

ACT AUDITOR–GENERAL’S REPORT
SELECTED ACT GOVERNMENT AGENCIES’
MANAGEMENT OF PUBLIC ART
REPORT NO. 8 / 2017

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ISSN 2204-700X (Print)

ISSN 2204-7018 (Online)

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Produced for the ACT Audit Office by Publishing Services, Shared Services, Chief Minister, Treasury and Economic Development Directorate, ACT Government

Publication No. 17/1197

ACT Government Homepage address is: <http://www.act.gov.au>

PA 17/14

The Speaker
ACT Legislative Assembly
Civic Square, London Circuit
CANBERRA ACT 2601

Dear Madam Speaker

I am pleased to forward to you a Performance Audit Report titled 'Selected ACT Government agencies' management of public art' for tabling in the Legislative Assembly pursuant to Subsection 17(5) of the *Auditor-General Act 1996*.

Yours sincerely



Dr Maxine Cooper
Auditor-General
12 October 2017

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SUMMARY

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

Paragraph

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 <i>ACT Government Public Art Guidelines (2015)</i> 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 <i>Arts in Health Program Policy</i> . 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 <i>Arts in Health Program Policy</i> 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 <i>Municipal Infrastructure Standards Part 17: Shopping Centres and Urban Spaces</i> 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	2.87

to identification, transfer and insurance. A monitoring system, including cross referencing with the ACT Insurance Authority, would provide an important quality control.

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. 2.94

ACQUISITION AND DECOMMISSIONING OF PUBLIC ART Paragraph

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: 3.8

- 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: 3.23

- 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 3.24

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.

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:

- 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.

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

- 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.

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:

- 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.

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.

1 INTRODUCTION

Public art in the ACT

- 1.1 Public art is, according to the ACT Government's 2007 *Action Statement for Public Art*, 'a means of remembering and celebrating who we are as a community. It can inspire us and it can challenge us'.¹ According to the *ACT Government Public Art Guidelines (2015)* (the Guidelines):

Art enhances our quality of life. The ACT Government believes access to and participation in the arts is vital to a productive, healthy and creative community.

Public art plays a central role in reflecting our community's values and experiences, and inspires us with new stories and experiences. Art can be thought-provoking, challenging our perceptions. Art can help us to look differently at the everyday.

A public artwork may inspire one person and challenge the next, someone else may find it humorous and for another person it may be linked with a special remembrance. Each response is equally valid – because public art is for everyone.

Public art makes our open spaces more attractive and engaging. It enhances our experiences of public spaces and the people that inhabit them.

Definition of public art

- 1.2 ACT Government publications have, from time to time, used different concepts to denote public art. For example, the ACT Government's 2007 *Action Statement for Public Art* recognised public art could take a wide variety of forms:

Although public art is usually thought of as free-standing sculptures, it can take many other forms.

Public art can be integrated into street furniture, paving and street lighting; into architectural or engineering projects such as building facades, bridges and roads; and into landscaping, even through a special choice of plants. Public art can even take the form of a performance in a public place.

Public art can be the work of artists, designers, crafts people, musicians and/or performers. Public art projects will often involve collaboration with the community and with larger design, planning, engineering and/or construction teams.

- 1.3 The Guidelines note that 'defining public art is the subject of ongoing discussion and debate' but that, according to the ACT Government *Planning and Development Regulation 2008*, a public artwork is defined as 'an artwork to be displayed in a place open to and accessible by the public'. The Guidelines further state:

The term public art in the context of these guidelines refers to works of art in any media that have been planned and executed with the specific intention of being sited or staged in the physical public domain, usually outside and accessible to all. Public art includes, but is not limited to, projects that:

¹ ACT Government, *Action Statement for Public Art*, 2007, p 3.

- consider the social and physical context of the site;
- engage with or enhance the public perception of a place; and
- enliven our public places, precincts, buildings and meeting places;

Number of public artworks

- 1.4 Using the definitions and concepts outlined in the Guidelines as a guide, there are currently 117 public artworks managed by ACT Government agencies valued at a total of \$17.8 million.
- 1.5 Public art in the ACT is diverse, and ranges from bronze figures such as *Sir Robert Menzies*, in Commonwealth Park, wooden works such as *Gathering Place*, located in Tuggeranong, composite works such as the *Owl*, located in Belconnen, and steel and granite works such as *Toku*, located in Canberra Nara Peace Park. Public artworks range in value from \$3,200 to \$1.5 million and in age from two to 56 years.
- 1.6 Table 1-1 shows that public artworks are located widely across the ACT, with a greater concentration in Civic, Woden and South Canberra. The ACT Health Directorate is responsible for the management of seven public artworks (six of which are in Woden), which represents almost half of the artworks in the Woden area.

Table 1-1 Location of public artworks in the ACT

Location	Number of artworks	Percentage of total
Belconnen	15	13
Civic	59	51
Gungahlin	4	3
North Canberra	6	5
South Canberra (includes two in the Parliamentary Triangle and two at the National Arboretum)	14	12
Tuggeranong	5	4
Woden (includes the Canberra Hospital)	14	12
Total	117	

Source: Audit Office analysis of ACT Government data

ACT Government agencies' public art

- 1.7 The management of public art in the ACT is the responsibility of several ACT Government agencies. artsACT, part of Cultural Canberra within the Chief Minister, Treasury and Economic Development Directorate, is responsible for ACT Government arts policy, including public art policy, and is currently responsible for the management of 99 (85 percent) of the ACT Government's public artworks. Four other ACT Government agencies currently have public artworks:

- ACT Health Directorate - seven public artworks;
- Transport Canberra and City Services Directorate – two public artworks;
- Cultural Facilities Corporation – three public artworks; and
- Canberra Institute of Technology – six public artworks.

ACT Government agencies included in the audit

1.8 The agencies considered as part of this audit (artsACT, ACT Health Directorate, Transport Canberra and City Services Directorate (TCCS) and the Cultural Facilities Corporation (CFC)) currently manage 111 public art works with a total value of \$17.5 million. Table 1-2 shows the total number and value of public artworks currently managed by these ACT Government agencies.

Table 1-2 Number and value of ACT Government public art works managed by auditee agencies

	artsACT	ACT Health	TCCS	CFC	Total
Number of artworks	99	7	2	3	111
Value	\$14,847,000	\$333,000	\$2,017,000	\$630,000	\$17,451,000

Source: Audit Office analysis of information provided by auditee agencies.

1.9 Table 1-3 shows the range of initial acquisition cost, current value and age of public artworks managed by the auditee agencies.

Table 1-3 Current value, cost and age parameters of ACT public artworks

	Range	Median	Average
Cost	\$0 (donated works) to \$1.5 million	\$164,000	\$96,000
Age	2 – 56 years	9 years	12 years
Current Value	\$3,200 to \$1.5 million	\$120,000	\$157,220

Source: Audit Office analysis of information provided by auditee agencies.

Audit objective and scope

1.10 The objective of this audit is to provide an independent opinion to the Legislative Assembly on the effectiveness of ACT Government agencies' management of public art.

Agencies

1.11 The audit includes consideration of ACT Government agencies' activities to:

- acquire public art, including through purchase, donation or commissioning;
- manage and maintain public art; and

- decommission public art (where relevant).

1.12 The scope of the audit included the activities of the following agencies:

- artsACT;
- Cultural Facilities Corporation;
- Transport Canberra and City Services Directorate; and
- ACT Health Directorate.

Public art

1.13 The Guidelines state:

The term public art in the context of these guidelines refers to works of art in any media that have been planned and executed with the specific intention of being sited or staged in the physical public domain, usually outside and accessible to all. Public art includes, but is not limited to, projects that:

- consider the social and physical context of the site;
- engage with or enhance the public perception of a place;
- enliven our public places, precincts, buildings and meeting places; and
- are located in places that are open and accessible to the public.

1.14 The Guidelines cover:

- public art assets of the ACT Government on public land and including loan items and public art with restricted access;
- privately owned public art on ACT Government land;
- privately owned public art on private land;
- temporary and community public art; and
- memorials with an artistic element.

1.15 Public art considered for the purpose of this audit was ‘public art assets of the ACT Government on public land including loan items and public art with restricted access’. Public art with restricted access is that located within buildings or areas that are not readily or generally accessible to the public. An example of this is *Microscopia*, which is located within the Centenary Hospital for Women and Children and *The Meeting Place*, which is located at the Alexander Maconochie Centre. The audit did not consider ‘privately owned public art on ACT Government land’; ‘privately owned public art on private land’; ‘temporary and community public art’; or ‘memorials with an artistic element’.

1.16 Furthermore, aligning with the Guidelines, the audit did not consider:

- memorials that do not have an artistic element (for example plaques, roadside memorials);
- fountains that do not have an artistic element;

- architectural features incorporated as part of a larger building or landscape project or architectural ornamentation (for example railings, light fixtures, tiles);
 - other moveable items of cultural significance that are not artworks, which are displayed inside ACT Government buildings and facilities; or
 - public art owned by the National Capital Authority or other Australian Government agency.
- 1.17 The Australian Government, through the National Capital Authority, has Guidelines for Commemorative Works in the National Capital, which address some public art planning issues for the areas under its jurisdiction.
- 1.18 For the purpose of obtaining information on ACT Government agencies' management of art generally, an audit questionnaire was developed and sent to all ACT Government agencies to ascertain:
- the number and value of 'moveable artworks displayed inside ACT Government buildings and facilities'; and
 - other public art owned and managed by those agencies not within the scope of the audit.

Audit criteria, approach and method

Audit criteria

- 1.19 The audit criteria asked the following questions:
- Are agencies' practices for the acquisition of public art effective?
 - Are agencies' practices for the management and maintenance of public art effective?
 - Are agencies' practices for the decommissioning of public art effective?
 - Do agencies review and evaluate their management of public art?

Audit approach and method

- 1.20 The audit adopted the Audit Office's Performance Audit Methods and Practices and related Policies, Practice Statements and Guidance Papers. These policies and practices have been designed to comply with the requirements of the *Auditor-General Act 1996* and relevant professional standards (including *ASAE 3500 – Performance Engagements*).
- 1.21 The audit process included:
- interviews and discussions with:
 - key staff in artsACT, the ACT Health Directorate, Transport Canberra and City Services Directorate and the Cultural Facilities Corporation;
 - stakeholders involved with public art in the ACT and Commonwealth; and
 - other ACT Government agencies and stakeholders, as required;

- a review of relevant documentation associated with the management of the ACT public art collection. This included documentation related to:
 - the acquisition, commission, maintenance and repairs and decommissioning of public art;
 - planning for and reporting on the management of public art; and
 - other jurisdictions', national and international, management of public art.
- a review of the management and maintenance of 30 public artworks by a subject matter expert; and
- provision of a draft proposed report and a final proposed report to the auditees for consideration and comment.

1.22 Mr Peter Maxwell, Maxim Consulting Services, was engaged as a subject matter expert to undertake a review of the management and maintenance of a selection of 30 public artworks.

1.23 The Standard on Assurance Engagements ASAE 3500 *Performance Engagements* requires that an audit considers events up to the date of the report. To achieve this, when seeking comments on the draft report, the Audit Office asked artsACT, the Cultural Facilities Corporation, Transport Canberra and City Services Directorate and the ACT Health Directorate to inform it of any significant events affecting audit findings since fieldwork ceased.

Compliance with applicable Australian Auditing Standards and professional ethical pronouncements

1.24 Applicable requirements of Australian Auditing Standards and professional ethical pronouncements, including those relating to independence, were followed in the conduct of this audit. The following paragraphs draw attention to matters that were considered in assessing the independence of the Auditor-General, Dr Maxine Cooper, in relation to the matters considered during the audit.

1.25 The Auditor-General, as an Executive Director in the former Department of Urban Services, had executive responsibility for the ACT Government's arts portfolio during some of that term, notably 2003 and 2004. This was recognised as a potential conflict of interest and presented to the Audit Office's Executive Committee for consideration and deliberation.

1.26 The Executive Committee, in the absence of the Auditor-General, considered whether there was a conflict of interest for the Auditor-General with respect to her previous role in the Department of Urban Services and this audit. In making a determination regarding a possible conflict of interest the following was noted:

- considerable time had passed since the Auditor-General had an association with artsACT and arts policy; and
- the focus of the audit was on current management arrangements for public art.

1.27 Notwithstanding that the Executive Committee considered that the Auditor-General did not have a conflict of interest, the following processes were put in place:

- the Auditor-General was not involved in the selection of the 30 public artworks examined by the subject matter expert;
- the Director of Performance Audit initially reviewed the draft proposed report and in so doing considered if there were any potential risks of a conflict of interest; and
- complete records were maintained of any changes to the draft proposed report made or requested by the Auditor-General.

2 GOVERNANCE AND ADMINISTRATION

2.1 This chapter examines the governance and administrative arrangements for the management of public art, including ACT Government agencies' roles and responsibilities and strategic policy and planning arrangements. The chapter also considers the *ACT Government Public Art Guidelines* (2015) and the Public Art Database.

Summary

Conclusions

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.

Key findings

	Paragraph
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 <i>ACT Government Public Art Guidelines (2015)</i> 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 <i>Arts in Health Program Policy</i> . 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 <i>Arts in Health Program Policy</i> 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	2.74

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.

