

MEDIA RELEASE – ACT Public Art**12 October 2017**

ACT Auditor-General, Dr Maxine Cooper, today presented a report on **Selected ACT Government agencies’ management of public art** to the Speaker for tabling in the ACT Legislative Assembly.

Dr Cooper says ‘The ACT needs a public art strategy that builds on the strength of the existing public art, guides future direction and seizes opportunities for enhancing the ACT public art collection. Ideally, it should be developed cooperatively by the ACT Government, the Australian Government and private sector entities who manage the various, and numerous, public artworks in the ACT’.

‘Although a strategy is lacking, governance and administration of operational aspects of public art are being effectively managed by ACT Government agencies. There are opportunities for improvement including updating the *ACT Government Public Art Guidelines (2015)* and the Public Art Database’ said Dr Cooper.

Dr Cooper says ‘A management model to underpin the strategy needs to be identified. In doing this it would be prudent to explore models used in other jurisdictions that embrace private sector entities’ participation and do not rely solely on public (taxpayer) funding, as has been the case to date for most ACT Government public art’.

‘ACT Government public artworks are, on the whole, in good condition and there are effective processes in place for their maintenance and repair. There are opportunities to improve maintenance and repair activities by developing a maintenance and repairs plan for each public artwork and ensuring public artworks’ maintenance requirements are appropriately and comprehensively identified at the time of acquisition’ said Dr Cooper.

The Summary of **Selected ACT Government agencies’ management of public art** with the conclusion, key findings, recommendations and responses from the four audited agencies is attached to this media release.

Copies of **Selected ACT Government agencies’ management of public art: Report No. 8/2017** are available from the ACT Audit Office’s website, www.audit.act.gov.au. If you need assistance accessing the report please phone 6207 0833 or go to 11 Moore Street, Canberra City.

SUMMARY CHAPTER EXTRACT

Public art is an integral and important element of the public realm in the ACT. It commemorates our recent past, in works such as bronzes of Prime Ministers Chifley, Curtin and Menzies, acknowledges local indigenous history, in works such as *Reclamation: Culture, Spirit and Place*, and celebrates international relationships, through works such as *Toku*.

While ACT Government agencies currently manage 117 public artworks, with a total value of \$17.8 million, these are only some of the public works available to residents and visitors. Being the national capital, the Australian Government manages many artworks. Additionally private sector entities provide public artworks.

Chapter conclusions

GOVERNANCE AND ADMINISTRATION

The ACT needs a public art strategy that builds on the strength of the existing public art, guides future direction and seizes opportunities for enhancing the ACT public art collection. Ideally, it should be developed cooperatively by the ACT Government, the Australian Government and private sector entities who manage the various, and numerous, public artworks in the ACT.

A management model to underpin the strategy needs to be identified. In doing this it would be prudent to explore models used in other jurisdictions that embrace private sector entities' participation and do not rely solely on public (taxpayer) funding, as has been the case to date for most ACT Government public art.

Although a strategy is lacking, governance and administration of operational aspects of public art are being effectively managed by ACT Government agencies. There are opportunities for improvement including updating the *ACT Government Public Art Guidelines (2015)* and the Public Art Database.

ACQUISITION AND DECOMMISSIONING OF PUBLIC ART

ACT Government agencies have effective processes for the acquisition of public art. Nevertheless, there are opportunities for improvement including providing better guidance on acquisitions in the *ACT Government Public Art Guidelines (2015)*.

There have been few public artworks decommissioned by ACT Government agencies; where artworks have been decommissioned ACT Government agencies have adopted appropriate and effective processes, including appropriate consideration of artists' moral rights.

MAINTENANCE AND REPAIRS OF PUBLIC ART

ACT Government public artworks are, on the whole, in good condition and there are effective processes in place for their maintenance and repair. There are opportunities to improve maintenance and repair activities by developing a maintenance and repair plan for each public artwork and ensuring public artworks' maintenance requirements are appropriately and comprehensively identified at the time of acquisition.

As well as unavoidable damage, such as from the weather, there is a risk of damage to public artwork from government workers, business owners, contractors, delivery drivers and other tradespeople undertaking day-to-day business activities. During the course of the audit, measures were introduced to better protect ACT Government public artworks from inadvertent damage by including specific reference to them in application forms for *Approval to use Public Land*. However, additional measures may be warranted, including legal penalties for damaging public art, such as those incurred if protected trees are damaged under the *Tree Protection Act 2005*.

