

PUBLIC ART POLICY

1.0 Purpose

The City of Ballarat (Council) Public Art Policy aims to deliver dynamic, contemporary public art to our diverse communities in a creative celebration of place, culture, heritage and environment.

The Public Art Policy guides the management of Council's substantial public art collection to ensure its longevity and protect its significance.

The City of Ballarat's Creative City Strategy is the key document that informs the policy. The policy provides a strategic and sustainable framework for Public Art in the Ballarat municipality to meet the following visions of Council's Creative City Strategy:

- Creative participation is vibrant and sustainable;
- Creative talent is attracted and supported; and
- The creative industry and precinct are world class.

2.0 Scope

This Policy applies to all public artworks currently in Council's public art collection and new or proposed public artworks created using Council resources (not including Council Grants). It applies to projects and decision-making processes within Council and forms a part of Council's Creative City Strategy work. Aspects of the policy apply to public artworks created by external parties on Council owned or managed property.

3.0 Policy Statement

3.1. What is Public Art?

Public art includes items created by artists located in a space that has public visibility, use and access. Its meaning is located in place and time. It can act as a significant artistic temporal marker for a community or societal issues. It can connect a community, create a community, and create an identity for a space.

Public art can be permanent, like a sculpture or mural; temporary, like an installation; or ephemeral, like a performance or event-based work.

Public art brings art out of a gallery or performance space and into the public, for our community to access at any time. Public art can promote enquiry, contemplation, wonder, joy and surprise; it can provoke debate and challenge views.

3.2. How is Public Art Managed in Ballarat?

Council provides public art activity and maintains its public art collection by allocation of staff and budget resources each year as determined during the annual budget process. These resources enable Council-led public art commissions and acquisitions, collection management, public art programs and collection maintenance to occur.

The resources allocated by Council towards public art is managed across the following five areas as detailed in this policy:

Programming	The annual programs and priorities for public art
Sector Development	Developing the public art sector and its audience
Funding	Direction for investment into public art
Governance	Ensuring good governance, transparency and oversight of the Public Art Program and the commissioning of public artworks
Collection Management	Ensuring best practice approaches to management, care, conservation, maintenance and restoration

To support the delivery of this policy, a number of operational documents are maintained which guide the day-to-day delivery of the Public Art Program; these are:

- Public Art Curatorial Framework;
- Public Art Collection Management Plan;
- Public Art Governance Guidelines;
- Public Art Contributions Guide; and
- Risk Management Framework.

The operational documents guide work and project plans, providing guidance and pathways for Council Officers, community members, developers and planners.

3.3. Programming

Council presents an annual program of public art activity in the Ballarat municipality that contributes to establishing, curating and maintaining a world-class public art collection and experience. The program complements heritage, community and social requirements. Council Officers maintain a Public Art Curatorial Framework and a Public Art Collection Management Plan to guide the annual program.

3.3.1 Responsive

Council's Public Art Program focusses on the development of quality public art that is site-specific and innovative in form and content. Curated themes, as well as comprehensively developed public art briefs, guide the commissioning of works in diverse artforms from sculpture to painted works, digital artworks and interactive new media.

3.3.2 Diverse content

Council delivers a variety of opportunities each year that offer diverse benefits, from commissioning permanent pieces, to temporary and ephemeral. Temporal art projects are often ideal for the uptake of emerging artists and experimental outcomes. Permanent commissions for public space or private developments offer great opportunity for presentation of major works and artist skill development, mentoring and teamwork. Council's Public Art Curatorial Framework identifies gaps in Council's public art collection and seeks to balance the collection narratives through new acquisitions.

3.3.3 Informed

Council will establish and maintain a world-class Public Art Program by engaging with expert and informed voices, both those with local knowledge and those with national and international experience and expertise on the development and implementation of the program. Expert advice and tailored guidance is sought based upon the requirement of specific sites, works and commission concepts.

Commissions for community infrastructure, including public art, offer great opportunity for creative community engagement processes. Opportunities for community members to propose ideas for the Public Art Program will be offered and advertised. Council Officers use this feedback and input provided through other engagement processes undertaken by Council to inform the annual program. Such processes will adhere to the principles in Council's Community Engagement Policy.

