	Function: COMMUNITY SERVICES	Adopted: 1 st March 2023 Resolution No.: C57:0323
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PUBLIC ART POLICY		

Policy Statement

1. Introduction

- 1.1. Public Art can play a significant role in creating and celebrating the unique identity and sense of place for communities in the Copper Coast Council (Council) area. Promoting social inclusion, diversity and artistic expression, public art provides insight into the cultural life and a sense of place. It can act as an attractor to a place, and encourages people to participate in activities within the location.

2. Scope

- 2.1. The Public Art Policy (Policy) is to ensure that there is a consistent, fair, transparent and accountable approach towards the provision of public art within the Copper Coast Council.
- 2.2. This Policy will also ensure the method for commissioning Public Art is supported by progressing Council's strategic vision to create a vibrant location that expresses a unique character and identity.

3. Applicable Legislation

- 3.1. The following legislation applies to this Policy:
 - Local Government Act 1999
 - Planning, Development and Infrastructure Act
 - Copyright Act 1968 (Cth)
- 3.2. This Policy is not a mandatory requirement but essential for good governance.

4. Integration with Corporate Objectives

- 4.1. This Policy supports Council's Strategic Plan 2019 - 2029
Environmental Objective - Sustainability
Goal 2 - To promote community identity by supporting rich lifestyle experiences including arts, heritage, culture and leisure activities.
2.16 Public Facilities and Council Property: To facilitate continual improvement of Council assets and maintenance of Council property.

5. Related Council Policies and Documents

- 5.1. This Policy is also designed to operate in conjunction with other Council policies, including but not limited to:
 - Procurement Policy
 - Public Consultation Policy
 - Landscaping Policy
 - Public Asset Donations to Council Policy
 - Volunteer Policy

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6. Definitions

For the purposes of this Policy, the following definitions apply:

- 6.1. **Authorised Officer** is defined as an Authorised person delegated authority under Section 44 of the Local Government Act 1999.
- 6.2. **Chief Executive Officer (CEO)** means the appointed Chief Executive Officer under Section 96 of the Local Government Act 1999 and includes any person acting or delegated by the Chief Executive Officer's under Sections 100 and 101 of the Local Government Act 1999.
- 6.3. **Commission** is the process of acquisition of Public Art.
- 6.4. **De-accession** is the process of permanently removing a Public Artwork from the public realm.
- 6.5. **Council** means the Copper Coast Council and any delegate of the Council.
- 6.6. **Ephemeral** denotes Public Art that is not permanent. It may have a set period of time that it is to remain in the public realm or may organically decompose and/or disappear to be removed.
- 6.7. **Public Art** is defined as artistic works and activities that present a creative and/or interpretive statement in a public facility or space. Public Art may comprise stand-alone pieces or may be incorporated into buildings, infrastructure or open space. It may be:
 - a) Permanent or temporary.
 - b) External or internal to any building or place.
 - c) Integrated into functional infrastructure.
 - d) Literary, visual, performing, craft or design.
- 6.8. **Public Officer** means a member, employee, volunteer or, contractor authorised to perform work on behalf of Council.

7. Application

7.1. Types of Public Art

This Policy recognises three (3) types of Public Art, each forming separate components of a dynamic and integrated Public Art program.

7.1.1. Integrated Art

Art incorporated into infrastructure projects such as paving, gates, lighting, signage, street furniture, playground equipment, railings, landscaping, etc.

This is often referred to as 'site specific', as it is designed and made for the specific place in which it is installed. Production of such art involves collaboration between planners, architects, artists and engineers at an early stage in the development of a project.

7.1.2. Community Art

Art involving a high degree of community consultation and participation in its creation. Crucial to this form of Public Art is the process of skill development and the connections this process creates in the community. Community Art often communicates a message of social, historic or environmental importance to those involved in the design and making of the work. Its processes can be facilitated by an artist or passionate community member, and can involve all forms of visual and performing arts. The completed work is referred to as Public Art.

7.1.3. Stand Alone Art

Art commissioned for particular sites or a series of sites which may be permanent or ephemeral, and includes hired works and/or works on loan. This can range from iconic works marking gateways to the Council area to interpretative work which comments on or describes issues or events. Examples of interpretive work might be murals, signage or sculpture. Stand Alone Art can also include ephemeral works for short term display such as projection art.

7.2. Seek Partnerships

Funding for Public Art may be pursued through partnerships and associations. Collaborators may include Arts SA, Australia Council, private sector sponsorship, donations and bequests, development approvals and other Commonwealth and State Government funding opportunities.

7.3. Donations

Acceptance of private donations of Public Art must be reviewed objectively to ensure long term maintenance, community safety, durability, insurance, legal considerations and precinct planning are considered. Council will refer also to the Public Asset Donations to Council policy in these situations.

7.4. Resourcing and Funding

Funding and resourcing of Public Art projects must be realistic to ensure the required scope, intent or scale of the works can be delivered to a high standard and reflect industry best practice standards. This includes taking into account maintenance, community safety, durability, insurance and legal considerations.

7.5. Planning

Public Art opportunities and treatments are considered within selected key urban design projects and precinct planning. Where Public Art is to be developed on infrastructure not owned or maintained by Council, permission must be sought from the owner of the infrastructure (eg. Stobie poles – SA Power Networks) and may be subject to planning and development approvals.