Key findings

GOVERNANCE AND ADMINISTRATION

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It was recognised in 2007 that there was a need for a public art strategy in the ACT. Since then a series of strategic policy and planning documents have been developed, both specifically and generally, for public art in the ACT. However, there is currently no ACT Public Art Strategic Plan for public art in the ACT. 2.22

ACT Government, Australian Government agencies and private sector entities involved in public art currently do not have a forum where they are able to collectively share information, make contacts and liaise regarding common interests. This could be addressed as part of the process for developing an ACT Public Art Strategic Plan. 2.24

Models for supporting public art that do not rely exclusively on public (taxpayer) funding are a feature of some jurisdictions. There is likely to be benefits in these being explored with a view to informing a future management model for the ACT. 2.37

artsACT does not have an overarching risk management plan for its activities. A risk management plan would assist in allocating resources to best manage its activities, including public art. Risk management has, however, been practised during the acquisition of individual public artworks and individual project risk management plans have been developed for the acquisition of individual art works. 2.39

artsACT does not have a specific performance measure for reporting on the effectiveness of its management of public art. The presence of a specific performance measure would provide greater transparency and accountability for the management of public art. Having a measure on maintenance may be worth exploring. 2.42

The *ACT Government Public Art Guidelines (2015)* provide suitable guidance to ACT Government agencies and non-government entities about the acquisition and ongoing management of public art. However, they have not been reviewed since their release in 2015 and, according to research conducted by artsACT, there is low awareness of their existence among stakeholders. 2.49

The ACT Health Directorate has a draft *Arts in Health Program Policy*. This clearly states the purpose and role of art in the ACT Health Directorate; roles and responsibilities for the management of art; and processes to be followed for the acquisition (including donations) of art. The policy includes criteria against which possible acquisitions (including donations) need to be assessed. While the governance arrangements in ACT Health for public art are adequate, there would be merit in the ACT Health Directorate reflecting its ambitions for future public art through the recommended ACT Public Art Strategy. 2.60

As part of its *Arts in Health Program Policy* the ACT Health Directorate has several management strategies for addressing risks; these include identifying infection prevention and control risks associated with artworks. However, there is no risk management documentation for the acquisition, maintenance or decommissioning of artworks. 2.63

The Transport Canberra and City Services Directorate has advised of its intention to transfer ownership of public artworks, such as those included in Transport and City Services' capital works projects, to artsACT on acceptance. Additionally, the Transport Canberra and City Services Directorate decided, in May 2017, to reclassify over 300 public artworks on its Integrated Asset Management System (IAMS) from 'Artwork' to 'Architectural Design Element' or 'Artistic Feature'. The absence of public art-specific strategic policy and planning documents, risk management or reporting is appropriate in these circumstances. Recent revisions to *Municipal Infrastructure Standards Part 17: Shopping Centres and Urban Spaces* have provided enhanced guidance on the distinction between public art and community public art and other architectural and design features and have clearly identified the need for the involvement of artsACT in any future acquisitions. 2.74

There was a lack of consistency in the recording of public art assets between the ACT Insurance Authority and the Cultural Facilities Corporation and artsACT. This inconsistency poses a risk to effective management of public artworks with respect to identification, transfer and insurance. A monitoring system, including cross referencing with the ACT Insurance Authority, would provide an important quality control.

2.87

Given the investment made in public art in the ACT, it is important that relevant information is available to ACT residents and visitors. This could be achieved through various means, including an updated, easily and readily accessible Public Art Database. artsACT needs to seek the cooperation and support of Australian Government and private sector entities who manage public art in the ACT to jointly develop an ACT Public Art Database. This could provide information on, and promotion of, all ACT public artworks. If this is not possible, artsACT should develop this information for all ACT Government public artworks.

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ACQUISITION AND DECOMMISSIONING OF PUBLIC ART

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The *ACT Government Public Art Guidelines (2015)* provide sound guidance for ACT Government agencies with respect to the acquisition of public art and are a key document for artsACT, other ACT Government agencies and other stakeholders. The Guidelines need to be revised to more clearly reflect the:

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- three acquisition models used by artsACT (commission, purchase and donation). This clarification would highlight to other agencies and the private sector the approaches available when commissioning public art;
- complexities and key decision points within the acquisition process in flowcharts;
- management of public art on loan to the ACT Government; and
- cultural and local indigenous community sensitivities in acquiring and decommissioning artwork.