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. 2.94

ACT Government agencies' management of public art

- 2.2 ACT residents and visitors have an opportunity to experience a range of public artworks, including those managed by ACT Government agencies, and Australian Government agencies as well as various private sector entities. ACT Government responsibility is centred in artsACT, which is part of the Chief Minister, Treasury and Economic Development Directorate, while at an Australian Government level, responsibility is shared across the National Capital Authority and key cultural institutions such as the National Gallery of Australia, the Australian National University and Parliament House.
- 2.3 For the purpose of this audit the Audit Office considered the selected ACT Government agencies' (artsACT, ACT Health Directorate, Transport Canberra and City Services Directorate and Cultural Facilities Corporation) activities with respect to:
- policy and strategic planning;
 - risk management; and
 - reporting on public art.

artsACT

- 2.4 artsACT is the primary ACT Government agency responsible for public art. Organisationally, artsACT is part of Cultural Canberra, within Enterprise Canberra in the Chief Minister, Treasury and Economic Development Directorate. Enterprise Canberra includes Visit Canberra which is responsible for tourism in the ACT.
- 2.5 artsACT is responsible for:
- public art policy;
 - the management of (currently 99) ACT Government public artworks; and
 - the management of the Public Art Database.

Policy and strategic planning

- 2.6 Since 2007, key policy and strategic planning documents associated with public art have included:
- *Action Statement for Public Art (2007)*;
 - *Draft Public Art in the ACT: TOWARDS 2013 (2008)*;
 - *ACT Arts Policy (2015)*; and
 - *artsACT Strategic Plan 2015-2016*.

Action Statement for Public Art

- 2.7 In 2007 the ACT Government released the *Action Statement for Public Art* (the Action Statement):

This Action Statement for Public Art is the first of its kind for the Territory. While much public art of immense value has been commissioned in the ACT – by both ACT and Federal Governments, and by the private and community sectors – no framework has yet existed to guide our approach to public art across the city as a whole.

...

The Action Statement ... gives an overview of existing collections and a framework to guide the development of these collections in the future. It establishes new approaches to government commissioning, and encourages the private sector to play a bigger role in the commissioning of new artworks. Crucially, the statement also recognises the need to care for and promote the Territory's significant existing collections.

- 2.8 The Action Statement provided 'a brief overview of public art in the ACT and detailed the principles, processes and actions that the Government will follow to deliver its commitments to public art over the next two years' and noted:

The ACT Government is committed to commissioning new works of public art, encouraging the non-government sector to commission new works and caring for the existing collection.

2.9 The *Action Statement for Public Art (2007)* identified a number of processes to be undertaken to implement the identified commitments including:

- Percent-for-Art Scheme, whereby ‘the Government will commit an amount equivalent to 1% of the new capital works program in a financial year to public art projects’;
- the establishment of an ACT Public Art Panel; and
- the role of the Minister for the Arts, the ACT Public Art Panel and artsACT regarding proposals for new commissions and consideration of progressing these proposals, on an annual basis, through the Percent-for-Art Scheme.

2.10 Additionally, the *Action Statement for Public Art (2007)* recognised the role of the non-Government sector in promoting and implementing public art and noted ‘the Government welcomes proposals for new artworks from the non-government sector and is in the process of developing information to assist in both the commissioning process and understanding what Government approvals may be required to proceed with a proposal’. The Action Statement further noted:

The Government is currently working with the private sector to develop a Private Sector Public Art Scheme which will encourage property developers to commission high quality public art as a part of major new development projects.²

Draft Public Art in the ACT TOWARDS 2013

2.11 The Draft *Public Art in the ACT: TOWARDS 2013* document was prepared in 2008, but was not finalised or released.

2.12 The Draft *Public Art in the ACT: TOWARDS 2013 (2008)* document stated:

[This document] has been developed to accompany the Action Statement for Public Art. It describes the ACT’s existing public art collection and sets out a plan for new commissions and acquisitions. It provides detail on how and where public art in Canberra will develop in the years leading to our Centenary in 2013.

2.13 The Draft *Public Art in the ACT: TOWARDS 2013 (2008)* set out ‘a plan for new commissions and acquisitions to 2013’³ and noted that there were ‘exciting opportunities to add to the portfolio of public art’.⁴ The Draft *Public Art in the ACT TOWARDS 2013* document further stated:

Strategic development of the collection has been haphazard and as a result there is inconsistency in the collection’s quality, diversity, geographical spread and the degree to which artworks are successfully located within public places.⁵

² ACT Government, Action Statement for Public Art, p 13.

³ ACT Government, (Draft) Public Art in the ACT towards 2013, p 1.

⁴ ACT Government, (Draft) Public Art in the ACT towards 2013, p 1.

⁵ ACT Government, (Draft) Public Art in the ACT towards 2013, p 9.

2.14 The Draft *Public Art in the ACT TOWARDS 2013* document provided detailed information and analysis on:

- the future placement of public art, including the placement of public art in key urban precincts to create ‘critical mass’, the placement of public art in major new infrastructure and the placement of public art ‘at icons and gateways in the ACT’;
- the diversity of form of public artworks, noting that ‘a diversity of forms of public art are supported in the ACT’; and
- processes for acquiring and commissioning public art, including opportunities for commissioning from artists at various stages of their career as well as local, national and international artists and ‘regular initiatives that seek to increase the skills and number of local artists undertaking public art projects in the ACT’.⁶

2015 ACT Arts Policy

2.15 The *ACT Arts Policy (2015)* is the current key policy document covering art and therefore public art. It is a high-level conceptual document, which provides a statement of policy for arts as a whole in the ACT. It provides a vision for the arts in the ACT ‘to be a diverse and dynamic arts ecology valued locally, nationally and globally’ and provides for a range of principles to support the vision:

- participation in and access to the arts;
- great art and great artists;
- vitality of the Canberra Region arts ecology; and
- engage with the Aboriginal and Torres Strait Islander arts and cultures.

2.16 The *ACT Arts Policy (2015)* states:

The 2015 ACT Arts Policy will be implemented through the work of artsACT and by guiding the activities of the CFC [Cultural Facilities Corporation] and other ACT Government agencies involved in the arts. The ACT Government is working on whole of government connections and together with the arts community we can work in partnership to support development and innovation. It is important to recognise that the arts can play a vital role in the delivery of services to our community and that other areas of government can provide a role in supporting the arts.

2.17 Coverage of public art in the *ACT Arts Policy (2015)* is limited and not specific to this particular artform. There is no direction provided as to what is trying to be achieved through public art.

⁶ ACT Government, (Draft) *Public Art in the ACT towards 2013*.

artsACT Strategic Plan 2015-2016

- 2.18 The *artsACT Strategic Plan 2015-2016* recognises and reinforces the *ACT Arts Policy (2015)*. It notes the *ACT Arts Policy (2015)* vision and, under each of the four principles identified in the *ACT Arts Policy (2015)* (refer to paragraph 2.15), identifies a series of priorities and activities.
- 2.19 The *artsACT Strategic Plan 2015-2016* identifies that, under the *Great art and great artists* principle, artsACT intends to 'Promote and manage the ACT Government's public art collection and make improvements to the usability of the ACT Public Art Database'. Under each of the principles identified in the document are a series of measures to assess performance against each principle. Under the *Great art and great artists* principle are three measures, none of which specifically refer to, or mention, public art:
- number of times a show, exhibition or other arts activity was presented interstate and internationally;
 - number of local artists, arts organisations and arts workers funded by the Australia Council for the Arts and the Ministry for the Arts; and
 - number of people visiting Canberra for arts and culture.
- 2.20 artsACT developed a draft *Strategic Plan for 2016-17* but this was not finalised due to changes in senior executive personnel. In the absence of a current strategic plan artsACT has continued to work under its *2015-16 Strategic Plan*.
- 2.21 At the time of audit fieldwork artsACT was in the process of finalising a *2017-18 Business Plan*. The draft *2017-18 Business Plan* is in a similar format to the *artsACT Strategic Plan 2015-2016*. Under the *Great art and great artists* principle, artsACT intends to 'Contribute to Public Art commissioning across Government and private sector through continued implementation of the Public Art Guidelines'.
- 2.22 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.
- 2.23 The development of a strategic plan provides an opportunity for shaping future directions for public art across the ACT. Accordingly, those ACT Government agencies, Australian Government agencies and private sector entities who manage public art would need to be consulted. However, as residents and visitors experience public art in its totality and not according to which agency manages what artwork, a better approach would be to seek the cooperation and support of these bodies for the development of a joint ACT public art strategic plan.

- 2.24 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.

Management Models

- 2.25 An ACT Public Art Strategic Plan would need to be supported by a management model. Traditionally the model used in the ACT has been for the ACT Government to foster and fund public art.
- 2.26 The ACT Government has provided specific funding, as in 2006, when the then ACT Government Chief Minister allocated \$1.0 million to the Sculpture Acquisition Fund over two years. Funding has also been provided through the ACT's Percent-for-Art Scheme (the Scheme).
- 2.27 The Scheme, announced in May 2007, was designed to 'guarantee that 1 percent of each year's capital works budget is devoted to public art'; it was the 'centrepiece of the Public Art Action Plan released by the (then) Minister for the Arts.⁷ It operated during 2007-08 and 2008-09.
- 2.28 At the commencement of the Scheme the ACT Public Art Panel recommended an annual program of works to the (then) Minister for the Arts. Repairs and maintenance for the public artworks resulting from the Scheme were funded through an additional five percent of the one percent allocated. These funds, \$396 000, were quarantined for use, as required, in future financial years as public artworks commissioned through the Scheme age and maintenance costs increase.
- 2.29 There has been no new funding for public art since 2011-12 when a forward allocation from the 2008-09 Scheme was received. In April 2017, the Minister for the Arts approved expenditure of the final uncommitted funds (\$191,000) from the Percent-for-Art Scheme.
- 2.30 Relying entirely on government funding to support public arts has limitations including needing to compete for a budget allocation with many other government priorities and does not specifically attempt to harness private sector support. Other jurisdictions have adopted models that are not entirely dependent on government funding for the expansion and maintenance of public art.
- 2.31 Following are some management models for supporting public art which are included for illustrative purposes and not as an indication of what should be adopted for the ACT.

⁷ Media Release, Minister for the Arts, 10 May 2007.

City of Perth, Western Australia

2.32 While the City of Perth has participated in the Western Australian Percent for Art Scheme since it commenced, it formalised its intentions regarding public art as part of its *Corporate Business Plan 2014-2018*, followed by its *Public Art Strategy* in 2015.

2.33 According to the City of Perth's *Public Art Strategy*, the City of Perth's annual budget includes capital and operational amounts to resource public art projects and programs.⁸ Furthermore, according to its *Public Art Strategy* it is considering resource initiatives including:

- a public art reserve – to facilitate the accumulation of funds to support new commissions of enduring art and to receive financial gifts and bequests;
- a percent for art scheme – related to all significant city capital works projects;
- the acquisition of public art as contributed assets from developers and other external parties;
- a percent for art scheme for private developments; and
- partnership with the Perth Public Art Foundation and non-profit organisations working to advance philanthropy and partnerships with the private sector to support public art outcomes within the city.

Wellington, New Zealand

2.34 The Wellington Sculpture Trust (the Trust), a voluntary, independent, registered charitable trust, was established in 1982; it is dedicated to 'enriching Wellington by providing contemporary innovative public art for the city'. Under the Trust, 27 works have been installed in the city centre, waterfront, near the airport and in the Botanic Gardens; these form the basis for three sculpture walks. The Trust meets monthly and has a part-time administrator.

2.35 The Trust is fully dependent on grants, donations and sponsorships provided by its supporters for its revenue. The Trust receives input from:

- an Arts Advisory Panel, consisting of arts professionals, to assist in the selection of public artworks;
- Wellington City Council for:
 - urban design and public safety advice;
 - the provision of most sites;
 - assistance in the supervision of sculpture installations;
 - ownership and caretaking of sculptures on behalf of the city and the Trust (after the defect liability period); and

⁸ City of Perth Public Art Strategy, 2015, p 20.

- honorary advisers to broaden its resources, for example legal, engineering and financial management.
- 2.36 Perth (Western Australia) and Wellington (New Zealand) provide examples of funding for public art in other jurisdictions. While Perth and Western Australia have, or are considering, percent for art schemes, as existed in the ACT from 2007-2009, Wellington also provides an example of a model which provides for tax deductibility and ease of donation through online mechanisms. As well as considering a percent for art scheme, the City of Perth is also considering a public art reserve which would receive financial gifts and bequests.
- 2.37 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.

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.

artsACT operational activities

Risk management

- 2.38 The identification and assessment of business risks facilitates the allocation of resources to areas of greatest risk.
- 2.39 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.

