1. Introduction

1.1 Introduction

Kingston City Council’s Public Art Policy provides direction for a public art program that revitalises public places and spaces through connections with our history, cultures, stories and diversity.


This Public Art Policy provides a clear framework to further develop the Kingston Civic Collection through:

- Formalising systems and structures for public art
- Providing a process for public art programming and commissions which will give established and emerging artists exciting and challenging opportunities to work

The outcomes of the Public Art Policy will increase liveability through advancing opportunities for participation and street life in the public domain; improve aesthetics in public places; enhance opportunities for local artists; increase understanding and interest in our diverse cultures, stories, histories and heritages through collaborative development with the community, developers, local businesses, state organisations and Council.

This policy does not cover historical/commemorative plaques and interpretive signs.

1.2 Why is Public Art important?

Public Art plays an important role in Placemaking as it responds to the historic, cultural, environmental, social and/or aesthetic character of a community and place. Public Art can help us understand who we are through our shared and diverse histories and stories. It has the capacity to create a sense of belonging, foster dialogue, encourage social interaction and revitalise public places and spaces.

Importantly, Public Art is freely available for us to see, touch, hear or even smell and it can surprise, educate and captivate us. This Public Art Policy provides a framework to ensure that the City of Kingston’s Public Art Program reflects and celebrates our diverse histories, stories, cultures and a sense of place.

1.3 Definitions

Public Art refers to art in any medium that has been planned and executed with the specific intention of being sited, performed or staged in the public domain. It may be a commissioned work by professional artist/s or a community inspired collaboration between an artist/s, multi disciplinary teams and members of a community.

There are three types of Public Art:

- **Emphemeral** (short term): any art form that is transitory, changing and exists for a brief time in the public domain. Ephemeral works may include expressions of art that bring life, fun and interest to public spaces and events such as pop up art, platform art, street art, multimedia, circus, puppetry, readings, performance, busking, music, new media and technologies.
Temporary (medium term): any work that has a limited life such as at a special event or less than 5 years. Temporary works may include expressions of art such as light and sound installation, land and environmental art, billboard art, community, vertical and water gardens, trompe d’oeil, stencil art, kinetic art.

Permanent (long term): any work that is permanently sited in the public domain; a definition of permanent in relation to this policy to be considered by the Kingston Public Art Panel. Permanent works may include expressions of art such as visual markers and entrance gateways, sculptures, memorials, building and architectural design elements, street and park furniture and functional forms, trompe d’oeil, sound and light installations, paving, kinetic art.

1.4 Approaches to Public Art

There are many approaches to Public Art, here are four common models:

Site Curated
Art sited in public spaces and informed by a specific and unique design brief to achieve cultural, historical and aesthetic significance.

Architectural Design
Public Art that is integrated into architecture as part of the conceptual project; it can be for interior or exterior spaces and is built-in artworks, artistic features and treatments that are functional or non functional.

Collaborative design
Public Art created through a collaborative approach by professionals; artists, architects, urban designers, landscape architects, graphic designers and/ or other relevant designers.

Community Engagement
Public Art created through initial and ongoing community consultation and interpretative research to respond to the social, environmental, cultural or historical issues. Public Art may be solely designed by an artist in response to the community consultation, by a team of professionals or by community members working with an artist and team.
2. Policy Framework and Procedures

2.1 Public Art Advisory Panel

Public Art at the City of Kingston will be overseen by a Public Art Advisory Panel (PAAP). The role of Panel is to provide advice to Council on matters relating to Public Art, contributing to developing a Program aligned with Council’s strategic vision.

The Panel assist Council in offering advice on unsolicited proposals, the assessment of Public Art proposals and ensuring a high standard of public art.

The Panel includes:
- Two City Councillors
- One member of the Arts and Cultural Advisory Committee (ACAC)
- Two recognised external artistic advisors from different artistic fields (i.e. professional artists, curators and architects)
- Coordinator Arts and Cultural Development
- Panel of Council Officers as appropriate, representing City Strategy, Community Buildings, Parks Projects and Design and Arts and Cultural Services
- Co-opted member as appropriate and needed (i.e. Village Committee Chair, Local Historian, Indigenous, Youth or Multicultural representative).

The Public Art Advisory Panel is responsible for:
- Reviewing the Civic Art Collection on a 5 year basis or as required
- Providing written recommendations to Council on applications for as well as the acquisition and de-accessioning of Public Art (using the processes outlined in this Policy)
- Providing a formal written report to the Council’s Property Services on all newly acquired permanent works or de-accessioning.