The Audit Office's review of 11 public artwork acquisitions by commission or purchase showed that for:

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- the commissioned artworks, artsACT used standardised templates and processes for the management of the acquisition, including templates for a Procurement Plan, Artist's Brief and the Tender Evaluation Report;

- all acquisitions the selection of the artwork was based on a panel assessment of the suitability of the artwork and the proposed location for its installation; and
- all acquisitions relevant approvals were obtained as required, including Ministerial, National Capital Authority and Land Development Agency.

Donated artworks are, by necessity, not subject to the same processes associated with commissioned or purchased artworks. However, there was evidence, on hard copy files or electronically, for the three donated public artworks that showed that they had been appropriately accepted. Additionally, there was appropriate correspondence on file in relation to the installation of the artwork or other considerations requiring involvement by artsACT. 3.24

The Audit Office’s review of 11 public artwork commissions showed that for all acquisitions there were effective project management practices in place, including: 3.26

- a close working relationship between artsACT and Procurement and Capital Works in the development of Expressions of Interest, Requests for Proposal and contract documentation;
- comprehensive documentation of selection processes and approvals, contracts and oversight of fabrication and installation processes, including through the documentation of emails and file notes to support and record decisions and issues management; and
- risk management: risks were identified and managed as part of a Procurement Plan for each of the acquisitions and a standard template with identified public art risks was used.

The ACT Health Directorate has effective practices for managing its public art collection. These include: 3.33

- clear collection criteria against which it assesses any potential acquisitions of artworks;
- a clearly articulated role for the Arts in Health Committee in the draft *Arts in Health – Acquisition and Maintenance of Art in ACT Health Facilities* (this needs to be finalised and endorsed); and
- involvement of the Canberra Hospital Foundation, which manages donations of money and artworks, working closely with the Arts in Health Curator to consider donations and the purchase of suitable artworks, including two-dimensional art and public art.

The Transport Canberra and City Services Directorate has advised that there is currently no formal arrangement in place with artsACT for the receipt of donated public artworks from developers, for example a Memorandum of Understanding. 3.39

There are supporting policies, procedures and templates in place for artsACT's and ACT Health's decommissioning processes. A review of the decommissioning process for three public artworks showed that they have been decommissioned by artsACT and the ACT Health Directorate with appropriate processes followed and approvals obtained. However, to provide more robust assurance around the decommissioning process, the draft *Arts in Health – De-accessioning of Art in ACT Health Facilities* needs to be finalised and endorsed. 3.58

MAINTENANCE AND REPAIRS OF PUBLIC ART

Paragraph

A review of the condition of a selection of 30 ACT Government public artworks by Maxim Consulting Services, the subject matter expert engaged by the Audit Office, showed that: 4.6

- four artworks were in excellent condition - as new condition, no structural or surface integrity issues;
- 22 artworks were in good condition - minor issues present, no significant impact on the artworks' structural integrity or appearance;
- four artworks were in fair condition - issues present, some impact on structural integrity or appearance of the artwork, remedial work not urgent; and
- no artworks were in poor condition.

There is a risk of damage to public artworks from failure by government workers, business owners, contractors, delivery drivers and other tradespeople to adequately acknowledge and protect public artworks from damage resulting from normal day-to-day business activity. Since the commencement of audit fieldwork steps have been taken by Transport Canberra and City Services to safeguard public artworks. Public art related information and a specific condition have been included in the application process for ACT event permits (*Approval to use Public Land*). While this is an important measure, legal measures, such as those legislated for protected trees in the *Tree Protection Act 2005* which hold developers and other businesses responsible for tree damage, are warranted. 4.17

The Audit Office's review of the acquisition of 15 public artworks shows that, of the 14 completed acquisitions there is: 4.40

- documentation of maintenance requirements for ten (available in hardcopy for six and electronically for four);
- evidence that the artist was contacted when maintenance work needed to be undertaken and advice was provided by the artist for one; and
- no documentation of maintenance requirements for three.

