

| | | | |
|------------------------------|--|--|---|
| Council Policy 51 | DRAFT Acquisition of Public Artworks | | |
| Reference | <i>Strategic Community Plan 2013-2023</i> Priority Area: 5 Major Strategy: 5.2 | <i>Corporate Business Plan 2020 - 2024</i> Priority Area: 5 Actions: 5.2 | |
| Responsible Officer | Chief Executive Officer | | |
| Policy Area | Executive Services | | |
| Council Adoption Date | | Version Number | 3 |
| Amendment Dates | | Next Review Date | |

This Policy replaces all previous policies related to this topic.

1. Policy Purpose

- 1.1. This Policy confirms the Town's commitment to enriching Cottesloe's natural and built environment through the collection of public artworks.
- 1.2. This Policy provides guidance for the acquisition of artworks to ensure they are of long term financial and cultural value to the community.
- 1.3. This Policy aims to ensure the purchase of artworks for the collection is approved in accordance with established delegated authority.
- 1.4. This Policy aims to provide consistency in acquisition through a comprehensive public artworks selection criteria.

2. Policy Scope

- 2.1. This Policy applies to all activities relating to the acquisition and accessioning of artworks into the Town's collection.
- 2.2. This Policy applies to Elected Members, Executive Management and employees, including contractors (Curator).
- 2.3. This Policy applies to all advisory groups or committees which may be established by Council to assist with the purchase of artwork and/or management of the Town's Art Collection.

3. Policy Requirements

3.1. Public Artworks Selection Criteria

Artworks being given due consideration for the Town's collection, (whether by acquisition or donation) should meet the following criteria:

- The artworks truly reflect the history and cultural heritage of the Town, its people and places and the broader Western Australian community.
 - Represents significant periods, occasions and urban initiatives in the evolution of the Town and its place in Western Australian society.
 - Enhance the environment and contribute to the culture of the community and community life.
 - Reflect Cottesloe's cultural heritage expressed through contemporary art forms.
- Design - excellence in quality and, execution based on conceptual rationale and innovation.
- Feasibility – affordability and long-term cultural and financial value including investment potential.
- Location – appropriateness of the work to the chosen site including integration with landscaping and architecture, with no adverse environmental impacts.
- Conservation – durability, robustness and ongoing maintenance requirements.
- Useful life – ephemeral or permanent.
- Public Safety – ensuring there is no unacceptable level of risk associated with any public art proposal.
- Interaction – encourages audience participation.
- Are not a duplicate of existing holdings.
- Are not a commercial print or reproduction.

[An assessment Matrix is to be used to assess potential purchases \(e.g. durability and safety\) and be referred to Council for any proposed acquisitions.](#)

3.2. Acquisition of Public Artwork

The Town of Cottesloe may acquire works by:

- a. Purchase;
- b. Bequest;
- c. Gift;
- d. Donations that are the sole property of the donor and which accord with this Policy with no conditions attached.
- e. In all cases, an artists are required to provide a written statement of advice related to the following aspects of the works being considered:
 - Materials used
 - Durability/life expectancy
 - Expected maintenance schedule and foreseeable costs
- f. Recommendations to acquire are required to be submitted with a completed

Public Art Acquisition/Donation Assessment Form to the CEO.

- g. Content and design of plaques displayed with public art are to be at the discretion of the CEO.

3.3. Recommendations

An Art Advisory Group and/or Curator may be convened/contracted to assist the Town by way of recommendations regarding art acquisitions. The scope for this is required to be determined by Council.

3.4. Sculpture by the Sea – Purchase of Artwork

Whilst Sculpture by the Sea remains an annual event in Cottesloe, the Town's contract with Sculpture by the Sea Incorporated in consultation with the annual budget, will determine its obligations regarding the purchase of artwork as part of that event.

Should the Town purchase any artwork, it is required to meet the criteria set out in this policy. In addition:

- a. All recommendations for the purchase of Sculpture by the Sea artworks are to be referred to [Council](#) for consideration.
- b. Whilst the purchase of artwork covered in this section of the Policy is exempt from the requirements of the Town's Purchasing Policy, an acquisition is required to comply with any purchasing conditions set out in the contract.

3.5. Funding for Public Artwork – Annual Budget

- a. An annual budget may be allocated to acquire new works of art for the Town's collection.
- b. An annual budget is required to be allocated to insure, conserve and document artworks as necessary.
- c. The budget should reflect the goals of the Public Art Strategy and policies of the collection and take into consideration factors such as the cost of acquiring historical artworks.

- 3.6. The Town's administration is required to maintain an up to date and accurate electronic register of the Town's public artwork ensuring it includes maintenance reports and an annual 'Sculpture Assessment Report'.

- 3.7. For the purpose of community information the Town of Cottesloe Public Artworks Register is to be made available on the Town's website.

