</b> Art that has been designed to be seamlessly integrated into the building or surrounding environment – e.g., screen on a building façade, pavement inlays.</p> <p><b>Freestanding:</b> Art that tends to have been created independently and applied to a site. Freestanding artwork is generally a sculptural work that has been made to be viewed from all sides.</p> <p><b>Experiential:</b> Art that may not have a physical form but transforms public space into a creative, ephemeral, and sensory experience – e.g., using multi-media, sound, lighting projections, or tactile elements.</p> <p>Public art can also be described by the intent of the art project and its role within the city as:</p> <ul style="list-style-type: none"> <li>• <b>Iconic:</b> Art that has been created as a standalone and significant work. Iconic artworks frequently have civic importance and create a visual landmark or entry statement.</li> <li>• <b>Interpretive:</b> Art that has been created to communicate and educate about a place, events, issues, and ideas. Interpretive art can take on various forms, such as signage, seating, landscape design, multi-media; with the intent of making an experience more meaningful</li> <li>• <b>Commemorative or Celebratory:</b> Art that has been created to honour or celebrate important people, an activity, or significant events.</li> </ul> <p><b>Public Art is not:</b></p> <ul style="list-style-type: none"> <li>• Park furniture, equipment, or seating without an artist intention</li> <li>• Landscaping, landscape furniture or equipment</li> <li>• Public assets with a solely functional purpose</li> <li>• A memorial or monument with a heritage or historical focus</li> <li>• A heritage site or object of historical significance</li> </ul>
<b>Public Art Collection</b>	All Council managed public art works listed on the Public Art Register
<b>Public Art Curator</b>	A public art curator provides specialist advice and assistance on a range of public art matters relating to project management from initiation to completion of the public art project. Engaging a curator can provide confidence in the delivery of high quality, innovative, contemporary artwork, successful project integration and management and professional advice on how and who to select as potential project artists.
<b>Public Art Review Panel</b>	<p>The Public Art Review Panel is formed on a project to project basis to assess all proposals for permanent works and occasional proposals for significant temporary work such as large-scale wall murals. The panel will comprise:</p> <ul style="list-style-type: none"> <li>- Two Community members from the Arts and Culture Advisory Committee</li> <li>- One Councillor who is the appointed Chairperson of the Arts and Culture Advisory Committee</li> <li>- Three representatives from the Public Art Working Group</li> <li>- Team Leader Arts Engagement and Development</li> <li>- Coordinator Library and Arts Activation</li> <li>- Manager Libraries and Arts</li> </ul> <p>The panel is convened by the Team Leader Arts Engagement and Development at the beginning of the planning phase of each new public artwork. The broader Councillor group is kept abreast of meeting outcomes through the Chair.</p>

<p><b>Public Art Working Group</b></p>	<p>The internal working group of Council that considers public art commissions, acquisitions, and de-accessions, led by the Libraries and Arts unit. The role of the Public Art Working Group (PAWG) will be to provide specific expertise and guidance on the development and management of the Public Art Collection.</p> <p>The PAWG will act as a first stage assessment panel, assisting the Team Leader Arts Engagement and Development to make initial recommendations to Council regarding public art proposals. Some members of the PAWG will be able to contribute to public art project installation and delivery.</p> <p>This cross-council working group includes representatives from:</p> <ul style="list-style-type: none"> <li>- Libraries and Arts (Chair of PAWG)</li> <li>- City Design &amp; Strategy</li> <li>- Capital Projects</li> <li>- Operations</li> <li>- Property Services</li> <li>- Engineering Services</li> <li>- Community Planning</li> <li>- Community Care and Inclusion (as required)</li> <li>- Recreation &amp; Youth (as required)</li> <li>- Engagement &amp; Advocacy (as required)</li> </ul>
<p><b>Transferred or donated work</b></p>	<p>Public art of either permanent or temporary definition, which was not commissioned by Council, but which is now proposed by a third party for Council to acquire.</p>

## 4. Policy

### 4.1 Strategic alignment

This Public Art Policy aligns strategically to the Council and Wellbeing Plan 2021-2025 by responding to the following objectives:

- Objective 1.1 A community that celebrates diversity and is inclusive of all
  - 1.1.2 Contribute to a welcoming community which embraces diversity
- Objective 1.2 A safe community where people feel proud to live
  - 1.2.2 Empower the community to strengthen civic pride, social cohesion, and a sense of belonging
- Objective 1.3 Local neighbourhoods are socially and culturally connected
  - 1.3.1 Provide opportunities for participation and appreciation of the arts, and support local artists