RECOMMENDATION 2 ARTSACT OPERATIONAL ACTIVITIES

artsACT should improve its operational activities by:

- a) developing and implementing an overarching risk management plan

Reporting on the management of public art

- 2.40 artsACT has reported on its activities as part of the annual reporting process under Output 8.8, Arts Engagement, in the *Chief Minister, Treasury and Economic Development Directorate Annual Report 2015-16*. This includes providing ‘support and encouragement to private developers interested in commissioning public artwork for areas within private leases, with a number of meetings held with developers and the Guidelines made available online as a resource for government and non-government businesses’.⁹ Completion of the installation of two artworks and major conservation works of two other artworks was also reported.¹⁰
- 2.41 There are no key performance indicators related to the management of public art against which artsACT specifically reports. In September 2016 artsACT prepared a *Strategic Plan 2015-16: Achievements* document, which provided a ‘summary of our achievements’ against the principles and measures identified in the *artsACT Strategic Plan 2015-2016*. This document was not publicly released. Reporting in the document is focused on the measures identified in the *artsACT Strategic Plan 2015-2016*, for which there is no specific public art measure (refer to paragraph 2.19).
- 2.42 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.

RECOMMENDATION 2 ARTSACT OPERATIONAL ACTIVITIES

artsACT should improve its operational activities by:

- b) developing and reporting against a specific public art related performance indicator/measure

Public Art Guidelines

- 2.43 The purpose of the *ACT Government Public Art Guidelines (2015)* (the Guidelines) is to ‘outline a consistent whole-of-government approach to the commissioning, acquisition, donation and management of public art in the ACT’.
- 2.44 The Guidelines cover:
- ... the commissioning or acquisition of public art by ACT Government directorates; private sector art on ACT Government land; donations of public art to the ACT Government and other gifts of cultural significance; memorials with an artistic element; temporary and community public artworks; as well as helpful hints for privately owned public art on private land.

⁹ Chief Minister, Treasury and Economic Development Directorate, 2015-16 Annual Report, p 76.

¹⁰ Chief Minister, Treasury and Economic Development Directorate, 2015-16 Annual Report, p 76.

2.45 The Guidelines include information on:

- ACT Government agencies' roles and responsibilities, as well as the role of other stakeholders including the Australian Government, non-government institutions, the private sector and the community more broadly;
- processes for the commissioning and acquisition of public art, including contractual considerations;
- processes for the maintenance and management of public art;
- processes for decommissioning public art;
- processes for the donation of public art to the ACT Government, including decommissioning of donated public artworks; and
- other considerations such as memorials with an artistic element, private sector public art on ACT Government land, private sector public art on private land and temporary and community art on ACT Government land.

Knowledge and accessibility of ACT Government Public Art Guidelines (2015)

2.46 As part of preparations for its *Arts Infrastructure Plan*, artsACT conducted a community Cultural Infrastructure Survey. According to artsACT:

The Cultural Infrastructure Survey was another way for artsACT to gather the views of community members about Canberra's cultural infrastructure. It was designed as both a follow-up to the CBRarts forum: Creative Spaces, Creative Places (to give those who attended an opportunity to provide further comment than time allowed on the day), as well as a way for people in the community who didn't attend the forum to contribute to the discussion.

2.47 A total of 73 responses were received as part of the survey, which was conducted between 29 February and 11 April 2016. With respect to the Guidelines, 19 percent of respondents reported being aware of their existence. Seventy-seven percent of these respondents identified the Guidelines as being useful, while 23 percent of respondents reported the Guidelines as not being useful.

2.48 In advice to the Audit Office for the purpose of the audit, Maxim Consulting Services advised:

It would be advantageous for all stakeholders to regularly evaluate and review the ACT Government Public Art Guidelines to assist them in maintaining a public art collection within the ACT.

2.49 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.

ACT Health Directorate

2.50 The ACT Health Directorate has seven public art works, administered through its Arts in Health Program (the Program). The seven public artworks are a small proportion of the total number of artworks managed by the ACT Health Directorate, most of which is indoor, two-dimensional art. There are no specific administrative arrangements for the management of public art in the ACT Health Directorate. The Directorate's art-related policies, procedures, governance and administrative arrangements apply to all of its artworks.

The key policy objective of the ACT Health Arts in Health Program is to enhance the delivery of health services to the Canberra community. Evidence-based national and international research has demonstrated that participation in the arts promotes healing by reducing stress and improving mental and physical health.¹¹

Roles and responsibilities

2.51 Within the ACT Health Directorate, key roles for the management and administration of art (including public art) include:

- the Arts in Health Committee, which is chaired by the Executive Director, Business Support Services; and
- the ACT Health Directorate Art Curator.

2.52 The Arts in Health Committee is responsible for 'developing and maintaining the Arts in Health Program, including proposing acquisitions and recommending maintenance of all works of art in ACT Health facilities in accordance to the policy and procedural documents'. The Art Curator 'reports to the Chair of the Arts in Health Committee and is responsible for developing and maintaining the Arts in Health Program, including proposing acquisitions and recommending maintenance of all works of arts in ACT Health facilities in accordance to the policy and procedural documents'.

2.53 Within the ACT Health Directorate the Canberra Hospital Foundation is also acknowledged as working 'closely with the Arts in Health Program in the context of enriching the healthcare environment'.

Arts in Health Program Policy

2.54 A draft *Arts in Health Program Policy* was developed and presented to the ACT Health Directorate Policy Advisory Committee in June 2017. As at the date of audit fieldwork the draft *Arts in Health Program Policy* has not been endorsed by the Policy Advisory Committee, which noted that 'the content and subject matter [of the draft policy] to be in order however there were formatting and consolidation documents recommendations [needed]'.

¹¹ Arts in Health – the art of the Canberra Region Cancer Centre, August 2014.

2.55 The purpose of the draft *Arts in Health Program Policy* is to ‘outline the policy framework for the Arts in Health Program’. According to the Policy:

The key objective of the Arts in Health Program is to enhance the delivery of health services to the Canberra community by ACT Health through the provision of art across Canberra Hospital and Health Services facilities.

2.56 In this respect, the draft *Arts in Health Program Policy* states ‘the Arts in Health Program will positively contribute to the vision of ensuring that ACT Health facilities are a vibrant, colourful, engaging and therapeutic place of treatment, healing and rehabilitation’. According to the draft *Arts in Health Program Policy*:

The Arts in Health Program represents a unique opportunity to connect with patients and carers as valued members of the ACT community. It builds an inclusive sense of community, respecting our diverse backgrounds and abilities and in so doing enhances the delivery of health services to our community. The entrances of all new ACT Health buildings will showcase work by Aboriginal and Torres Strait Islander artists as part of the larger strategy to provide a culturally welcoming environment. Art in the Hospital environment makes users of Hospital services feel more welcome and also increases staff satisfaction. The Art Program will positively contribute to the vision of ensuring that ACT Health facilities are a vibrant, colourful, engaging and therapeutic place of treatment, healing and rehabilitation.

Arts in Health Program

2.57 The draft *Arts in Health Program Policy* provides for a range of guidance associated with:

- the acquisition of artworks, including:
 - All works of art acquired for ACT Health facilities will meet the Collection Criteria and align with ACT Health’s core values of Care, Excellence, Collaboration and Integrity; and
 - Selection and placement of works of art will be undertaken in consultation with appropriate clinical areas and consumer representatives to best meet the specialist needs of the area.
- the maintenance of an asset register for artworks, including:
 - In addition a formal annual check of the assets is routinely undertaken. This annual review identifies any changes to the location, condition or value of the works. This annual review is also an opportunity to ensure that each work continues to support ACT Health’s therapeutic outcomes and meets the collection policy. The annual asset check of the collection includes the identification of works of over \$5000.00 value; and
 - In addition to this internal asset check a formal valuation of the collection by a registered valuer is undertaken every five years.

2.58 The draft *Arts in Health Program Policy* also includes:

- information on the ACT Health Directorate’s criteria for acquiring artworks;
- templates to be completed for the acquisition of artworks;
- guidance for infection prevention and control measures for artworks; and

- guidance for the acceptance of donated artworks.

- 2.59 The ACT Health Directorate Art Curator identified that, unlike other curatorial roles, their role was primarily a responsive one, which facilitated the development and implementation of new artworks with the health community and its stakeholders as and when a need arose. A current example of this is responding to requests for art that have been identified during the construction of the new University of Canberra Hospital.
- 2.60 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.

Risk management

- 2.61 As part of the guidance for infection prevention and control measures for artworks in the draft *Arts in Health Program Policy* the ACT Health Directorate has identified risks associated with art and its location within health facilities. In relation to ‘viewing art in health care facilities based on infection control risk’ public art would be placed in the low risk category due to its positioning in high circulation public areas.
- 2.62 There is no risk management documentation regarding the acquisition, maintenance or decommissioning of artworks in the ACT Health Directorate including public art. However, the ACT Health Directorate Art Curator has identified risk management strategies that have been implemented for the management of existing artworks, including:
- a keyed attachment system so that art works cannot be removed from the wall without a key;
 - targeted stocktakes and a sense of corporate responsibility among ACT Health staff which assists in identifying any damage to art works; and
 - the inclusion of special considerations in each Artist’s Brief which included consideration of the patient demographic; colours; and materials addressing risks such as materials that may cause self-harm or injury to others.
- 2.63 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.

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*

Reporting

- 2.64 The ACT Health Directorate Art Curator reports to the Arts in Health Committee, which meets every second month according to its Terms of Reference (or otherwise as determined). In the period July 2016 to June 2017 the Arts in Health Committee met four times.
- 2.65 The draft *Arts in Health Program Policy* identifies a number of ‘outcome measures’ for its art activities, including:
- all works in the Arts in Health Collection meet the Collection Criteria ... and enhance ACT Health’s delivery of health services to the Canberra community;
 - patients, clients, consumers, and their carers, families, visitors and staff are able to provide feedback and comments about the works of art through the Canberra Hospital Foundation, the Curator and through feedback to hospital staff; and
 - acquisition and maintenance processes meet ACT Government protocols and industry standards.

Transport Canberra and City Services Directorate

- 2.66 The Transport Canberra and City Services Directorate is responsible for the management of two significant public art works, having transferred eight to artsACT as of 1 July 2017 as audit field work was concluding. Until May 2017, however, the Transport Canberra and City Services Directorate had recorded over 300 ‘public artworks’ on its Integrated Asset Management System (IAMS).
- 2.67 The Transport Canberra and City Services Directorate advised that, as a result of discussions with the auditors conducting audit fieldwork, it has decided to reclassify almost all of what it had previously recorded as ‘Artwork’ to ‘Architectural Design Element’ or ‘Artistic Feature’. This is planned for completion by the end of 2017 when associated changes, including definitions for IAMS allocation, will result in a significant reduction in the number of assets identified as public art. The Transport Canberra and City Services Directorate has advised of its intention to transfer its remaining two public artwork assets to artsACT, but agreement has not yet been reached between the agencies as to an appropriate budget for the ongoing management and maintenance of these artworks. This would need to be transferred to artsACT before it accepted responsibility for these artworks.

- 2.68 The Transport Canberra and City Services Directorate further advised of its intention not to assume responsibility for the management of public artworks in the future; however, it will continue to be responsible for the management of infrastructure assets with artistic design elements.
- 2.69 One key mechanism by which the Transport Canberra and City Services Directorate has received public artworks in the past has been through the receipt of assets as part of new suburban developments. In relation to this, the Transport Canberra and City Services Directorate has advised that 'artsACT is now involved in the development process and is consulted in the early phase of design and construction of artworks. Hence, artworks will be directly gifted to artsACT and there will be no need to transfer assets from TCCS'. The Transport Canberra and City Services Directorate has advised that, although there is currently no formal arrangement in place with artsACT for such activities, such as a Memorandum of Understanding, it would be useful to have one.

Public art-specific strategic policy and planning

- 2.70 The Transport Canberra and City Services Directorate does not have any public art specific strategic policy and planning documents, risk management or reporting. In light of the recent transfer of most of its public artworks to artsACT, and its intention to transfer its remaining two artworks to artsACT, this is reasonable.

Municipal Infrastructure Standards

- 2.71 Much of the work of the Transport Canberra and City Services Directorate is guided by Municipal Infrastructure Standards. These guide municipal infrastructure development and management in the ACT such as playgrounds and sportsground design.
- 2.72 Of relevance to public art is *Municipal Infrastructure Standards Part 17: Shopping Centres and Urban Spaces*. At the time of audit fieldwork, the prevailing standard recognised public art in urban spaces and provided general guidance. However, the guidance in the standard did not:
- differentiate between public art, community public art and architectural features;
 - provide sufficient guidance on processes for the acquisition or implementation of public art; and
 - did not refer to, or recognise, the role of artsACT and the Guidelines.
- 2.73 During audit field work Transport Canberra and City Services Directorate staff identified the need to provide more appropriate guidance. Revised wording was developed for *Municipal Infrastructure Standards Part 17: Shopping Centres and Urban Spaces*, which rectified previous shortcomings:
- General: Artistic features such as public art, community public art and architectural features can contribute to a sense of place and enrich user experience.
- Requirement: The community and stakeholder consultation process will contribute to identifying cultural and community values. The consultation process should also be informed

by research, as relevant, of history and social/community values to develop a cultural profile integral to the character of the public open space and surrounding areas. The profile may aid and inform the development of design themes and specific design proposals.

Artistic features may be incorporated into the environment in a variety of ways. It is important to ensure that they are safe, durable and easy to maintain. They should be placed in locations with frequent pedestrian traffic, be visible from roadways and buildings that have the potential to act as deterrents to vandalism and graffiti. Placement in well lit areas should be considered as a deterrent to vandalism. Engineering and construction techniques along with durable surface treatments can provide a resistance to damage to ensure that artistic features are easily repairable, replaceable or removable if remedial works are warranted.