The quality of maintenance documentation differed significantly. Some manuals have a brief description of the work and its maintenance while others include fabrication, construction, lighting, paint and extensive repair and maintenance details including stockists and preferred contractors. The absence of sound maintenance documentation and records compromises artsACT’s ability to effectively manage an artwork in the future. 4.41

artsACT does not have a Maintenance and Repairs Plan for its public artworks. A Maintenance and Repairs Plan would contribute to maintaining and managing the integrity of the public artworks in the artsACT collection and assist in managing the maintenance and repairs budget through identification of regular costs. A Maintenance and Repairs Plan would be expected to: 4.47

- identify individual public artworks and their maintenance and repairs requirements; and
- include a schedule of maintenance and repairs activities for the public artworks over a defined period.

The ACT Health Directorate does not have a Maintenance and Repairs Plan for its public artworks. Such a plan would schedule known conservation work, such as waxing of bronzes, at the required intervals to maintain and manage the integrity of the public artworks within the ACT Health Directorate’s collection. 4.54

Recommendations

RECOMMENDATION 1 ACT PUBLIC ART STRATEGIC PLAN

artsACT should lead the development of an ACT Public Art Strategic Plan that covers all ACT Government public art. The plan should incorporate: a desired management model; mechanisms for the involved agencies to work cooperatively; and awareness raising of the contribution of ACT public art to the public realm. If the Australian Government and private sector entities who manage public art in the ACT agree, this plan should be jointly developed.

RECOMMENDATION 2 ARTSACT OPERATIONAL ACTIVITIES

artsACT should improve its operational activities by:

- a) developing and implementing an overarching risk management plan
- b) developing and reporting against a specific public art related performance indicator/measure
- c) updating the Public Art Database so that information is available for all ACT Government public artworks. The cooperation and support of the Australian Government and private sector entities to list their works on this database should be explored
- d) reviewing and updating the *ACT Government Public Art Guidelines* (2015), in consultation with stakeholders, providing further guidance on:
 - i) different commissioning models that may be used
 - ii) acceptance and management of public art loans
 - iii) cultural and local Indigenous community protocols in procuring and decommissioning artwork
- e) examining ways to protect public art from deliberate defacing by members of the public
- f) considering the implementation of legal sanctions for damage (accidental or deliberate) to public art
- g) working with other government agencies, in particular the Transport Canberra and City Services Directorate, to identify strategies to protect public artworks from damage by ACT Government contractors and businesses, engaged by this Directorate, operating across the ACT
- h) establishing a comprehensive record of maintenance documentation for all public artwork;
and
- i) developing a Maintenance and Repairs Plan.

RECOMMENDATION 3 ACT HEALTH DIRECTORATE OPERATIONAL ACTIVITIES

The ACT Health Directorate should improve its operational activities by:

- a) incorporating key risks related to its art collection in its draft *Arts in Health Program Policy*
- b) finalising and endorsing its Arts in Health – Acquisition and Maintenance of Art in ACT Health Facilities document
- c) finalising and endorsing its Arts in Health – De-accessioning of Art in ACT Health Facilities document
- d) developing a Maintenance and Repairs Plan.

RECOMMENDATION 4 ASSET MANAGEMENT

artsACT and Cultural Facilities Corporation should monitor their asset listings so that they are up-to-date and aligned with the ACT Insurance Authority asset register and the Public Art Database

RECOMMENDATION 5 PUBLIC ART ASSET ACCEPTANCE

artsACT and the Transport Canberra and City Services Directorate should develop and implement public art asset acceptance protocols

RECOMMENDATION 6 TRANSPORT CANBERRA AND CITY SERVICES OPERATIONAL ACTIVITIES

The Transport Canberra and City Services Directorate should improve its operational activities by:

- a) working with artsACT to identify strategies to protect public artworks from damage by contractors and businesses, under engagement by the Directorate, operating across the ACT
- b) educating and training staff and contractors, especially mower operators, on how to protect public artworks when they are undertaking routine activities
- c) monitoring staff and contractors' work that may potentially affect public artworks and, if necessary, taking action to more effectively protect public artworks.

Agency responses

In accordance with subsection 18(2) of the *Auditor-General Act 1996*, the Chief Minister, Treasury and Economic Development Directorate (artsACT), the ACT Health Directorate, Transport Canberra and City Services Directorate and the Cultural Facilities Corporation were provided with:

- a draft proposed report for comment. All comments were considered and required changes were reflected in the final proposed report; and
- a final proposed report for further comment.

Comments provided were considered in developing the final proposed report and final report.

