

WARRNAMBOOL CITY COUNCIL

Public Art Policy

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Table of Contents

1. Policy Statement	3
2. Purpose	3
3. Scope	3
5. Principles	5
6. Selection	7
6.1 Transparent decision-making	
6.2 Best practice	
7. Collection Development	7
7.1 Selection criteria	
7.2 Acquisitions	
7.3 First Nations Artworks	
7.4 Loans	
8. Collection Management	8
8.1 Deaccessioning	
8.2 Disposal	
9. Record keeping	9

1. Policy Statement

This policy provides guidance to Council on commissioning, acquiring, documenting, maintaining and decommissioning of public art.

For the purpose of this policy Public Art refers primarily to pieces of public art that are in the custodial care of Warrnambool City Council and are installed outdoors in the public domain.

2. Purpose

Public Art is a vital part of placemaking; it improves public spaces for the community by making them more meaningful, fostering critical conversations and building connections between people.

By adopting this public art policy, Warrnambool City Council aims to improve local outcomes in community connection, tourism, public safety, civic responsibility, care for the environment, increased levels of use and general community confidence.

3. Scope

This policy relates to public artworks owned or held in custodianship by the Warrnambool City Council and new or proposed public artworks created using Council resources. It applies to public artworks created by external parties on Council owned or managed property, and to private or commercial property used for public art in partnership with WCC. It applies to projects and decision-making processes within Council.

Artworks produced without Council involvement in the public domain can become culturally significant and may be retrospectively included in Council's register of Public Art with agreement from the artist and if it meets with the principles and conditions of this Policy.

The policy provisions apply to the following persons involved in the process of acquiring public art, either through commission, direct purchase or donation, or engaged in the ongoing management and maintenance of Council's public art collection:

- Officers of Council
- Consultants, contractors or contingent labour engaged by, or associated with Council who are involved in any procurement or contracting activity, or part thereof, on behalf of, or as agents for, Council
- Councillors.

4. Definitions

Term	Definition
Collection	Works of art in various media that are the property of Warrnambool City Council.
Acquisition	A work of art or cultural material purchased, donated, commissioned or obtained by the Council.
Accession	The process which formally acknowledges an item as part of the Collection.
Community	Means “the public” and includes ratepayers, residents and all people who live, work, study, conduct business or use the services, facilities and public places in the City
Deaccession	The process of removing a work of art or cultural material from a collection and the recording of the disposal or removal when it is sold, donated, destroyed or lost
Public Art	An artwork in any medium, planned and executed outside a gallery context and intended specifically for exhibition within public space.

Related documents

Register of Public Art [[Link](#)]

5. Principles

The following principles will guide Council when making decisions about Public Art;

a. Identity

Public art reflects innovation and creativity in concept development and design ensuring a relevant, impactful, diverse and contemporary public art collection.

Public art works are contextual and should reflect the distinctiveness of Warrnambool, its stories, environment and community.

Public Art engages with the physical, social and cultural diversity of Warrnambool.

Place-based public art enhances the natural and built environment.

b. Develop Community

A culture of participation and interaction is encouraged.

Public art is for all and by all. Inclusive practice will provide for artists and audiences living with a disability.

The selection and development process includes opportunities for both local artists and community, and for the exchange of skills and ideas with visiting national / international artists.

c. Deliver Artistic Value

An expectation of creativity, innovation and quality craftsmanship.

Artists will, as much as practicable, be the lead on all aspects of implementing public art projects.

Public artworks entertain, delight, inspire, provoke, challenge and introduce new ideas into the City.

d. Safety, fabrication and ongoing management

Public art must be designed and fabricated to ensure it is physically suitable, and *characteristically relevant to the site; as well as being secure, safe and sustainable over the life of the asset.* It must not contain illegal or overtly offensive material.

e. Art may be temporary in nature

Public Art may be temporary or ephemeral by design. Murals have an intended lifespan that may be months or years, but they are rarely intended to be permanent. Public Art that is intended to be temporary may be replaced, relocated, repaired or refreshed to create an element of surprise; to revive a space; to reflect changing social norms, or to re-engage visitors.

f. Align with State Arts Strategies

The following objectives from State Government arts bodies align with this policy;

Regional Arts Victoria *Creative Industries Strategy Objectives 2020 – 2024*

- First Nations: increased recognition of First Nations culture and heritage in the region;
- The South West Story: greater understanding of South West creative industries;
- Testing Ground: greater recognition of South West Victoria as an innovative creative industry region;
- Creative Hubs: centres connected with infrastructure, industry and each other;
- Professional and Enterprise Development: increased capacity to grow the creative industries; and,
- Youth Programs: greater mentoring, education, career pathways opportunities.

Creative Victoria *Creative State Objectives*

- Support and strengthen Victoria’s creative neighbourhoods
- Ensure continued access to high-quality creative experiences across Victoria
- Enhance regional Victoria’s creative infrastructure

g. Align with Council policies and guidelines

- *Local Government Act 2020*
- *Aboriginal Heritage Act (2006) and Aboriginal Heritage Amendment Act (2016)*
- *Copyright Act 1968*
- Australia Council for the Arts – Protocols for using First Nations cultural and intellectual property in the arts (2020)
- Australian Government Cultural - Gifts Program
- Warrnambool City Council Procurement Policy (2021)
- Warrnambool City Council Staff Code of Conduct (2020)

6. Selection

6.1 Transparent decision-making

The *Local Government Act 2020* states in section 55 that councils must adopt a community engagement policy that includes deliberative engagement practices that places everyday people (citizens, residents, affected individuals) closer to the affairs and decisions of government.

