



Byron Shire Council

Public Art Guidelines

December 2019



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(INTERNAL USE ONLY)**

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Further Document Information and Relationships

Related Legislation	
Related Policies	Public Art Policy (E2018/66341) adopted August 2018 Arts and Cultural Policy (under development)
Related Procedures/ Protocols, Statements, documents	Public Art Strategy (E2018/56731) adopted August 2018 Public Art Panel Constitution (E2017/14185) Development Control Plan 2014 Chapter D8: Public Art



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Table 1 – Public Art Commissioning Process

Templates List



Overview

Introduction

Byron Shire Council recognises that the daily lives of residents and visitors can be enriched and enlivened through the presence of quality works of art in the Shire. Public art can add immeasurably to a community's sense of place, contribute to civic identity, address community needs, and activate public spaces.

These Guidelines provide a framework to implement the Public Art Policy and the Public Art Strategy by outlining the standards and procedures for commissioning, managing, maintenance and decommissioning of public artworks. Council aims to provide one public art commission per term of Council.

Council's Public Art Policy outlines Guiding Principles for public art and a policy statement. The Policy and the Public Art Strategy should be read in conjunction with these Guidelines.

Byron Shire Council acknowledges and pays respect to traditional custodians in Byron Shire, including the Arakwal people, the Widjabal people and the Minjungbal people of the Bundjalung Nation.

What Is Public Art?

Public Art can be defined in the broadest sense as 'artistic works or activities freely accessible to the public'. The work may be of a temporary or permanent nature. Located in, or part of, a public space or facility provided by both the public and private sector, public art may also include the conceptual contribution of an artist to the design of public spaces and facilities.

Public Art can contribute other dimensions to public spaces, creating 'beloved' spaces, interpreting culture, making a statement and recognising heritage all the while contributing to community wellbeing.

Models of Acquisition and Forms

Artworks can be commissioned, donated or loaned to Council and each model of acquisition requires a different approach to the acquisition process and management. For further information on donations and loans, refer to p15.

There are several ways public art commissions can be approached, depending largely on the nature of the project and what it is trying to achieve. The most compelling public art sensitively responds to the nature of the surrounding environment and the cultural associations with its location. A number of common public art approaches include design collaborations, place-making and functional art elements.

Examples are outlined below.

Open invitation – a process that invites all artists to respond to a brief. This is the most common form of commissioning public art and includes two stages:



1. Shortlisting a select number of artists from the first round EOI and inviting them to further develop their proposal for a design fee;
2. Shortlisted artists present their concept to a selection panel who select one artist.

Curated – a curator is employed when an area of specialised expertise is needed for the selection of artists or artwork to fit a highly defined brief.

Limited Invitation – is provided to a selection of artists to either respond to a brief or to present the scope of their art practice to a panel. There is often no EOI process for this commissioning model and its most often used for smaller commissions.

Direct Purchase – an artwork directly purchased from an artist within Council’s procurement process. This is relevant if an artist has a particular body of work appropriate for a specific project.

Direct Commission – this approach differs from the Direct Purchase model in that the artwork is developed specifically for the project. Artists are sometimes interviewed as part of this process.

Forms of Public Art

Public Art can take many forms and some of the more common are described below.

Stand alone describes artworks that are three dimensional and freestanding rather than embedded into the structure of a building or built space. The work may be a singular piece, a series of related works or an installation. Works of this nature have traditionally been associated with permanent materials (such as marble or bronze) however contemporary artists have expanded public art practice to use a variety of materials including found objects and multimedia.

Integrated artwork refers to art that is integrated into a building, or built space, such as ceilings, walls, glazing, screens and floors. The work has the potential to span both the interior and exterior spaces of a built structure. Integrated artwork may also assist in defining or separating space.

Applied artwork refers to work that is applied to an interior or exterior surface. This may include commissioned paintings, tapestries, murals and mosaics.

Installation art is where the artwork and the site are integral to each other. The artwork could be comprised of a number of elements but the ensemble may be viewed as a whole. The space may be created with a particular work in mind, or the artist may respond to a given space. Installation art may include land art which can be described as art that draws attention to, or intervenes in, a particular environment and is often large scale. These works are generally not functional elements of the built environment but are more about creating landmarks that contribute to the identity of a place.

Ephemeral artwork describes non-permanent work that may include temporary installations, performance art, dance, projections or displays that celebrate places, events and cultural traditions. Recycled materials are common and the approach is fresh, experimental and community focused.