Further, this Public Art Policy aligns strategically to the Creative Melton 2030 Strategy by responding to the following objectives:

- Objective 1.6 We will activate the arts in public spaces, community events and festivals
- Objective 4.2 We will invest in creative projects to bring professional artists and communities together to achieve social and artistic outcomes
- Objective 4.3 We will increase participation in, and access to, arts and culture experiences
- Objective 4.4 We will increase opportunities for the professional development of local artists and creative practitioners
- Objective 4.5 We will strengthen our sense of place through the development and maintenance of our public art collection

## **4.2 Funding**

The allocation of funding to public art demonstrates Council's commitment to the Arts and this leadership can leverage further support through grant funding or private sector contribution.

Proposals for public art projects will be reviewed annually and referred to Council's annual budget process for consideration.

## **4.3 Commissioning and Acquisition**

The commissioning and acquisition of Public Art will be aligned with Arts and Culture program priorities and will respond to the following criteria.

### **4.3.1 Public art criteria**

Public art commissions, acquisitions, transfers and donations of works will be assessed against the following six criteria:

1. Evidence of high quality, contemporary arts practice. The artist or artists have experience and skills to deliver strong public art outcomes.
2. Suitability of the work to the site. The proposal considers existing/planned urban design, public safety, public use, environmental and physical impact.
3. Relevance of the work to local stories, themes or issues. The proposed work is relevant to residents and/or includes plans for community engagement.
4. Expected durability and required maintenance of the work
5. Adequate budget and resources to deliver proposed work
6. Consistency with Council's current planning, heritage, environmental and social policies
7. Preferencing local artists and content where possible

### **4.3.2 Permanent Works commissioned by Council**

Permanent Public Art commissioned by Melton City Council can occur at both existing and new public sites and facilities across the municipality. Permanent public artwork is planned to remain in situ for between 5- 25 years. Where it is commissioned on new council-owned sites, it must be considered as part of civic infrastructure and urban design planning and incorporated into the earliest stages of planning. All permanent public art must be planned in conjunction with the Arts team and reviewed by the Public Art Working Group. Major Public Art will be reviewed by the Public Art Review Sub-committee, and recommendations put forward to Council through the Arts and Culture Advisory Committee.

### **4.3.3 Temporary Works commissioned by Council**

Temporary Public Art commissioned by Council will provide opportunities for lower-cost temporary or semi-permanent installations that respond to current community themes. Temporary works may be exhibited anywhere from between 1 day to 5 years. Temporary works will enable emerging and professional artists to access new opportunities for career development and gain experience in delivering public artwork. The Temporary Works program will include Street Art projects. All temporary public art will be both planned and commissioned through the Arts team and approved by the Public Art Working Group. Major Public Art will be reviewed by the Public Art Review Sub-committee, and recommendations put forward to Council through the Arts and Culture Advisory Committee.

### **4.3.4 Works commissioned by third parties**

Public art commissioned and developed by private enterprises, associations or individuals (property developers, community groups, businesses or other third parties) will be assessed as per permanent works commissioned by Council as 4.3.2.

#### 4.3.5 Donation or transfer of works

Proposals to donate a public artwork to Council must meet Council's criteria for the acquisition or commission of works and will be considered according to the same selection criteria for commissioning new public art as 4.3.2.

#### 4.3.6 Process for commissioning or acquiring Permanent and Temporary Works by Council

To ensure high-quality outcomes for public art, Council's commissioning process is aligned to its stated criteria for the selection of public art. Council has an internal process for commissioning artworks (see Appendix 1).

### 4.4 Maintenance of Public Art Works

Council is responsible for the maintenance and safe keeping of all Council commissioned or acquired public art work. Excepting contractual exclusions, assets procured under this policy are to be managed under Council's Asset Management Policy and procedures, with specific regard to maintenance linked with Council's corporate and business plans (including the Long Term Financial Plan), budgets and reporting processes.

#### 4.4.1 Public Art Register and Maintenance Plan

Public art is listed on Council's Public Art Register and Maintenance Plan, which is the responsibility of Arts team to update and document, and for Council's Asset Management team to implement.