Community public art and other architectural features may be non-functional or can be incorporated into the design of functional objects such as furniture, manhole covers, walls, paving and lighting.

Stand alone commissioned or acquired public art is not generally a requirement of shopping centre design, however its inclusion is encouraged. If public art is under consideration, TCCS and artsACT must be consulted. Refer 2015 ACT Government Public Art Guidelines at www.arts.act.gov.au/policy/publicart.

- 2.74 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.

Cultural Facilities Corporation

- 2.75 The Cultural Facilities Corporation is a statutory agency which manages the Canberra Theatre Centre, Canberra Museum and Gallery and ACT Historic Places.¹² It is responsible for three public art works which are sited in the courtyard of the Canberra Museum and Gallery, the rear foyer of the Canberra Theatre Centre and as part of the joining structure between the Canberra Theatre and the Playhouse.

Policy

- 2.76 As public art works account for a very small minority of the Cultural Facilities Corporation's artworks there are no public art specific policy documents. However, the Cultural Facilities Corporation's *Procedures for Managing Public Art* clarify arrangements for its recording, valuation and management; more extensive policy documents, developed for the Canberra Museum and Gallery's collection, are used to inform the management of public art when required.

¹² CFC website: <http://www.culturalfacilities.act.gov.au/> Accessed 25 July 2017.

Planning

- 2.77 While the Cultural Facilities Corporation's *Strategic Plan 2016-21* and its *Corporate Plan 2017-18* do not address public art specifically they address areas such as extending the Canberra Museum and Gallery's profile, asset management and stewardship which equally apply to its public art items.

Risk Management

- 2.78 The Cultural Facilities Corporation has a *Strategic Risk Management Plan*. Risks related to public art works include physical damage (or loss) and inadequate security; these risks are rated, controls are in place, actions to be taken are identified and staff are allocated responsibility to monitor and review the risk.

Reporting

- 2.79 The Cultural Facilities Corporation's *Annual Report 2015-16* includes performance analysis of indicators including the *Estimated number of visitors/patrons to Cultural Facilities Corporation facilities/programs* and *Customer satisfaction with quality of services provided by the CFC*. While these are not specific to public art they may include public art.
- 2.80 Additionally, the Cultural Facilities Corporation's *Annual Report 2015-16* includes a section on asset management which includes its public art works under 'Art and Social History Collection'.

Asset and collection management

- 2.81 There are hundreds of public artworks across the ACT, some managed by institutions such as the Australian National University and the National Gallery of Australia, others by private developers, such as those at New Acton, and some by the Australian Government via the National Capital Authority (NCA); others are managed by ACT Government agencies. With NCA owned artworks on ACT Government land and vice versa, who has management and curatorial responsibilities is not always obvious to the general public nor, in some cases, the responsible agencies.
- 2.82 Public art is a valuable ACT asset; it is important that ACT Government agencies have a comprehensive, accurate understanding of their public artworks as assets in order to manage them effectively, including for insurance, repairs and maintenance. Public artwork details useful in asset registers include the: title, artist, acquisition date, asset number and valuation; other information such as location is also useful.

ACT Government agencies' asset management records

2.83 As discussed in paragraph 1.3, the Guidelines note that 'defining public art is the subject of ongoing discussion and debate' but that, according to the ACT Government *Planning and Development Regulation 2008*, a public artwork is defined as 'an artwork to be displayed in a place open to and accessible by the public'. The Guidelines further state:

The term public art in the context of these guidelines refers to works of art in any media that have been planned and executed with the specific intention of being sited or staged in the physical public domain, usually outside and accessible to all.

2.84 The ACT Government agencies considered in this audit each had a recorded listing of their public artworks for asset management purposes. Due to its large holdings, artsACT also has stocktake, maintenance and other management listings. The audit considered and compared:

- ACT Government agencies' asset management records for public art;
- the ACT Insurance Authority's records of public art for insurance purposes; and
- information on the artsACT Public Art Database.

ACT Insurance Authority insurance records

2.85 The Australian Capital Territory Insurance Authority (ACT Insurance Authority) manages insurance associated with ACT Government public artworks, including the public art assets of the agencies examined in this audit. The ACT Insurance Authority public art listing necessarily relies on input data from these agencies; it has the capacity to record individual artworks by title and artist, by location (including postcode, block and section number) and by value.

2.86 A review of the ACT Insurance Authority insurance listing shows:

- individual public artworks are recorded for artsACT, the ACT Health Directorate and the Cultural Facilities Corporation, but not for the Transport Canberra and City Services Directorate, for which all but one artwork are recorded under a single line item with an aggregated value; it should be noted that this listing was developed prior to TCCS modifying its classification of public art;
- for public artworks managed by artsACT and the ACT Health Directorate, the ACT Insurance Authority listing identifies most artworks by title and, for some artworks managed by artsACT, the artist's name and date of the work. For public artworks managed by the Cultural Facilities Corporation the item is recorded as an asset number and not by title, artist's name or date of work; and
- two public artworks were inadvertently omitted from the ACT Insurance Authority insurance listing; one from the Cultural Facilities Corporation and one from artsACT.

2.87 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.

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.

Public Art Database

2.88 artsACT has developed and made available on the artsACT website a Public Art Database (the Database). The purpose of the Database is reflected in the Guidelines which state that:

(a) All ACT Government public artworks should be listed in the ACT Public Art Database ... This ensures the ACT Government public art collection is accessible to as many people as possible.¹³

2.89 The Database includes a public art overview map which shows the location of public artworks across the ACT and a chronological public art list of 136 public artworks. While most of the artworks are ACT Government owned and managed there are Australian Government agency art and private sector public artworks also included on the Database. The Database includes: artist, title, medium, location, funding agency, date acquired and a short description of the artwork.

Maintenance and upkeep of the Public Art Database

2.90 The Public Art Database has not been updated since 2014. Furthermore, notable works such as Jock Clutterbuck's *Untitled* at the Canberra Hospital are not listed. It is particularly important that artworks such as this, not readily accessible to the ACT public due to its location and surroundings, are included on the Public Art Database and so available electronically. As ACT Health artworks exist for patients, staff and visitors, and are located according to stakeholder needs, the access to many artworks is restricted; inclusion on the Database provides access to members of the ACT community who would not otherwise be able to view and appreciate the artworks.

2.91 As discussed in paragraph 2.19, the *artsACT Strategic Plan 2015-2016* identifies that, under the *Great art and great artists* principle, artsACT intended to 'Promote and manage the ACT Government's public art collection and make improvements to the usability of the ACT Public Art Database'. With respect to 'making improvements to the usability of the ACT Public Art Database', artsACT advised that the database improvements did not occur as planned as the cost was higher than anticipated and resources were not available within Shared Services.

¹³ ACT Government Public Art Guidelines, p 54.

Knowledge and accessibility of ACT Government Public Art Database

- 2.92 As discussed in paragraph 2.46, as part of preparations for the *Arts Infrastructure Plan*, artsACT conducted a community Cultural Infrastructure Survey. A total of 73 responses were received as part of the survey, conducted between 29 February and 11 April 2016. With respect to the Database, 30 percent of respondents were aware of its existence; 73 percent of these respondents identified the Database as being useful, while 17 percent of respondents reported the Database as not being useful.
- 2.93 The purpose of the artsACT Public Art Database is to make the ACT Government public art collection accessible to as many people as possible; it includes a map, showing the location of public artworks across the ACT, and a chronological list of public artworks; it has not been updated since 2014. It is important that public artworks, particularly those not as readily accessible to the general public such as ACT Health artworks, are electronically available (for example on the Database) to allow maximum access and appreciation by the ACT residents and visitors.
- 2.94 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.

RECOMMENDATION 2 ACTARTS OPERATIONAL ACTIVITIES

artsACT should improve its operational activities by:

- 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

3 ACQUISITION AND DECOMMISSIONING OF PUBLIC ART

- 3.1 This chapter examines selected ACT Government agencies' activities with respect to the acquisition and decommissioning of public art. It includes the results of a file review of 15 acquisitions.

Summary

Conclusion

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.

Key findings

	Paragraph
The <i>ACT Government Public Art Guidelines (2015)</i> 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:	3.8
<ul style="list-style-type: none">• 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:	3.23

- 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

Acquisition of public art

3.2 There are three general mechanisms by which public artworks may be acquired by ACT Government agencies:

- commission – a site-specific artwork that is sought from an artist that is inspired by, and responds to, its urban design and landscape, community, cultural and historical context.¹⁴
- purchase - an existing artwork that is purchased from an artist, gallery or exhibition with the specific intention of being sited or staged in the public domain, accessible to the public.¹⁵
- donation – an existing artwork, by a recognised artist, that is given to the ACT Government via private or public gift.¹⁶

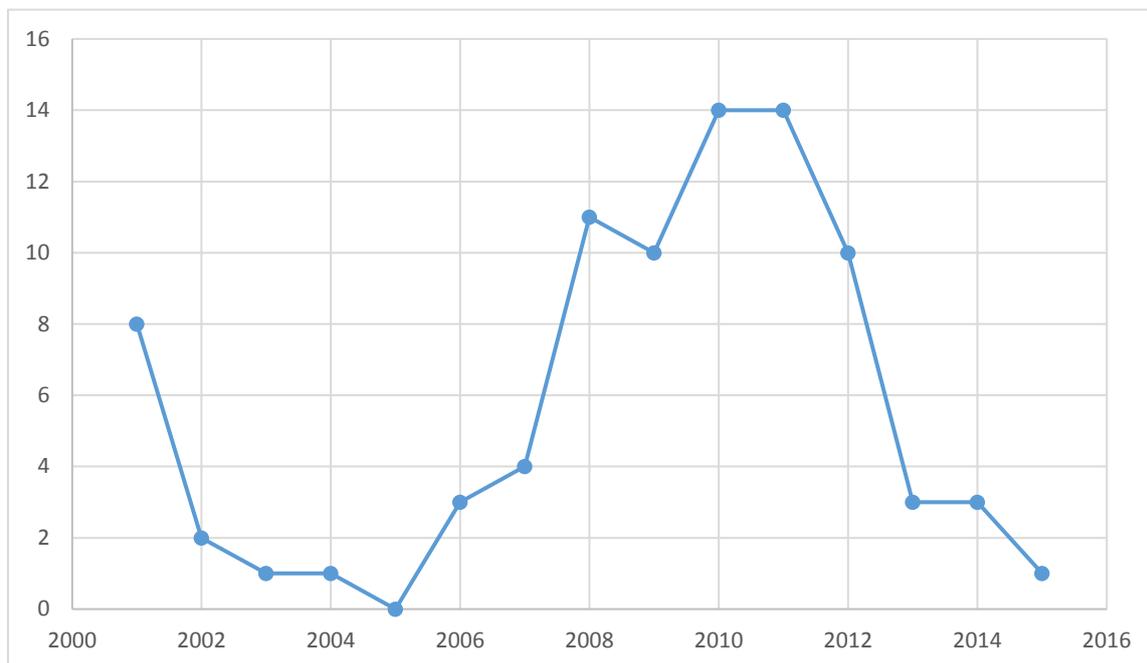
3.3 Figure 3-1 shows the number of public artworks acquired by ACT Government agencies since 2001.

¹⁴ ACT Public Art Guidelines, p 55.

¹⁵ ACT Public Art Guidelines, p 57.

¹⁶ ACT Public Art Guidelines, p 56.

Figure 3-1 Number of ACT Government public artworks acquired between 2001 and 2015



Source: Audit Office analysis based on artsACT information

3.4 Since 2001 ACT Government agencies have acquired 85 public artworks as follows:

- artsACT – 81 public artworks. This includes public artworks transferred from other agencies and donations;
- Heath Directorate – one public artwork (*Ngunna Yerrabi Kooralili Munangai*, 2015);
- Transport Canberra and City Services Directorate – one public artwork (*Rhizome* and GDE works, 2007); and
- Cultural Facilities Corporation – two public artworks (*Fractal Weave*, 2006 and *Lola Pink and Lola Black*, 2013).

ACT Public Art Guidelines

3.5 Section 2 of the *ACT Government Public Art Guidelines* (2015) (the Guidelines) provides guidance on the acquisition of public art. The Guidelines outline the following key components of the acquisition process:

- consultation with relevant stakeholders, including artsACT;
- procurement, including:
 - determination of a procurement method;
 - preparation of an artist’s brief;
 - appointment of a selection panel;
 - determination and attainment of relevant approvals;
 - development of contract documents;
 - review of design proposals; and

- seeking Ministerial approval;
 - engagement of the artist; and
 - fabrication and installation of the artwork.
- 3.6 The Guidelines are a high-level document and do not capture the complexity of the acquisition process, including its various permutations and decision points. They include process flowcharts, however, these are linear and do not adequately capture the complexities, nor key decision points, within the acquisition process. For example, the flowcharts do not identify the possible stakeholders that should be considered nor the different acquisition methods possible. The flowcharts within the Guidelines would be of greater use if they were updated to reflect the key steps, decision points and resultant actions in a non-linear format, especially for infrequent users.
- 3.7 As discussed in paragraph 1.18, the Audit Office conducted a survey of ACT Government agencies and their management of art. One respondent to the survey identified that a shortcoming of the Guidelines was that they do not specifically address cultural and local indigenous community sensitivities in acquiring public artwork. The Guidelines need to be updated to reflect such sensitivities.
- 3.8 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:
- 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.