The Byron Shire Public Art Strategy provides some innovative examples of other forms, such as:

Light-based art can transform spaces in an affordable way. Light can be used to create ‘sculpture’ through the manipulation of colour and light to previously unimaginable scales.



Environmental art can draw our attention to threats to environmental concerns through thought provoking artworks.

Sustainable artworks reflect the essential cultural character of a place linked to the lifestyle objectives of the future, communicating sustainability messages.

Virtual artwork is both digital artwork and also allowing public art to occupy virtual spaces. For example, in urban art, people are encouraged through apps, or even the physical presence of their bodies to affect the artwork, in various forms of intervention where an art experience becomes highly personal or experimental.

Supporting Local Artists

Council's Public Art Policy includes an objective to strengthen the Byron Shire cultural economy through the employment, training and provision of professional development opportunities for local artists, designers and project managers. Two ways in which Council can assist local artists to engage in public art include:

1. Council, in conjunction with local arts organisation, run a workshop or series of workshops to assist local artists in up skilling in the Expression of Interest application process and their ability to meet the selection criteria for public art commissions.
2. Incorporate local weighting into the assessment criteria for public art commissions. The acquisition of Public Art will be consistent with Council's Procurement and Purchasing Policy (DM1049387), which outlines the procurement principles, including *local and Australian content* and procurement sustainability goals including *community economic and social wellbeing*, where positive social outcomes can be generated.



Commissioning Process

The steps that need to be considered when commissioning public art in Byron Shire are outlined in Table 1 at the end of this document. It is recognised that not all steps are relevant for every commission, however the information may still be useful and help provide context.

Commissioning projects will be initiated and developed in accordance with the Public Art Strategy.

Roles and Responsibilities

The process of developing public artworks for a community often involves collaboration with a range of stakeholders.

There are three key roles in any public art commission – the commissioner, the creator and the manager. These need to be determined for each commission and clearly defined with a contract developed for the Arts Coordinator / Curator.

Council (the commissioner/ acquirer) – the role of Council is to develop, manage, coordinate, and preserve Public Art resources and assets. To assist in the role, Council works in consultation with the Public Art Panel for advice.

Public Art Panel – the role of the Panel is outlined in the Constitution for the Panel and includes:

- a) Advise Council on Public Art trends and issues and manage expectations of the Byron Shire community.
- b) Assist Council in meeting the objectives of the Public Art Policy.
- c) Devise a Public Art Strategy, which sets out a proactive approach to public art in the Byron Shire.
- d) Assess public art donation and loan proposals against the Public Art Guidelines and Criteria and provide recommendations to Council.
- e) Provide advice, if required, pertaining to Public Art in private developments as per the Development Control Plan for Public Art and the Public Art Strategy.

The Artist or creator – the roles and responsibilities of the artist need to be clearly defined during the establishment of the project brief and any contracts developed.

Primarily the role of the artist will be to develop and produce the artwork. The artist responds to issues defined in the brief, such as interpreting history or responding to local community values. The artist should be available as required to assist with community consultation processes.

Other tasks for the artist include:

- Liaise with engineers/fabricators in the design and costing of the artwork
- Consider risk management and assessment issues
- Manage fabrication and installation with subcontractors
- Work in collaboration with other artists or design professionals, such as architects



- Develop a maintenance plan for the artwork and undertake project evaluation.

The Curator/ Arts Coordinator (the project manager) – the Arts Coordinator will be contracted for special projects by Council on a case by case basis. Responsibilities may include:

- Manage the artwork acquisition/ commissioning process from end-to-end
- Liaising with the commissioner, the architect, the artist and the building contractor
- Advising on appropriate commissioning models
- Assisting with aspects of project planning from the inception
- Writing the brief for the artists for the EOI and having input to other parts of the Project Plan as appropriate
- Recommend an appropriate panel membership for the project
- Manage media and the implementation of the Community Engagement Plan in conjunction with Council
- Manage the EOI and the artist shortlisting process, and the final selection of the successful candidate
- Manage the commission model selected for the project, for example open invitation or limited invitation
- Organise an architect's briefing and, where appropriate, a site visit for shortlisted artists
- Ensure the artist's contract is signed
- Attend Panel meetings to answer questions in relation to the design and installation
- Provide timely (fortnightly) advice on issues and concerns relating to the commissioning and installation process
- Manage studio visits where appropriate to view work-in-progress
- Examining artwork items to determine condition and authenticity (quality assurance)
- Work in collaboration with artists and other Council staff and subcontractors regarding the placement of artwork.
- Ensure timely progress payments to the artist and that the work is completed and installed on time
- Examining items to determine condition and authenticity
- Identify and classify artwork
- Keep and maintain records about all items including images and data for the project.