#### 4.4.2 Maintenance Plan Budget and Renewal

Every five years Council will commission an assessment of the maintenance needs of Council and allocate specific maintenance and conservation works for collection maintenance as required. Every year, Council will allocate the necessary budget to facilitate the ongoing maintenance of all works in the public art collection, as recommended in the maintenance plan.

## 5 Responsibility /Accountability

<b>5.1</b>	<b>Team Leader Arts Engagement and Development</b> <ul style="list-style-type: none"><li>Convenes and coordinates the commissioning, maintenance and deaccessioning of public art in the City of Melton.</li></ul>
<b>5.2</b>	<b>Manager Libraries and Arts</b> <ul style="list-style-type: none"><li>Responsible for the oversight of public art</li></ul>
<b>5.3</b>	<b>Property Services and Asset Management</b> <ul style="list-style-type: none"><li>Responsible for the maintenance of public art.</li></ul>

## 6 References and links to legislation and other documents

Name	Location
Asset Management Policy	<a href="http://www.melton.vic.gov.au">www.melton.vic.gov.au</a>
Asset Disposal Policy	Policy and Procedures Intranet
Community Vision 2041	<a href="http://www.melton.vic.gov.au">www.melton.vic.gov.au</a>
Community and Wellbeing Plan 2021-25	<a href="http://www.melton.vic.gov.au">www.melton.vic.gov.au</a>
Creative Melton 2030	<a href="http://www.melton.vic.gov.au">www.melton.vic.gov.au</a>

Asset Plan 2021-31	<a href="http://www.melton.vic.gov.au">www.melton.vic.gov.au</a>
Financial Plan 2021-31	<a href="http://www.melton.vic.gov.au">www.melton.vic.gov.au</a>
Open Space Plan 2016-2026	<a href="http://www.melton.vic.gov.au">www.melton.vic.gov.au</a>
Intercultural Plan 2017-2021	<a href="http://www.melton.vic.gov.au">www.melton.vic.gov.au</a>
Community Infrastructure Planning Policy	<a href="http://www.melton.vic.gov.au">www.melton.vic.gov.au</a>
Community Engagement Policy	<a href="http://www.melton.vic.gov.au">www.melton.vic.gov.au</a>



## **APPENDIX 1.**

### **MELTON CITY COUNCIL PUBLIC ART COMMISSIONING CRITERIA**

#### **Public Access**

Artworks commissioned must be for publicly accessible spaces at street level or publicly visible locations including the building façade or forecourt. It is not acceptable to include the artwork within the building foyer or lift lobby where these areas are not permanently accessible to members of the public.

#### **Permanent Artworks**

Permanent public artwork is planned to remain in situ for between 5- 25 years. Where it is commissioned on new council-owned sites, it must be considered as part of civic infrastructure and urban design planning and incorporated into the earliest stages of planning.

#### **Temporary Artworks**

Temporary public art commissioned by Council will provide opportunities for lower-cost temporary or semi-permanent installations that respond to current community themes and may be exhibited anywhere from between 1 day to 5 years. Temporary works will enable emerging and professional artists to access new opportunities for career development and gain experience in delivering public artwork. Temporary artworks include street art and murals.

#### **Assessment Criteria**

The commissioning and acquisition of public art will be assessed against the following criteria:

- **Quality** - Evidence of high quality, contemporary arts practice. The artist or artists have experience and skills to deliver strong public art outcomes.
- **Site Suitability** - Suitability of the work to the site. The proposal considers existing/planned urban design, public safety, public use, environmental and physical impact.
- **Relevance** - Relevance of the work to local stories, themes or issues and response to the curatorial framework of the brief. The proposed work is relevant to residents and/or includes plans for community engagement.
- **Durability** - Expected durability and required maintenance of the work budget Adequate budget and resources to deliver proposed work consistency with council policies – in line with current planning, heritage, environmental and social policies.
- **Budget** Adequate budget and resources to deliver proposed work
- **Council Policy Alignment** – aligned with current planning, heritage, environmental and social policies.

#### **Timing**

Following Council approval, the artwork must be commissioned within 6 months of the development commencing and completed in line with the completion of the site development. Council will provide a nominated contact member of staff who will be the point of contact for all questions and coordination of council input.

#### **THE ARTIST BRIEF**

An artist's artwork concept proposal must meet the criteria set out in an artist brief as well as conforming with public safety requirements. An artist brief includes all project management functions and tasks. It needs to be clear but not prescriptive, allowing for artists to creatively respond and develop their own ideas. The artist brief sets the scene for the project, gives the artist a framework to work within and a good understanding of the vision, themes, and key aims of the project.