4. Definitions

- 4.1. **Public Art** – means artwork in any medium outside a gallery context inclusive of many cultures, traditions and art forms located in highly accessible public spaces.
- 4.2. **Acquisition** – means the process of obtaining valid title to a work of art.
- 4.3. **Collection** – means works of art in various media that are the property of the Town of Cottesloe.

5. Legislation

- 5.1. *Local Government Act 1995* – Section 2.7 – The Role of Council

6. Other Relevant Procedures/Key Documents

- 6.1. Public Art Strategy
- 6.2. Management of Artworks Policy (In Draft – New)
- 6.3. Purchasing Policy
- 6.4. Delegated Authority Register

DRAFT

| | | | |
|------------------------------|--|--|--|
| Council Policy - New | DRAFT - Management of Public Artworks | | |
| Reference | <i>Strategic Community Plan 2013-2023</i> Priority Area: 5 Major Strategy: 5.2 | <i>Corporate Business Plan 2020 - 2024</i> Priority Area: 5 Actions: 5.2 | |
| Responsible Officer | Chief Executive Officer | | |
| Policy Area | Executive Services | | |
| Council Adoption Date | | Version Number | |
| Amendment Dates | | Next Review Date | |

This Policy replaces all previous policies related to this topic.

1. Policy Purpose

- 1.1. This Policy provides guidance for the Management of the Town's Art collection including budget considerations.
- 1.2. This Policy aims to ensure all acquired art works are documented and maintained appropriately, through an asset listing.

2. Policy Scope

- 2.1. This Policy applies to all works of art in the Town's collection.

3. Policy Requirements

3.1. Management of the Collection

- a. The Council requires the collection to be well maintained.
- b. An annual budget allocation should reflect the conservation requirements of the collection based on Engineering's Public Art Inventory condition report.

3.2. **Art Advisory Group**

An Art Advisory Group and/or Curator may be convened/contracted to assist the Town by way of recommendations regarding the maintenance of the Art Collection. The scope for this is required to be determined by Council.

3.3. **Collection Maintenance**

- a. The collection is required to be adequately insured for artworks on display, in storage, in transit and on loan.
- b. Budgets allocated to the care and maintenance of the Art Collection will be in line with landscaping and general asset management strategies and will be developed in consultation with Engineering Services.
- c. The collection is required to be housed in such a way to ensure maximum access and appreciation by the public.
- d. Requests for the loan and/or movement of artworks are required to be made in writing to the Chief Executive Officer.
- e. The location and movement of artworks is to be recorded in the art collection database and wherever appropriate, the cost of transfer is to be met by the borrower.
- f. The art collection database should detail all works, including the name of artists, work title, date of production, media, technical details, size, preferred viewing specifications, inscriptions, comments or background by the artist and others etc.
- g. A comprehensive photographic archive, including slides/prints or transparencies of all artworks shall be maintained.
- h. Where works are of a culturally sensitive nature and may not be photographed, care should be taken to provide a detailed written description of the artwork.
- i. The collection should be valued at least every five years, or as recommended by an appointed Art Advisory Group or Curator. The valuation is to be recorded in the collection database and the Town's asset register.
- j. The collection should be audited annually before the end of each financial year.
- k. Any items missing or damaged are to be reported to the next Council meeting.
- l. A suitably qualified art curator may be engaged on an occasional basis to:
 - Review the collection and submit a condition report.
 - Make recommendations regarding the general maintenance and conservation of the collection and an appropriate maintenance budget allocation for the collection.
 - The curator's guidelines for the framing, lighting, hanging requirements, locations and restoration of artworks should be adhered to within budgetary constraints.
 - Other requirements may be considered at the discretion of the CEO.

3.4. Sale or Disposal

- a. The Town retains the right to dispose of artworks in the Town's collection that have been assessed as unsuitable at any stage. Where required the artist will be consulted.
- b. Works will be de-accessioned in accordance with the *Local Government Act 1995* – section 3.58 Disposal of Property.
- c. Works of art may be assessed for sale or disposal if the work has deteriorated or has been damaged so that:
 - It can no longer be considered to be the original work of art.
 - It is beyond restoration, or where the cost of restoration is excessive in relation to the original cost of the work or the current value of the work.
 - The cost of ongoing maintenance is prohibitive.
 - It is deteriorated to a point where it is unsafe or presents a danger to the public.
 - Changes to the environment that impact on the integrity of the work, affecting the artist's original intent and moral rights.
 - The work of art has faults in design, material or workmanship.
 - The artistic merit of the work falls below the general level of the collection of artworks, or the level to which the collection aspires.
 - The work is no longer regarded as a significant example of artist's work.
 - The work lowers the level of quality or representation of its specific area in the collection.
 - Council wishes to replace the work with a more significant work by the same artist.
- d. Donated works may only be disposed of in accordance with the Donation Agreement.