Project Initiation – the Project Plan

A Project Plan developed using the *Public Art Project Plan* is a first step in commissioning an acquisition. The following considerations need to be included in an overarching Project Plan.

Arts Coordinator Engagement

The first step is in determining if an Arts Coordinator will be engaged for the project. The Arts Coordinator can lead the development of the project including the Project Plan documentation outlined in this section.

A contract should be prepared for the Arts Coordinator/ Curator if required and call for Expressions of Interest to fill the role prior to the next steps being implemented.



Select a commissioning model/ approach

There are many different commissioning models and some are outlined in the Overview Section – Models of Acquisition and Forms on p4-5.

The most appropriate model for a project will depend on a number of factors, including the scope of the project, the budget, whether it is a new build or a refurbishment, how the overall project is being contracted, the location and profile of the site. Some public art projects use a combination of commissioning models.

Whatever model is selected, ensure there are realistic delivery timeframes and budget factored into the project timeline.

Risk Assessment and Management

A Risk Management Plan must be developed for the project and will inform development of a Community Engagement Plan. Of particular note, no Council managed projects will link the timeline of a public art project to the deliverables of major infrastructure projects. Public art projects must stand alone.

Community Consultation

A Community Engagement Plan is to be developed for the project outlining the key stakeholders and how community consultation, feedback and input will be managed throughout the project.

The Plan needs to articulate the various roles and responsibilities in community engagement, including the media spokespersons, and alternate spokesperson, for the project.

Budget

At the commencement of each Council term, benchmarking of public art commissioning budgets will occur using a range of regional and metropolitan examples as a baseline.

Development of the budget should consider the following:

- Management fee for the art coordinator
- Design concept fees for the shortlisted artists
- Design fee for the successful artist if relevant
- Additional insurances if required
- Transport costs to site
- Any permits or approvals required
- Footings and foundations
- Remedial work to the surroundings
- Provision of power and water
- Interpretive material (such as plaques/ signage etc.)
- Installation costs
- Ongoing maintenance and conservation of the artwork.



Installation Preparation

When considering the site for installation of a public artwork, the following checklist may be helpful in determining project plan steps:

- Is installation consistent with the Plan of Management or other strategic plans for the proposed site?
- Is the site ready for work to be installed?
- Does timing of installation avoids busy holiday periods
- Is a concrete pad or foundation works required?
- Have all the services been appropriately prepared, such as electrical?
- Have all site dimensions and measurements been confirmed?
- Is access to the site restricted in any way?
- Are any permits or approvals required?
- Will traffic arrangements be required for installation?
- Are the relevant installation contractors engaged and prepared?
- What tools and equipment will be required?
- Is appropriate insurance in place, including during transportation?
- Are WHS requirements understood and provisions in place?
- Are any parking approvals/ arrangements required for contractor vehicles?

Artist Brief

The artist brief should be flexible enough to allow for a creative response, while still meeting Council's needs and any specific functional and technical requirements.

A *Public Art Brief* has been developed for use. Additionally, the brief will outline the selection criteria that will be used to assess the different stages of the submission process.

Artwork Selection Committee

Determine if a separate artwork selection committee will be required for the project and make steps to establish a committee for the assessment of submissions leading to the selection of the final artwork.

Expressions of Interest/ Selection of Artist or Work

The artwork brief is usually released through an EOI process. In some circumstances an EOI is not the preferred method of procurement. In these cases an artist's briefing session may occur or artists can be directly commissioned.

The EOI submission usually includes:

- The artist's CV
- Written responses to the artist's brief, with demonstrated experience relating to the selection criteria
- Relevant images of past artworks.

Broad reach to a maximum number of artists would include print and online advertising including via professional arts organisations, art coordinator networks, social media and via media release. An EOI is usually open for three to four weeks, although larger commissions may be open for longer.



In addressing the criteria outlined in the Project Brief, artists will be required to submit a rigorous response comprehensively describing their proposed concept, their approach, philosophy and professional capability to deliver a public commission.

Shortlisting

The purpose of this stage is to ensure the successful selection of an artist through an equitable and transparent process.