2.2 Acquisition and Selection Criteria

The Public Art Advisory Panel will be responsible for the approval, acquisition and evaluation of all public art (permanent, temporary or ephemeral) proposed by the City of Kingston, community organisations or the private sector within the City of Kingston.

Assessment will be based on the following criteria:
- Relevance to the objectives and actions of Kingston a liveable, creative City: Arts and Cultural Strategy 2011-15 and the principles, selection and de-accession guidelines of this Public Art Policy
- Involvement of a recognised artist, a group of artists, a team of appropriate design professionals in collaboration with an artist or in collaboration with members of the community through a community cultural development process
- Artistic merit
- Relevance and appropriateness of the work to the site and or community identity
- Level of community support
- Consistency with current planning, heritage and environmental policies where appropriate
- Evidence of sustainable design practices
- Complies with Occupational Health and Safety and public access
- Consideration of maintenance and durability requirements
- Evidence of funding source and budget including an allocation for ongoing maintenance, if needed
- Non-duplication of monuments commemorating the same or similar events.
Additional Considerations:
- If the artist/s has a unique connection to Kingston
- Works by professional artists that depict Kingston and are of significant state, national or international importance.

2.3 Applications for Public Art

Applications for Public Art must be submitted to the Public Art Advisory Panel and include:
- Statement of intent
- Details of artist/s and other creative personnel including Curriculum Vitae, images, DVD or text of past work
- An interest in and/or experience of working in a collaborative team
- Representation of proposed work eg drawings, maquette, digital images, sound recording
- Technical information including materials, fabrication, maintenance etc
- Proposed site plan with diagrams or visualisations of proposed work in relation to site
- Detailed budget including funding and ongoing maintenance
- Grant the City a curatorial role in the selection of artist/s
- Address the Selection Criteria (2.2)

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<th>Council Commissioning Permanent Public Art</th>
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<td>Stage 1</td>
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<td>Gauge community interest via Local Area Plans</td>
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<td>Research historical and cultural stories</td>
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<td>Develop Design concept</td>
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<td>Report to Council</td>
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<td>Contract awarded and signed</td>
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## Applications from the community for Permanent Public Art

<table>
<thead>
<tr>
<th>Stage 1</th>
<th>Stage 2</th>
<th>Stage 3</th>
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<tbody>
<tr>
<td>Demonstrate Community interest and intention</td>
<td>Submit application to Public Art Advisory Panel with budget, site plan and addressing selection criteria</td>
<td>Fabrication</td>
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<tr>
<td>Identify partners and budget</td>
<td>Develop brief</td>
<td>Installation</td>
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<tr>
<td>Research relevant Local Area Plans; planning permits etc</td>
<td>Select artists and creative team</td>
<td>Public awareness and marketing campaign</td>
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<tr>
<td>Develop preliminary design concept</td>
<td>Report to Council</td>
<td>Conservation and documentation</td>
</tr>
<tr>
<td>Contact Council to gauge interest</td>
<td>Contract awarded and signed with time frame and roles clearly defined</td>
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### 2.4 Appointment and Selection of Artist

In determining the appointment and selection of Artists to make a contribution to the Civic Collection, Council may employ the following options:

- Open submission following advertisement to enable professional and emerging artists to register interest
- Limited competition by an invitation to a small number of recommended artists who are paid to produce first stage design proposals and/or invited for interview
- Direct invitation by artists approached directly and invited to undertake a commission or in response to artists themselves initiating a proposal
- Purchase of contemporary work, directly from the artist, studio or gallery or from open or limited submission.

### 2.5 Gifting or Donation by party other than Council

Gifting or donations of artworks on Council land and/or in the public domain will be considered twice yearly by the Public Art Advisory Panel (2.1).

The donor body must provide:

- A formal written proposal for the donation addressing 2.2 and 2.3
- In addition if the donor is registered for the Commonwealth Government’s Cultural Gifts Program this will be considered an advantage [http://www.arts.gov.au/funding-support/tax-incentives/cultural-gifts-program/about-program](http://www.arts.gov.au/funding-support/tax-incentives/cultural-gifts-program/about-program)
- Public Art Advisory Panel will submit a recommendation report to Council for consideration.
2.6 Contract Management

All successful proposals will be entered into through a formal contract.

Contract for Donations will include:

- Responsibilities of each party (Council, donor group, sponsor, artist, outside contractors)
- The agreement will address transport, installation, OH&S and Risk management, transfer of title, provenance, conservation, copyright, moral rights, de-accessioning, documentation and other areas as deemed necessary
- Donated works will be registered on the Civic Collections Register (2.8) and appropriate documents
- It is the responsibility of the Public Art Advisory Panel to provide a written formal report to Property Services on all newly acquired works.

