



Council Policy Manual

CP 1.5 Public Art

POLICY OBJECTIVE

The Public Art Policy supports the implementation and realisation of the City of Perth’s strategic vision for public art, as set out in the City of Perth Public Art Strategy. Ensuring that “public art will showcase Perth’s unique identity, diverse community and cultural heritage, and encourage residents and visitors alike to explore and realise new ideas in our exciting urban landscape”.

POLICY STATEMENT

1. PURPOSE

This policy supports the development and delivery of high quality public art, whether enduring, temporary or ephemeral, and informs the sustainable management of the valuable cultural assets in City’s Public Art Collection for the community present and future.

2. POLICY FRAMEWORK

The Public Art Policy guides all aspects of the management of the City of Perth’s Public Art projects, programs and services in alignment with the City of Perth Public Art Strategy, which is an informing strategy within the City’s Integrated Planning and Reporting Framework.

The Public Art Policy is informed by *Policy 18.1 - Arts and Culture*.

The approval of memorials and monuments for accession into the City’s Public Art Collection is governed by *Policy 1.6 - Commemorative Works* in parallel with the Public Art Policy.

3. SCOPE

The Public Art Policy guides the delivery of all City of Perth public art projects and programs – with enduring, temporary or ephemeral outcomes – and should also inform projects and programs delivered by others within the City of Perth’s boundaries.

3.1 Definitions

3.1.1 Public Art

- a. Public Art is an enduring, temporary or ephemeral work of art, created by an artist that has been commissioned or acquired specifically to be made accessible within the public realm.
- b. For the purposes of this policy, Public Art does not include:



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- busking, art markets, pop-up galleries;
- community arts programs;
- commercial promotions in any form including business logos or brands;
- directional/way-finding elements such as super-graphics, signage or colour coding;
- objects that are mass-produced or reproduced;
- most art reproductions; or,
- services or utilities necessary to operate or maintain artworks.

3.1.2 Artist

- a. It is acknowledged that the term ‘artist’ is self-referencing. For the purposes of this policy Artists are expected to be able to meet at least two of the following criteria:
- A person who has completed a university degree or a diploma in a relevant arts field (ie visual arts, multi-media, fine arts) as appropriate to the public art commission brief;
 - A person who evidences the sale of their artwork through one or more reputable art galleries whose primary business is dealing in the works of professional Artists;
 - A person who has had works of art purchased by major public collections
 - A person who evidences their experience in implementing successful Public Art projects; or,
 - A person who earns the majority of their income from arts-related activities, including; teaching, selling artwork, or undertaking Public Art commissions.

3.1.3 Emerging Artist

- a. Artists applying for Public Art opportunities targeted at Emerging Artists will be required to demonstrate that they are not yet well established in their field of art practice, and provide evidence in their submissions that they are actively seeking to develop their practice artistically and professionally through at least two of the following avenues:
- training and education in areas relevant to their creative practice (not limited to academic training);
 - developing an independent body of high quality creative work; or,
 - exhibiting work or delivering other public outcomes from their creative practice.
- b. The City of Perth reserves the right to determine whether applicants have adequately demonstrated their status as an Emerging Artist for the purposes of



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eligibility. In making an assessment, the City may consider the following amongst indicators of artists' levels of establishment:

- Representation by a commercial gallery;
- Employment in a studio teaching role in a tertiary educational institution;
- Regular employment as an artist in other contexts (e.g. community arts);
- Representation in key collections, public or private;
- Curatorial selection/invitation for key exhibitions not specifically targeted at young and emerging artists;
- Awards, grants and other forms of recognition not specifically targeted at young and emerging artists; or,
- Large budget and/or multiple public art commissions - especially enduring public art.

4. PRINCIPLES

The following guiding principles apply to Public Art in the City of Perth.

