



Public Art Policy

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RESPONSIBLE EXECUTIVE	General Manager City Assets and Environment
POLICY OWNER	Arts and Cultural Development Coordinator

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1. Purpose of the Policy

The purpose of this policy is to provide for the ongoing provision of public art within Kingston through:

- incorporating public art into the urban and natural landscape through adopting a 'whole of Council' approach to planning, selection and maintenance of public art;
- developing a high quality, progressive and varied public art collection;
- ensuring community connection and belonging, through public art that is relevant to the community; and,
- pursuing a range of funding sources.

This policy provides the framework and direction to assist Kingston City Council in creating and sustaining a vibrant public art collection.

2. Scope

This Policy applies to public art which is commissioned, developed, purchased or maintained by Council.

This Policy excludes requests for public art on private property or that which is privately funded. It does not cover historical/commemorative plaques, interpretive signs, or advertising material.

This Policy is relevant to everyone from artists, art groups, residents, community groups, developers, philanthropic organisations, government agencies, developers, traders, artistic advisors, funding bodies, the Arts and Cultural Advisory Committee and Council Officers.

3. Definitions

Public art

Public art is all artistic works located in open public spaces or facilities, and accessible to the public.

Public art refers to art in any medium that has been planned and executed with the specific intention of being sited, performed or staged in the public domain. It may be a commissioned work by professional artist/s or a community inspired collaboration between an artist/s, multi-disciplinary teams and members of a community. Some examples include; sculpture, monuments, memorials, mosaics, murals, paintings, new media, land or earth art, kinetic works, functional art such as street furniture.

There are three types of public art, including:

Permanent: any work that is permanently sited in the public domain.

Temporary: any work that has a limited life such as at a special event or less than five years.

Ephemeral: any art form that is transitory, changing and exists for a brief time only in the public domain.

4. Responsible Executive

General Manager City Assets and Environment

5. Policy owner

Arts and Cultural Development Coordinator

6. Related Documents

- Public Art Strategy 2012-2016 available at www.kingstonarts.com.au
- Busking Guidelines available at www.kingstonarts.com.au
- Arts Grants Program available at www.kingstonarts.com.au
- Arts and Cultural Advisory Committee Terms of Reference available at www.kingston.vic.gov.au
- Council Plan 2013-2017 & Living Kingston 2035 available at www.kingston.vic.gov.au

7. Delegation Authority

- Arts and Cultural Project Officer

8. Policy Statement

Public art offers a range of benefits to the community, including:

- enhancing the aesthetic value of the built and natural environment;
- maximising the community's understanding and ownership of their local landscape, culture, history and identity;
- providing a variety of experiences and opportunities for community engagement;
- accrual of valuable arts-based assets within Kingston; and,
- creating opportunity for increased cultural tourism to the municipality.

This policy provides the framework and direction to assist Kingston City Council in creating and sustaining a vibrant Public Art Program.

9. Policy Details

1. Public art selection and management

Consideration will be given to encourage public art that explores a variety of mediums, approaches, geographical distribution and (where possible) encourages and engages the expertise and/or involvement of local artists and art groups.

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1.1. Arts and Cultural Advisory Committee

Public art at the City of Kingston will be developed in partnership with the Arts and Cultural Advisory Committee (ACAC). The role of the Committee includes providing advice to Council on matters relating to public art and contributing to developing a program aligned with Council's strategic vision.

The Committee makes recommendations to Council on public art proposals that require Council support, except where a public art proposal has been recommended for funding through Council's Arts Grants Program.

The Arts and Cultural Advisory Committee will consist of the following membership structure:

- A maximum of three (3) Councillor representatives (appointed by Council resolution);
- A maximum of six (6) representatives from service providers/agencies or organisations who have expertise and experience in the provision of arts and cultural services in the City of Kingston; and,
- A maximum of two (2) community representatives with an interest in the provision of arts and cultural services in the City of Kingston.

For the purposes of assessing public art proposals, co-opted representatives may be invited to participate when specialised skills and knowledge are required, and to contribute from their field of expertise. These may include:

- Recognised external artistic advisors from different artistic fields (i.e. professional artists, curators and architects);
- Council Officers as appropriate, representing City Strategy, Community Buildings, Public Place Projects and Arts and Cultural Services; and,
- Community members as appropriate (i.e. City Historian, youth, multicultural and Aboriginal representatives).

