



# Public Art Policy 2018

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## DOCUMENT CONTROL

Responsible GM	Gail Gatt	
Division	City Development	
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## 1. Acknowledgments

This document acknowledges the traditional owners of this region, the Gunaikurnai Nation and the Braiakaulung people and pays respect to their Elders past and present.

## 2. Background

This policy complements the goals and commitments set out in the Latrobe City Council Arts Strategy 2016-2021. It aligns the Public Art Program with key Council work areas, strategies and plans. The Policy will help promote public art as one of a number of strategies to develop and position Latrobe City as a key Victorian regional centre for the arts.

## 3. Objectives

The Public Art Policy objectives include:

1. The development of a professional, innovative, economically responsible and well maintained public art program; one which:
  - a. Promotes the highest artistic standards in public space and is relevant to the art of our times
  - b. Considers the contextual possibilities of the Latrobe Valley, with its diverse communities, ethnicities, histories and locales
  - c. Seeks to activate public spaces across the region using the widest span of (art based) media, materials, ideas, cross-disciplinary practices and cross-cultural enquiries
  - d. Presents a meaningful engagement with public *place* and *space*, one which has the capacity to explore the numerous possibilities and nuances in regards to ideas and definitions of *the public*, *public space* and *place*.
  - e. Is able to address both rural spaces and regional urban spaces.
2. The implementation of consistent, transparent and equitable processes for the identification, commissioning, management, maintenance and decommissioning of public artworks.
3. An increase in cultural tourism and branding opportunities for the region.
4. The ongoing development of a sustainable and strong creative industry; increasing the capacity of local artists.

## 4. Scope

The Public Art Policy applies to existing and future public art of a visual arts nature; whether integrated, traditional, ephemeral (temporary), cross-disciplinary, multimedia or community based; public art that is located in Council owned or operated facilities or on land owned or managed by Latrobe City Council, or owned by another public authority, with which the Latrobe City Council is able to successfully partner.

This policy does not apply to:

- Works which are purely commemorative in nature such as memorials and plaques. Such projects and proposals are considered in line with Latrobe City Council's *Plaques and Memorials on Public Infrastructure and Open Space Policy*; the exception to this is memorials which are required to demonstrate design merit, which will be considered by the Latrobe Regional Gallery Advisory Committee's Public Art Sub-Committee upon referral from the assessor of an application from the *Plaques and Memorials on Public Infrastructure and Open Space Policy*;
- Council's collecting institutions, such as the Latrobe Regional Gallery; and
- Non-commissioned or unauthorised art or design including: graffiti; street art; private art; community and political signage; or bequests other than those items covered by other legislation.

## 5. Public Art Policy

5.1 Latrobe City Council may support public art proposals or projects via:

- Commissions of permanent or temporary works of art;
- Engagement of artists as consultants for specialist advice or planning input;
- Engagement of artists as part of collaborative design teams for conceptual design input;
- Engagement of artists in collaborative community-based projects;
- Artist-in-residence projects which may result in public art works;
- Acceptance of selected gifts of art; or
- Approvals of public or ethereal art proposals or community art projects initiated by artists or artists supported by community organisations or corporate entities.

5.2 All proposals will be received by Council's Arts Director in the first instance, prior to referral to the Latrobe Regional Gallery Advisory Committee's Public Art Panel.