RECOMMENDATION 2 ARTSACT OPERATIONAL ACTIVITIES

artsACT should improve its operational activities by:

- 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

artsACT acquisitions

3.9 Since 2001, artsACT has acquired public art as follows:

- 63 public artworks have been commissioned;
- 12 public artworks have been purchased; and
- 6 public artworks have been received as donations.

Commissioning public art

3.10 A variety of commissioning models, all of which must meet relevant ACT legislative requirements, for example the *Government Procurement Act 2001*, have been used by artsACT. These include:

- open invitation;
- limited invitation; and
- direct commission.¹⁷

Open invitation

3.11 The open invitation model invites artists, through an Expression of Interest process, to submit their interest in undertaking a public art commission. A resulting shortlist is selected and the shortlisted artists are invited to further develop their proposal and present their concept to a selection panel. This method was used in the Major Canberra Artwork (Centenary) Commission which was undertaken in 2008. This commission attracted 41 responses to the request for expressions of interest. From the 41 expressions of interest received, 13 'longlisted' artists and their proposals were open for community comment. Further evaluation resulted in a shortlisting of four artists who participated in panel interviews. Ultimately, however, this commission did not proceed.

Limited invitation

3.12 The limited invitation model invites a selection of artists to either respond to a brief or to present the scope of their art practice to a panel. This method requires artsACT to have a sound understanding of the arts practice of different artists and have a clear concept of the type of work to be commissioned. This method was used in the *A for Alexander, B is for Bunyip, C is for Canberra* artwork, located at Gungahlin, which was commissioned in 2011.

¹⁷ Government of Western Australia, Department of Culture and Art (2015) *Public Art Commissioning Guidelines* accessed 19 July 2017

http://www.dca.wa.gov.au/Documents/Developing%20Arts%20and%20Culture/Spaces%20and%20Places/Public_Art/Documents/Public%20Art_Guidelines_FINAL.pdf

Direct commission

- 3.13 In some cases a direct commission or a single select tender is used. This is used in specific cases where, for example, alignment with an existing work is required. The direct commission does not negate the requirement for the artist to develop and present their concept or for a selection panel to be convened.
- 3.14 The Audit Office examined two instances where a direct commission was undertaken. The reasons for the direct commission were fully documented and approvals were obtained by the relevant Director-General and the (then) Minister for the Arts in both instances. An example of a direct commission is the *Lady with Flowers*, located at Gungahlin, as a partner piece to *Big Little Man*, located at Civic, both by artist Dean Bowen.

Purchasing public art

- 3.15 Public artwork can be purchased directly from an artist, or an artist's agent. artsACT has used this method to acquire pre-existing artworks from the annual Sculpture by the Sea event in Sydney. This method was also used in 2009 to purchase Keld Moeholm's *On the Staircase*, currently located at Gorman House, through the Chief Minister's Sculpture Acquisition Fund.

Donations of public art

- 3.16 Donations of public art occur through donation of:
- an existing artwork by a recognised artist;
 - funds to purchase an existing artwork by a recognised artist; or
 - funds to commission a new public artwork.
- 3.17 While donations have clear advantages in expanding and adding value to the ACT Government public art collection there are potential risks associated with accepting the donation. These include: the work not being appropriate to a site; materials not being robust enough to withstand Canberra's climate; high cost maintenance requirements; and poor design quality.
- 3.18 The Guidelines detail eight criteria for donations of public art. These include:
- the artwork must be an original work reflecting excellence in arts practice and is deemed to enrich the ACT Government public art collection;
 - the size and theme of the artwork must be considered in the context of its proposed location;
 - the artwork must be made of robust materials capable of withstanding normal wear in a public place, as well as withstanding vandal attack; and
 - the artwork must comply with public safety requirements.¹⁸

¹⁸ ACT Public Art Guidelines (2015) accessed 27 July 2017
http://www.arts.act.gov.au/__data/assets/pdf_file/0007/751642/2015publicartguide.pdf

3.19 An example of a donated or gifted public art work is *Nest III*, situated on Dairy Farmer's Hill at the National Arboretum. It was donated to the National Arboretum in March 2009. Other public artworks in the collection have been donated by various governments. artsACT assesses prospective public art donations against the criteria and protocols outlined in the Guidelines.

Loans of public art

3.20 In the ACT there are instances where public artworks are displayed on short or long-term loan. artsACT uses an Artwork Loan Agreement to enter into a contract with the artist. An example is the loan of works to the ACT Government for display at the Floriade Exhibition in 2016.

Audit Office file review

3.21 The Audit Office reviewed the acquisition of 15 public artworks by artsACT between 2007 and 2016. The 15 public artworks were randomly selected from a listing of artsACT acquisitions. Of the 15 public art works selected, 11 artworks were proposed to be acquired through commissioning, one through purchase and three were donated. Acquisition of one artwork did not proceed.

3.22 The acquisitions were assessed against better practice processes articulated in the Guidelines.

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

- 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.

3.24 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.

Project Management

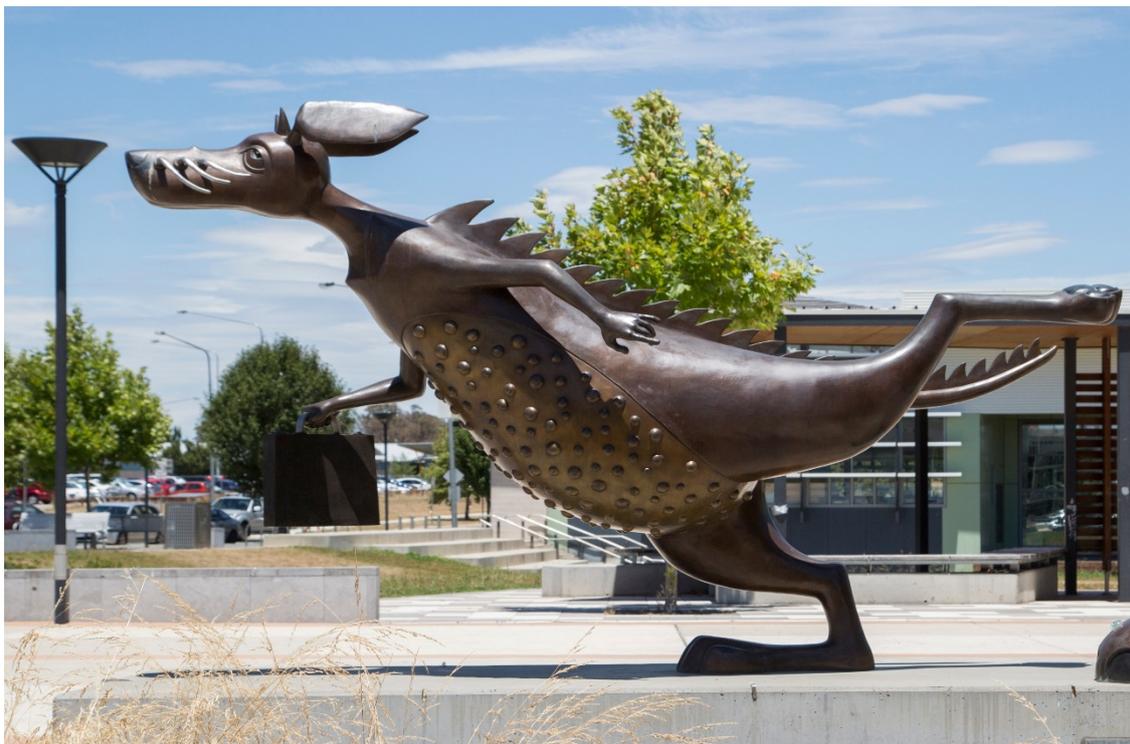
3.25 The process of acquiring public art may be seen as a project, for which it is appropriate to use relevant project management techniques. artsACT involves Procurement and Capital Works (previously ACT Procurement Solutions) in the acquisition process of public art from inception. This supports artsACT in meeting requirements under the *Government Procurement Act 2001*, the *Government Procurement Regulation 2007* and other ACT Government guidance.

Audit Office file review

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

- 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.

Case Study 3.1 - *A is for Alexander, B is for Bunyip, C is for Canberra* acquisition



A is for Alexander, B is for Bunyip, C is for Canberra is a bronze statue representing Alexander Bunyip from the 1972 children's book 'The Monster that ate Canberra', written and illustrated by Michael Salmon. artsACT managed the commissioning of this artwork, by Anne Ross, which was suggested by the Gungahlin Community Council and installed in the Gungahlin Town Park in 2011.

Source: Audit Office, based on artsACT information and photo.

Other agencies' acquisition of public art

3.27 Since 2001, the ACT Government agencies considered as part of this audit have acquired public art as follows:

- ACT Health Directorate – one public artwork commissioned, no public art works purchased or donated;
- Transport Canberra and City Services Directorate – one public artwork commissioned, no public art works purchased or donated; and
- Cultural Facilities Corporation – one public art work commissioned, one public artwork donated and no public art works purchased.

ACT Health Directorate

3.28 Public art was commissioned for the Belconnen Community Health Centre in 2015. A further acquisition for public art to be sited outside the Centenary Hospital for Women and Children, the *Way Finding* commission, is currently in progress. The ACT Health Directorate is managing the *Way Finding* commission in partnership with artsACT, with artsACT managing the selection process and contract negotiations.

Arts in Health – Acquisition and Maintenance of Art in ACT Health Facilities

3.29 The ACT Health Directorate has a draft *Procedure – Arts in Health – Acquisition and Maintenance of Art in ACT Health Facilities* document, which provides guidance for acquisitions of public art. The document, however, has not yet been finalised or endorsed.

3.30 The purpose of the draft *Procedure – Arts in Health – Acquisition and Maintenance of Art in ACT Health Facilities* document is to ‘outline the process for the acquisition and maintenance of works of art across all ACT Health facilities’.¹⁹ The Arts in Health Committee’s role in the acceptance, or not, of proposed acquisitions is outlined, including assessing proposed acquisitions against the Collection Criteria and the identified needs of the intended destination. The Acquisition Proposal (a template attached to the Procedure) includes the requirements of the intended destination and ‘ensures that legal title, provenance, condition, risks including infection control and the real costs of acquiring the work are clearly identified’.²⁰

3.31 The ACT Health Directorate has very clear collection criteria against which it assesses any potential acquisitions of artworks. As per the *Draft Policy – Arts in Health Program* document:

Acquisitions will be measured against the Collection Criteria and presented to the Arts in Health Committee for evaluation.

3.32 As per the *Draft Policy – Arts in Health Program - Attachment A – Collection Criteria*:

All acquisitions will:

- enhance ACT Health’s delivery of health services to the Canberra community;
- positively contribute to ACT Health facilities as welcoming, engaging and therapeutic places of treatment, healing and rehabilitation;
- enhance the quality of life of the patients, community and staff;
- align with the ACT Health value of Care, Excellence, Collaboration and Integrity;
- be of high quality, representing a diversity of artistic practice;
- communicate readily to a broad range of visitors and users;
- respond to the diversity of need amongst patients, carers and staff in ACT Health;
- create a sense of quality care;
- support orientation and way finding;
- provide positive distraction; and
- enhance the image of ACT Health.

¹⁹ Procedure: Arts in Health – Acquisition and Maintenance of Art in ACT Health Facilities, p 1.

²⁰ Procedure: Arts in Health – Acquisition and Maintenance of art in ACT Health facilities, p 3.

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

- 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.

RECOMMENDATION 3 ACT HEALTH DIRECTORATE OPERATIONAL ACTIVITIES

The ACT Health Directorate should improve its operational activities by:

- b) finalising and endorsing its *Arts in Health – Acquisition and Maintenance of Art in ACT Health Facilities* document

Transport Canberra and City Services Directorate

3.34 The Transport Canberra and City Services Directorate's primary role with respect to public art is the receipt of public art (and infrastructure design elements) from major infrastructure projects and land developers. As discussed (paragraph 2.73) many design elements, previously classified as artworks, while not meeting the artsACT Guidelines definition of public art, integrate art into the public realm.

3.35 Major infrastructure projects such as the Light Rail Project, will provide both public art and infrastructure design elements in the future. The Light Rail Project features two main artistic elements by local artists:

- Hannah Quinlivan's artwork will feature on glazed screens at each of the 13 light rail platforms; and
- Aboriginal artwork will be incorporated into aspects of the infrastructure.

3.36 The Transport Canberra and City Services Directorate has commissioned several public artworks and infrastructure design features as part of shopping centre upgrades. The Transport Canberra and City Services Directorate has, in the past, used artsACT to coordinate the artwork commissioning processes and standard artsACT acquisition practices have been followed. An example is Martin Moore's *Alfred Deakin: A life in three phases* sculpture, commissioned for the Deakin Shops in 2010. As discussed in paragraph 2.67, the Transport Canberra and City Services Directorate has advised of its intention to transfer responsibility for the management of public artworks to artsACT in the future.