7.6. Evaluation

Criteria for the evaluation of Public Art are established in the early stages of each project and should be based on:

- 7.6.1. Supporting Council's broader strategic priorities.
- 7.6.2. Development of the ways our community engages with public spaces.
- 7.6.3. Ability to stimulate creative and cultural opportunities.
- 7.6.4. Positioning the Council as exciting, innovative, vibrant and prosperous.
- 7.6.5. Community Safety and ongoing maintenance.
- 7.6.6. Relevance of the Public Art in celebrating the unique identity and sense of place for Communities in the Council region.
- 7.6.7. Artistic Merit

7.7. Documentation

- 7.7.1. An internal register of Public Artworks for the Council will be maintained.
- 7.7.2. Work Health and Safety Compliance, insurances and safety and risk assessments are undertaken in relation to the design, installation, maintenance, refurbishment and removal of any Public Artwork.

7.7.3. Artist Contractual Agreement and Declaration

When engaging / commissioning an Artist for the design and building of a Public Art piece or planning an exhibition or display, whether it be a temporary or permanent, written agreement or contract with contributing organisations, artists and/or presenters are required giving both parties a clear point of reference as to their individual duties and responsibilities.

A contractual agreement must be required to be in place prior to commencement, between an artist or owner of an artwork and a borrowing institution, or between an exhibition organiser and the host venue, specifying details about work to be undertaken and the expected outcomes. Contracts should confirm the specific details of the content of an exhibition such as:

- name and address of the borrowing organisation and lender
- details of the work to be borrowed/lent
- insurance and transport arrangements
- condition reporting procedures to be undertaken
- time frame
- dispute resolution
- force majeure
- copyright and documentation agreements and
- payment schedule on delivery of work.

7.7.4. Artists that display their work for short periods of time in Council's Art Gallery are required to complete the "*Copper Coast Art Galleries - Standard Exhibitor Contract*" before the exhibition commences. This document sets out the responsibilities of both the artist and Council and also details commission's payable on any artwork sold.

7.8. Themes

Council's duty of care requires rejection of any pieces of Public Art in the public realm or exhibited within Council buildings depicting images containing racism, sexism, blasphemy and cultural discrimination.

7.9. Exhibitions on Council Property

For short periods of time, visual artwork can be displayed in Council buildings, in designated spaces such as Moonta Art Gallery and the Ascot Art Gallery, and other public venues or externally in parks or part of events.

Examples of exhibitions include: curated and hired displays, competitions, community displays, screenings and festivals.

7.10. Maintenance

Care of existing and future collections of Public Art, and ongoing maintenance operations are funded to ensure a continuous cultural connection is maintained between Public Art works and the Council. This ensures fulfilling Council's obligations towards the artists' with regard to copyright and moral rights being protected.

7.11. De-accessioning

A work of art may need to be removed from public display for a range of reasons, including deterioration in its condition to a point where public safety is at risk, or if circumstances impact on the site of the work and compromise its integrity. The deaccessioning of works respects the art works, the location and the artist, and any contractual obligations entered into when the work was installed.

The deaccessioning of acquired artworks requires professional assessment and efforts made to inform the artist and return the artwork.

7.12. Decision making process for the Commissioning and De-accessioning of Public Art Council recognises that the community, local businesses and contractors will from time to time have an interest in the manner and the approach adopted by the Council when determining the Commissioning and de-accessioning of Public Art.

Council will delegate the appropriate authority to the Chief Executive Officer to make decisions regarding the matters covered in this Policy where the acquisition or disposal of Public Artworks is estimated at less than \$100,000 (excluding GST), and involved in Council’s budget for the relevant period.

Council acknowledges that the Chief Executive Officer may sub-delegate matters related to this Policy to employees or other persons employed or engaged by Council. Council may also delegate matters covered by this Policy to a Council committee or any subsidiaries of Council.

8. Complaints

8.1. Complaints under this Policy must be in writing to the Chief Executive Officer and lodged in accordance with Council’s Complaints Policy.

8.2. Complaints about this Policy can be made in writing to the Governance Officer. These complaints will be managed in accordance with Council’s Complaints Policy.

9. Council Delegation

9.1. Pursuant to Section 44 of the Local Government Act 1999, Council has delegated to the Chief Executive Officer authority to administer Council’s policies.

9.2. This Policy will be implemented by the Chief Executive Officer or relevant portfolio director and managed in accordance with Council’s scheme of delegations.

10. Adoption and Review

10.1. This Policy shall be reviewed every four (4) years, or more frequently, if legislation or Council requires and a report shall provide to Council for consideration and adoption.



11. Records Management

11.1. Official records will be managed in accordance with Council’s Records Management Policy pursuant to Section 125 of the Local Government Act 1999.

12. Availability of Policy

12.1. Policies will be available for inspection without charge at Council’s Principal Office and on Council’s website www.coppercoast.sa.gov.au.

12.2. A copy of this Policy may be obtained on payment of a fee in accordance with Councils’ Register of Fees and Charges.

Signed		
	Mayor	Chief Executive Officer
Date	1st March 2023	

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