

Program: Community Lifestyle
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Scope

Artspace Mackay, as the regional art gallery operated by Mackay Regional Council (MRC), is the area responsible for the management and implementation of the Art Collection Policy.

Objective

To ensure sound management of the MRC Art Collection ('the Collection'). MRC holds the Collection in trust for the community.

Policy Statement

MRC is responsible for the proper stewardship of this valuable asset and will provide opportunities for future research, exhibitions and educational programs in order to benefit the community and MRC. The Collection will be categorised in accordance with the requirements of the Asset Management Policies.

MRC considers that to the extent this policy engages and limits, or potentially limits, any human rights, that limitation is reasonable in that it is proportionate and justified.

This process to remain in force until otherwise determined
by Mackay Regional Council

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1.0 Principles

1.1 Objectives

The objectives of this Policy are to:

- Acquire Works of Art by purchase, acquisitive prize, commission, or gift, for inclusion in the Collection.
- Conserve, document, develop and manage the Collection in accordance with current Museum practices.
- Facilitate public access to the Collection.

1.2 Benefits

The Collection:

- Identifies the region's heritage and honours creative work in all media, and in particular recognises the genre of artists' books.
- Assists in building a community identity.
- Integrates artworks into the public realm through good quality public art so the community is regularly exposed to art that is of a high standard.
- Provides an educational function which allows residents to enjoy a wide range of quality visual art, thereby helping to enrich their lives.
- Provides opportunities to experience key aspects of the development of fine art and craft in Australia.
- Has an ambassadorial role for the region.
- Is a valuable drawcard for cultural tourism.
- Acts as an important reference for academic and historical studies.
- Is a valuable resource for schools and tertiary institutions.

1.3 Visual Arts Advisory Committee

MRC will maintain a Visual Arts Advisory Committee (VAAC) subject to the Terms of Reference.

1.4 Conservation and Management of the Collection

The Collection will be managed and documented by appropriately qualified Employees to Museum standards.

MRC will keep the Collection housed according to current Museum industry standards.

MRC will provide for a periodic assessment of the Collection by a professional conservator and regular valuations of the Collection by an approved valuer.

MRC will seek community and industry expertise to advise on management of the Collection. This expertise will be harnessed by way of the VAAC, and other recognised Museum, educational and visual arts professional organisations.

1.5 Artists' Book Collection

A major focus of the Collection is the nationally significant specialist artists' book collection, previously acquired by the Dudley Denny City Library and now housed at Artspace Mackay. The Collection, which has been further developed over the years, includes works by Australian and International artists working in the fields of artists' books, book arts, limited edition books and book related artworks including printmaking, folios, editions, bookplates, works on paper and digital artworks. Artists' book related ephemera such as artist's proofs, mock-ups, blocks and plates are also included for educational purposes, in addition to the Tate Adams Gift of archival and book related material.

The artists' book collection allows MRC to maintain one of the most focused art collections throughout the regional art galleries network in Queensland.

1.6 Acquisition and Development

The artworks in the Collection will be of the highest affordable quality and consist of professional work displaying excellence in that medium. Such a Collection will stimulate and inspire the community and encourage it to aspire to greater creative accomplishments.

New acquisitions will consolidate the existing Collection, its themes and media. New additions should strengthen long established collecting areas, with particular focus on the nationally significant artists' book collection (see section 1.5), but also works on paper and ceramics, as well as work that will develop new collection focus areas such as works by Aboriginal and Torres Strait Islanders and Australian South Sea Islanders.

The following themes will be the main focus for the future direction of the Collection, outside of the primary focus of artists' books. Priority for acquisition will be given to filling perceived gaps in the Collection, to ensure a comprehensive body of work across these themes:

- *Art & Environment* – Works of Art which relate to the unique Australian environment including photography, sculpture, mixed media, multimedia, painting, drawing and printmaking.
- *Mackay Region* – Works of Art by significant Australian and international artists who have links to the Mackay region through their life and/or artworks.
- *Mackay Culture* – Works of Art and cultural objects that reflect the diverse and unique cultural make up of the Mackay region (both past and current) and demonstrate a strong linkage and connection to community.
- *Historical/Contemporary* – Works of Art by important Australian or international artists that will provide the community of the Mackay region with access to the work of leading historical or contemporary artists for educational purposes.