An artist brief typically includes:

- Background - the background to the program or project that has generated the artwork proposal
- Project Overview - the project requirements and deliverables for each phase of concept design, design development and commissioning
- Project Context – geographical, policy frameworks, general background information
- Curatorial Framework - the themes, vision and opportunities. The curatorial rationale informs the conceptual development of the artwork. It includes relevant social, environmental, economic or cultural heritage information. Artists are referred to the broad curatorial framework set out in the Public art Masterplan.
- Site Information - The artwork opportunity including a site plan, elevations, 3D's etc
- Timeline - Indicative schedule summary and project milestones
- Budget – A detailed breakdown including contingency
- Expected Lifespan of the artwork subject to reasonable maintenance requirements
- Consultation or community engagement events that occur as part of the project

### **Practical Considerations**

An artist brief also needs to specify any practical considerations that the artist would need to address in developing the proposal, such as:

- Regulatory compliance
- Heritage requirements
- Structural and engineering requirements
- Safety considerations and obligations
- Site access
- Site maintenance and cleaning routines
- Presence of outdoor dining
- Climatic or locational influencing factors

The brief outlines all the phases of artwork development to delivery including concept design, design development, fabrication and installation and provide indicative timeframes for each phase. It will specify the contractual arrangements for the development and completion of an artwork. It will outline each stage of artwork completion and key approval points by the Arts Team.

### **ENGAGEMENT OF A CURATOR**

It is recommended external organisations engage an experienced and independent public art curator to assist with the commissioning process and to help ensure the best possible outcome. A curator provides a range of services for the development and delivery of artwork and can be critical to the success of a public art project as they have specialist expertise. A curator for a public art project has specialised training and experience in visual arts and curatorial services, a sound understanding of contemporary arts practice and its practitioners, experience in managing public art projects and strong links within the arts industry.

To gain the most benefit from a curator's expertise, they should be engaged in the early stages of a project to assist in the detailed scoping of an art project. A curator's advice and recommendations can make a great difference in the integration of an art project, the quality of the final artwork, and value for money.

### **PUBLIC ART BUDGET**

Establishing a budget for the provision of public art that is adequate for each stage of the project and can meet project objectives is an important part of planning an art project.

The budget needs to account for:

- The commissioning model costs (including public art curator fees)
- Artist(s) fees for concept design and then the full artist fee if the concept is commissioned
- Specialist fees (if required), design + drafting, and engineering certification for the detailed design and documentation phases
- Costs of fabrication and installation
- Materials, equipment hire and labour costs
- Drafting documentation and specifications
- Travel, transportation, and insurance costs
- Traffic management, licenses, supervision, and installation costs
- Workshop facilitation and community engagement fees
- Maintenance manual
- Lighting of the artwork
- Design and installation of an attribution plaque
- Contingency for unexpected costs

### **Integrated Works Budget**

Where an artist is involved in integrating public art into the fabric of a building or functional elements such as street furniture, only the cost of the public art component (over and above the previously nominated material costs) will be funded from the public art budget.

### **RISK MANAGEMENT**

Public art projects are unique in form, scale, materials, production or fabrication, and the artwork is placed in the public realm. There are no set standards, regulations or standard drawing templates specific to the design, fabrication or siting of artwork. Art in the public realm must be designed to be durable enough to withstand local conditions, and unsupervised public interaction. Compliance with Australian standards and regulations ensures that safety measures are 'built in' to the design and construction of public art.

The risks in commissioning public art vary from project to project as designs are developed, and the artwork is fabricated and installed. It is essential that risk is managed from the early scoping and planning of a project, and through all stages of the project delivery.

Key factors that define the different types of risk include:

- Locations being considered,
- Materials and means of fabrication
- Structure, form, and scale of the artwork
- Life expectancy of the work
- Expected level of public interaction

Some artworks, such as functional or integrated artworks within seating or paving, or artworks installed within play areas or play equipment, are intended to withstand high levels of interaction, and encourage use. The design and maintenance of these artworks therefore needs to account for risks associated with regular use.

Council will provide a list of links to Australian Standards as reference material as well as design standards for artwork in the public realm to address visibility and positioning, design robustness, materials, public safety, structural and fabrication requirements, artwork lighting, installation, and maintenance. different standards will be relevant to each project.

