

## 1. PURPOSE

This Public Art Policy Procedure document was created to attribute the roles, responsibilities and procedural guidance required to implement the Horsham Rural City Council (HRCC) 2017-2021 Public Art Policy.

## 2. INTRODUCTION

This procedure was developed to support the implementation of the 2017-2021 Public Art Policy. They support the delivery of public art within the current priorities of both the community and Horsham Rural City Council.

## 3. SCOPE

This 2017-2021 Public Art Policy Procedure document covers all permanent, integrated or ephemeral public art work in public space that is either commissioned by or in partnership with Horsham Rural City Council.

The development of a public art program will involve the continued guidance of the Public Art Advisory Committee who will review proposals or concepts and make recommendations to Council on artwork to be commissioned.

## 4. ACTIONS

### Public Art Committee

The development of a Public Art Program will involve the continued guidance of the Public Art Advisory Committee who will review proposals or concepts and make recommendations to Council on artwork to be commissioned. The Public Art Advisory Committee will have at least five (5) members made from the following:

- HRCC Councillor (minimum of one)
- An independent artist
- An art teacher, arts academic or someone with an arts education background
- HRCC Art Gallery Director, Curator or other arts professional
- A representative of the Horsham Regional Arts Association
- A representative of the local indigenous community endorsed by Barengi Gadjin Land Council
- HRCC Cultural Development Officer
- HRCC Council Officer from Technical Services
- HRCC Council Officer from Community Services
- HRCC Council Officer from Planning

- A community representative
- Other parties as appropriate see below

Any of the following representatives can be co-opted from time to time or determined by a particular project such as:-

- Trader's representative
- "Friends" Group representative
- Historical Society

New members need to be formally adopted by Council.

This advisory committee is facilitated by the Cultural Development Officer who is responsible for maintaining the Public Art Register.

Administration support will be provided through the HRCC Cultural Administration Officer who will not have voting rights on the Committee.

A protocol has been established for members with potential or perceived conflicts of interest to state as such at the beginning of each meeting; this statement will be noted in the minutes and if appropriate the member will leave the room at the required point of discussion.

### **Role of the Public Art Committee**

The Public Art Committee will:

- Implement the Public Art implementation plan which will cover a five year rolling period.  
This will:
- Prioritise a schedule of public art projects taking into account the priorities identified in section 5.5 of the policy and the annual public art budget. Liaise with HRCC Technical Services with regard to the ongoing maintenance and care of existing public art assets.
- Review the condition and maintenance of all current public art assets within the Public Art Register.
- Be a place of referral and input into other Council projects.
- Work closely with Technical Services and Planning to identify the opportunities for public art and integrated aesthetic design as they arise.
- To approve any Public Art work that is proposed on Council controlled land and placed on the Public Art Register.

### **Engagement Process**

Public art projects may be engaged through the following processes:

- Direct or tendered commissions of work - permanent, temporary and ephemeral. Council's Procurement Policy recognises that direct commissions can occur.
- The loan or hire of realised work for a period time.

- Engagement of artists in specific projects.
- A collaborative design process - for conceptual and design input to a capital work or project.
- Collaborative community based projects.
- Artist-in-residence projects.
- Collaborations with festivals and events.

It is recommended that the Cultural Development Officer be the first point of reference for all matters relating to public art and the development of the program.

### **A Commissioning Process | Example Model**

Depending on the commissioning process, the concept will either be developed in isolation or competitively (as in the case of a tender process) or in a more collaborative process as for community engagement project.

A commission brief will be developed using clear language that addresses the concept, materials used, style of the installation, proposed location of the work and commissioning amount.

The artist's initial response to a commission brief may take the form of rough drawings, sketches and a written explanation of the artist's idea for the project and how this might be developed.

The initial concept will give enough of an idea of what the artist is proposing without him or her going to great lengths to resolve either the design or any technical issues. A detailed budget will be provided by the artist.

The Public Art Committee may then shortlist artists it considers suitable for the project to develop their initial concepts further and provide detailed drawings, a maquette (three-dimensional model) or, photomontage of the proposed work in situ and/or samples together with a detailed budget breakdown to ensure that the work is able to be fabricated within the available budget. The artist is paid a fee (approximately \$1,000) for this stage of the project.

The concept drawings or maquette should be of sufficiently high standard so that it is clear what the artist is proposing. Ownership of the maquette is usually retained by the artist and does not become the property of the commissioner even though they have paid the artist a concept fee. This is because maquettes can be beautifully crafted artworks in their own right and worth more than the concept fee. Commissioners can however negotiate the right to purchase maquettes.

The commission brief and project scope needs to be clear on the level of community engagement expected by the public art committee. The commission brief may require a community engagement plan to be developed for the project. Any community engagement plan should outline the purpose of engagement, method of engagement and people responsible for carrying out that process.

Once the Public Art Committee has selected the work to be commissioned from the shortlisted artists, a Commission Contract is drawn up allowing the successful artist to commence fabrication.

Council will be responsible for permits and negotiation with landholders and other stakeholder agencies.

### **Community Engagement:**

Projects that engage with, and are accessible to, the community will be an important element in relation to public artwork and can include:

- Consultation with community members regarding particular sites and the focus of public art
- Inclusion of community representatives on the Public Art Committee
- Contributing to project ideas through an artist's research
- Public art projects that may provide a hands-on experience, training, or mentorship
- Works that are interactive
- Projects that allow for a dialogue between the artist and community about the nature of the work and art-making process
- Projects that create opportunities for local manufacturers and businesses

### **Construction**

During the construction phase it is likely that the artist will require progress payments based either on a series of set milestones or on a percentage of work completed.