For commissions involving an EOI process, the applications are assessed against the selection criteria by a selection panel. The panel composition varies according to each project but usually includes the project architect and other relevant stakeholders. The panel is generally facilitated by the art coordinator, who is a non-voting Chair.

In assessing each concept, as per the assessment template, the Public Art Panel aims to ensure that the successful proposal:

1. responds to the curatorial content of the Art Brief
2. is of a high standard in terms of design and technical and structural execution
3. is culturally appropriate
4. requires minimal maintenance
5. does not pose risk or WH&S management issues
6. best meets the requirements outlined in the project brief and Council's objectives
7. meets relevant building and safety standards
8. does not pose any long-term conservation issues
9. meets the requirements of the project budget
10. will meet the specified timeframe; and
11. is assessed on the basis of the guidelines outlined in this document and Council's *Public Art Policy*.

The panel members may review and rank each application individually against the selection criteria before meeting to undertake a group assessment using the same process. Short listing may result in a number of artists being interviewed by the Public Art Panel. Alternatively the number of artists to participate in the concept stage may be selected directly therefore bi-passing the interview stage. Depending on the scope of the project, two or three artists will be selected to go onto the concept design stage.

Commissions for large projects may instead shortlist a pool of artists who may be called upon to submit a project proposal.

A report is prepared using the information from the selection panel for a Council endorsement of the decision. Artists are notified in writing of the outcome of the EOI process. The panel deliberations should be kept confidential; however artists may seek feedback about their submission. Council is not obligated to proceed with a commission if the calibre of submissions does not meet expectations of quality.

Once the preferred public artwork concept has been selected by the Public Art Panel, a recommendation for the preferred artist will be made to Council for endorsement.

Concept Design Development

Some Limited Invitation and Direct Commission models may bypass the EOI process and commence the public art project at the Design Concept stage. For commissioning models using an EOI process, the design concept stage allows shortlisted artists to develop the concepts they submitted as part of the EOI process.

Shortlisted artists will be required to enter into a Concept Design Agreement (contract). A fee should be paid to all shortlisted artists to assist with the development and production of the design concept. The fee does not include the rights to concepts, drawings, maquettes and models submitted as part of the presentation, which remain the property of the artist.

To provide the shortlisted artists with more detailed information about the commission, a briefing is usually held. The briefing may include presentations by the art coordinator, the commissioner (Council), architect and any other relevant professionals, as well as a site visit.

The design concept to be developed by the artist must include:

- A written description of the artwork and response to the theme
- Drawings, sketches and/or digital images indicating the location, scale, colour and materials of the artwork and where appropriate, a 3D model or digital images of the proposed artwork
- Material samples
- A methodology for community participation/ consultation in the project
- Details of major fabricators, industry collaborations and other design professionals required to produce the artwork
- Preliminary budget or cost estimates
- Work program and payment schedule - must be able to demonstrate the viability and construction methodology of the public art concept to an agreed budget.
- Proof of relevant insurances
- Preliminary details of installation requirements.

Artists are usually given four weeks to submit their design concept, however, this depends on the scope and complexity of the commission.

Final Selection

Artists will be required to present their concept design to the Public Art Panel who will review all designs and select the final public art work and refer to Council for final determination. The selection panel will assess the presentations and the design concepts using a similar process to that undertaken in the EOI process.

The assessment should consider:

- The response to the brief and whether the artist has an understanding of the project objectives
- The quality and creativity of the proposal
- Previous experience
- Appropriate level of skill to match the requirements
- That the artist has the resources and capability to deliver the proposed works.
- Demonstrated ability to work collaboratively with the project team and the community
- Realistic implementation/deliverability and budget.



The artist will be required to submit a maintenance plan, as per document template, prior to Council's endorsement of the concept design.

Contract

Once the preferred artwork has been endorsed by Council, the successful artist will be offered a contract agreement (template *Public Art Commission Agreement*) that will outline the specific terms and conditions of the project between the parties.

The contract should include a work program with milestones, including a payment schedule. The contract may also address specific requirements of the project, such as:

- Who pays for preparatory work such as services and fixtures
- Who pays for transport, delivery and installation of the artwork
- Who organises and pays for remedial work around the artwork after installation
- Who provides for the hire of equipment or professional advice which may be needed for items such as the footings or installation
- Who insures the work in progress and when does the responsibility transfer
- Who is responsible for maintenance and care of the completed artwork.