- 3.37 The Transport Canberra and City Services Directorate receives donations of infrastructure and other works from land developers. Some of these include other works which have, until recently, been categorised as public art. The re-categorisation of the current asset listing, as discussed in paragraph 2.67, will result in many future assets, previously categorised as artworks, being recognised and managed as landscape design elements.
- 3.38 However, there will be instances where the asset received from a land developer or other entity meets the definition of public art. As discussed in paragraph 2.69, the Transport Canberra and City Services Directorate has advised that ‘artsACT is now involved in the development process and is consulted in the early phase of design and construction of [public] artworks. Hence, [public] artworks will be directly gifted to artsACT and there will not be a need to transfer assets from TCCS’.
- 3.39 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.

RECOMMENDATION 5 PUBLIC ART ASSET ACCEPTANCE

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

Cultural Facilities Corporation

- 3.40 The Cultural Facilities Corporation has not commissioned any public art in the last 10 years. Its last commissioned work was *Fractal Weave*, located at the Canberra Theatre Centre, which was commissioned in 2006.

Decommissioning of public art

- 3.41 Decommissioning is the permanent removal of a work of art from a public art installation or collection. This may include relocation, storage, sale, donation or disposal/destruction. The ACT Health Directorate uses the term deaccessioning to describe the formal removal of an object from the collection register prior to the physical removal of the object (decommissioning). For the purposes of this report the term decommissioning is used.
- 3.42 Since 2001, the ACT Government agencies considered as part of this audit have decommissioned public art as follows:
- artsACT – one public art work decommissioned; and
 - ACT Health Directorate – two public art works decommissioned; with two de-accessioned pending removal.

- 3.43 The Transport Canberra and City Services Directorate and Cultural Facilities Corporation have not decommissioned any public artworks.

Guidance on the decommissioning of public art

- 3.44 Every public artwork has a finite lifespan. As such, public artworks should be reviewed periodically to determine their condition, as well as their relevance, in relation to their location and the collection as a whole. The Guidelines state:

(t)he condition and suitability of the artwork will be reviewed 10 years from the date of final completion and at five year intervals thereafter.²¹

- 3.45 There are references to decommissioning within the artsACT *Artist's Brief*, which is provided as part of a Request for Proposal as part of a commissioning process. Decommissioning requirements are reiterated in section 18 of the artsACT *Artist's Brief* and are supported by *Clause 9 - Removal of Work* in the standard Public Art Agreement (Contract). The artsACT *Artist's Brief* provides that:

(t)he condition and continued suitability of the commissioned work will be reviewed 10 years from the date of final completion and at five year intervals thereafter. The territory may decide to decommission the work and remove it from the Government's public art collection after review. Removal of the work will be in accordance with Clause 9 of the Public Art Agreement.

- 3.46 The Guidelines also identify that a public artwork may be decommissioned earlier than 10 years including if:

- 'the artwork requires a high level of maintenance and conservation, resulting in unsustainable asset management expenses';
- 'the artwork is irreparably damaged';
- 'the artwork endangers public health and safety and remedy is impractical, not feasible or undermines the integrity of the artwork';
- 'the ACT Government is unable to reasonably guarantee the condition or security of the artwork in its current location';
- 'continued display of the artwork undermines the artist's intention';
- 'the site where the artwork is located is to be redeveloped, demolished or sold and it is not possible to incorporate the artwork into the redevelopment';
- 'the artwork is a forgery and violates copyright law (or any other law); or
- 'the artwork has been in storage for five years or more'.

²¹ ACT Public Art Guidelines (2015) accessed 27/07/17
http://www.arts.act.gov.au/_data/assets/pdf_file/0007/751642/2015publicartguide.pdf

Moral rights and copyright

- 3.47 Acknowledging the moral rights of an artist ensures that the artist is consulted when, and if, an artwork is destroyed or disposed of, sold or donated, or returned to the artist.
- 3.48 December 2000 amendments to the *Copyright Act 1968* (Cwth) introduced the concept of moral rights, which only apply to an individual and can be legally enforced.²² Moral rights:
- ... are personal to the author. They cannot be given or sold to another person by any means and they cannot be licensed²³...
- Agencies should note that any moveable artistic works (such as sculptures) or separate artistic works that are attached to the building (such as murals or stained glass windows) should be considered separately. Similar procedures need to be followed in regard to the authors of such artistic works. Legal advice should be sought if required.²⁴
- 3.49 The artsACT Artist's Brief includes a provision which respects the artist's moral rights while acknowledging the changing needs of the ACT community. Section 9 of the standard Public Art Agreement (Contract) includes the need to gain the artist's consent in regards to the removal of work.
- 3.50 Additionally, ACT Government procurement advice addresses disposal of assets:
- There may be 'moral rights' to be considered in disposal actions ... the author of an artistic work ... has legally enforceable moral rights over their work ... (and) needs to be consulted before a disposal of their work can proceed.²⁵
- 3.51 As part of the re-development of Hobart Place the existing artwork, *Sweet Justice*, was decommissioned and a new artwork commissioned. The developer sought advice from artsACT to ensure that it complied with its moral rights obligations and that the procurement of the new artwork met ACT Government requirements. This is a good example of an artist's moral rights being considered in the decommissioning of public artworks.

artsACT

- 3.52 Older works within artsACT's collection are, for the most part, composed of robust materials, although some adjustments, such as relocation, have been made to older works as the city has grown. As such, artsACT has decommissioned very few works. *LaserWrap*, as per the case study below, is one of the few decommissioned works. A ministerial brief was prepared and received formal approval prior to decommissioning in November 2014.

²² Procurement Circular 2007/15 Moral Rights (Oct 2007)

http://www.procurement.act.gov.au/_data/assets/pdf_file/0014/16034/2007_15_Moral_Rights.pdf

²³ Procurement Circular 2007/15 Moral Rights (Oct 2007)

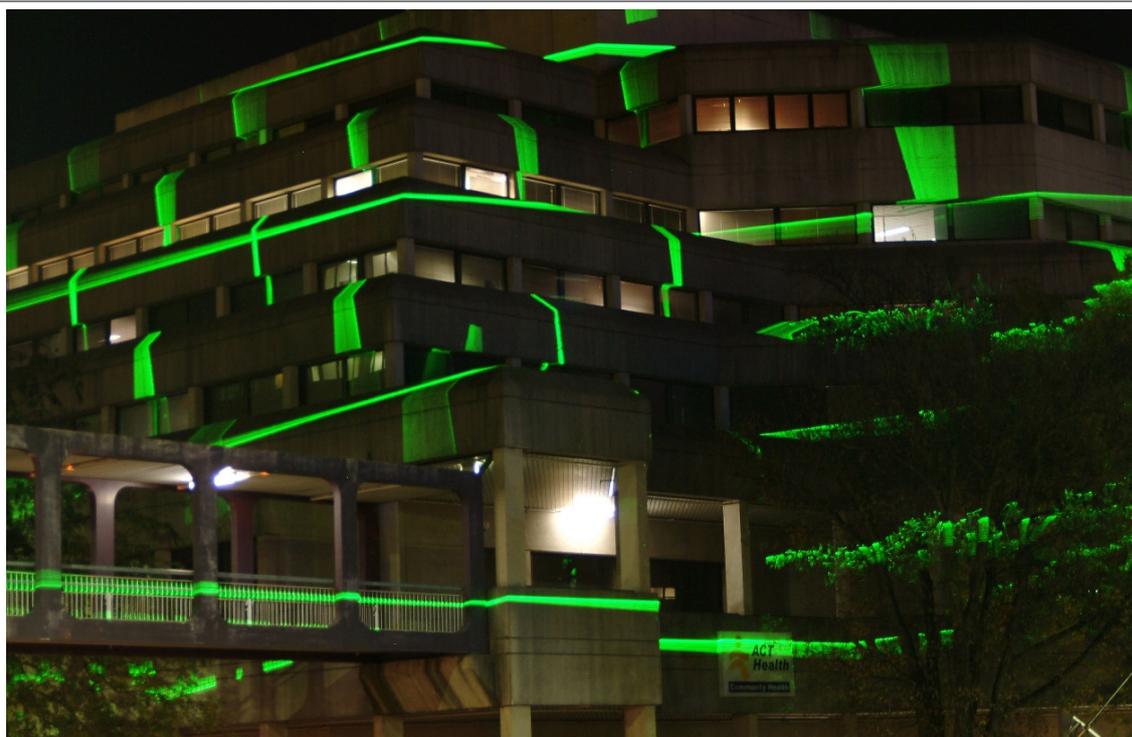
http://www.procurement.act.gov.au/_data/assets/pdf_file/0014/16034/2007_15_Moral_Rights.pdf

²⁴ Procurement Circular 2007/15 Moral Rights (Oct 2007)

http://www.procurement.act.gov.au/_data/assets/pdf_file/0014/16034/2007_15_Moral_Rights.pdf

²⁵ ACT Government Procurement Policy Circular PC06: Disposal of Assets, November 2011, p 1.

Case Study 3.2 - Decommissioning *LaserWrap*



LaserWrap was a series of 20 lasers housed in motorised projector boxes and was one of the first visual art projects incorporating light and imagery on a building. *LaserWrap* was installed on the then ACT Health Building, on the corner of Moore Street and Alinga Street, in 2004. The life expectancy of the artwork was 15 years and major works were undertaken on the artwork in 2010.

The artwork was decommissioned in November 2014 due to a number of factors including the proposed demolition and redevelopment of Canberra House and deterioration of components, including the lasers on the Australia Post building, not being operational.

Source: Audit Office, based on artsACT information and photo.

ACT Health Directorate

Arts in Health – De-accessioning of Art in ACT Health Facilities

3.53 The purpose of the draft *Arts in Health – De-accessioning of Art in ACT Health Facilities* procedure is ‘to outline the process by which any work of art is to be removed from the Arts in Health Collection’.²⁶

3.54 De-accessioning is described in this procedure as the ‘permanent removal of an object from the collection’. This may be done to ‘improve the quality of the Collection’; works of art ‘owned by ACT Health ... should not be disposed of for reasons of short term expediency’. Instead, ‘(d)e-accessioning ... is at the discretion of the Committee with a cooling off period of six months’.²⁷

²⁶ Procedure: Arts in Health – De-accessioning of art in ACT Health facilities, p 2.

²⁷ Procedure: Arts in Health – De-accessioning of art in ACT Health facilities, p 2.

- 3.55 The draft *Arts in Health – De-accessioning of Art in ACT Health Facilities* procedure includes the following de-accessioning criteria:
- the work does not conform to the Collection Criteria;
 - there are no legal restrictions associated with the deaccession;
 - the work is damaged beyond repair or beyond reasonable cost relative to its value; and
 - the work does not reflect the values of ACT Health.
- 3.56 The ACT Health Directorate has decommissioned a number of public artworks within its collection. This includes public artworks which: have been impacted by continual expansion of the Canberra Hospital since 1973; do not meet the collection criteria; or have fallen into disrepair. In some cases, the formal de-accessioning process has taken place, to remove them from the collection, but the physical disposal of the artwork is still pending.
- 3.57 The de-accessioning criteria were applied in the case study below. Approval was obtained from the artist and the Arts in Health Committee.

Case Study 3.3 - De-accessioning *From the mountains to the sea*



Kirstie Rea's *From the mountains to the sea* was commissioned by the ACT Public Hospitals Redevelopment Project, ACT Health and the Arts Council in 1993 for the Emergency Waiting Room at the Canberra Hospital. Soon after installation the plate glass was damaged and the work was removed from the site, boxed and stored in the air-conditioning rooms.

In 2015 a crate containing the glass panels was brought to the ACT Health Curator's attention. The steel strapping, timber frame and cast glass components were missing. In consultation with the artist, it was agreed that, in its damaged state, this work no longer represented the intention of the artist.

Source: Audit Office, based on ACT Health information.

3.58 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.

RECOMMENDATION 3

ACT HEALTH DIRECTORATE OPERATIONAL ACTIVITIES

The ACT Health Directorate should improve its operational activities by:

- c) finalising and endorsing its *Arts in Health – De-accessioning of Art in ACT Health Facilities* document

4 MAINTENANCE AND REPAIRS OF PUBLIC ART

- 4.1 This chapter examines ACT Government agencies' activities with respect to the ongoing maintenance and repairs of public artworks in the ACT. It includes the results of a condition assessment of a selection of 30 public artworks undertaken by Maxim Consulting Services on behalf of the Audit Office.

Summary

Conclusion

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

	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
<ul style="list-style-type: none">• 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

Condition of ACT Government public art

4.2 The Audit Office engaged Maxim Consulting Services to review and comment on the condition of a selection of ACT Government public artworks. The public art selection assessed by Maxim Consulting Services included public artworks of different ages, materials, sizes and locations; the artworks were managed by artsACT, Transport Canberra and City Services Directorate, ACT Health Directorate and Cultural Facilities Corporation.

4.3 Maxim Consulting Services commented on the variety and quality of public art in the ACT:

The inspection of the outdoor sculptures revealed a range of works diverse in quality, uniqueness and iconic status.

For example, the bronze sculptures of Curtin and Chifley by Peter Collet displayed high quality casting along with a patination that effectively highlighted the sculptural elements of the subjects.