## **LIFESPAN, MAINTENANCE AND DEACCESSIONING**

Public art is subject to varied conditions including weather, ultraviolet exposure, pollution, and public interaction.

Public art should be designed and maintained to be suitable for its use and withstand the conditions of its location for the expected life of the artwork. The expected lifespan of an artwork is established in consultation with the artist during the concept design and design development phases and refers to the agreed duration for which the artwork is intended to be on public display. For a permanent artwork, the expected lifespan would be over 12 months. The expected lifespan will influence the design development in terms of siting, materials selection, structural design, and robustness and will be reviewed as the design develops and is finalised.

### **Maintenance**

When commissioning an artwork, it is important to establish an appropriate review schedule at key points during the concept design and design development stages. Review points are critical to discuss with the artist the buildability of the concept, the proposed materials, material warranties and method(s) of installation. This will enable an understanding of the maintenance requirements over the expected lifespan of the artwork.

### **De-Accessioning**

De-accessioning refers to the process by which an artwork is removed from public display and includes the documentation of its removal and de-registration as an asset. The obligation to the artist regarding the deaccessions of an artwork is addressed within the Public Art Commission Agreement.

Public artworks must be managed to account for damage, degradation, and potential theft and other circumstances, including but not exclusive to:

- The cost of repairing the artwork exceeds the original value of the artwork;
- The artwork has been vandalised, or parts have been removed, to the extent that it is irreparable, or the reputation of the artist is at risk;
- The artwork has outlived its intended lifespan (particularly for temporary artworks under 5 years);
- Council decides that it is no longer expedient for the artwork to be displayed.

In any of these circumstances the moral rights of the artist must be respected under the Copyright Act 1968 and correct procedures followed with respect to the artists' reputation, attribution, and as the first copyright owner of the work. Artists must always be contacted prior to de-accessioning a work.

Where applicable the Team Leader Arts Engagement and Development will write a report notifying the council of the rationale behind the option to de-accession an artwork.

## **COMMUNITY ENGAGEMENT**

If required, a community engagement strategy should be prepared for public art projects and provided to Council prior to undertaking any community engagement activities. This includes identification of the non-negotiable elements of a project and any aspects of the project the community might influence. The non-negotiable elements include budget, timeframes or schedules and scope, as well as any required compliance with standards and regulations in a public art project.

## **Levels of Engagement**

### *Active Participation*

If a project aim is to fully engage the community, the ‘community participatory’ approach is followed, where an artist actively works with members of the community who participate in the fabrication of the artwork.

For example, the community would be ‘informed’ of the aspects of the project that are not negotiable such as safety compliance issues but ‘actively’ engaged in the collaborative process of developing and fabricating the artwork with the artist.

### *Consultation*

If the project aim is to consult with the community, a ‘community consultative’ approach is required where an artist engages with members of the community to inform the development of the artwork. The level of community engagement in this type of project could range from ‘inform’ through to ‘participatory’. However, the community’s influence is limited to specific areas of the artwork development.

For example, the community may ‘participate’ in community art workshops and are informed of the development and progress of the artwork through a series of meetings or presentations. The artist may be inspired by or interpret the community’s stories and values gleaned from the workshops into their final artwork.

### *Information*

Where a project team wishes to consult with the community to inform them an art project, they would use an ‘information and education’ consultation strategy and an ‘individual approach’ where an individual artist is engaged to develop a concept and fabricate or oversee the production of the artwork. The level of engagement is for the community’s information.

For example, Council may activate an online conversations portal to inform the community about an upcoming artwork commission and the selection process for that commission.

## **ARTIST ENGAGEMENT**

To engage an artist to develop a concept design, progress a design or document a design, fabricate and install a final artwork; a public art commission agreement is required.

Phase 1: Concept Design – Artist responds to the Artist brief

Phase 2: Design Development + Documentation – Public art commission agreement required

Phase 3: Fabrication & Installation - Public art commission agreement required

It is recommended to use the public art commission agreement template produced by the [Arts Law Centre of Australia](#). This is also endorsed and part of the code of practice developed by the peak body for visual arts in Australia – National Association for the Visual Arts (NAVA). The agreement template has been written by lawyers and reflects best practice in public artist contracting. It covers phases 2 and 3 and can be used as a template.

The public art commission agreement outlines the terms and conditions of the agreement including the term, the artist services, artwork description and documentation, approved design proposal, payments, intellectual property, confidentiality, termination, insurance, and dispute resolution.