An open and collaborative communication process will be encouraged between all parties at all stages of a commission. Variations to the contracted arrangements will be reported to the Public Art Panel for comment or advice.

Design Development and Documentation

During design development, the artist or artist team will:

- Review and refine the original design concept, particularly in response to any comments or directions that may have been made by the selection panel during the final selection meeting
- Review and finalise the budget by securing firm quotations from suppliers and/or fabricators
- Meet with the project architect to finalise locations and resolve any integration issues
- Meet with other design professionals as required, such as landscape architects and Aboriginal stakeholders
- Meet with material suppliers and/or fabricators
- Produce samples or prototypes
- Undertake further research of materials and finishes before making final selections.

The artist will provide final design and construction drawings, prototypes, samples and documents as part of the design documentation stage, noting any amendments to the original design proposal. Where appropriate, the artist meets with the engineer to obtain engineering specifications and certification where they are required for the structural elements or fixing.

The artist also needs to demonstrate that any professionals they engage have the relevant insurance.

Note: This is a project hold point until appropriate and sufficient documentation is provided and accepted by the Public Art Panel, and Council has provided approval to progress the project.

Production of Artwork

The artist will be responsible for ensuring construction/fabrication complies with all relevant standards and Council policies and planning instruments. Fabrication of the public art proposal will be monitored by a relevant Council officer or Arts Coordinator.

During this stage, the artist will be required to meet the milestones outlined in the contract, which in turn will trigger progress payments to be released. During production, the artist will provide regular, written updates (including images) on the progress of the artwork to the Arts Coordinator. These updates will be provided to the Public Art Panel. Where appropriate, a studio visit is undertaken by the Art Coordinator and may also involve the architects and other stakeholders.

Installation of the public art work will be determined at the Commission Contract stage. It may be the responsibility of the artist and/or Council to install the art work. Responsibility for installation and maintenance will be determined at the project brief development stage.

Completion of Artwork

Once the artwork has been completed according to the terms of the contract and brief, the artwork will be installed in accordance with the conditions outlined in the contract between the artist and Council.

At the end of the project, the artist should provide Council with images and a final maintenance report, as per template. An event may be organised involving the artist and stakeholders to celebrate and promote the project.

Once installed, the artwork will be inspected by Council staff or nominated professional engineer as per template and a *Certificate of Practical Completion* (template) issued. At this stage, the final fee, less the retained which may be held until completion of the Warranty Period as per the Commission Contract (clause 7.4), is paid to the artist and the artwork is entered onto Council's public art register.

Following a further three month period, a *Certificate of Final Completion* (Appendix 8) is issued if no ongoing structural or maintenance issues are identified.

Evaluation of Project

At the completion of the project an evaluation of the project should be conducted. This information can be used to review processes and maintain best-practice in the commissioning of public art.

A template has been prepared for this purpose: *Project Evaluation Template*.

The Cultural Development Network outlines five cultural outcomes on which to evaluate the benefit to the community of art and these are available in the template as options for evaluation.



Donations, bequests and loans

Byron Shire Council may be offered donations and gifts of public artworks by individuals or commercial entities wishing to make a cultural contribution to the Shire. While Council is grateful for such offers, it is not obliged to accept the artworks since they may carry with them expensive responsibilities for installation, maintenance, conservation and decommissioning.

When an artwork is loaned to Council, the artist will be responsible for maintaining and insuring the Public Artwork on loan. It is the artist's responsibility to inform Council prior to undertaking maintenance and repairs on the art work. Council will not be responsible for any damage, loss or destruction of loaned artwork. Artworks are loaned to Council for a defined period and an assessment of the artwork for loan is usually undertaken by the Public Art Panel. Council will only agree to accept public art loans which meet the criteria established by the Policy, Strategy and these Guidelines.

Council will only agree to accept public art donations, bequests and loans which meet the criteria established by the *Public Art Policy*, *Public Art Strategy* and these Guidelines.

Acceptance Criteria

Proposed public art donations and bequests will be assessed by the Public Art Panel which will then make a recommendation to Council for consideration and endorsement. (Template: *Checklist for Assessment of Public Art Loans or Donations*.) Any proposed donated or loaned public art may undergo a public consultation process where the community will be given the opportunity to have a right of reply.