The identification, commissioning and assessment of all public art must be through transparent, equitable and inclusive processes. Where appropriate, Council commits to engage in deliberative practices when making decisions about Public Art.

6.2 Best practice

Council recognises and values the specific expertise that is integral to artist and artwork selection. For this reason, consultation with arts professionals who have knowledge in the visual arts, architecture and/or urban design, with demonstrated experience in public art practice will be embedded into the commissioning process as required.

Council will consult with internal and external stakeholders to ensure decisions made by Council about public art and its location/s meet the Policy principles.

Should this apply to the acquisition of First Nations works of art, the deliberative engagement practices will be with the Eastern Marr Aboriginal Corporation and other First Nations Leaders.

7. Collection Development

7.1 Selection criteria

Works of art in the public domain should contribute to effective placemaking.

Works of public art acquired by Council will meet the policy Principles.

Council will acquire artworks from a diversity of artists and from a range of backgrounds, gender, cultures and geographic locations.

Public Art will be procured in accordance with Council's Procurement Policy.

Commissioned works will be via an Art Commission Agreement, and relevant transfer of title documentation such as Deed of Gift or Purchase Agreement must be completed.

On finalisation of transfer of title and receipt of the artwork, it will be accessioned and catalogued in the Public Art Register.

An artwork that already exists in the public domain, that meets the Principles and is deemed to be of significant cultural significance, may be included the Collection.

Artworks, such as murals, may be temporary. Temporary artworks should be assigned a lifespan that should be included in the artist agreement and recorded on the Register of Public Art.

7.2 Acquisitions

Artworks may be acquired by donation, bequest, purchase, commission or transfer.

Acquisitions and donations from patrons cannot affect fair and transparent processes or influence WCC decision making.

Warrnambool City Council commits an annual budget for the acquisition of public art that may be accumulated over several years for more significant commissions.

Public Artworks may be gifted through philanthropic trusts, artist's private collections or other donations. Any gifted artwork must fit the Statement of Principles and must align with any other relevant Warrnambool City Council policy and guidelines.

An Artist Agreement must be developed in the process of commissioning, procuring or accepting artwork.

7.3 First Nations Artworks

Warrnambool City Council refers to the *Aboriginal Heritage Act 2006*, in recognising, protecting and conserving First Nations artworks in ways that are based on respect for the knowledge and cultural traditional practices of First Nations peoples.

7.4 Loans

Loaning works of art to Warrnambool will be considered in-line with this policy.

Loans will be considered on a case-by-case basis with consideration given to risk, importance to the community of South-West Victoria and budget limitations.

Loan agreements must be signed by an authorised representative of both organisations. The agreement must outline the purpose, conditions and period of the loan and insurance/liability ownership. All communication and documentation regarding the loan will be recorded. Documentation regarding loans will be kept on the Public Art Management document and where relevant, on Council's insurance schedule.

8. Collection Management

8.1 Deaccessioning

Works of art in the public domain may be deaccessioned for a variety of reasons.

Items proposed for deaccession, or disposal should be assessed against the following criteria:

- Of negligible historical, social or aesthetic merit.
- Lack of any supporting information to enable proper identification or to establish its relevance to the city.
- Damaged beyond repair or conservation work is substantial and unfunded.
- The work is currently unsafe.
- Stolen or otherwise missing beyond hope of recovery.
- Subject to a repatriation claim.
- The work of art was acquired unethically.

Trends and popular taste must not be a criterion for deaccessioning works.

The Artist Agreement will specify the intended longevity, maintenance and process by which artwork is decommissioned.

If an Artist Agreement does not exist then Council reserves the right to decommission artwork on the basis on safety, or loss of integrity of the original form or materiality.

8.2 Disposal

Unless otherwise specified in the Artist Agreement, works of art to be deaccessioned shall be returned to the donor or family. If after a thorough search this is not possible, it should be:

- Gifted or exchanged to another appropriate public institution or non-profit arts organisation.
- Sold by public auction or similar transparent process.
- Destroyed or recycled if appropriate.

No employee of Warrnambool City Council is permitted to acquire, directly or indirectly a deaccessioned artwork. No employee of Warrnambool City Council may benefit from the sale or trade of a work of art from the public art collection.

The method of disposal shall be conducted in accordance with:

- *Aboriginal Heritage Act 2006* and *Aboriginal Heritage Amendment Act 2016*.
- Works of art acquired through the Australian Government's Cultural Gifts Program should not be returned to the donor, as the donor has previously received the benefit of a tax deduction for the gift. It is preferable that works acquired through the Cultural Gifts Program is not deaccessioned.

Any funds received from the sale of an artwork shall be directed to other public art projects.

9. Record keeping

When a work of art or cultural material has been commissioned, procured, accepted or deaccessioned, all details including agreements, communication, decision and disposal method, shall be recorded in Public Art Register and Council's record management system.

Council will maintain and review the Public Art Register bi-annually and review the relevant insurance schedule and valuations annually.