On the other hand, the iconic status of Bert Flugelman's *Tumbling Cubes* in Belconnen suggests the work is worthy of refurbishment considering the other Flugelman public works displayed in the ACT at the National Gallery (*Cones*), ANU Campus (Untitled), and numerous other works located in prominent locations in Adelaide, Sydney and NSW country cities and towns.

The mobile work in Canberra, *Breezing* by Kozo Nishino, is unique in the way it floats and turns effortlessly on its support. This work is visible from a distance but its true uniqueness isn't revealed until standing directly next to it.

4.4 Of the 30 public artworks inspected, a summary of their condition, based on a 19 point assessment criteria, was made using a four point scale:

- Excellent;
- Good;
- Fair; and
- Poor.

4.5 Table 4-1 shows the results of this assessment.

Table 4-1 Assessment of the condition of selected public artworks

Current Condition	No. of artworks	Description
Excellent	4	As new condition, no structural or surface integrity issues
Good	22	Minor issues present, no significant impact on the artworks' structural integrity or appearance
Fair	4	Issues present, some impact on structural integrity or appearance of the artwork, remedial work not urgent
Poor	0	Issues present that significantly impact on the structural and/or surface integrity of the work with marked effect on the overall appearance – urgent remediation needed.
Total	30	

Source: Maxim Consulting Services – *Public Art Audit Report July 2017*

4.6 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:

- 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.

Maintenance and repairs of public art

4.7 Section 2 of the *ACT Government Public Art Guidelines (2015)* (the Guidelines) provides guidance on the maintenance of public art in the ACT. When acquiring an artwork, the durability, management and maintenance requirements need to be considered prior to acquisition. The Guidelines state:

(t)he artwork must be made of robust materials that will withstand weathering and normal wear in a public place as well as vandal attack. Commonly used materials are stone, bronze or stainless steel.²⁸

²⁸ *ACT Public Art Guidelines (2015)* accessed 27/07/17
http://www.arts.act.gov.au/__data/assets/pdf_file/0007/751642/2015publicartguide.pdf

4.8 The Guidelines further provide:

(t)he ACT Government Directorate responsible for commissioning or acquiring a public artwork is responsible for its ongoing maintenance repairs and management unless formally transferred to artsACT. In the case whereby an artwork is transferred from another ACT Government Directorate to artsACT, an appropriate repairs and maintenance budget must be negotiated and transferred with the artwork.²⁹

4.9 In relation to donated public artworks, the Guidelines also note ‘the Territory is responsible for the ongoing care and management of all formally accepted public artwork donations’.

Public art risk factors

4.10 A wide range of public artworks, composed of various materials, has been acquired and located around the ACT. Some are composed of robust materials and are sited in areas where they are well protected, while other artworks are less robust or the site is less protected, resulting in unforeseen additional repairs and maintenance. As such, each artwork has an associated risk depending on its age, location, and construction materials and methods.

4.11 Figures 4-1 and 4-2 show the risks associated with ordinary business activity or public works. Figure 4-1 shows a tradesperson’s vehicle and temporary worksite adjacent to, and enclosing, a public artwork.

Figure 4-1 Tradesperson’s vehicle parked next to *Ebb and Flow*



Source: Audit Office photo, July 2017

²⁹ ACT Public Art Guidelines (2015) accessed 27/07/17
http://www.arts.act.gov.au/__data/assets/pdf_file/0007/751642/2015publicartguide.pdf

- 4.12 Figure 4-2 shows the proximity of construction fencing to a work of art; the fencing was placed around access to in-ground services and was in place for approximately three weeks. During this time nothing was placed over the mesh fence to protect the artwork from debris associated with the work.

Figure 4-2 Construction fencing abutting *Folding Ground Across the In Between*



Source: Audit Office photo, July 2017

- 4.13 Maxim Consulting Services identified:

(t)he most common cause of damage during maintenance was scratching of artworks or plinths by grounds equipment, for example, lawn mowing equipment.

- 4.14 Maxim Consulting Services further advised of a need to raise awareness and provide appropriate training on this issue and that the Transport Canberra and City Services Directorate and artsACT should:

(e)ndeavour to raise awareness of the need to protect public artworks when maintenance, or other service personnel, are working in close proximity to these artworks.

Training is provided for operators of grounds maintenance equipment (for example lawn mowers and brush cutters, etc) to prevent damage to artworks, including plinths and surrounds.

4.15 As a result of audit fieldwork raising this issue, the Transport Canberra and City Services Directorate advised that it is currently investigating ways to improve the protection of public art including:

- specific permit conditions for public land users (*Approval to use Public Land*) that impose obligations to protect public artworks; and
- education and training of mower operators and other contractors.

4.16 The special permit conditions have been finalised and state:

Damage to Public Artworks

It is the applicants responsibility to check if public artworks are located within their permit footprint. Where an artwork is located within a permit booking zone it must be protected from damage. All damage to ACT Artworks must be repaired to the satisfaction of Arts ACT and at the expense of the applicant. A list of Arts ACT public artworks and a map of their locations can be located <http://www.arts.act.gov.au/public-art/list>.

4.17 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.

RECOMMENDATION 2 ARTSACT OPERATIONAL ACTIVITIES

artsACT should improve its operational activities by:

- 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

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.

Scheduled and unscheduled maintenance and repairs

4.18 The maintenance and repairs of public artworks may be:

- scheduled; or
- unscheduled, including graffiti removal and replacement of broken components.

4.19 In addition, conservation or major maintenance work may be needed, such as sanding back and repainting, to maintain the integrity of an artwork and retain its value.

Scheduled maintenance

4.20 The scheduled maintenance of artsACT public artworks is informed by:

- maintenance manuals provided by the artist; and
- an annual *Stocktake and Condition Report*, prepared by a private contractor.

4.21 The annual *Stocktake and Condition Report* is prepared on the basis of a detailed inspection of each artsACT public artwork to determine its current condition, including the condition of the surface, structure, lighting and includes explanatory comments.

4.22 In order to achieve administrative efficiencies, and where appropriate, the private sector contractor may undertake a general clean of the public artwork as part of the annual Stocktake and Condition exercise. Artworks that require access at heights or a more complex clean are cleaned separately.

Unscheduled maintenance

- 4.23 Unscheduled maintenance may include graffiti and sticker removal, lighting repairs, repairs in response to vandalism and repairs to damaged plinths and the surrounding landscape. artsACT assesses and identifies unscheduled maintenance and repairs on an as-needs basis which may be informed by community or stakeholder feedback.
- 4.24 Currently, maintenance and repairs are performed by a range of contractors including graffiti removalists, landscapers, electrical companies and panel sprayers. To maintain the integrity of the artwork, some more specialised work may be carried out by local artist studios with the relevant skills and expertise. Major repairs and conservation works are conducted by conservation services, local or interstate, depending on requirements.
- 4.25 Maxim Consulting Services identified:
- (m)anagement of graffiti/tagging appears to be working effectively (three artworks), possibly because of the rapid response of the graffiti removal team.
- Evidence of bird soiling, particularly on the higher elements of painted and corroded steel material based sculptures (seven artworks). This results in staining of the surface and if left untreated, will become difficult to remove without damage to the surface, for example *Wide Brown Land*.
- 4.26 Maxim Consulting Services further advised of a need to provide further training on this issue and recommended:
- (t)raining is provided for maintenance staff on how to remove bird soiling on corroded steel surfaces, ie CorTen, Austen 50 Steel and weathering steel, to prevent damage to artworks...

Costs of maintenance and repairs

- 4.27 The 2016-17 maintenance and repairs budget for artsACT's public artworks was \$164,000, which represents approximately one percent of the value of art works. Additionally, a separate amount of \$276,259 was available for maintenance and repairs for artworks acquired under the Percent-for-Art Scheme.
- 4.28 The annual budget for public art maintenance and repairs for artsACT covers both scheduled and non-scheduled maintenance and repairs. Table 4-2 shows the maintenance and repairs budget and expenditure for the financial years 2012-13 to 2016-17.

Table 4-2 Public art repairs and maintenance budget and expenditure

Financial Year	Budget (\$)	Expenditure (\$)
2012-13	150,000	143,102
2013-14	154,000	157,756
2014-15	157,000	156,091
2015-16	162,000	162,000
2016-17	164,000	152,813

Source: Audit Office analysis, based on artsACT information

4.29 Table 4-2 shows that, in most years, the full allocation of maintenance and repairs funding has been spent.

4.30 In addition, an amount equivalent to five percent of each year's Percent-for-Art Scheme (the Scheme) allocation was preserved to provide for the lifetime repair, maintenance and conservation of works commissioned under the Scheme. This allocation is currently \$276,259, shown in Table 4-3.

Table 4-3 Percent-for-Art scheme Repairs and Maintenance expenditure

Financial Year	Expenditure (\$)	End of Financial Year Balance (\$)
Initial Funds:		396,000
2007-08	28,000.00	368,000
2008-09	-	368,000
2009-10	-	368,000
2010 -11	3929	364,070
2011-12	12,045	352,025
2012-13	12,904	339,121
2013-14	-	339,121
2014-15	-	339,121
2015-16	62,862	276,259
2016-17	-	276,259

Source: Audit Office analysis based on artsACT information

4.31 Funding for maintenance and repairs of Percent-for-Art Scheme artworks is finite, having been allocated in association with the original funding, and is used as required. To date \$119,741 of the initial \$396,000 funds have been spent (30 percent). However, as the Percent-for-Art public artworks age, it is likely that more funds will be required for maintenance and repairs, and possibly for decommissioning.

Unscheduled maintenance and repairs costs

4.32 The unscheduled maintenance and repairs costs for 2015-16 and 2016-17 are shown in Table 4-4.

Table 4-4 Unscheduled repairs and maintenance costs

Financial Year	Value (\$)	% of repairs and maintenance budget
2015-16	16 840	10
2016 -17	16 654	10

Source: Audit Office analysis based on artsACT information

- 4.33 Unscheduled maintenance and repairs accounted for ten percent of the total maintenance and repairs budget for 2015-16 and 2016-17. However, the maintenance of some public art work requires greater expenditure than others; for example, in 2016-17, a total of \$27,775 (16.9 percent of the total 2016-17 repairs and maintenance budget) was spent on maintenance and repairs to the *Owl*, located in Belconnen. \$22,225 of this was scheduled maintenance and repairs due to damage while \$5,500 was part of the \$16,654 reported generally under 'Unscheduled repairs and maintenance'.
- 4.34 Other significant costs over the 2015-16 and 2016-17 budget period included:
- \$8,160 to remove graffiti from *Sculptured Form*, located in Woden;
 - \$22,689 to resurface and nano coat *Wide Brown Land*, located at the Arboretum; and
 - \$9,550 to clean and apply anti-graffiti paint to *Moth Ascending the Capital*, located in Tuggeranong.
- 4.35 In addition, major work was carried out on *Toku*, located at the Canberra Nara Peace Park, in the 2015-16 year using \$92,000 of the Percent-for- Art Scheme Maintenance and Repairs budget.

Maintenance Manuals

- 4.36 The ongoing maintenance of public art is the responsibility of the ACT Government agency which owns the artwork. According to the Guidelines:
- (f)ollowing successful completion of the fabrication and installation of the artwork, the artist should be required to prepare and provide to the owner a detailed maintenance manual, setting out the maintenance procedures to ensure continued integrity and safety of the work.³⁰
- 4.37 The need to provide a Maintenance Manual is also a requirement that is identified in *Part 9 - Deliverables* of artsACT's *Artist's Brief*:
- (t)he artist is required to provide the following:
- At practical completion provide a Maintenance Manual for the work, including identified costs and preferred suppliers for maintenance tasks.
- 4.38 The Maintenance Manual is expected to outline:
- artist/artist team contact details;
 - the expected lifespan of the work;
 - a description of the artwork (including digital images and the date of completion);
 - the method of construction, the types of materials used and details of the fabrication company (if relevant);

³⁰ ACT Public Art Guidelines (2015) accessed 27/07/17
http://www.arts.act.gov.au/__data/assets/pdf_file/0007/751642/2015publicartguide.pdf

- details of any electrical and/or mechanical systems installed;
- a maintenance schedule;
- any specific instructions or products to be used when cleaning and maintaining the artwork; and
- any instructions to respond to urgent maintenance issues such as vandalism.

4.39 When acquiring public artworks it is important that ACT Government agencies obtain detailed and documented information on the maintenance requirements of the artworks. The Guidelines state:

(i)t is important to determine early on in a public art proposal what the ongoing maintenance and durability requirements for the artwork will be.

...

When commissioning an artwork, maintenance and management requirements should be considered when preparing the Artist's Brief and when design proposals are being reviewed.

When acquiring an artwork, ongoing maintenance requirements should be discussed with the artist before the ACT Government accepts the artwork.

Audit Office file review

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

- 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.

4.41 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.

4.42 Maxim Consulting Services identified:

(t)he one kinetic artwork inspected on site (*breezing in Canberra*) appears to be working effectively, and the surface and structural elements appear to be sound. No information could be found related to the maintenance of the mechanism of the moving elements.

Note: During the meeting with Public Art management agencies, artsACT personnel informed the meeting that this artwork was maintained [as required], by the artist and one of his colleagues[as the preferred contractors]. This information should be noted in the database as a reference on who is maintaining the artwork.