Public art will:

- 4.1 Acknowledge all Western Australians as stakeholders in the capital city community and the City will work in partnership and collaboration to deliver public art that creates a sense of ownership, identity and pride in the city.
- 4.2 Engage and include the City of Perth's diverse community, irrespective of age, ability, social or cultural background.
- 4.3 Acknowledge and celebrate Aboriginal culture, storytelling and traditions, in consultation with our Aboriginal community.
- 4.4 Uphold artistic freedom and encourage commentary and debate as a sign of a healthy and engaged community.
- 4.5 Contribute to creating an internationally recognisable identity, attracting visitors to the city and delivering both direct and indirect economic benefits.
- 4.6 Showcase the best of contemporary Western Australian, Australian and international art, encouraging new ideas and the application of new technologies and approaches, delivering public art of the highest aesthetic and fabrication standards.



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4.7 Be preserved and promoted as a valuable resource for the community and managed and developed sustainably and responsibly in accordance with the City's asset management policies and industry standards.

5. RESOURCING

The City of Perth will resource public art through:

5.1 Budgeted Operational Funds

An annual allocation providing Operational funds for;

- a. staffing and administration costs associated with the City's public art;
- b. development and implementation of non-capital Public Art projects, programs and services; and,
- c. collection management (including scheduled inspections, audits, valuations, research, maintenance, preservation, storage, interpretation, display, promotion and access).

5.2 Budgeted Capital Funds

Capital Funds allocated for enduring Public Art projects, identified for delivery in alignment with the City's Public Art Strategy and other strategic plans.

5.3 Public Art Reserve Account

Allows for the accumulation of funds providing financial capacity to deliver major public art projects as identified in the City's Public Art Strategy and Master Plan. The Public Art Reserve Account is funded through:

- a. an annual budget allocation;
- b. contributions in lieu of public art projects associated with any Percent for Art schemes that the City may implement; or,
- c. monetary donations, gifts and bequests.

5.4 Partnership and Collaboration

Where there is opportunity and it is appropriate the City of Perth will work collaboratively and in partnership with individuals, community groups, other agencies and corporations to achieve world-class public art that is characterised by excellence and innovation.



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6. ROLES AND RESPONSIBILITIES

- 6.1 Responsibility for the Public Art Policy and the Public Art Collection rests with the Arts, Culture and Heritage Unit.
- 6.2 Other business units within the City of Perth may initiate and deliver public art outcomes in consultation with the Public Art Program Coordinator to ensure alignment with the City of Perth Public Art Strategy and policies and procedures relevant to public art.
- 6.3 Management and delivery of public art is guided and assisted by the expert advice of professionals who are members of the following panels/groups established by the City:
 - Public Art Advisory Panel
 - Public Art Working Group
 - Aboriginal Reference Group
- 6.4 The advice of these panels/groups on public art programs, projects and selected Artists, curators and consultants will be reported to Council, as appropriate, to inform the City's decision making.

7. CRITERIA

Decisions about the delivery and management of works of art in the City of Perth's public realm will be made on the basis of the following criteria, ensuring:

- i. consistency with the principles set out in the City of Perth Public Art Policy.
- ii. alignment with the objectives set out in the City's Public Art Strategy, and other relevant strategic, program, and project plans and frameworks.
- iii. commissioned public art addresses the requirements of the relevant briefs.
- iv. compliance with all relevant codes and regulations applicable to works in the public realm and the site and intended use of the work.
- v. artistic excellence, as befits work displayed in a capital city and as defined by the advice of a Public Art Advisory Panel.
- vi. quality fabrication, physical integrity and durability appropriate to the work's intended lifespan to minimise maintenance or conservation requirements.
- vii. inclusive display to a diverse audience without hindrance to public access or safety, and, where relevant, without breaching the creator's moral rights.
- viii. relevance and appropriateness to site, the City of Perth and its community of residents, businesses and visitors.
- ix. sustainable outcomes, considering immediate and future costs, including costs associated with any impacts on the site or its management.
- x. authentic and original works of ethical provenance.