General comments were provided by the four audited entities. The ACT Health Directorate made specific comments in relation to Recommendation 3 as did the Cultural Facilities Corporation in relation to Recommendation 4.

artsACT response

The performance audit report is comprehensive and highlights strengths in the directorate's management of public art as well as areas for improvement. artsACT is supportive of the report recommendations and welcomes the guidance it provides on best practice delivery of public art and the associated collection management tasks. Opportunities for continual improvement are also welcomed and noted for action.

artsACT strongly supports opportunities for improved strategic collaboration with other directorates. Some collaboration currently occurs at an officer level however, there is opportunity to enhance forward planning by working at a whole of Government level in the preparation of a Public Art Strategy.

The timing of the completion of the actions recommended in the Draft Proposed Report will be dependent on available resources.

ACT Health Directorate response

ACT Health Directorate is responsible for seven works of public art of the total 111 works managed by auditee agencies. Our seven works are valued at \$333,000. The total value of the works examined under this report is \$17,451,000. The Report had no significant findings in relation to public art in ACT Health and noted that the Arts in Health Program had effective asset management strategies in place including appropriate processes for acquisition and de-accessioning of public art.

A significant event affecting Audit findings since fieldwork ceased has been the endorsement of the following documents on 7 September 2017:

- Policy, Arts in Health Program
- Procedure, Arts in Health – Asset Management in ACT Health Facilities.

Prior to responding to the Report the Curator has met with artsACT to discuss the major findings and to open a future conversation on strategic collaboration across the ACT on the following areas:

- Accessibility, including increased visibility of ACT Health assets through the artsACT Public Art Database;
- Forward planning through the proposed ACT Public Art Strategy that might reflect ambitions for future public art;
- Risk management documentation, exploring opportunities to build consistency in asset management in public art across the Directorates; and
- Maintenance and repairs plan, exploring opportunities to build consistency and synergies in asset management in public art across the Directorates.

Recommendation 3

- a) The Arts in Health Program will incorporate risk management documentation for the acquisition, maintenance, de-accessioning and de-commissioning of the collection (including public art) preparatory to updating the Procedure, Arts in Health – Asset Management in ACT Health Facilities. This documentation will integrate existing risk management strategies such as the existing preventative maintenance strategies identified at 2.62 in a formal process consistent with ACT Health protocols. The Policy and Procedure documents for the Arts in Health Program are scheduled for routine updating in 2019 and will include this documentation.

- b) *This document is included in the Procedure, Arts in Health – Asset Management in ACT Health Facilities which was endorsed by ACT Health on 7 September 2017.*
- c) *This document is included in the Procedure, Arts in Health – Asset Management in ACT Health Facilities which was endorsed by ACT Health on 7 September 2017.*
- d) *The Arts in Health Program will develop a schedule of known conservation work to manage the integrity of the art collection including public art. It acknowledges the role Public Art has in gateways and iconic way stations in signposting excellence of the facility in general to the community.*

Transport Canberra and City Services Directorate response

The Audit Report provides valuable information in identifying areas for improvement, including direction on future acquisitions, maintenance and protection of artworks.

Transport Canberra and City Services will continue to follow the required processes when delivering public art in the future. The process will also be applied to gifted art.

Transport Canberra and City Services acknowledges that it will continue to maintain artwork within the road reserve.

Cultural Facilities Corporation response

The Cultural Facilities Corporation (CFC) welcomes this well-researched and forward-looking report, which it feels will make a valuable contribution both to planning for new public art and to managing existing public art in the ACT.

The CFC also welcomes the many positive comments made in the report about the management of public art in the ACT, and the recognition of the efforts made by agencies such as artsACT and the ACT Health Directorate in managing public art.

The CFC supports the overall direction of the report findings and stands ready to work with artsACT and other agencies in implementing agreed recommendations that relate to its operations.

The CFC appreciates the positive comments made in the report about its management of public art as well as the recommendation made for improvement (Recommendation 4).

With regard to this recommendation the CFC has now provided the ACT Insurance Authority (ACTIA) with updated information about the CFC's public art asset holdings, to ensure consistency between ACTIA's asset register and its own asset register, as regards public art.

The CFC welcomes the early response of the Transport Canberra and City Services Directorate to the audit process with a view to further protecting public art on public land, including by introducing specific permit conditions for public land users, which impose obligations to protect public artworks, and by education and training of mower operators and other contractors.