- *Contemporary Indigenous* – Works of Art by established or emerging contemporary Australian indigenous artists, exploring issues pertaining to Australia's First Peoples. This is in accordance with MRC's Reconciliation Action Plan, focus area: Opportunities, which lists the action: "Support First Nations artists" Works by Australian South Sea Islanders will also be collected.
- *Pasifika* – Works of Art or objects from the Pasifika region (Melanesia, Polynesia and Micronesia) that are high quality examples of the artistic and cultural heritage of the region.

Acquisitions will be made taking into account the strengths and holdings of neighbouring collections.

All proposed acquisitions will be presented to the VAAC by the Artspace Mackay Director. The VAAC will not consider any potential acquisition which has not been formally proposed by the Artspace Mackay Director.

All acquisitions will be made on the recommendation of the VAAC.

Donations to the Collection will not be accepted if they do not accord with this Policy.

MRC will not be bound to acquire work from any exhibitions held within the region.

Consideration will be given to public safety, display, storage, Conservation (including capital and ongoing building operational cost) and transport issues of a potential acquisition at the time of acquisition.

Public Art Collection: This is recognised as a developing area of the Collection. It includes artworks by leading Australian and local artists, commissioned by Council, and created with the specific intention of being sited or staged in the physical public domain, outside and accessible to all. The Public Art Collection shall not include memorials, mosaics, decorations, banners or commemorative works (including statues).

Memorabilia Collection: This Collection, separate to the Collection, exists as a repository for objects donated to, or purchased by, Council which are deemed not to be of any great significance or value. It may also include works that are in poor condition, have irreparable damage, cannot be stored, handled, displayed or cared for safely and securely. It is understood that no item within the Memorabilia Collection will be valued by an approved valuer or will be included in the insurance policy covering the Collection. No item in the Collection will have any Conservation or restoration work done to it.

MRC will endeavour to secure a non-exclusive Copyright license from an artist when new works are acquired for the Collection. This will allow for reproductions of works for educational, promotional and research purposes. In the longer term, all artists with works currently in the collection will be approached in an endeavour to secure a non-exclusive Copyright license for those works.

1.7 Donations and Bequests

Every effort should be made to encourage gifts of artworks to enhance the region's Art Collection consistent with this Policy.

At the time of acquisition, the costs associated with valuation, Conservation, restoration, preparation, presentation and storage will be estimated and considered as part of the cost of acquiring the artwork.

Conditional gifts will not be accepted and donors of artworks will relinquish all rights, except Copyright (where the donor is the holder of Copyright) to the artwork.

MRC will not automatically accept any gift of a Work of Art offered as a donation. Donations of all Works of Art must be approved in accordance with this policy. Donors will be encouraged to follow the guidelines and processes of the Australian Government's Cultural Gifts Program, where possible.

1.8 Deductible Gift Recipient (DGR) Status

DGR status allows businesses to donate items over \$5000 to a not-for-profit organisation and claim the value of the donated item as a tax deduction. Obtaining DGR status encourages donations of suitable items to the Collection.

Gifts donated to the collection under the Cultural Gifts Program must abide by the conditions of the Cultural Gifts Program and Australian Tax Office.

Acknowledgement of the name and purpose of the fund

Mackay Regional Council maintains a bank account for the purposes of receiving gifts and deductible contributions, which will be used for the purchase of assets, facilities and resources for the Art Collection.

Dissolution clause

In the event of the fund being wound up or dissolved, or on revocation of endorsement, any surplus assets remaining after the payment of the fund's liabilities shall be transferred to another fund, authority or institution to be determined by Council, which has similar objects and to which income tax deductible gifts can made.

1.9 Deaccession and Disposal

Works from the Collection which are in poor condition or damaged beyond reasonable repair or do not meet with the requirements of this Policy (Acquisition and Development) will be considered for removal from the Collection.

The Artspace Mackay Director and/or Exhibitions Curator will, from time to time, recommend works for deaccessioning from the Art Collection to the VAAC.

Where an artwork has been nominated for removal from the Collection, it will be fully documented prior to disposal. Undamaged artworks to be deaccessioned will either be offered to the artist or donor, offered to a non-profit organisation, put up for public auction or otherwise disposed of.

All effort will be made to ensure deaccessioned artworks are donated to an appropriate entity. However, if an artwork is damaged beyond reasonable repair, that artwork will be destroyed.

Deaccessioned artworks will not be made available for acquisition by Councillors, VAAC members or Employees of MRC or their families.