- 5.3 Public art proposals will be made via the *Latrobe City Council Public Art Application Process* (Appendix One)
- 5.4 Public art proposals will be considered by the Latrobe Regional Gallery Advisory Committee's Public Art Panel. The Panel will recommend its approval or rejection of the proposal to the LRG Advisory Committee. The Committee will then approve or reject the Panel's recommendation, with recommended proposals being referred to the next scheduled Meeting of Council for its determination.
- 5.5 Public art proposals will be assessed on merit by the Latrobe Regional Gallery Advisory Committee's Public Art Panel against a set of selection criteria (Clause 5.7) and technical considerations (Clause 5.8). If approved, public art installations will be entered into a Public Art Register, which shall record all details pertaining to the work.
- 5.6 Latrobe Regional Gallery Advisory Committee's Public Art Panel will be bound by Terms of Reference adopted by Council.
- 5.7 Public art projects must meet the following criteria:
- a. Enhance the location in which the artwork is to be sited, and enriching its context;
  - b. Be appropriate and suitable to its site, in scale and impact on amenity and other uses;
  - c. Be of high quality in design, materials and finishes;
  - d. Present innovative, fresh, creative and original ideas;
  - e. Inspire, provoke reflection, arouse curiosity, enrich and/or engage the public;
  - f. Promote high artistic standards and be relevant to the art of our times; and
  - g. For permanent installations, have demonstrated local support as established through a community engagement process.
- 5.8 Assessment of public art projects will also include the following technical considerations:
- a. Has the installation process for the work been carefully considered in relation to technical feasibility, cost and public safety?
  - b. Is the artwork safe, durable, practical, robust and vandal resistant to a reasonable degree?
  - c. Is there a detailed plan for maintenance including annualised costs?
  - d. Is there agreement on terms and conditions for removal, relocation, decommissioning and/or disposal?

- 5.9 Council supports the highest standards in public art and will work with artists from any geographical region. However, as part of Council’s cultural commitment to the Latrobe City community, Council strongly supports the development of local artists and locally produced artwork. As such, Council encourages public art submissions from both local and non-local artists.
- 5.10 Non-commissioned public art projects in any form or style created or installed without Council’s approval may be deemed as unwanted graffiti and be removed accordingly.
- 5.11 Council is not obliged to automatically accept a gift or donation of public art. However, should donations and gifts of existing artworks be offered and accepted, they must:
- a. Meet the guidelines of the Public Art Policy and other Council policies as appropriate;
  - b. Be approved by the Latrobe Regional Gallery Advisory Committee’s Public Art Sub-Committee;
  - c. Evidence a clear provenance, unencumbered by copyright claims and any legal challenges to ownership;
  - d. Confirm a suitable location, mutually agreed to, in writing; and
  - e. Meet the criteria outlined in Clauses 5.7 and 5.8 above.
- 5.12 Council acknowledges the moral rights of the artist and the copyright of the work, which remains the property of the artist. Prior to any attempt at removal, relocation and/or decommissioning, Latrobe City Council will take all reasonable steps to contact the artist (and/or the artist’s estate or artist-team) to discuss the matter under consideration and reach a mutually agreed outcome.

## 6. Accountability and Responsibility

Accountability and responsibility for this policy is as outlined below.

### 6.1. Council

- Responsibility to ensure this Policy is consistent with Latrobe City Council Strategic Direction and other Latrobe City Council Policies
- Responsibility for the decision to approve this Policy by Council Resolution
- Responsibility to have a final determination on recommendations of the advisory committee.

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- Provides the guidelines on which the Public Art Operational Policy is based.
- Provides adequate budgetary provision for the maintenance of the Policy and program delivery.

## 6.2. Chief Executive Officer

- Overall responsibility for compliance with this policy
- Overall responsibility for enforcing accountability
- Overall responsibility for providing resources
- Overall responsibility for performance monitoring

## 6.3. General Manager City Development

- Responsibility for compliance with this policy
- Responsibility for enforcing accountability
- Responsibility for providing resources
- Responsibility for performance monitoring
- Responsibility for ensuring Council's assets and operations, together with liability risks to the public, are adequately protected through appropriate risk financing, loss control programs and measures.

## 6.4. Manager Arts and Events/Arts Director

- Develop frameworks and procedures in compliance with this policy
- Enforce responsibilities to achieve compliance with frameworks and procedures
- Provide appropriate resources for the execution of the frameworks and procedures

## 6.5. Employees and Contractors

- Participate where required in the development of frameworks and procedures in compliance with this policy.
- Comply with frameworks and procedures developed to achieve compliance with this policy.
- Work with other divisions of Council to achieve a coordinated whole of organisation approach to the delivery of this policy.
- Report any hazards or incidents involving public art as soon as they are detected to their manager, supervisor or contract manager.