Contract for Commissioning of permanent, temporary or ephemeral public art will include:

- Responsibilities of each party (Council, partners, sponsor, artist, outside contractors, etc)
- The agreement will address project funding, project supervision, fabrication, transport, installation, conservation, appeal processes, copyright, moral rights, de-accessioning, documentation and other areas as deemed necessary
- Completed and installed works will be registered on the Civic Collections Register (2.8) and appropriate documents
- It is the responsibility of the Public Art Advisory Panel to provide a written formal report to Property Services on all newly acquired works.

2.7 Artist Copyright and Moral Rights

With amendments that came into force on 26 July 2007, Part IX of the Copyright Act 1968 provides for comprehensive moral rights protection in Australia for authors of literary, dramatic, musical and artistic works, film-makers (producers, directors and screenwriters) and also for performers.

This legislation provides creators with three rights. They are:

- The right of attribution of authorship or performership — to be named in connection with one’s work, film or performance
- The right against false attribution of authorship or performership of a work, film or performance, and
- The right of integrity of authorship or performership — the right of an author or performer to object to treatment of a work, film or performance that demeans their reputation.

Moral rights last for the same time as copyright in a work, the term of which is usually the creator’s life plus 70 years.

While it is not necessary for an artist or creator to expressly preserve their moral rights, contracts may include a clause to this effect. It should be noted that moral rights apply to people and not to corporations. Unlike copyright, moral rights are personal property and cannot be transferred. See Copyright Amendment Act 2006
The work will be:
- Labelled in full view with the following information as a minimum requirement: artist's name, title of the artwork, date of the work, medium and as appropriate, the name of the donor
- Not be displayed so as to be obscured or altered without written permission of the artist
- Not be displayed if it is in disrepair.

2.8 Civic Collection Documentation and Access Management

Council will maintain a Civic Collection Register comprised of an Art Register which includes paintings and artefacts, and a Monuments and Plaques Register.

The City will continue to document, audit and catalogue the Civic Collection Register to enable identification and management including conservation and care, valuation, lending etc.

Access to the Civic Collection will be provided to the public via:
- Digital access through the Council and external web sites
- Programs, exhibitions and display of the Civic Collection
- Publications and reproductions
- Supervised research access.

2.9 Conservation and Care

Council will continue to regularly assess works in its Civic Collection including conservation and refurbishment of historical items, civic monuments and the public art collection. Items for priority conservation will be listed annually according to the budget allocation. Priority works and items will be assessed and treated by professional conservators where required.

2.10 Requests to Purchase Public Art

The City will not consider any requests to purchase items from its Civic Collection unless that item has been identified by the Public Art Advisory Panel (PAAP) as surplus in its five yearly review of the City’s Civic Art Collection (Paintings and Artefacts).

2.11 De-Accessioning

When de-accessioning consideration should be given in the first instance to lending the item to a suitable accredited organisation; if a work is to be sold, donated, moved or destroyed all reasonable efforts to locate the artist must be adhered to by the Council. If de-accessioning is approved a six month cooling off period will apply.

The Public Art Advisory Panel can recommend to Council the de-accession a work if it:
- Has ephemeral or limited life
- Does not fall within the current selection criteria
- Is in poor condition and is considered to have insufficient significance to warrant the allocation of resources for continuing conservation and/or storage
- Serves no specific purpose, is unsuitable for and is not required for research
- Increased in value to the extent that the work becomes a viable asset to be sold
- Duplicates another item and is of lesser significance than its duplicate or is a fake
- Is irreparably damaged, destroyed or stolen with no prospect of retrieval
- Is a public safety risk or at high risk of vandalism
- Significant changes in the use, character or design of the artwork site have impacted considerably on the suitability of the artwork remaining in its present location.
2.12 Disposal

The Public Art Advisory Panel can recommend to Council the disposal of a work through:

- Donation, transfer or sale to an institution where that item can be demonstrated to have relevance
- Donation or sale (if appropriate) to its donor or creator
- Sale on the open market
- Destruction where no other option is suitable
- All proceeds from sales will be used for the Public Art Program.

2.13 Appeal Process

Unsuccessful applicants may request one (1) face-to-face presentation to the Public Art Advisory Panel. If a presentation is granted and PAAP does not accept the proposal no other correspondence will be undertaken. No appeals will be entertained on the grounds of the panel’s aesthetic evaluation of an existing or proposed work.