The Arts and Cultural Advisory Committee is responsible for:

- Reviewing the Civic Art Collection on a 5 year basis or as required;
- Providing written recommendations to Council on applications for, as well as the acquisition and de-accessioning of public art (using the processes outlined in this Policy); and,
- Providing a formal written report to Council's Property Services department on all newly acquired permanent or de-accessioned works.

2. Acquisition and Selection Criteria

There are three pathways for acquiring public art in Kingston:

- By direct resolution of the Council;
- Via submissions to the Arts and Cultural Advisory Committee who will make recommendations to Council for the approval, acquisition and evaluation of public art; or

- Via the Arts Grants program where the applications are assessed by the Arts and Cultural Advisory Committee and recommendations are resolved by Council.

Assessment will be based on the following criteria:

- Relevance to the objectives and actions in Council's Strategies, Plans and Policies including Council's Art and Culture Strategy;
- Relevance to the principles, selection and de-accessioning guidelines in this Public Art Policy;
- Artistic merit of the work;
- Relevance and appropriateness of the work to the site and or community identity;
- Level of community support;
- Consistency with current planning, heritage and environmental policies where appropriate;
- Evidence of sustainable design practices;
- Complies with Occupational Health and Safety and public access;
- Consideration of maintenance and durability requirements;
- Evidence of funding source and budget including an allocation for ongoing maintenance, if needed; and,
- Non-duplication of monuments commemorating the same or similar events.

Additional considerations:

- If the artist/s has a unique connection to Kingston; and,
- Works by professional artists that depict Kingston and are of state, national or international significance.

2.1. Applications for Public Art

Applications for public art which are not being submitted as part of the Arts Grants Program or as an Expression of Interest for a Council initiated project must be submitted to the Arts and Cultural Development Coordinator via the Kingston Arts website at www.kingstonarts.com.au and include:

- Statement of intent;
- Details of artist/s and other creative personnel including Curriculum Vitae, images, DVD or text of past work;
- An interest in and/or experience working in a collaborative team;
- Representation of proposed work e.g. drawings, maquette, digital images, sound recording;
- Technical information including materials, fabrication, maintenance etc;
- Proposed site plan with diagrams or visualisations of proposed work in relation to the site;

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- Detailed budget including funding and ongoing maintenance; and,
- Response to the Selection Criteria (refer section 2).

2.2. Appointment and Selection of Artist

In determining the appointment and selection of artists to make a contribution to Kingston's Public Art Program, Council may employ the following options:

- Online application process;
- Advertise for Expressions of Interest;
- Competition by invitation to a small number of recommended artists to produce and present first stage design proposals; and,
- Direct invitation to artists to undertake a commission.

2.3. Gifting or Donation by party other than Council

Gifting or donations of artworks to Council will be assessed by the Arts and Cultural Advisory Committee to make a recommendation to Council.

The donor body must provide a formal written proposal for the donation addressing the Acquisition and Selection Criteria (refer section 2).

2.4. Contract Management

All successful proposals will be entered into through a formal contract.

Contracts for donations will include:

- Responsibilities of each party (Council, donor group, sponsor, artist, outside contractors);
- The agreement will address transport, installation, OH&S and risk management, transfer of title, provenance, conservation, copyright, moral rights, de-accessioning, documentation and other areas as deemed necessary;
- Donated works will be recorded on the relevant register (refer section 2.6); and,
- Information about acquired works will be provided to Property Services for all newly acquired works.

Contracts for the commissioning of ephemeral, temporary or permanent public art will include:

- Responsibilities of each party (Council, partners, sponsor, artist, outside contractors);
- The agreement will address project funding, project supervision, fabrication, transport, installation, conservation, appeal processes, copyright, moral rights, de-accessioning, documentation and other areas as deemed necessary;

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- Completed and installed works will be registered on the relevant register (refer section 2.6); and,
- Information about acquired works will be provided to Property Services for all newly acquired works.

2.5. Artist Copyright and Moral Rights

With amendments that came into force on 26 July 2007, Part IX of the Copyright Act 1968 provides for comprehensive moral rights protection in Australia for authors of literary, dramatic, musical and artistic works, film-makers (producers, directors and screenwriters) and also for performers.

- This legislation provides creators with three rights. They are:
- The **right of attribution** of authorship — to be named in connection with one's work, film or performance;
- The **right against false attribution** of authorship of a work, film or performance; and,
- The **right of integrity** of authorship — the right of an author or performer to object to treatment of a work, film or performance that demeans their reputation.