## 7. Evaluation and Review

This policy will be reviewed on request of Council, in the event of significant changes to legislation applicable to the subject matter of the policy or, in any other case, during each Council term (four-year cycle).

## 8. Definitions

### Artist

An artist is a person:

- Who is involved in the creation of art as their profession (i.e. a professional artist);
- Who has had specialist art training within their field (not necessarily in an academic institution);
- With high level interpretive, conceptualising and creative skills that result in the creation of artworks of a professional standard; and/or
- Who has demonstrated their professional standing through previous exhibitions and commissions and is considered to be an artist by their peers.

An artist can also include a student of art (not yet a professional artist) who creates work under the direction of an artist as defined above.

### Community Art

A collaboration between professional artists and non-professional artists, often dealing with social issues, community-building initiatives, or as a form of community consultation.

### Public Art

A permanent or temporary work of art or art based activity or project, in the public realm. In general, public art is sited on public land and has been commissioned by, purchased by or is owned by a public authority. Public art is a visual arts work that results from the involvement of an artist, as defined in this policy.

### Ephemeral Art

Artwork of an impermanent and transient nature, utilizing temporary platforms. Examples include projections, chalk drawings, temporary installations, ice/sand sculptures, and performance art.

## 9. Reference Resources

- Latrobe City Council Arts Strategy 2016-2021.
- Latrobe City Council Economic Development Strategy 2016-2020.
- Copyright Act 1968.
- Moral Rights Legislation 2000.



- National Association for the Visual Arts (NAVA) Code of Practise for the Australian Visual Arts and Crafts Sector 2004.

## 10. Appendices

APPENDIX ONE: *Latrobe City Council Public Art Application Processes*

APPENDIX TWO: *Latrobe Regional Gallery Advisory Committee Terms of Reference*

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**APPENDIX ONE:**

**LATROBE CITY COUNCIL PUBLIC ART APPLICATION PROCESSES**

**Consideration of Proposals**

The Public Art Panel of the Latrobe Regional Gallery Advisory Committee will consider and evaluate:

- All temporary public arts projects from unsolicited and commissioned sources; and
- All permanent public art works from unsolicited and commissioned sources.

The Panel shall comprise Council’s Manager Arts and Events, Council’s Arts Director or Senior Curator of the Latrobe Regional Gallery, one Councillor and one other LRG Advisory Committee member. Membership of the Panel is not fixed and may be rotated as required.

If so desired, the Panel may co-opt additional expertise, to assist in its decision making processes, such as highly credentialed art experts or relevant productions specialists in the areas of material and structural engineering.

The Public Art Panel will:

- Consider the proposal in accordance with the criteria outlined;
- Seek further information from the artist(s) as required;
- Recommend approval or rejection of the proposal to the LRG Advisory Committee.

The Committee will then approve or reject the Panel’s recommendation, with recommended proposals being referred to the next scheduled Meeting of Council for its determination.

**Unsolicited (Non-commissioned) Proposals**

All unsolicited (i.e. non-commissioned work) proposals must be submitted as follows:

- All material must be submitted via email in digital format;
- Maximum file size of total submission: 5 GB

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- Static works: Attach PDF files and Jpeg images only
- Video and Performance works: Attach URL's, links to YouTube or Vimeo etc.

*Submitted materials CANNOT be returned.*

Required submission material should include:

1. Portfolio of the artist work in Jpeg format containing 8 to 12 works.
  - a. Works must be by the artist/collective making the submission
  - b. Insert submitted images into a PDF with credits (PREFERRED), OR submit single jpegs with an image list
  - c. Credits: Works must be dated, with title, medium, dimensions and artist name.
2. Curriculum Vitae, 2 pages maximum; a simple (text only) layout is sufficient.
3. Proposed Location:
  - a. Provide site description, such as a plan and map
  - b. Where private property is likely to be affected or involved, a signed letter of consent from the owner or their agent, is required
4. Description of work:
  - a. Proposed schematics of the intended works. URL's are acceptable.
  - b. A maximum of three pages with:
    - Concept brief
    - Notes on materials and design
    - Install and maintenance logistics (as relevant)
5. Budget for the production and install of the intended work.
6. Funding sources for this budget.
  - a. Unsolicited proposals must have full confirmed funding and in-kind support, for all parts of the proposed project.
  - b. Council cash and in-kind support, in whole or part, cannot be assumed
7. For temporary works, the intended duration.
8. For permanent works, evidence of local community support for the installation, as garnered through a valid local community engagement process. Note: Council may undertake a second community engagement process itself if the evidence provided is not considered substantive.
9. Evidence of public liability insurance, or an indication of intent to obtain such. Note: Artist can contact The NAVA (National Association for the Visual Arts) which provides affordable professional grade public liability insurance, specifically for artists (current at January 2018)

## **Process for Commissioned Works**

At Council's discretion, Council may commission significant public art works for specific locations or sites, which are owned by Council and/or fall under the conditions as described in Section 4 of the Policy (Scope).

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Council shall advertise the commission in relevant art industry platforms, including local and national outlets. Each commissioning process shall entail the following multi-step process:

**Step One:** An Expression of Interest call-out (EOI)

The EOI shall provide relevant information to prospective applicants, including:

1. Designated location for proposed art work, with plans and elevations of the site and short contextual and historical information on the site.
2. A time-line for all three steps, as listed above.
3. Where relevant, details on media. In most cases utilization of media would not be prescribed, although there may be exceptions. By way of example, if the EOI is a call-out for screen based public artworks only, then that would be stated.
4. A list of items to be submitted for application to the EOI process. Council may or may not include the number of artists for shortlisting, depending on the commission.
5. A total budget for the EOI process, including the amount payable to the shortlisted artist, with details of any expectations for on-site consultation, attendance at any meetings and other outlays.
6. A total budget for the selected accepted proposal, inclusive of:
  - a. Artist fees
  - b. Art work production, delivery and install
  - c. All project management costs
  - d. All engineering and surveys, necessary for structural integrity of the work in location and in respect of all OH&S matters
  - e. All contractual and insurance elements

**Step Two:** A selection process in two parts - EOI short listing and final selection.

Decision making for commissioned works shall be referred to the Public Art Panel. If so desired, the Panel may co-opt additional expertise, to assist in its decision making processes, such as highly credentialed art experts or relevant productions specialists in the areas of material and structural engineering.

EOI short listing: The Public Art Panel's initial selection of shortlisted artists from the EOI shall be discussed with the LRG Advisory Committee, which shall provide guidance and advice to the Panel.

Final Selection: The Public Art Panel's selected artist (artist team) shall be communicated to the LRG Advisory Committee, which shall refer its advice and recommendations on to Council.

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### **Step Three: Production Start and Completion.**

Council shall work with the commissioned artist (or artist team) and co-manage the project, with the selected artist (or artist team). Contracts shall stipulate allocation of tasks, time-lines and actions.

To ensure maximum relevance into the future - given the wide range of production possibilities, budgetary options and diversity of site contexts, art media and commissioning scale - Council shall

- Engage specialists as relevant.
- Dedicate resources to collaborate, as necessary and relevant, with the commissioned artist (artist team) regarding site-relevant logistical matters.
- Council shall work with the artist in good faith, respecting the decision of the selection committee. Council shall not alter the aesthetic and design details, of the selected commission, without agreement by the artist.
- The copyright for the commissioned public art work shall reside with the artist(s).

### **Decision**

The decision of the Council on all public art installations will be communicated to the applicant(s), following the Council meeting at which the matter was determined.

Once approved, details of the installation shall be recorded in a Public Art Register, which shall record all relevant details pertaining to the work.

**APPENDIX TWO:**

**LATROBE REGIONAL GALLERY ADVISORY COMMITTEE**  
**TERMS OF REFERENCE**

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