

Public Art Policy

Introduction

To ensure that the Shire follows a consistent approach when considering any proposed public art projects.

Objective

The objectives of this policy are to:

- Continue to enhance cultural life, not only through supporting cultural activities and events but also via quality and meaningful public and community art that will enliven and provoke thought in public spaces;
- Acknowledge and celebrate the culture and history of the Shire through art;
- Encourage high quality art that supports local artists and emerging artists in the cultural industry;
- Meet the social and economic development objectives of the Shire's ISP documents in relation to the:
 - Development of places and spaces for recreation, learning, art and culture.
 - Development of arts, culture, heritage and environmental tourism.
 - Maintenance of open space for recreation and connection.

Scope

This policy applies to Members, and Shire Officers, involved in consideration and mobilisation of public art.

Definitions

Term	Definition
Act	<i>Local Government Act 1995.</i>
Art	Means "the product of practitioners who intend their work and activities to be seen and read as art. Art embraces material and immaterial products and concepts from the imaginative thinking of artists."
Artist	The term artist for the purpose of this policy is defined as a person who meets a minimum of two of the following criteria: <ul style="list-style-type: none"> (a) A person who has a bachelor's degree or Diploma in visual arts or any similar field; (b) A person who has a track record of exhibit their own original artwork at reputable art galleries that sell the work of professional artists;

Term	Definition
	<p>(c) A person who has had their own original artwork purchased by major public collections – e.g. the Art Gallery of Western Australia;</p> <p>(d) A person who earns more than 50% of their income from arts related activities, such as teaching, selling their own artwork or undertaking public art commissions.</p>
CEO	Chief Executive Officer
Community Art	Community Art is a collaboration between professional artists and non-professional artists, often around dealing with a social issue, community-building initiative, or as a form of community consultation.
Contentious Public Art	<p>People’s interpretation of art is influenced by their personal feelings, tastes, or opinions. While the Shire aims for public art to provoke thought and discussion, it aims to not offend. Proposals incorporating any of the following will not be supported:</p> <p>(a) Negative racial stereotypes;</p> <p>(b) Political messages;</p> <p>(c) Sexually provocative nudity;</p> <p>(d) Sexist; and</p> <p>(e) Discriminatory.</p> <p>Council will determine whether public art is contentious.</p>
Council	The local government, responsible for making decisions in formal meetings held under the auspices of Part 5 of the <i>Local Government Act 1995</i> and under the <i>Shire’s Standing Orders Local Law 2008</i> .
Emerging Artist	An artist who is at an early stage in their career, who has specialised training in the art form or who has created a modest body of artistic work.
Ephemeral Art	Ephemeral art is art that only lasts a short time. Some examples of ephemeral art are chalk drawings, ice sculptures, sand sculptures, projections and performance art.
ISP documents	<p>Means a combination of the Shire’s:</p> <p>(a) Asset Management Plans;</p> <p>(b) Strategic Community Plan;</p>

Term	Definition
	(c) Corporate Business Plan; and the (d) Workforce Plan.
Member	Means in relation to a council or committee, a Council Member in the Act; Elected Member; or Councillor; or a member of the committee.
Philosophy of art	Means the study of the nature of art, including concepts such as interpretation, representation and expression, and form; closely related to aesthetics, the philosophical study of beauty and taste. (ref. https://www.britannica.com/topic/philosophy-of-art)
Public Art	The product of artists, which is accessible to the public. The works may be located in a public or private space accessed by the public. An artist must be involved in the development of the public art and it must be identifiable as an artwork, so that the artwork has artistic value in its own right. Some examples include standalone sculptures, wall etchings, and painted walls that are read, or interpreted as art. This will not include simply coloured walls.
Public art commissions.	In art, a commission is the act of requesting the creation of a piece, often on behalf of another. Artwork may be commissioned by private individuals, by the government, or businesses. Commissions often resemble endorsement or sponsorship. Professional artists will be eligible to carry out public art commissions. Council reserves the right to be flexible and seek people other than professional artists to carry out artwork commissions. This may apply in instances when young, emerging (see definition) and indigenous artists or students may be considered.
Regulations	Local Government (Administration) Regulations 1996.
Shire	the Shire of Toodyay.
Shire Officer	Employee of the Local Government

Policy Statement

This policy supports the development and delivery of public art, whether enduring, temporary or ephemeral, and informs the sustainable management of public art for the community present and future. It facilitates the planning, commission and maintenance of public art activities in the Shire, ensuring that “public art will showcase Toodyay’s unique identity, community and cultural heritage, and encourage residents and visitors alike to explore in the Shire’s landscape”.