Moral rights last for the same time as copyright in a work, the term of which is usually the creator's life plus 70 years.

While it is not necessary for an artist or creator to expressly preserve their moral rights, contracts may include a clause to this effect. It should be noted that moral rights apply to people and not to corporations. Unlike copyright, moral rights are personal property and cannot be transferred. See [Copyright Amendment Act 2006](#)

The work will be:

- Labelled in full view with the following information as a minimum requirement: artist's name, title of the artwork, date of the work, medium and as appropriate, the name of the donor;
- Not be displayed so as to be obscured or altered without written permission of the artist; and,
- Not be displayed if it is in disrepair.

2.6. Documentation and Access Management

Council will maintain a register of its Civic Art Collection; Paintings and Artefacts and Art in Public Spaces.

The City will continue to document, audit and catalogue the works in the register to enable identification and management including conservation and care, valuation, lending etc.

Access to the register will be provided to the public via:

- Digital access through the Kingston Arts website;

- Programs, exhibitions and display of the Collection;
- Publications and reproductions; and,
- Supervised research access.

2.7. Conservation and Care

Council will continue to regularly assess works in its Civic Art Collection including the conservation and maintenance of its collection of Art in Public Spaces, incorporating memorials and monuments. Items for priority conservation will be listed annually according to the budget allocation. Priority works and items will be assessed and treated by professional conservators where required.

2.8. Requests to Purchase Public Art

The City will not consider any requests to purchase items from its Civic Art Collection unless that item has been identified by the Arts and Cultural Advisory Committee (ACAC) as surplus in its five yearly review of the Civic Art Collection.

2.9. De-Accessioning

When de-accessioning consideration should be given in the first instance to lending the item to a suitable accredited organisation; if a work is to be sold, donated, moved or destroyed all reasonable efforts to locate the artist must be adhered to by the Council. If de-accessioning is approved a six month cooling off period will apply.

The Arts and Cultural Advisory Committee can recommend to Council to de-accession a work if it:

- Has ephemeral or limited life;
- Does not fall within the current selection criteria;
- Is in poor condition and is considered to have insufficient significance to warrant the allocation of resources for continuing conservation and/or storage;
- Serves no specific purpose, is unsuitable for and is not required for research;
- Increased in value to the extent that the work becomes a viable asset to be sold;
- Duplicates another item and is of lesser significance than its duplicate or is a fake;
- Is irreparably damaged, destroyed or stolen with no prospect of retrieval;
- Is a public safety risk or at high risk of vandalism; or,
- Has incurred significant changes in the use, character or design of the artwork site having impacted considerably on the suitability of the artwork remaining in its present location.

2.10. Disposal

The Arts and Cultural Advisory Committee can recommend to Council the disposal of a work through:

- Donation, transfer or sale to an institution where that item can be demonstrated to have relevance;
- Donation or sale (if appropriate) to its donor or creator;
- Sale on the open market; or
- Destruction where no other option is suitable.

All proceeds from sales will be used for the Public Art Program.

2.11. Appeal Process

Unsuccessful applicants may request one (1) face-to-face presentation to the Arts and Cultural Advisory Committee. If a presentation is granted and the Committee does not accept the proposal no other correspondence will be undertaken. No appeals will be entertained on the grounds of the Committee's aesthetic evaluation of an existing or proposed work.

3. Public art funding

Public artwork is to be funded through a range of options, such as:

- Council's capital works program -
Specific allocations as part of the ongoing capital works program
- Partnership, sponsorship and donations -
With artists, community groups, developers, philanthropic organisations and government agencies
- Developer-led commissions -
Council will encourage private developers to incorporate public art in new residential and commercial developments
- State and Federal government funding -
Council will actively seek funding, either whole or part project costs, from other tiers of government
- Council's Arts Grants Program -
Council will encourage the creation of small-scale ephemeral, temporary and permanent public artworks initiated by the community and local artists.

4. Public art maintenance and insurance

- Public artworks will be inspected regularly and maintained from an annual allocated maintenance fund ensuring Council's Civic Art Collection is adequately preserved; and,
- Public artworks will be appropriately insured.

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10. Transition/Translation arrangements

Upon adoption of Policy by Council.

11. Review

Policy to be reviewed by September 2019.