## **Phase 1: Concept Design**

The artist's proposal is outlined in a concept design proposal and typically includes:

- Concept design options for one or more artwork opportunities
- Visual representations that articulate the artists intent (e.g., drawings, maquettes, 3D renders)
- A written statement outlining how the concept design proposal responds to the project brief and/ or artist brief
- The proposed execution of the artwork including materials, colours and finishes and fabrication
- Preliminary budget/cost assessment to complete the work including the structural/engineering feasibility of realising the artwork and a reasonable contingency for unexpected costs and cost increases
- Artwork lifespan and potential maintenance issues
- An assessment of siting the artwork in the public realm/designated site and any risk factors including the expected level of public interaction, safety considerations relating to the form, materiality, and scale of the artwork and the durability /life expectancy of the work

## **Phase 2: Design Development + Documentation**

This phase is critical in terms of ensuring the artwork is viable. Any technical or 'build-ability' issues, prototyping and research, needs to be completed during design development before proceeding to documentation. The Arts Team must endorse the designs and see evidence that any technical issues have been resolved, prior to the designs being documented.

Subject to approval of the design, this phase enables the artist to further refine and develop the selected concept designs, resolve any technical issues, undertake any relevant testing, prototyping and provide the artwork documentation. This will result in the provision of a detailed design which may be submitted in a range of media.

Documentation will also include:

- Preliminary engineering approvals and advice
- Any testing or samples (if required)
- Research on new materials (if required)
- A fully costed budget based on quotations (and in accordance with the available funds)
- Any associated works such as lighting and services investigation
- Draft fabrication/production and installation schedule
- Information on artwork lifespan and general maintenance requirements

A mid-point and final design development report should be provided to the Arts Team so they can review the progression of the selected concept design proposal. These reports should include all information required to produce or fabricate and install the artwork and may include some or all of the full shop drawings and specifications. It may also include:

- Visualisations such as scale maquettes
- Location and site plan showing orientation and set out
- Structural engineering design (Victorian) certification of artwork structure and footing
- Lighting design and plans
- Draft installation plan and Safe Work Method Statement (SWMS)
- List of materials including data sheets, compliance certifications and testing (where applicable)
- Summary of maintenance requirements
- Detailed budget breakdown of all costs

### **Phase 3: Fabrication and Installation**

The fabrication (or production) of the artwork will include a number of review points that align with fee payments. The number of review points is subject to the method and materials used in the fabrication and any on-site testing and construction works. Reviews and inspections are carried out at key points in the fabrication process, pre-and post-installation of the artwork and footing installation. A final meeting should be held with all of the relevant stakeholders including the asset owner to approve the quality of the artwork and approve final payments.

### **Maintenance Manual**

Prior to completion and installation of the artwork, the Artist must provide a manual containing comprehensive instructions for the operation and maintenance of the Artwork (“the Manual”). A draft of the manual will be submitted to Council prior to artwork installation. Any alterations required to the manual shall be made and resubmitted prior to practical completion.

The manual typically includes:

- Artist contact details and description of artwork
- List of major sub-contractors with contact details
- Description of the materials used and any installed services or lighting equipment and their mode of operation
- With respect to lighting equipment, operating procedures and suppliers’ contact details an inspection, testing and maintenance program detailing the routine required to maintain the artwork throughout its intended lifespan
- As installed drawings for the artwork and all related equipment and services
- Engineering certification (if applicable)
- Any other information that helps identify/locate the assets that have been installed

### **Complex Public Artworks**

Commissioning expensive, uniquely crafted public art must be accompanied by a commitment to its long-term presentation. Even basic maintenance such as a once-a-year comprehensive cleaning, can ensure that public artworks always look their best and do not begin to degenerate. Moreover, if an artwork is at human scale and in a busy public space, the need to clean and check for incidents of vandalism or inadvertent damage becomes even more important.

Before commissioning more complex works with innovative kinetic, sonic or lighting components, it is important to carefully consider the ongoing maintenance implications. This may involve a ‘check-up’ every three to four months and programming certain annual checks into the overall and recurrent building maintenance or outdoor maintenance plan.

The maintenance manual keeps on record a clear maintenance regime which includes a description of all components and materials in addition to the artist’s recommendations as to cleaning and conservation. All new artwork is registered and recorded within Council’s public art database.