It is the responsibility of the artist making the donation or loan, to provide the Public Art Panel with enough information to make an assessment of the proposal. This includes submission of the following:

- *A Public Art Asset Application pro forma* (Template)
- *A Public Art Risk Assessment* (Template)
- *A Public Art Maintenance Manual* (Template)
- Other information such as the artist's CV, artistic statement, Photo's/ drawings providing visual samples of proposed work and proposed signage to accompany the artwork (see 7.2)

It is at Council's discretion if, and where donated and bequest artwork will be displayed.

Signage for artwork will be required to be presented at the project proposal stage for approval by Council. Signage is limited to the name of the artist and a brief artist statement.



Management of Artwork

Art work subject to the Guidelines may include, but is not limited to, sculptures, bronzes, paintings, murals, mosaics, and other approved design elements and pieces installed in Council public places, private sites which impact on the public domain and Council-managed/owned buildings and public infrastructure within the Byron Shire.

Council maintains an Asset Management System with a layer of GIS data of the location and condition of artworks in public spaces.

Council also maintains a Visual Arts Register of Council owned paintings and other visual artworks located within Council buildings. Council have received a collection of visual artworks over many years by donation or acquisition. As there is no public gallery in Byron Shire, these artworks are displayed in public buildings such as Council offices and community facilities.

Copyright, legal title and ownership

An artist's moral rights are protected under the Copyright Amendment (Moral Rights) Act 2000. Under the Act, all original artwork must be attributed to the artist.

The ownership of the public artwork and copyright will be determined within the acquisition process and the land on which it is located. Artwork donated to Council is generally owned by the community with Council holding responsibility for the artwork on behalf of the community.

All public artworks will need to be registered as an asset and placed on the Public Art Register which has been developed by Council. The Register of Public Art will be maintained by Council officers.

Council may contribute financially to donated or bequest artwork. Council reserves the right to on-sell or re-donate the artwork.

Cultural Gifts and Deductible Gift Recipient (DGR)

Certain organisations are entitled to receive income tax deductible gifts and tax deductible contributions. They are called Deductible Gift Recipients (DGRs). Byron Bay Library and Lone Goat Gallery are registered as a Deductible Gift Recipients and gifts or donations to the library are tax deductible. Please note that the Lone Goat Gallery does not collect artworks (i.e. there is no Gallery collection). Gifts donated to all other parts of the council are not tax deductible.

The process for donating/receiving gifts for the library is outlined in the Department of Regional Australia, Local Government, Arts and Sport's *Cultural Gifts Program*.



Maintenance

Ongoing Maintenance

In commissioning public artworks and in accepting bequests and gifts, Council accepts the inherent responsibility to maintain the work of art and its surroundings in a manner which is consistent with the design intent of the work, does not significantly inhibit or alter the intended perception of the work and is in accord with the instructions contained in artist's *Maintenance Manual* for the work (*Template*), whose annual requirements will have been assessed and approved prior to the work's fabrication as being appropriate and within Council's financial and human resources.

The maintenance manual provided by the artist should include:

- a complete description of the artwork including digital images and the date of completion;
- the artist contact details;
- a maintenance schedule and a written agreement on who is responsible for the ongoing maintenance;
- the expected lifespan of the work;
- the method of construction, the types of materials used and the details of the fabrication company;
- details of any electrical and/or mechanical systems installed;
- any specific instructions or products to be used when cleaning and maintaining the artwork;
- any instructions to respond to urgent maintenance issues such as vandalism.

Council does not accept responsibility for the maintenance of public art which has been loaned. This responsibility lies with the artist.

Council also accepts that making provision for proper upkeep, maintenance, and minimisation of vandalism includes the requirement for forward identification and cost planning of the progressively increasing annual cost of public art maintenance as the number of commissioned works grows.

Repairs

In all cases, the artist should have the first option to carry out repairs or recommend an appropriate repairer; however, the artist may not always be available and may wish to nominate a conservator, gallery, agent or organisation to be the first point of contact to provide initial advice, names and addresses of fabricators and suppliers of materials for replacement components, technical advice or repairs, as relevant and any details of spare parts that have been lodged.

Insurance

Council Insurance

All commissioned and donated artworks will be recorded on the Public Art Register and will be the property of Council thus will be valued and covered under Council's insurance.

The processes of installation, maintenance, moving the artwork or decommissioning, will need to be considered on a case-by-case basis with Council's insurers. In the case of damage where Council insures an artwork, negotiations will be required to ascertain who will pay the excess fee if damage is sustained.