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8. PROCUREMENT AND ACQUISITIONS

8.1 Procurement for public art projects and programs will be in alignment with the City's procurement processes and policies. Artists and public art consultants and curators, where appropriate, shall be engaged by the City for public art projects.

8.2 All acquisitions and selection of artworks for City of Perth projects, programs and services will be in alignment with the Criteria set out at 7 and will be informed by the advice of a Public Art Advisory Panel.

8.3 Acquisition and Procurement Methods

8.3.1 Commission

The commissioning of site specific Public Art shall be the primary method of procurement for new works of Public Art. Commissioning methodologies shall be guided by the advice of a Public Art Advisory Panel on industry best practice, and suitability for the project in question.

The selection of public art for commissioning will involve the evaluation of competing creative submissions that respond to a site-specific brief.

8.3.2 Purchase

The Public Art Advisory Panel shall consider any reasonable proposal for the direct purchase of an existing work of Public Art, in accordance with the acquisition criteria and the City of Perth *Policy 9.7 - Purchasing*.

On the advice of the Public Art Advisory Panel, direct purchase of a work of public art may be recommended for consideration by Council.

8.3.3 Contributed Public Art Assets

Unsolicited gifts, donations or contributions of Public Art assets, whether existing or commissioned, are not accepted by the City of Perth. Where an external party, private or public entity, wishes to initiate a Public Art commission or acquisition that is intended to become an asset contributed to the City of Perth, a preliminary proposal may be presented for the City's consideration.

In addition to the criteria set out at 7, proposals for new memorials and monuments shall also be assessed in accordance with *Policy 1.6 - Commemorative Works* and *Policy 9.12 - Contributed Assets Policy* and in consultation with the Public Art Advisory Panel.



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8.4 Acceptance of Assets

8.4.1 Ownership, care and responsibility for any art asset in the public realm is only to be accepted by the City of Perth when the work complies with the criteria detailed in section 7.

8.4.2 The Western Australian Government, Metropolitan Redevelopment Authority, other government entities or private developers may plan to include Public Art in their developments and intend for these to become contributed assets, transferred to the City's care and control. The City will only accept these assets when the developer has:

- obtained the City's prior, in principle acceptance of the assets; and,
- invited and facilitated the participation of a representative from the City with expertise in Public Art, as an observer and advisor, with visibility and input at all key stages of the planning, development, commissioning and delivery of the assets.

8.4.3 To fulfil the requirements of ownership and responsibility for art assets in the public realm, the suppliers of these assets must provide the City of Perth City with all necessary information, documentation and materials required to:

- meet the City's Asset Management requirements;
- populate the City's Public Art Database;
- demonstrate compliance with all relevant regulations and legislation; and,
- make effective any special agreements required to transfer ownership and maintain the work.

9. TYPES OF PUBLIC ART AND ART ASSETS IN THE PUBLIC REALM

Works of art in the City of Perth's public realm are managed on the basis of their status as assets and the asset class to which they have been assigned, usually at the point of acquisition. Not all works of art in the public realm are considered to be assets of the City, and some are managed as temporary and ephemeral works with a limited life span.

9.1 Temporary Public Art

Temporary works of Public Art are installed and then removed from site after a predetermined period, with no lasting physical impacts on the site. Temporary works are expected to require no maintenance or management, or that any required maintenance/management will be carried out by the artist as an integral part of the City's contract with the artist.

9.2 Ephemeral Public Art

Ephemeral works are temporary works typically delivered as a one-off event or performance with no lasting presence on site, or are works that embrace their own natural dissipation or deterioration whilst they remain on site.



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9.3 Murals (Temporary) and Street Art

Most murals and all works of street art are considered to be works of temporary public art and are not considered assets. Murals and Street Art commissioned by the City of Perth and other entities will be protected by suitable anti-graffiti coatings at the cost of the commissioner to facilitate the management of subsequent graffiti damage. Additional investment in the maintenance of temporary murals and street art will be made only in exceptional circumstances and entirely at the City's discretion.

