

Public Art Policy

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Responsible Officer	Manager Community Wellbeing	Date Approved:	21/04/2021
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Author:	Manager Community Wellbeing	Commencement:	21/04/2021

1. PURPOSE

To provide direction and consistency for the procurement, commissioning, maintenance and de-commissioning of public art in the Mareeba Shire area.

The Public Art Policy provides a framework of objectives and principles that express Council's commitment to the vital role of art in the economic sustainability and liveability of the Shire.

This policy applies across Council and serves as a guide for:

- Public art purchased / commissioned and implemented by Council;
- Public art purchased / commissioned and implemented by private enterprises, community groups and other third parties in partnership with Council or located on Council owned land and facilities.

2. SCOPE

This policy is relevant to both permanent and temporary art work that is located in the public domain, including outdoor spaces such as parks, streets, building walls, town squares and publicly accessible indoor spaces such as schools, shopping centres, halls, recreation and cultural facilities.

The Public Art Policy excludes war memorials and work that is part of a museum, gallery or corporate collection. It also excludes functional or decorative details that form streetscape infrastructure e.g. bollards, directional signage, decorative tiles, seating.

3. POLICY STATEMENT

3.1 Context

Public art is a highly visible and accessible art form and plays an important role in contributing to the cultural vibrancy of a community and increasing economic development through cultural tourism and employment opportunities. The benefits of public art are wide ranging; it can create spaces that encourage pride and sense of belonging, encourage awareness and expression, provide opportunities for community participation and engagement and offer insight into regional identity.

3.2 Objectives

The objectives of the policy are to:

- Enhance the visual appeal of new and existing public spaces and facilities to improve the liveability and amenity of the Shire;
- Support the development of the local arts and cultural sector by supporting and showcasing the talents of local artists and creative industry workers;
- Promote the Shire's unique local character, culture, heritage and natural environment to create a distinctive sense of place for visitors and residents.
- Facilitate partnerships with community groups and private enterprise that enhance economic development and provide opportunities for community engagement and activities that promote wellbeing.
- Provide a consistent approach to procurement and management of public art for Council and the broader community.

3.3 Implementation and Resourcing

The allocation of funding to public art demonstrates Council's commitment to the arts and enables leveraging of further support through external grant funding or private sector contributions. Public art projects may be implemented and resourced through a combination of means, as outlined below:

- Commissioned and implemented by Council, with Council held funds and located on Council land or facilities or on privately owned land or facilities.
- Commissioned and implemented by third parties (e.g. private business, community group, not for profit community service), with financial support from Council and located on Council owned land or facilities or on privately owned land or facilities.
- Commissioned and implemented or donated by third parties, with no financial support from Council but located on Council owned land or facilities.

3.4 Procurement Processes

Procurement of public art will be in accordance with the Council's Procurement Policy.

Public art may be purchased or commissioned by Council via one the following methods:

- Direct procurement of a particular work or direct commissioning of a particular artist;
- Limited invitation approach (via a Request for Quotation or Tender), where specific artists are invited to submit a written artwork proposal in response to a commission brief;
- Open advertisement approach, where the commission brief is advertised widely (via a Request for Quotation or Tender) and artists are invited to submit a written artwork proposal, short listed artists are then invited to submit a detailed concept design for a fee and the preferred artist is selected.

3.5 Public Art Criteria

The following criteria may be considered when purchasing, commissioning, funding and approving public artwork:

- unique and original designs of high quality;
- suitability of work to the site;
- relevance to local community identity;
- showcase diversity and encourage inclusivity;

- high durability and low maintenance;
- adequate budget and resources to deliver project;
- cultural tourism and economic or social benefits;
- consistency with Council's current planning, heritage, environmental and social policies.

3.6 Maintenance

Unless otherwise agreed with an artist or a third party, Council will be responsible for the cleaning, maintenance, repairs and removal of all public art commissioned by Council or donated to Council and located on Council owned land and facilities. Specific arrangements for the maintenance of public art located on Council-owned land and facilities but commissioned and implemented by third parties will apply. Where public art is located on privately owned land and facilities, the building or landowner is responsible for cleaning, maintenance, repairs and removal of the artwork.

3.7 Intellectual Property

Council will not be responsible for taking any steps to preserve or protect an artist's intellectual property or moral rights in any work, including but not limited to ensuring third parties do not infringe an artist's intellectual property or moral rights in any work.

3.8 De-commissioning of Public Art

Public art works can have a limited life span and Council reserves the right to remove (including relocation, sale, storage, donation or destruction) art works (located on Council land and facilities) from public display in accordance with Council's requirements, including in the following situations:

- Deterioration in condition or damage to the art work that results in: a public safety risk, the art work is irreparable, the reputation of the artist is at risk, the cost of repair is excessive in relation the original cost of the work, the cost of ongoing maintenance is prohibitive;
- When the artwork has exceeded its intended lifespan;
- Significant negative community opinion or response towards the art work;
- The artwork no longer meets functional or aesthetic requirements of the site;
- Site redevelopment impacts on the integrity of the artwork.

Council will endeavour to make reasonable efforts to contact and consult with the artist if their work is to be de-commissioned, unless Council considers it is appropriate to immediately de-commission the work.

4. REPORTING

No additional reporting is required

5. DEFINITIONS

Copyright - a form of legal protection that provides an artist with the exclusive right to use and capitalise on their work and prevent others from using it without permission.

Intellectual Property - refers to unique creations of the mind such as inventions, literary and artistic works and designs which can be protected under copyright law.

Public Art - Public art can be defined as both permanent and temporary artistic works or activities located in a public space or facility.

6. RELATED DOCUMENTS

- *Copyright Act 1968 (Cth)*
- *Copyright Amendment (Moral Rights) Act 2000 (Cth)*
- *Corporate Plan (MSC)*
- *Cultural Plan (MSC)*
- *Local Government Act 2009 (Qld)*
- *Procurement Policy (MSC)*
- *Regional Arts Development Fund Program Strategy (MSC)*

7. REVIEW

It is the responsibility of the Manager Community Wellbeing to monitor the adequacy of this policy and implement and approve appropriate changes. This policy will be formally reviewed every four (4) years or as required by Council.