3.3.4 Accessible

Council's commission processes and programs are designed to be as accessible as possible. Council's collection of public art must reflect the vibrant diversity of its community.

The input and guidance of Aboriginal and Torres Strait Islander communities are considered an essential component and Aboriginal and Torres Strait Islander artists should be sought for commissioned work to increase the visibility of culture within the Ballarat municipality.

Public art initiatives comply to the principles outlined in Council's Disability and Access Inclusion Plan through advice provided by Council's access and inclusion officers.

3.3.5 Well Sited

The Creative Precinct and Central Business District, as defined in Council's Creative City Masterplan, and Ballarat's suburban edge offer multiple possibilities for public art in a variety of locations. The annual Public Art Program develops public art and commissioning activity that responds to the cultural character of the community, and continually seeks new locations to activate. At all times public art activity will consider the heritage environment that is unique to Ballarat and will not adversely impact heritage values.

3.4. Sector Development

In order to ensure the delivery of world class public art outcomes, Council's Public Art Program includes activity and programs developed to support community understanding of public art, together with opportunities for local participation in the creation of public art including:

3.4.1 Education

Public art education and interpretation enables a broad understanding of the purpose of public art in the community including the presentation of Council's public art collection online. This includes ensuring high quality details are retained on all works, signage and digital documentation.

3.4.2 Networking

Opportunities for engagement between commissioned artists and the community ensures that public art is relevant and meaningful to the site and audience. By actively encouraging connections, community members become involved in making, designing, creating and delivering artworks people are connected to.

3.4.3 Skill Share

Cultural development, training and mentor programs support local artists to build skills and experience in creating public art. Council will work to provide pathways for our local network of artists to build experience in public space and art activities.

3.4.4 Public Art Opportunities

Opportunities for artists to be engaged in creating public art is advertised and promoted at a local, state, national and/or international level where appropriate. Where possible, open calls will be offered as a preferred means of attracting diverse artists. An advantage score of 10% is added to the value for money procurement scoring process for public art selections as per Council's Procurement policy requirements.

3.5. Funding

Funding for public art should come from diverse avenues. The Public Art Policy examines the different sources of funding and investment which can be channeled into the development of a world-class collection. These channels are:

3.5.1 Council Funding

Council's commitment to public art and its collection is sustained through an annual budget allocation determined during the annual budget process and reviewed every four years in line with the Council Plan. These funds provide for the resourcing of Council-led public art commissions and acquisitions, collection management and Public Art Programs. The annual capital allocation to public art can be expended across financial years; budgeting for works are planned in four-year cycles, correlating to the Council Plan. Funds can be used in a strategic way for priority public art projects and art acquisitions across the Ballarat municipality.

3.5.2 Diversity of Funding Streams

Additional funding avenues include private investment through partnerships with corporations, philanthropists and community members, as well as state and federal government departments and can be sought with oversight and approval from Council, subject to the approval of a successful business case.

Funding for public art associated with community infrastructure and capital projects should be considered and included at the business case stage for these projects. The scale of investment into public art components is dependent on the context and objectives of the project.

Private contributions can be negotiated by Council Officers, depending on the context and objectives of the project (refer to clause 3.5.4). Council Officers maintain a Public Art Contributions Guide to assist developers and other entities who wish to fund public art in the Ballarat municipality.

3.5.3 Integration

Activating world-class public art means the integration of artists and arts organisations into projects at the planning stages. Council's Public Art Policy promotes the central role of artists and arts organisations in helping shape developments within the municipality.

3.5.4 Contributions

Working closely with developers and investors in the city helps to shape the visual landscape of Ballarat. A proactive leadership approach with developers enables and facilitates meaningful and conceptually appropriate public artworks.

Mechanisms to ensure collaborative resourcing and partnerships, with the intention of encouraging projects that deliver on a design-led approach and the Creative City Strategy objectives, are detailed in the Public Art Contributions Guide.