Artists are responsible for an artwork while it is the control of the artist i.e. until Practical Completion, such as in transit and installation of the artwork on site. The artist must maintain their own insurances, including public liability and workers compensation. Once the work is formally handed over to Council, only then will it be insured by Council.

Artist Insurance

Insurance is an important aspect of public art and artists and their subcontractors need to look carefully at the insurance requirements outlined in the commission contract or agreement before signing it.

All artists who loan public artwork to Council should have their own insurance.

Property Insurance

All loaned art work will be provided by the artist at the artist's risk. Council will not be responsible for any damage, loss or destruction of donated or loaned artwork. This includes the removal of graffiti and any rectification work required to maintain the donated artwork.

Workers Compensation

A practitioner who is an independent contractor will be responsible for taking out workers' compensation insurance to cover themselves and anyone the practitioner employs directly to work on the commission, both on and off site. The cost of the insurance should be included as an item in the commission budget.

Public Liability

Council will be responsible for public liability of any public artwork commissioned, or donated if displayed for public art.

Decommissioning Public Art

All artwork has an intended lifespan. Decommissioning refers to the process undertaken to remove a work of art from public display, or from a public collection. If an artwork has reached its intended lifespan, has been damaged or destroyed, or is no longer safe, there may be a need to remove or relocate the artwork.

Council will undertake a review of its public art work assets annually to assess the value of the asset life. The decision to decommission public artwork will be informed by the asset management and maintenance framework relevant to each public artwork. The *Decommissioning Public Artwork pro forma* (Template) has been developed to assist Council with determining the need to decommission public art works.

Criteria for decommissioning

Before an art work may be considered for removal from public display, a formal process should be implemented and may consider:



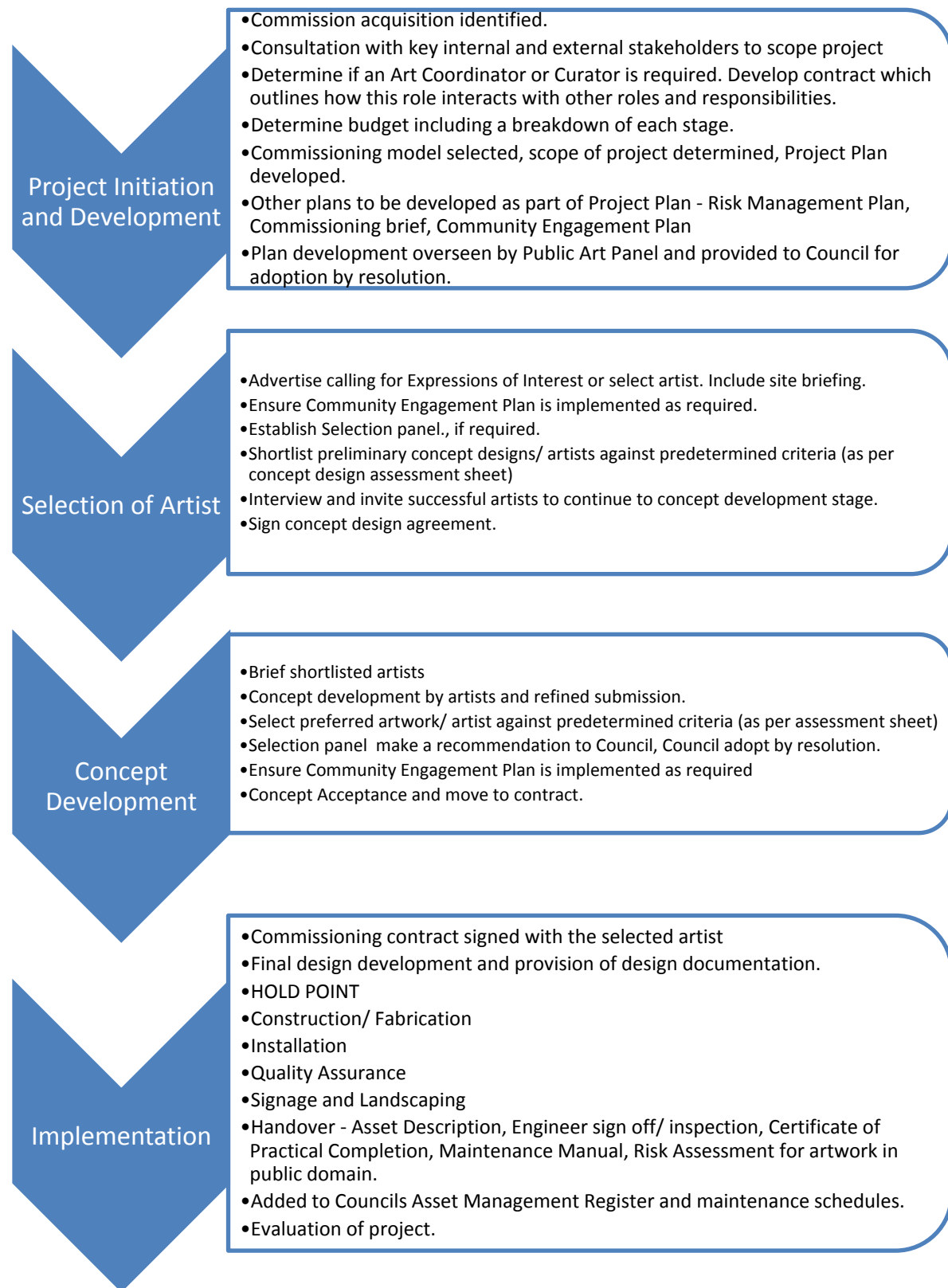
- any conditions relating to the decommissioning of the artwork, as outlined in the original contract;
- changes to the environment impact on the integrity of the work, affecting the artist's original intent or moral rights;
- whether the work has deteriorated and represents an unacceptable level of risk or danger to the public
- whether the artwork is beyond restoration or the cost of restoration is excessive in relation to the value of the public artwork;
- the opinions and advice of relevant stakeholders, including the artist, maintenance contractors, the owners of the building or land on which the artwork is located, or any other experts, such as engineers;
- community or cultural issues associated with the artwork, building, land and/or original commissioning process.