4. Definitions

- 4.1. Collection – means works of art in various media that are the property of the Town of Cottesloe.

5. Legislation

- 5.1. Local Government Act 1995 – Section 2.7 – The Role of Council

6. Other Relevant Procedures/Key Documents

- 6.1. Public Art Strategy
- 6.2. Public Art Advisory Committee Charter
- 6.3. Asset Management Policy
- 6.4. [Public Art Acquisition/Donation Assessment Form \(in development\)](#)

ACQUISITION OF ARTWORKS

1. Objective

To provide guidance in the collection of high quality public art works so that acquisitions are of long term financial and cultural value to the community.

2. Principles

Acquisition of art works for the collection should:

- Facilitate the development of art works which truly reflect the cultural heritage of the Town, its people and places and the broader Western Australian community.
- Represent significant periods, occasions and urban initiatives in the evolution of the Town and its place in Western Australian society.
- Enhance the environment and contribute to the culture of the community and community life.
- Be readily accessible.
- Reflect the richness and diversity of our cultural heritage expressed through contemporary art forms.

3. Issues

- A process for the selection of art works should be agreed upon that is not overly complicated or subject to undue political influence.
- The collection will grow over a period of years and should be properly managed.
- The purchase of art works shall be provided for in the budget determination process.

4. Policy

4.1 Art Acquisition Panel

- a. Recommendations for the purchase of art works are to be made by an Art Acquisition Panel consisting of:
 - The Mayor
 - Two nominees of the Council with relevant experience in the acquisition of art works.
- b. Committee members shall act in a voluntary capacity and be appointed for a maximum term of two years effective until the next ordinary local government elections.
- c. Members may be re-nominated to serve on the panel for a further term.
- d. The Mayor shall act as the Presiding Member of the panel and shall exercise a casting vote in the event of a tied vote.

4.2 Assessment and Purchase of Art Works

- a. An assessment of both the long term cultural value and/or investment potential must be made by the Arts Acquisition Panel when works are being considered for addition to the collection.
- b. All recommendations by the Arts Acquisition Panel for purchase of art works for the collection are to be referred to the Chief Executive Officer for final consideration.

- c. After the receipt and consideration of advice from the Arts Acquisition Panel, the Chief Executive Officer has authority to approve the acquisition of any collection items within the limits of available funding.
- d. The purchase of an artwork covered in this section is exempt from the requirements of the Purchasing Policy.

4.3 Management of the Collection

- a. A qualified curator is to be engaged on an occasional basis to:
 - Review the collection and submit a condition report.
 - Make recommendations regarding the general maintenance and conservation of the collection and an appropriate maintenance budget allocation for the collection.
- b. The collection shall be well maintained and the annual budget allocation shall reflect the conservation requirements of the current collection based on recommendations put forward by the curator.
- c. The curator's guidelines for the framing, lighting, hanging requirements, locations and restoration of artworks shall be adhered to within budgetary constraints.
- d. The collection shall be housed to ensure maximum access and appreciation by the public.
- e. Requests for the loan and or movement of artworks shall be made in writing to the Chief Executive Officer.
- f. The location and movement of artworks is to be recorded in the art collection database and wherever appropriate, the cost of transfer is to be met by the borrower.
- g. The art collection database shall detail all works, including the name of artists, work title, date of production, media, technical details, size, preferred viewing specifications, inscriptions, comments or background by the artist and others etc.
- h. A comprehensive photographic archive, including slides/prints or transparencies of all artworks shall be maintained.
- i. Where works are of a culturally sensitive nature and may not be photographed, care should be taken to provide a detailed written description of the artwork.
- j. The collection shall be valued at least every five years, or as recommended by the curator and the valuation is to be recorded in the collection database and the Town's asset register.
- k. The collection shall be adequately insured for artworks on display, in storage, in transit and on loan.
- l. The collection shall be audited annually before the end each financial year.
- m. Any items missing or damaged shall be reported to the next Council meeting.
- n. The Art Acquisition Panel shall consider all offers of gifts, donations and bequests and make recommendations as to their suitability or acceptability as part of the collection.

4.4 Annual Budget

- a. An annual budget should be allocated to acquire, insure, conserve and document works as necessary.
- b. The budget should reflect the goals and policies of the collection and take into consideration factors such as the cost of acquiring historical artworks.

| | |
|-------------------------|-----------------|
| Adopted | 26 April 2005 |
| Reviewed | 31 October 2011 |
| Reviewed | 27 June 2017 |
| Expected date of review | July 2022 |

This charter document defines the membership, authority, purpose, operational guidelines, responsibilities and resources of the Town of Cottesloe Public Art Advisory Committee, established by Council pursuant to Section 5.8 of the *Local Government Act 1995* (the Act).