Funding for public art associated with developments are considered and included at the planning stage and within the business case for these projects. The contribution can be directed towards an identified project within the associated development or allocated to a pool of funds to be accrued for major art works of a significant nature.

3.6. Governance

3.6.1 Decision Making

The collection of public art across the municipality is diverse, and many different departments share responsibility for oversight, commissioning and management of works. This policy addresses the shared responsibilities of Council Officers, Council and external advisors to ensure consistency and professional standards are applied to projects at different levels.

New commissioned permanent artworks, monuments and memorials	Council has oversight on all permanent public art commissioning. Council Officers establish project management groups (PMGs) to garner expert advice in order for Council to make informed decisions about new permanent public artworks, monuments and memorials.
Temporary, ephemeral public artworks (<24mths)	Council Officers are responsible for programming temporary and/or ephemeral public artworks.
Funding	<p>Council Officers recommend spending of the Annual Public Art Budget Allocations (capital and re-current) to Council's Executive Leadership Team, which is in-turn presented to Council for approval.</p> <p>Council has oversight and approval on any external funding sought for new permanent public artworks, monuments and memorials, subject to approved business cases.</p>
Other programmed works such as sector development and education	Council Officers program.
Collection Management	Council Officers program.

Refer to section 3.8 of this policy for further detail regarding roles and responsibilities.

3.6.2 Expert Advice

Council Officers maintain a list of expert advisors to consult on public art projects as required. The recruitment of advisors presents Ballarat as open to advice and counsel regarding best practice and helps position the City on the world stage.

The expert advisors are recruited as per Council's Public Art Governance Guidelines and represent the following areas:

- First Nations Advice – minimum two advisors from first nations community backgrounds, if possible one Wadawurrung Traditional Owner Community Advisor;
- Placemaking advice – minimum one advisor with experience in placemaking or public space use design;
- Architecture/landscape advice – minimum two advisors with experience in architectural practice, if possible one with experience in landscape architecture;
- Artistic advice – minimum two advisors with public art making experience;
- Curatorial advice – minimum two advisors with Curating/Public Art Commissioning experience; and
- Conservation/collection management advice – minimum one advisor with experience in arts conservation or collection management practice.

The expert advisors will be invited on a project basis to join project management groups (PMGs) with Officers across Council. Public art initiatives requiring PMGs include the commission of new public artworks, memorial and monuments or those that have a permanent impact on an existing artwork (e.g. major conservation projects).