Where artworks are recommended for deaccession because of irreparable damage, a similar artwork by the artist of the damaged work could be selected for purchase if such a work is still available and affordable.

In the event that proceeds have been collected from the sale of deaccessioned artworks, funds will be deposited into the Artspace Mackay Gift Fund account from which other artworks can be purchased.

Artworks acquired through the Australian Government's Cultural Gifts Program are acquired with the intention of Permanent or Long-Term Loan and funded by the government through the donor's tax deduction. As such, their disposal should be considered very carefully. Under no circumstances are gifts received through the Cultural Gifts Program to be returned to their donor(s).

1.10 Public Access, Display and Exhibitions

The Collection will be documented and catalogued, and research information be made available to the public.

The Collection will be exposed to as wide an audience as possible, and this may encompass temporary displays in appropriate public places including MRC buildings and facilities.

Exhibition spaces within Artspace Mackay will be maintained to Museum standards. This will facilitate loans to the region of significant artworks and will ensure the preservation of artworks from the Collection for future generations.

The possibility of artwork(s) from the Collection being included in travelling exhibitions or being loaned to other institutions for the purpose of display, will be considered subject to appropriate loan agreements being negotiated.

The display of artworks in any MRC building or facility is at the discretion of the Exhibitions Curator, taking into consideration the care and preservation of the Collection.

2.0 Roles and Responsibilities

Oversight of the implementation of the Policy is the responsibility of the Director Community Services.

The Artspace Mackay Director is responsible for recommendation of artworks for acquisition or de-accession consideration to the Visual Art Advisory Committee.

The Visual Art Advisory Committee is responsible for recommending art works for purchase and de-accession to the Director Community Services.

The Director Community Services is responsible, under MRC delegation, for making the decision on Works of Art purchases, de-accessions and approved Public Art applications.

3.0 Complaints

Any complaints in relation to a decision or a service relating from this policy will be assessed and managed in accordance with MRC's Administrative Action Complaints Policy, a copy of which can be found on MRC's website.

When an individual feels that they are the subject of MRC's failure to act compatibly with human rights, they can make a complaint directly to MRC. These complaints will be assessed against the Human Rights Act 2019.

Complaints may be made as following:

In writing to
Chief Executive Officer
Mackay Regional Council
PO Box 41
MACKAY QLD 4740

Via Email - complaints@mackay.qld.gov.au

In person at the following MRC Client Services Centres:

- MRC Mackay Office – 73 Gordon Street, Mackay
- MRC Sarina Office – 65 Broad Street, Sarina
- MRC Mirani Council Office – 20 Victoria Street, Mirani

4.0 Definitions

To assist in interpretation the following definitions shall apply:

Accession shall mean the process of formally transferring title or ownership from the providing source to MRC.

Acquisition shall mean the act of gaining physical possession of the artwork or object by purchase, award, gift exchange, bequest or commission.

Approved valuer shall mean a person approved to value items for the Australian Government's Cultural Gifts Program, in accordance with section 30-210 of the *Income Tax Assessment Act 1997*.

Bequest shall mean the bestowal by will of privately owned cultural items to MRC.

Collection shall mean an identifiable selection of objects having some significant commonality. This could be by donor (e.g. Tate Adams Gift), subject matter or media (e.g. Artists' Book Collection).

Conservation shall mean the processes for preserving and protecting works of art from loss, decay, damage or other forms of deterioration, usually undertaken by a qualified professional conservator.

Copyright shall mean statutory legal right to print, publish, perform, film or record material.

Council shall mean all elected representatives of Mackay Regional Council.

Deaccession shall mean the process of removing a work of art from the Art Collection and the recording of the disposal/removal of a work of art from the Art Collection when it is sold, donated, destroyed, or lost.

Employees shall mean all persons employed by MRC on a permanent, temporary or casual basis and includes persons engaged under a contract of service, and volunteers.

Permanent or Long Term Loan shall mean that loans are of a fixed term and the length of a permanent or long term loan is negotiated between the lender and MRC. By definition, a loan does not involve a transfer of title, so the lender is entitled to the return of the item at the end of the agreed term. A permanent loan is considered to be of 50 years or more.

MRC shall mean Mackay Regional Council.

Museum shall mean a not-for-profit public institution (library, museum, art gallery) in the service of society and of its development, which is open to the public, and which acquires, conserves, researches, communicates and exhibits, for purposes of study, educations and enjoyment, material evidence of people and their environment, and which also adheres to the International Council of Museums (ICOM) Code of Ethics.