1. Name

The name of this Committee is “Town of Cottesloe Public Art Advisory Committee”. All references to “Committee” in this charter mean “Town of Cottesloe Public Art Advisory Committee”.

2. Establishment

This Committee is established under the provisions of the *Local Government Act 1995 (Act)*, particularly section 5.8 of the Act.

3. Guiding Principles

This Committee is established with its guiding principles in accordance with the *Local Government Act 1995*, sections 5.8 to 5.25.

4. Purpose

The purpose of this Committee is to provide guidance on the collection of high quality public art works so that acquisitions are of long term financial and cultural value to the community.

5. Terms of Reference

- a. To advise Council and make recommendations on any acquisition to and the maintenance of the Town’s Public Art Collection;
- b. To assist Council with the implementation of the Acquisition of Artworks Policy; and
- c. Make recommendations to Council on matters relevant to the Committee.

6. Membership

Membership of this Committee will generally comprise of 5 members, consisting of:

- 3 Town of Cottesloe Elected Members; and
- 2 ‘expert’ Community Representatives (appointed by Council).

Community representatives are required to have experience and expertise in areas and disciplines that will assist the Committee in carrying out its Purpose.

Vacancies for the community representatives will be advertised in the local papers, the Town of Cottesloe webpage and notice boards. Council will then select and appoint new members.

Community representation is valid for two years, until the person resigns, the Committee is disbanded or the next Ordinary Council Election, whichever ever happens first. Nothing prevents an existing member re-nominating.

Organisations that provide representatives are free to select and endorse their representative as per their governing rules and processes. Council will endorse each organisation which provides a representative following each Ordinary Council Election. Organisations will be able to be represented until they write to the Town formally requesting to be relieved of representation on the Committee, the Committee is disbanded or Council resolves to amend the representation on the Committee.

7. Meetings

7.1 Annual General Meeting

Nil

7.2 Quorum

The quorum for any meeting of this Committee shall be 50 percent of the appointed members, as endorsed by Council at the time of the meeting.

7.3 Voting

Shall be in accordance with section 5.21 of the Act, with all members endorsed as voting members entitled and required to vote, subject to the provisions of the Act which deal with Financial and Proximity Interests.

7.4 Minutes

The Minutes of the meeting shall be recorded and prepared as per the provisions of section 5.22 of Act.

The content of the minutes shall be in accordance with the *Local Government (Administration) Regulations 1996* section 11.

The content of minutes of a meeting of a council or a committee is to include —

- (a) the names of the members present at the meeting; and*
- (b) where a member enters or leaves the meeting during the course of the meeting, the time of entry or departure, as the case requires, in the chronological sequence of the business of the meeting; and*
- (c) details of each motion moved at the meeting, the mover and the outcome of the motion; and*
- (d) details of each decision made at the meeting; and*
- (da) written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in section 5.70 (but not a decision to only note the matter or to return the recommendation for further consideration); and*
- (e) a summary of each question raised by members of the public at the meeting and a summary of the response to the question; and*
- (f) in relation to each disclosure made under section 5.65 or 5.70 in relation to the meeting, where the extent of the interest has also been disclosed, the extent of the interest.*

If the Committee resolves, the minutes may include a table of ‘action items’, summarising the agreed actions.

7.5 Who acts if the presiding member is unavailable

Shall be in accordance with section 5.14 of the Act.

7.6 Meetings

Meetings shall be generally open to the public as per the provisions of section 5.23 of the Act.

7.7 Public Question Time

As the Committee has no delegated powers (section 5.24 of the Act), there is no specific provision for public question time.

7.8 Members’ Conduct

Council Members of the Committee shall be bound by the following

- The provisions of section 5.65 of the Act;
- Town of Cottesloe *Standing Orders Local Law 2012*;
- Town of Cottesloe Code of Conduct;
- *Local Government (Rules of Conduct) Regulations 2007*; and
- Regulation 34C of the *Local Government (Administration) Regulations 1996*,

with respect to their conduct at meetings and their duty of disclosure.

Elected Members and Officers of the Town of Cottesloe will be bound by these provisions, relating specifically to their participation in the Committee, at all times.

7.9 Secretary

The Chief Executive Officer (or their nominated representative) shall undertake the following secretarial duties;

- Prepare and distribute meeting papers as required
- Attend and record the Minutes of the meeting
- Provide the administrative support required to present the outcomes of the meeting to Council for consideration where required.

7.10 Presiding Member

The members (voting) will elect a presiding member and deputy member at the first meeting after these positions become vacant for any reason. The voting on and appointment of the presiding member and deputy member shall be in accordance with the provisions of section 5.12 of the Act.

7.11 Meeting attendance fees

Nil

8. Delegated Authority

This committee has no delegated authority.

9. Endorsement

This Charter was endorsed by the Town of Cottesloe Council at its meeting on 29 October 2019.