### **Sign off**

The final sign off comes when the work has been installed and an assessment can be made that the work meets the artistic, conceptual and technical standards agreed to in the Commission Contract. At that point the ownership and responsibility for the artwork is transferred from the artist to Council.

A defects liability period of between six to twelve months usually applies after installation. After this time the Council is responsible for maintaining the artwork. Artists are usually required to provide details of maintenance regimes and scheduling.

Upon completion, works will be entered onto the Public Art Register, Public Art Maintenance Schedule and the HRCC Asset Register.

### **Attribution**

Artist's Moral Rights Legislation (part of copyright law) requires that artists be attributed as the creators of public art. This obligation is usually met by installing a plaque in the vicinity of the work that names the artist and can also include an explanation of the work. Moral Rights also mean that

an artwork can not intentionally be altered, modified or damaged in any way as these can alter the integrity of an artwork. Artists will also want to retain copyright of their artwork, unlike work commissioned in many other fields. Clauses dealing with these issues should be included in a Commission Contract and can ask for artists to grant a free licence to Council to reproduce images of their work in any promotional material. The artist should also be acknowledged in any promotional material that reproduces images of the work.

All public artworks will have a plaque that acknowledges:

- The artist, the commissioner and any other funding or sponsor agreements
- The year the work is commissioned and provide a short artist statement providing a context for the work
- The artist will be acknowledged through inclusion of their name with any images used to promote the work
- This will be funded through HRCC

### **Removal, Relocation and De-accessioning**

An estimated lifespan of the work will be determined at the point of contract.

HRCC Public Art Assets may be removed, relocated or de-accessioned when the following conditions occur:

- When the environmental context of the work has changed significantly making that site inappropriate for the work.
- The cultural significance of the work or site has changed.
- Environmental concerns or vandalism occur that alter the lifespan of the work, the artists intent for the work or the integrity of the work.

Removal will occur:

- When the work is damaged to the point of non-repair or such a repair is of greater value than the perceived or real cost of the work.
  - If the cultural or social context of the work is deemed no longer relevant or appropriate by the public art committee.
- For removal of donated art work, the donor has first option to claim the work.
  - For removal of purchased art work, the artist has first option to buy the work.
  - For the sale of the removed art work, proceeds from a Council sale of the art work will be allocated toward the Public Art Committee for the commissioning or care of other public art assets.

De-accessioning:

When a work is de-accessioned, it will be removed from the HRCC Maintenance Schedule and Asset Register. Any de-accession would need to be endorsed by the Public Art Committee. The work will be removed, resold, reclaimed or destroyed as deemed appropriate.

## 5. COMMUNICATION

These Public Art Procedures will be publically accessed on the HRCC Website and hard copies of the policy are available through the HRCC Cultural Development Office.

An evaluation report will be written by the Cultural Development Officer on the HRCC commissioned works and presented at the Public Art Advisory Committee meeting and reported up to Council.

## 6. RESPONSIBILITY

**Policy Owner:** Cultural Development Officer

## 7. DEFINITIONS

Definition	Meaning
<b>Artist</b>	<p>Providing a definition of an artist is problematic as it is not an occupation defined by a professional structure such as an architect or certified accountant.</p> <p>An artist can be a person:</p> <ul style="list-style-type: none"> <li>• Who has specialist training within their field [not necessarily in academic institutions] and involved in the creation of art as their profession.</li> <li>• With high level interpretive, conceptualising and creative skills that result in the creation of artwork.</li> <li>• Who has demonstrated professional standing through exhibitions and commissions and is considered an artist by his or her peers.</li> </ul>
<b>Contemporary Art</b>	<p>Any artwork created today which is innovative for its time, comments on or otherwise engages with issues relevant to its time or uses materials and processes that are at the forefront of arts practice within their particular field at the time can be classed as contemporary art.</p>
<b>Public Art</b>	<p>Is for the purpose of this policy defined as any permanent or temporary art object, installation or activity in the public realm excluding galleries, museums and public collecting institutions. In general public art is sited on public land and has been purchased or is owned by a public authority.</p> <p>The range of forms in which public art may be realised includes and is defined as:</p> <p>Integrated Aesthetic Design   Art and design work that is embedded within signage, seating, paving, fences, urban design, landscape design, architectural design etc.</p>

	<p>Ephemeral Public Art   Artwork in temporary art spaces or platforms, such as lighting, projections, interventions and temporary installations, community engagement and place making initiatives.</p> <p>Permanent Public Art   Artwork in this category might include signature works, landmarks, acquisition of existing art work for specific site, commemorative or monumental works, site specific art work in a public place.</p> <p>All these terms relate to the fact that such works tend to be commissioned as set pieces of art in their own right.</p> <p>These artworks are often major commissions with significant budgets and therefore require a transparent and accountable commissioning process to ensure the best artists are considered and that due process occurs.</p>
<b>Public Realm</b>	<p>The public realm can be defined as including but not limited to streets, squares, parks and spaces that are within buildings that are accessible to the general public and in the ownership of, or under the control of public authorities.</p>

## 8. SUPPORTING DOCUMENTS

Document	Location
Public Art Policy	Intranet, Website
Public Art Implementation Plan 2017-2021	Intranet, Website
Public Art Register	Website
Public Art Maintenance Register	Cultural Development Officer

## 9. DOCUMENT CONTROL

Version Number	Approval Date	Approval By	Amendment	Review Date
01	5 August 2013	Council	New	
02	18 September 2017	EMG	Reviewed	4 September 2021