9.4 Placemaking Elements

Placemaking Elements are assets that are integrated aesthetic or cultural features of the landscape or built environment, and some (but not all) are the work of professional artists, as defined above at 3.1.2. Integrated works of art are those that form an inextricable part of the fabric of the building or landscape, and/or are site specific to the extent that the work's significance would be compromised in isolation from its site. Integrated works of art may be classified as Placemaking Elements at the point of commission/acquisition without diminishing their status as works of art, in recognition that that such works are wholly dependent on the life and care of the buildings or landscape into which they are integrated. These assets are managed in a number of ways by the City's operational units with relevant expertise, as is deemed most appropriate to the site and the work, giving priority to overall service delivery at the site as a whole.

9.5 Memorials and Monuments

Memorials and monuments are works that perform a commemorative function for the community and have been approved in accordance with the *Policy 1.6 - Commemorative Works*. These assets are commissioned and funded wholly by the applicants, and become contributed assets when approved and accepted for accession into the City of Perth's Public Art Collection for their long term care and maintenance.

9.6 Enduring Public Art

Enduring Public Art assets are long lasting works of Public Art commissioned from professional Artists for sites in the public realm in alignment with the definitions and criteria set out in the City's Public Art Strategy and policies. Enduring Public Art assets are accessioned into the Public Art Collection for their long term care and maintenance.

10. ASSET MANAGEMENT

Assets accessioned into the City of Perth's Public Art Collection, and Placemaking Elements where applicable, shall be managed and maintained in accordance with relevant industry standards for the care of items of cultural significance and *Policy 9.12- Asset Management*.



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11. PUBLIC ART COLLECTION

The City of Perth has a collection of major, historic and contemporary works of Public Art, memorials and monuments, commissioned or acquired by the City specifically for public sites in Perth. Within the City's boundaries there are also privately owned and managed works of Public Art and memorials and monuments. The City of Perth's Public Art Collection includes only Public Art assets owned by the City.

11.1 Accession

All items accepted for acquisition into the City of Perth's Public Art Collection shall be accessioned. This process shall be documented and objects registered on the relevant Asset Register and collection databases, with full acquisition, provenance and catalogue information. These records shall be retained by the City in perpetuity.

11.2 Deaccession

11.2.1 De-accessioning is the process whereby works are permanently removed from a collection. Assets in the Public Art Collection must meet one or more of the following criteria to be considered for de-accession:

- i. The item has met one the disposal criteria identified in Section 5 of *Policy 9.14 - Disposal of Assets*.
- ii. It no longer meets the Criteria set out in section 7.
- iii. It is a duplicate or reproduction that serves no specific function;
- iv. The City can no longer adequately and sustainably care and maintain the item through the allocation of resources commensurate with the item's current value and artistic, cultural, social, or historical merit;
- v. It has been integrated into the fabric of a building, street or park, which is subject to redevelopment and where it is not salvageable;
- vi. It has no provenance, cannot be displayed, and is not suitable for research.
- vii. The City has been ordered to return to the item to its rightful owner by a court of law or the City recognises that it is not the rightful owner and has identified the rightful owner.

11.2.2 A recommendation to de-accession an item from the Public Art Collection may be made to Council for consideration on the advice of the Public Art Advisory Panel.

11.2.3 As items in the Public Art Collection are generally highly visible and enduring features of the City's public spaces, the City of Perth may invite public comment on its intention to de-accession in order to better gauge all dimensions of the value and significance of the work.

11.2.4 Where de-accession of an item in the Public Art Collection is requested to facilitate development or the requirements of an external entity, and is approved by the Council, the



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applicant will be required to reimburse any costs incurred by the City for the de-accession and disposal of the asset.

11.3 Disposal

11.3.1 De-accessioned items shall be disposed of in accordance with *Policy 9.14 - Disposal of Property*. De-accession records relevant to collection management shall be retained by the City in perpetuity.