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Public Art

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1. Strategy

Funding for Public Art may be through:

1.1. Shire Contributions

The Shire of Toodyay will consider funding annually via the budgeting process to contribute towards public art.

Additionally, the Shire will routinely assess infrastructure expenditure around the town centre and recreation areas for their potential to include a public art component.

1.2. Donations

Public art may be gifted to or funded through cash and other philanthropic measures but will be subject to the public art assessment process involving consultation with the Shire of Toodyay and Council process.

1.3. Grant Funding

Where possible suitable grant funding applications will be undertaken.

1.4. Community and Ephemeral Art

The Shire is committed to supporting opportunities for public art projects and may make budgetary allocations and apply for funding from other funding sources for this purpose.

Groups or individuals wishing to progress public art projects in or on Shire assets (i.e. parks, or other Shire infrastructure) will need to make application to the Shire for approval.

Groups for individuals wishing to progress public art projects in or on other Public Infrastructure (e.g. Water Corporation water tanks, Western Power switchboards) must obtain permission from that Public Organisation prior to making application to the Shire.

Council shall assess all public art proposals.

2. Assessing Public Art Proposals

Assessment of Public Art proposals will be against the following criteria:

2.1. Public Safety

Proposals will be assessed for public safety hazards to ensure that public art will not pose risks to community safety, public or private property, or the environment.

2.2. If Commissioned by the Shire

The following considerations would be undertaken prior to an artist being commissioned to produce work for the Shire of Toodyay:

- Compliance with Expression of Interest requirements outlined in the Artwork Brief (if required);
- Confirm the quality of the artist's previous artwork and their approach to the philosophy of art - was it created by an artist (see definition) and does it have artistic merit including originality);

- Approach and philosophy of art; and
- Relevant experience.

2.3. If proposal is from Individual or Community Group

- Completion of Public Art Application;
- Completion of Development Application (if required);
- Quality of previous artwork. Was it created by an artist (see definition) and does it have artistic merit including originality); and
- Approach and philosophy of art.

A Public Art Advisory Group may be established by Council (as required) to assess Public Art projects. Council will make the final decision.

3. Insurance

The Shire shall value and insure Public artworks on Shire owned land. Public artworks on private land will be the responsibility of the landowner.

4. Installation and Maintenance

The Shire will be responsible for the ongoing care of public artworks that are not ephemeral.

Artists will be responsible for -

- (a) installation of the artworks and in the case of ephemeral art works, their removal and clean up;
- (b) writing a maintenance program (for non-ephemeral art works) and submitting that program to the Shire; and
- (c) Provision to the Shire of an estimate of yearly maintenance costs.

5. Copyright, legal title and ownership

The *Copyright Amendment (Moral Rights) Act 2000* protects the rights of the Artist and provides for all original artwork to be attributed to the Artist.

The ownership of the public artwork and copyright will be determined within the commission process, the contract and the land on which it is located. Unless otherwise agreed, the Artist retains copyright of the preliminary visual material work.

6. Documentation

The Shire will maintain a public art register.

7. De-accessioning and Disposal

Public art may be de-accessioned if it deteriorates to the point where it cannot not be maintained or where it no longer fulfils the objectives of the policy.

Where possible, the Shire shall consult with the artist responsible for the original work about the procedures for removal.

For public art located on public land, the Shire will cover the costs of deaccession and disposal. For public art on private land, the landowner will cover the costs.

Reference Information

- [Heritage Strategy](#)
- [Heritage Master Plan](#)

Legislation

- Copyright Amendment (moral rights) Act 2000
- Local Government Act 1995 (WA)

Associated documents

Nil.

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