4.43 Maxim Consulting Services recommended:

(m)aintenance manuals are required for artworks which include complex engineering components, such as the kinetic artwork *breezing in Canberra*. This ensures that the specific maintenance requirements for these artworks can be undertaken to allow them to operate in line with the artist's intention.

RECOMMENDATION 2 ARTSACT OPERATIONAL ACTIVITIES

artsACT should improve its operational activities by:

- h) establishing a comprehensive record of maintenance documentation for all public artwork; and

Maintenance and Repairs Plan

4.44 A formal Maintenance and Repairs Plan to maintain the integrity of public art could be informed by a number of factors. These include: artist's Maintenance Manuals; the annual Stocktake and Condition Report; ad hoc commissioned reports; and informal feedback from other ACT Government agencies or the public.

4.45 Maxim Consulting Services identified:

(a) detailed manual *ACT Public Art Program - routine maintenance schedule 2010* was an excellent document for the establishment of a maintenance program. It covered all aspects of maintenance including condition, costs and scheduling (timelines). The 2015 version of the current ACT Arts Stocktake only provides an overview of the condition and treatment required.

4.46 Maxim Consulting Services recommended:

(a)n updated schedule is prepared and implemented for regular condition reporting of each artwork, particularly those with protective coating systems (ie paint, lacquer, wax or oil) to ensure appropriate maintenance/repairs are undertaken systematically. Examples are *Gathering Place* (repairs to carved poles, repairs to broken tile, landscaping of gravel), and *A is for Alexander* (repatination, re-waxing).

The four artworks rated as Fair condition would benefit from having issues identified in the Condition Assessment Report addressed as soon as possible.

The requirement for the maintenance schedule to be reviewed or altered to address an ongoing or reoccurring issue with the site or equipment used to maintain the surrounding area (6 artworks).

4.47 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:

- 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.

RECOMMENDATION 2 ARTSACT OPERATIONAL ACTIVITIES

artsACT should improve its operational activities by:

- i) developing a Maintenance and Repairs Plan.

Maintenance and repairs case studies

4.48 Three case studies of maintenance and repairs to ACT public artworks are presented, illustrating examples of the associated issues. While the issues are different in each example, they show that suitability considerations during the selection processes will not necessarily avoid the requirement for future major repair costs. Investment in repairs, maintenance and mitigation strategies are required to support the initial investment in the public artwork.

Case Study 4.1 - Toku



The ACT Government commissioned Toku by Japanese artist Shinki Kato to celebrate the 1300th anniversary of Japan's ancient capital, Nara. The artwork was installed in the Nara Peace Park, Lennox Gardens in 2011. Considerable surface rust was identified in 2014. Investigation by the University of Wollongong found inadequacies in the initial paint coating. Without a protective primer the silicon additive in the decorative paint, used to create the 'hammered effect', damaged the surface which created weak spots allowing the development of rust.

Major remedial work was undertaken which included the removal of the artwork, water blasting to strip back the old paint and a new anti-corrosion primer applied before the final layer of decorative paint.

Source: Audit Office analysis based on artsACT information and ACT Public Art Database photo.

Case Study 4.2 - *Tumbling Cubes*



Tumbling Cubes is one of three works by artist Bert Flugelman in the ACT. The work consists of a series of highly-polished metal cubes that appear to tumble across Margaret Timpson Park in the Belconnen Town Centre.

The work is currently managed by the Transport Canberra and City Services Directorate. Acknowledging the work's significance, the Transport Canberra and City Services Directorate is working with artsACT to transfer responsibility. However, there is significant repair work to be undertaken prior to artsACT accepting the asset. With a current value of \$200,000, the cost to adequately repair the artwork has been estimated at \$45,720. This includes the welding of cracked joints, removal of dents and wash and polish. As the Transport Canberra and City Services Directorate does not have a budget for conservation, it is not possible to repair the work to a suitable standard for transfer.

This issue is yet to be resolved and puts this significant artwork at risk of further deterioration.

Source: Audit Office analysis based on artsACT information and photo.

- 4.49 As per the case study above, *Tumbling Cubes* requires significant conservation work to repair current damage and prevent further deterioration. It is currently at risk due to maintenance and repairs needs.

Case Study 4.3 - Owl



This sculpture honours the Powerful Owl, *Ninox strenua*, which is the largest owl species in Australasia. The owl is classified as an occasional resident of the ACT and has been sighted in the Australian National Botanic Gardens, Canberra Nature Park and Namadgi National Park. The eight-metre tall fibreglass owl was installed in 2011 on the corner of Belconnen Way and Benjamin Way.

The *Owl* has required significant repairs and maintenance since its installation including defect rectification work to repaint the *Owl* in 2012. In 2016/17 repairs to the *Owl* included:

- \$22,225 for major work (including resurfacing the timber, varnish and graffiti coating).
- \$2,500 for security cameras.
- \$3,050 for unscheduled repairs.

The total cost \$27,775 represented 16.9 percent of the total artsACT annual repairs and maintenance budget (based on budget of \$164,000) in 2016-17.

Source: Audit Office analysis based on artsACT information; ACT Public Art Database photo.

Cultural Facilities Corporation

4.50 The Cultural Facilities Corporation has a maintenance and repairs budget covering its extensive collection as well as a collection management and conservation budget. Any maintenance or repairs required of the public art assets such as *Thespis* and *Fractal Weave* fall under these budgets.

4.51 In June 2017, an external provider was commissioned to provide a condition report for the public artwork *Fractal Weave*, which is located outside the Canberra Theatre Centre. This report includes the condition of all elements of the artwork and treatment recommendations, supported by photographic evidence. A similar report was commissioned for the public artwork *Thespis* during its relocation in 2006 and there are plans to commission a further condition report for *Thespis* in 2017-18. In addition to

undertaking minor repairs, for example to remove graffiti, these reports enable the Cultural Facilities Corporation to actively monitor the condition of the public art within its collection.

ACT Health Directorate

- 4.52 In 2014, the ACT Health Directorate agreed to fund a part-time Arts in Health Curator position and a maintenance budget for artworks. \$50,000 was allocated for urgent repairs on priority artwork, with \$13,000 provided annually (as at November 2014). In 2014, the *No.5* sculpture by Inge King and *Untitled* by Jock Clutterbuck were identified as requiring specific cleaning and repairs. In 2015, major conservation work was performed on *Untitled* to rectify identified issues of corrosion, graffiti and mould.
- 4.53 The Health in Art Committee meeting minutes in November 2011 acknowledged, in relation to maintenance and repairs, that:
- Maintenance and Repairs are long term issues for the hospital. A strategic approach to maintenance should be developed.
- 4.54 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.

RECOMMENDATION 3 ACT HEALTH DIRECTORATE OPERATIONAL ACTIVITIES

The ACT Health Directorate should improve its operational activities by:

- d) developing a Maintenance and Repairs Plan.

Transport Canberra and City Services Directorate

- 4.55 The Transport Canberra and City Services Directorate manages the maintenance of its collection through the usual shopping centre and city maintenance program. For example, if graffiti is noted on public art it is reported to the Supervisor and a job request is raised through Access Canberra.
- 4.56 In addition, the Transport Canberra and City Services Directorate undertakes weekly shopping centre audits with different centres audited on a random basis. The audit template is being updated to include artworks and, in the future, will be completed electronically by directorate staff.

APPENDIX A: SURVEY OF ACT GOVERNMENT AGENCIES

Questionnaire to ACT Government agencies regarding artworks

A questionnaire was provided to all ACT Government agencies, auditee and non-auditee, as part of audit fieldwork. The purpose of the questionnaire was to identify the:

- nature and extent of ACT Government public art held by agencies;
- number and value of 'moveable artworks displayed inside ACT Government buildings and facilities' (for example two-dimensional artworks such as paintings and drawings and small sculptural works), also referred to as the Indoor Art Collection; and
- processes and procedures each agency has in place to identify and manage 'moveable artworks' under their custodianship.

While the focus of the audit was on public art, and the four auditee agencies, the questionnaire provided an overview of public art and moveable (two dimensional) art holdings and management practices across ACT Government.

Of the 15 non-auditee ACT Government agencies that responded, only three reported having any public art on their premises:

- the Justice and Community Safety Directorate;
- Canberra Institute of Technology; and
- the Office of the Legislative Assembly.

Of these agencies, the Justice and Community Safety Directorate identified that its artworks are managed directly by artsACT, while the Canberra Institute of Technology and Office of the Legislative Assembly identified that they managed their own public artworks.

The majority of ACT Government agencies that responded did not identify any significant two dimensional artworks in their collection and most agencies reported that they had no artwork. In contrast the Canberra Institute of Technology identified that it holds a large number of two dimensional artworks and the Justice and Community Safety Directorate reported that it holds many photos and prints including a small number of paintings, Indigenous art and limited edition prints.

The Office of the Legislative Assembly

The Office of the Legislative Assembly's official art collection is not considered an ACT Government collection as it is administered solely by the Assembly and the Office of the Legislative Assembly. The majority of works in the official Assembly collection are not publicly accessible and do not fit the definition of public art as used in this audit. However, there are several works in public areas of the Assembly building.

As neither the Assembly nor the Office of the Legislative Assembly is an ACT Government agency, they are not obligated to seek the advice of artsACT in the management of the Assembly's official collection. The Office of the Legislative Assembly has identified that it has its own procedures and policies for the management of art. In addition, the Assembly has established the Legislative Assembly Art Advisory Committee to advise the Speaker on the Assembly's official art collection. The annual acquisition budget for the Assembly's art collection is \$30,000 and the annual budget for repairs, display and maintenance is \$5,000.

Justice and Community Services Directorate (JACS)

There are five public artworks on Justice and Community Safety Directorate properties, which are managed by artsACT. Accordingly the Justice and Community Safety Directorate does not have a dedicated repairs and maintenance budget for public art. Public art managed by artsACT includes:

- Alexander Maconochie Centre - *The Meeting Place*; and
- The Law Courts - *The Fourth Pillar, Gravity Circle, Oyster & Two Legged Marsupial*.

The current staff of ACT Corrective Services were previously unaware of the role of artsACT in managing *The Meeting Place* at the Alexander Maconochie Centre. Consultation undertaken for the purpose of audit fieldwork assisted in clarifying roles and responsibilities.

The Justice and Community Safety Directorate also identified a large number of prints and photos held by the ACT Law Courts and Tribunal, however, only a small number are court owned limited edition prints or paintings. The Justice and Community Safety Directorate also holds a small number of Indigenous artworks in various locations.

Canberra Institute of Technology (CIT)

The Canberra Institute of Technology reported that it manages 188 two dimensional artworks and six public artworks. These are listed on the CIT Fine Art Valuation 2014 and CIT Artwork Asset Database but are not listed on the ACT Public Art Database.

Audit reports

Reports Published in 2016-17	
Report No. 07 – 2017	Public Housing Renewal Program
Report No. 06 – 2017	Mental Health Services – Transition from Acute Care
Report No. 05 – 2017	Maintenance of Selected Road Infrastructure Assets
Report No. 04 – 2017	Performance information in ACT public schools
Report No. 03 – 2017	2015-16 Financial Audits – Computer Information Systems
Report No. 02 – 2017	2016 ACT Election
Report No. 01 – 2017	WorkSafe ACT's management of its regulatory responsibilities for the demolition of loose-fill asbestos contaminated houses
Report No. 11 – 2016	2015-16 Financial Audits – Financial Results and Audit Findings
Report No. 10 – 2016	2015-16 Financial Audits – Audit Reports
Report No. 09 – 2016	Commissioner for International Engagement – Position Creation and Appointment Process
Report No. 08 – 2016	Annual Report 2015-16
Report No. 07 – 2016	Certain Land Development Agency Acquisitions
Reports Published in 2015-16	
Report No. 06 – 2016	Management and administration of credit cards by ACT Government entities
Report No. 05 – 2016	Initiation of the Light Rail Project
Report No. 04 – 2016	The management of the financial arrangements for the delivery of the Loose-fill Asbestos (Mr Fluffy) Insulation Eradication Scheme
Report No. 03 – 2016	ACT Policing Arrangement
Report No. 02 – 2016	Maintenance of Public Housing
Report No. 01 – 2016	Calvary Public Hospital Financial and Performance Reporting and Management
Report No. 10 – 2015	2014-15 Financial Audits
Report No. 09 – 2015	Public Transport: The Frequent Network
Report No. 08 – 2015	Annual Report 2014-15
Reports Published in 2014-15	
Report No. 07 – 2015	Sale of ACTTAB
Report No. 06 – 2015	Bulk Water Alliance
Report No. 05 – 2015	Integrity of Data in the Health Directorate
Report No. 04 – 2015	ACT Government support to the University of Canberra for affordable student accommodation
Report No. 03 – 2015	Restoration of the Lower Cotter Catchment

Reports Published in 2014-15 cont.

Report No. 02 – 2015	The Rehabilitation of Male Detainees at the Alexander Maconochie Centre
Report No. 01 – 2015	Debt Management
Report No. 07 – 2014	2013-14 Financial Audits
Report No. 06 – 2014	Annual Report 2013-14

These and earlier reports can be obtained from the ACT Auditor-General's website at <http://www.audit.act.gov.au>.