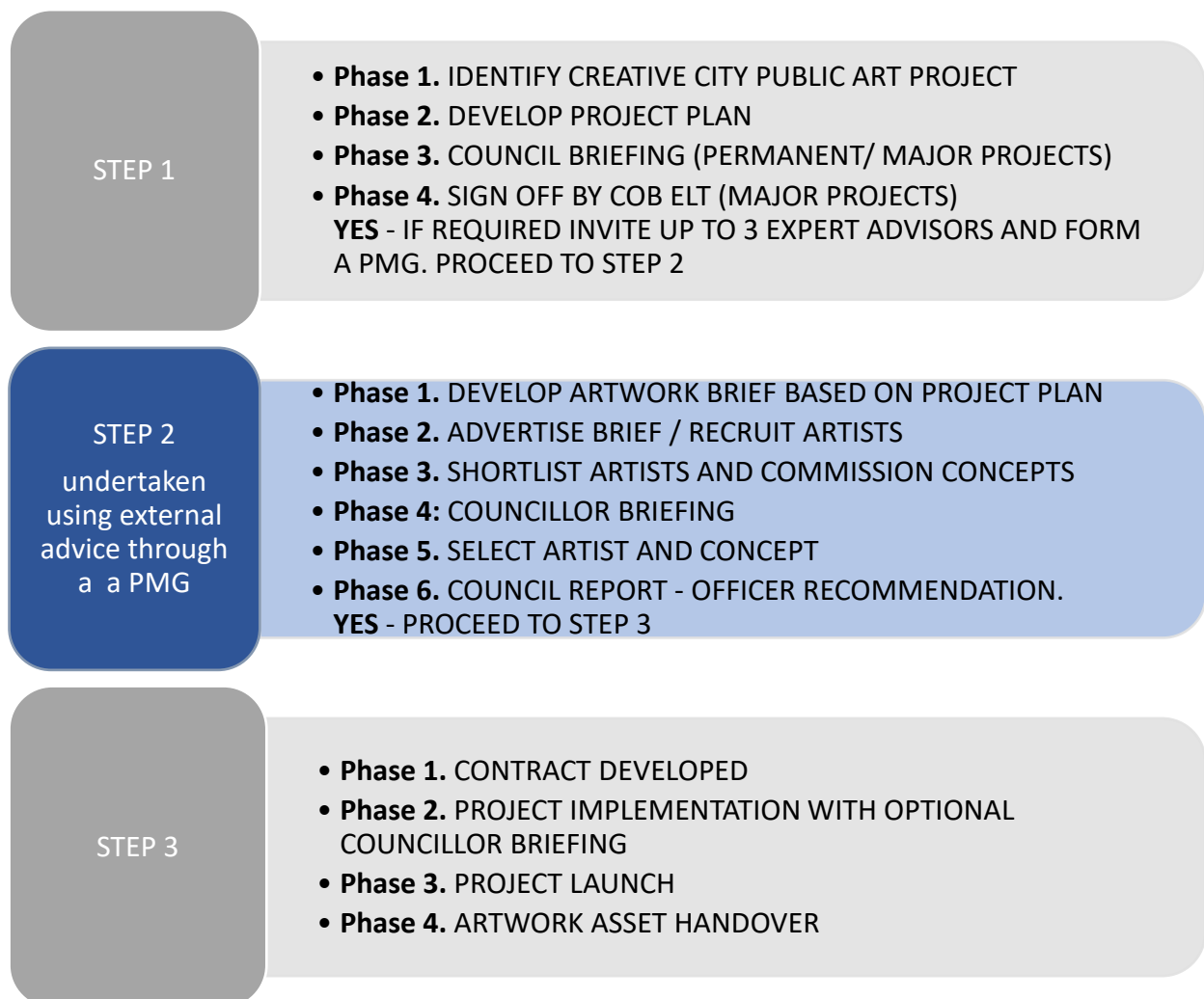
When recruiting experts, preference is given to those from the Ballarat region, however where specific expertise is required members may be recruited from other areas.

The total expert advisor supplier list includes a minimum of ten members available for recruitment to public art PMGs.

3.6.3 Decision Making Phases for Permanent Public Art Projects

Prior to identifying a viable permanent public art commission, the following activities and decisions of Council may be required:

- Councillors are informed of proposed permanent projects through Portfolio Briefings and provided with briefings and decision making points throughout the process;
- Community engagement and/or consultation;
- Establishment of community reference group;
- Site investigation and Council decision to dedicate site; and
- Funding investigation and/or commitments.



3.6.4 Acquisition and Procurement

The acquisition and procurement of new public artworks in the Ballarat municipality follows the processes outlined in Council's Procurement Policy. This includes processes for avoiding conflict of interest and procurement transparency; quotations and advertisement of opportunities; value for money decision making; local supply; and tender processes.

All public artworks commissioned by Council are supplied through an artist's contract detailing the artwork specifications, the terms of the commission and the lifespan that the Council will commit to display and care for the artwork. Council commits to pay artists for all aspects of work procured for public art commissions including concept development and design.

3.7. Collection Management

3.7.1 Whole of Life

The care of public art is considered across the whole lifespan of an artwork from commissioning to deaccession or decommissioning processes. To foster and support the diverse practice of contemporary public art, it is important to undertake a range of management processes. There is no one size fits all approach. All public artworks commissioned by Council or accessioned into the public art collection are assigned a lifespan to inform future management decision-making.

3.7.2 Valuing and Significance

Council's public art collection is made up of historic and contemporary permanent public artworks located in public spaces and documentation of temporary and ephemeral projects.

There are currently over 120 permanent public artworks valued at over \$10,000,000 in the public art collection. Each artwork has a level of significance to the national, state or local community that should be described and referred to in collection management decision-making.