The Public Art Panel will be responsible for reviewing Council's public artwork collection and for implementing the decommissioning process. Any artwork identified for decommissioning or remediation should not be removed, relocated, sold or destroyed without first notifying the artist.

The Panel will be required to consult with individuals with the relevant qualifications and/or expertise prior to making a decision to decommission public art works (e.g. legal advice, a conservator, curator; technical and structural experts and relevant Council staff).

All recommendations to decommission artworks will be referred to Council.

Table 1 – Public Art Commissioning Process





Templates List

Old (All attached as Appendices E2014/72474)	New	Comment
Stage 1 – Project Initiation and Development		
	Public Art Project Plan (for commissioned projects) including: - Art Coordinator contract - Risk Management Plan - Community Engagement Plan - Commissioning model - how artist will be selected - budget - installation considerations for site	Newly developed
	Public Art Commission Checklist for staff (draft E2019/21165)	New
Appendix 1 - Public Art Project Brief Pro-forma	Public Art Project Brief including assessment criteria for selection E2019/52317	Template based on Bayshore Drive Roundabout Project (E2018/39447) and Railway Park Project (E2018/54712).
Stage 2 – Selection of Artist		
Appendix 4 – Public Art Concept Design Assessment Sheet		Based assessment criteria developed during Project Brief phase
Appendix 2 – Notification of unsuccessful public art proposal		
Stage 3 – Concept Development		
Appendix 3 – Public Art Concept Design Agreement Template		To be replaced with document from Arts Law Centre of Australia
Appendix 4 – Public Art Concept Design Assessment Sheet		Amended to suit stage 2 of the process - based on assessment criteria developed during Project Brief phase
Stage 4 – Implementation		
Appendix 5 – Public Art Commission Contract	Purchased Arts Law Centre of Australia <i>Commissioning Agreement: Public Visual Artwork.</i>	To be adapted as required for Council/ project purposes
Engineer Inspection Checklist/ sign off		New
Appendix 9 – Public Art Asset Application pro-forma		
Appendix 6 – Public Art		



Old (All attached as Appendices E2014/72474)	New	Comment
Maintenance Manual example		
Appendix 10 – Public Art Risk Assessment		
Appendix 7 – Public Art Certificate of Practical Completion		
Appendix 8 – Public Art Certificate of Final Completion		
Other		
Appendix 13 – Checklist for assessment of Public Art loans or donations		
Appendix 11 – Decommissioning Public Artwork pro-forma		
Appendix 12 – Maps showing parks in Byron Shire		Delete
Project Evaluation Template		New
Evaluating Cultural Outcomes	E2019/52364	New – information