Public Art shall mean the inclusion of artworks in the public domain, including parks, precincts, building projects and streetscapes. Public art includes permanent site-specific works as well as ephemeral artworks such as installations and outdoor sculptural competitions.

Work of Art shall mean a form or expression of the visual arts and crafts. It may include painting, sculpture, ceramics, pottery, photographs, printmaking, use of information technology, multimedia, mixed media, use of fabrics/textiles, drawings, woodworking, metalworking, artists' books, etc.

5.0 Review of Policy

This policy will be reviewed when any of the following occur:

- The related documents are amended or replaced.
- Other circumstances as determined from time to time by a resolution of Council.

Notwithstanding the above, this policy is to be reviewed at intervals of no more than three (3) years.

6.0 Reference

- Mackay Regional Council Corporate Plan 2016-2021
- Mackay Regional Council Arts and Cultural Plan 2016-2020
- Mackay Regional Council Public Art Strategy 2018 – 2023
- MRC Policy – Artspace Mackay – Deductable Gift Recipient (DGR) Fund

Version Control:

Version	Reason / Trigger	Change	Endorsed / Reviewed	Date
1	Review of Policy		Endorsed by Council	23/11/16
2	Review of Policy		Endorsed by Council	27/09/17
3	Review	Amendments	Endorsed by Council	9/12/20
4	Review	Updates	Adopted by Council	24/01/24

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1.0 Scope

This standard applies to all public art decisions made by Mackay Regional Council (MRC).

2.0 Objective

To provide the process for commissioning of public art in MRC.

3.0 Reference

- COU071 – Art Collection

4.0 Definitions

To assist in interpretation the following definitions shall apply:

Council shall mean all elected representatives of Mackay Regional Council.

Employees shall mean all persons employed by MRC on a permanent, temporary or casual basis and includes persons engaged under a contract of service, and volunteers.

MRC shall mean Mackay Regional Council.

5.0 Standard Statement

Artwork commissioned or acquired for the outdoor physical public domain, such as sculpture or built form, will be included as an integral part of the Collection. Public art has the capacity to enhance the environment and to engender a great sense of community civic pride.

Public art sites should be significant or strategically important public places with high visibility and/or accessibility. In addition, the site must be in public ownership.

Public art sites that may be selected include:

- areas highly visible to the community generally
- places of high pedestrian activity
- places of high recreational usage
- places of civic importance and/or cultural significance.

Public land within key shopping precincts, transport interchanges, major intersections, key capital works projects, key recreation sites and the Civic Centre Precinct are all considered appropriate sites for public art.

Public art will be procured by acquisition, commission or bequest.

When commissioned, the Manager Community Lifestyle and Director Artspace Mackay must be called upon by Council to provide professional advice and expertise to the overall project.

Public artworks are to be designed and created by an accomplished artist or artists, and be of a robust nature, needing minimal maintenance over the first ten-year period, except where a temporary installation work is specifically commissioned.

The Public Art Collection shall not include memorials, mosaics, decorations, banners or commemorative works - including statues.

These guidelines have been developed to assist applicants address the criteria for public art within the Mackay region. The information provided in this document is based on best practice models endorsed by NAVA (National Association of Visual Arts) Code of Practice for the Professional Australian Visual Arts, Craft and Design sector and Council.

Mackay Regional Council encourages and supports the design and installation of artwork in public places. It is however understood that not all locations will be suitable for the installation of artwork or all designs indicative of the local community's sense of identity and place. In recognising this Council has adopted a process to ensure that all stakeholders are consulted and that proposed artworks do not create a traffic hazard or are socially unacceptable.

NOTE: Prior written approval from Council must be granted before the installation of any public artwork. A proposal addressing the points outlined in this guideline must be submitted to Council, who will undertake its own internal approvals process for public art and will advise applicants of the outcome by written notice.

This Corporate Standard must be read in conjunction with Council Policy 071 – Art Collection.

5.1 Contact

Prior to commencing an application for public artwork intending applicants should contact Council's Public Art Officer to discuss their proposal on 4961 9529 or by email jennifer.dalton-smith@mackay.qld.gov.au.

5.2 Concept & Design

Applicants must provide a brief outline of the proposal including dimensions, theme, style, materials and the type of artwork together with a coloured A4 (minimum size) sketch of the proposed design. Consideration should be given to the nature and colour

of the proposed artwork to ensure consistency with the character and amenity of the surrounding area. The design must not constitute advertising or signage.