Maintaining an accurate understanding of the entire collection is essential. All data on all items is kept up to date on relevant platforms and databases. Council ensures best practice in valuation, insurance and documentation and maintains a Public Art Collection Management Plan to ensure management of its collection according to professional industry standards.

3.7.3 Accession and Deaccession

The process for accession and deaccession of public artworks is described in detail in Council's Public Art Governance Guidelines. This document guides projects from inception, commission, engagement of expert advisers and PMGs, and delivery through to maintenance, conservation, restoration and decommission.

Accession can occur through commissioning, donations or bequests to Council. The process by which artworks are bequeathed or donated to Council takes into consideration social importance, artistic merit, location, maintenance and ongoing operational issues. For this threshold to be met the artwork must meet the objectives of this policy, present a strong significance and business case for accession into the collection, and be approved by Council.

Removal, relocation and deaccessioning processes may be instigated when an artwork is no longer considered appropriate; the use of the site has changed; the artwork has become unsafe to the public; the artwork has deteriorated beyond repair; the artwork has deteriorated so that it no longer represents the artist's intent; and/or the artwork's integrity cannot be maintained for any reason. Deaccessioning includes removal from public space as well as from Council's public art collection catalogue and lists.

Upon initiation of removal, relocation and deaccessioning of artwork, Council will always consult with the artist or artist's estate. If these avenues are not available, Council will seek legal advice before pursuing removal, relocation and deaccessioning.

3.7.4 Managing Artworks by Aboriginal or Torres Strait Islander Artists

If the artwork is by an Aboriginal or Torres Strait Islander artist or the artwork incorporates, is sourced from, or refers to, Indigenous objects, knowledge or works, Indigenous Cultural Intellectual Property (ICIP) is considered by Council.

Permission will be obtained from the Traditional Custodians and/or local Aboriginal or Torres Strait Islanders before commissioning, accessioning, removing, relocation or deaccessioning Indigenous objects, knowledge or artworks.

Traditional Custodians and/or relevant Aboriginal or Torres Strait Islander representative bodies will be consulted as much as possible with regard to how the community should be attributed to, and given the opportunity to approve the way in which any ICIP material is used.

3.7.5 Conservation

All forms of publicly accessible cultural items and artwork require consistent levels of funding to facilitate the maintenance and conservation to preserve and appreciate their value. Council's annual Public Art Program addresses the budgeting and management of best-in-class preventative and responsive conservation programs. Where requirements for conservation exceed the annual budget allocation, projects will be presented to Council as additional items in the annual budget process.

3.7.6 Maintenance and Quality of Display

Council recognises its responsibility to artists and our community to maintain and present artworks at an appropriate standard in accordance with agreed contractual obligations. Council Officers include maintenance activities in the annual program and maintain a Public Art Collection Management Plan to ensure management according to professional industry standards.

3.8. Roles and Responsibilities

Party/parties	Roles and Responsibilities	When
Council	Champion public art in Ballarat and the principles outlined in this policy. Receive advice to make decisions about permanent public artwork commissioning.	Ongoing
Executive Leadership Team	Champion public art in the Ballarat municipality and provide leadership and decision-making to guide the annual program direction. Monitor the implementation of this policy.	Ongoing
Council Staff	Instigate and manage the annual Public Art Programming in compliance with this policy and in consultation with Council's Executive Leadership Team.	Ongoing
Project Expert Advisory Groups	Provide expert advice to Council Officers on the implementation of public art projects and the commissioning of new public artworks.	Temporary for the duration of a project

4.0 Supporting documents and references

4.1. Legislation

- *Charter of Human Rights and Responsibilities Act 2006*
- *Equal Opportunity Act 2010*
- *Local Government Act 1989*
- *Local Government Act 2020*
- *Planning and Environment Act 1987*
- *Heritage Act 2017*
- *Gender Equality Act 2020*