11.3.2 Collection items approved for disposal, which are no longer serviceable will be dismantled and disposed of in a professionally responsible, ethical and sustainable manner.

11.3.3 Where any item of Public Art is approved for deaccession and/or disposal and it can be removed from site, the City will make all reasonable effort to provide the artist or the artist's estate with the first option to make arrangements to take possession of the work within a reasonable time frame, on terms agreed with the City of Perth and consistent with the City's policies.

11.4 Re-locating Public Art

The City may determine to relocate Public Art where the work's condition is sustainable and the current location of the work of Public Art is either no longer viable or suitable. Public Art shall be relocated by suitably qualified persons as directed by the City of Perth at the cost of the requesting body.

11.5 Storage

Collection items removed from site, but not deaccessioned shall be stored securely in a location that will not put the item at risk of damage or accelerated deterioration. The movements and locations of all works not on site will be clearly documented.

11.6 Conservation and Preservation

The City shall apply a high standard of care for its Public Art Collection to promote its long-term preservation for future generations. The City shall employ preventive conservation practices to the extent practicable. Only professionally trained staff and contractors shall handle and manage the conservation and preservation of works in the Public Art Collection.

12. STANDARDS OF PRESENTATION

12.1 Public Art delivered by the City shall be displayed and interpretative material provided to a standard informed by relevant museum best practice.



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12.2 Public Art projects and programs shall be documented and, where possible and appropriate, a quality catalogue or other informational materials shall be produced and disseminated in relation to the project or program.

12.3 Works of Public Art will be attributed with the following information at the site of any work of Public Art: creator's name; title of the work; date of the work; medium; and, the name of the donor or credit to the source of the work.

13. LIFE SPAN OF PUBLIC ART

13.1 The life span and the City's commitments to the maintenance of any work of Public Art will be established at the point of acquisition or commission by written agreement between the City of Perth and the Artist/s.

13.2 The City of Perth will work to ensure that Public Art is maintained in good condition, appropriate for public display, throughout the agreed lifespan of the work.

13.3 At the end of the agreed life of a work of Public Art, the City of Perth may dispose of the artwork in accordance with relevant legislation and City policies, or may review the work and make a determination on a sustainable extension of the life of the work.

13.4 Irrespective of whether a work has reached the end of its life, the City of Perth is not obliged to maintain or conserve any of its works of Public Art where they:

- have been irreversibly compromised by their physical condition or by changes to their environment; or,
- represent an obstacle or risk to people or the intended use of the site.

14. RIGHTS AND OBLIGATIONS

14.1 During exhibition and display, and in subsequent management of the work and related materials, the City will observe and work to protect the creator's moral rights in accordance with the Copyright Amendment (Moral Rights) Act 2000.

14.2 The use and reproduction of works of Public Art, or images of works of public art for display, exhibition and publication shall be in accordance with contractual arrangements established with the Artist and all relevant laws governing copyright and intellectual property.

14.3 The City's non-exclusive license to copy or reproduce Public Art through photography or other means for any purpose is subject to the approval by Public Art Officers to ensure the quality of reproduction and to uphold any commitments made by the City in agreements with Artists, creators, donors or copyright holders in respect to the Copyright Act (Commonwealth) 1968.



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14.4 The City is not authorised to grant permission to a third party to reproduce works of art or an image of works of Public Art for commercial purposes or any other purpose that is not covered by Fair Dealing as defined by the Australian Copyright Council.

Document Control Box							
Document Responsibilities:							
Custodian:	Economic Development and Activation			Custodian Unit:	Arts, Culture and Heritage		
Decision Maker:	Council						
Compliance Requirements:							
Legislation:	Local Government Act 1995 Copyright Act (Commonwealth) 1968 Copyright Amendment (Moral Rights) Act 2000						
Industry:	National Standards for Australian Museums and Galleries, Relevant Standards, Codes and Regulations for Design and Construction and the Public Realm						
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