An outline of the proposed project should include why the work is requested and any social, economic, environmental, commercial or philosophical basis for the work.

5.3 Location

Applicants must provide specific details of the site including a simple plan and/or visual documentation showing the proposed location of the artwork and detailing whether the artwork is freestanding, on a wall, fence, etc. The applicant must also consider and provide notes on the proposed footings for the work, as some structural considerations may require engineering/ development approval. The proposal also needs to make reference to the proposed location of the work/s with reference to a specific site, community, history or sponsors.

Applicants will need to consider information regarding public acknowledgement of the work, how the work will be launched and Council's involvement, if any.

5.4 Consultation

Applicants must undertake consultation to ensure nearby property owners are aware of the proposed artwork. Consultation could be via letterboxing a letter of explanation, with a copy of the design, asking for feedback to be directed to either Council's Arts Development Officer or yourself. As a minimal guide you will need to consult with the property owners or residents directly adjacent to the site, plus the two property owners or residents on each side of that property and similarly across the road. This is a total of 6 property owners or residents who are located nearest to the proposed site. Feedback received will be used to inform the approval process.

For larger pieces that impact into the public space broader consultation is required. A copy of *Council's Community Engagement Policy* is available if required or Council staff can assist with this process.

5.5 Consultation with Public Authorities

Depending on the location of the proposed artwork applicants may need to consult with public authorities e.g. *Transport and Main Roads QLD, Telstra, Ergon Energy*.

Conditions apply to city infrastructure that is owned by Council and/or a third party. Applicants should note that artwork on any such infrastructure does not confer ownership or copyright over such infrastructure to other parties. Applicants also need to be aware that if the owners of such infrastructure need to repair or replace the infrastructure no responsibility is accepted by them for replacing the artwork. Please note: specific conditions may apply to city infrastructure that requires further work for e.g. *height restrictions, concealing or obstructing signage, identification numbers or*

equipment and should be included in an agreement between the applicant and the owner.

5.6 Timeframe

Consideration should be given to the time required to complete the project. When do you propose to start and finish the project?

5.7 Lifespan & Maintenance

What is the projected life of the artwork? Who will maintain the artwork in terms of public safety and aesthetics? What impact will the artwork have on the maintenance of the surrounding area? How will climatic conditions impact on the artwork?

5.8 Copyright & Employment of Artist(s)

Information as to the method of engaging artists should be included in the application. Consideration should also be given to copyright issues.

5.9 Materials

What materials will be used for the artwork? If appropriate, it is strongly encouraged that two coats of anti-graffiti treatment be applied to the artwork to protect it from graffiti vandalism.

5.10 Public Safety

How will the artwork be designed to be safe as far as reasonably practicable? How will you manage the safe production and/or installation of the public artwork? A risk assessment must be submitted with your application. (Refer to Appendix 1: Risk Assessment Form example/template.)

5.11 Budget

Have you considered the costs involved with the project? Such costs may include artist(s) fee/s, materials, administrative maintenance, insurance, traffic management, elevated work platforms, consultation and installation.

5.12 Approvals and Agreements

Specific pieces, such as sculpture or works affixed to a surface that require structural considerations may require development approval. Written permission must also be obtained from the owner of the surface or area housing the artwork.

Agreement between the commissioning agent/body and the owner of any public property, infrastructure or open space controlled by Council must be made prior to commencement of work. This would be in the form of a contract or memorandum of understanding.

Council will undertake its own internal approvals process for public art and advise applicants of the outcome by written notice.

5.13 Rights and Responsibilities

Council reserves the right to decline the offer of any work proposed for a public place which does not meet safety, aesthetic, structural or durability requirements.

5.14 Insurance

Until the work is complete and installed the Artist/Commissioning group shall carry appropriate public liability insurance cover and indemnify and keep indemnified the Council (or any other third party owner of infrastructure) for all claims, actions, or legal proceedings that may arise out of injury or death to any third parties from use or in connection with the work.

6.0 Review of Standard

This corporate standard will be reviewed when any of the following occur:

1. When any related policy documents are amended or replaced.
2. Other circumstances as determined from time to time.

Notwithstanding the above, this Corporate Standard is to be reviewed at intervals of no more than three (3) years.

Version Control:

Version	Reason / Trigger	Change	Endorsed / Reviewed	Date
1	Create		Adopted by Council	24/01/24