4.2. Associated Documents

- City of Ballarat Creative City Strategy
- Ballarat's Historic Urban Landscape (HUL) Strategy
- Governance Rules
- Procurement Policy
- Public Transparency Principles
- Governance Framework
- Community Engagement Framework
- Community Engagement Policy
- Privacy Policy
- Open Data Policy
- Disability Access and Inclusion Plan
- Risk Management Framework
- Integrated Management System

4.3. Definitions

Access to the Arts	Giving the community access to high quality arts experiences. Ensuring no one in the community is excluded from enjoying public art experiences.
Acquisition	A process by which an existing or commissioned artwork is purchased for a collection or donated to a collection.
Collection	A set of artworks, objects or items that have artistic, historical or civic significance. Collections are curated according to a set of defining principles or priorities (a curatorial framework).
Commission	A process in which an artist is hired to create an artwork on a temporary or permanent basis and is paid for this service.
Connection with Community	Creating rich and vibrant public spaces that tell local stories and create civic identity and connection.
Conservation	The preservation of tangible cultural heritage for the future. Preventative conservation measures are those that seek to slow or stop degradation to the fabric of an artwork.
Creativity	Problem solving, design, invention, crafting, making and the connection of the unconnected to create something new.
Creative Sectors	Wide and embracing, and the lines between creative fields are increasingly blurred. The term creative sector describes a wide range of activities. Some of these activities are amongst the oldest in history, and others have only come into existence with the advent of digital technology. Some are established to sell goods and services; others may be designed to create bodies of work. They are usually innovation-led and knowledge intensive.

Curatorial Framework	A framework that offers ways to stimulate thinking about or to describe the unique characteristics of public art in Ballarat. It defines the purpose for public art projects and their connection to the local context. Council Officers, a Project Manager, or Curator might draw upon the framework in writing project briefs, funding proposals, media and PR materials, interpretive materials and in discourse.
Deaccession	A formal process for the removal of an artwork from a collection through either selling or disposing of it and thereby removing it from the official collection and associated documentation.
Developer	A person or company who builds and sells houses or buildings on land for new purpose.
Ephemeral	Artworks that only last a few hours or days. They are often created in an event setting or designed for short term activation and community participation. They can be works that disappear themselves or are removed after an allocated number of hours/days.
Good Urban Design	Enhancing the design of public spaces and creating a sense of community connectedness and increased levels of use, resulting in greater passive surveillance of spaces and facilities.
Indigenous Cultural Intellectual Property (ICIP)	The term 'ICIP' refers to Indigenous people's interests in their cultural heritage, which includes songs, music, dances, stories, ceremonies, symbols, languages and designs. ICIP is a communal rather than an individual interest. The Indigenous artist who uses ICIP in artwork may have duties and obligations to his or her community or tribal group in respect of that ICIP and the way it is used.
Integrated Public Art	Artworks which are integrated as part of buildings, landscapes and public spaces. It can include seating, paving, lighting, unique furniture, architecture detailing, interpretive signage and playground features.
Permanent	A permanent public art is work designed to last over 24 months and the lifespan of such works can be up to 25 years+. These works identify a location, are often site-specific in their content and have a sense of permanence. Permanent works may include sculptures or an integrated element. Permanent pieces tend to require a higher level of community consultation, collaboration, financial outlay and long-term maintenance.
Public Art Developer Contributions	An approach that requests funds for investment of public art as part of a development in Ballarat as negotiated on a case-by-case basis.
Place-making	A multifaceted approach to activating or regenerating public space to support community wellbeing through building a strong sense of local place and identity public art.

Program	A series of public art activities encompassing public art experiences, ephemeral public artworks, public art education and public art participation.
Temporary	A temporary public artwork creates a dialogue between people and place. It might be playful, thoughtful, or experimental. It can surprise the public and it can challenge views. These works can offer insight into the way the community identifies with a space, including what is important and what is valuable. A temporary work could be used to support the development of masterplans, public space design, and inform future strategy. Temporary works are less expensive and do not have such intensive maintenance requirements. For the purpose of this policy, 'temporary works' are considered to be anything with a lifespan of up to 24 months.

5.0 Policy owner

Executive Manager Tourism and the Arts

6.0 Authorisation

Adopted by Ballarat City Council on 26 May 2021.