

Arts and Cultural Development

**Nillumbik Shire Council
Public Art Collection Policy
2023-2026**

May 2024

Acknowledgement of Country

Nillumbik Shire Council respectfully acknowledges the Wurundjeri Woi-wurrung people as the Traditional Owners of the Country on which Nillumbik is located, and we value the significance of the Wurundjeri people's history as essential to the unique character of the Shire. We pay tribute to all First Nations People living in Nillumbik, give respect to Elders past, present and future, and extend that respect to all First Nations People.

We respect the enduring strength of the Wurundjeri Woi-wurrung and acknowledge the ongoing impacts of past trauma and injustices from European invasion, massacres and genocide committed against First Nations People. We acknowledge that sovereignty was never ceded.

Wurundjeri Woi-wurrung people hold a deep and ongoing connection to this place. We value the distinctive place of our First Nations People in both Nillumbik and Australia's identity; from their cultural heritage and care of the land and waterways, to their ongoing contributions in many fields including academia, agriculture, art, economics, law, sport and politics.



Inclusion statement

Nillumbik Shire Council is committed to creating a fair, equitable and inclusive community where human rights are respected, participation is facilitated, barriers are addressed and diversity is celebrated. We support the rights of all people regardless of age, gender, ability or background. We value the diverse and changing nature of our community and understand that some groups and individuals experience more barriers than others.

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1. Introduction

1.1. Purpose

Nillumbik Shire Council Public Art Collection Policy 2023-26 outlines the processes for the management of The Nillumbik Shire Public Art Collection (PAC), and its continued growth through new acquisitions of artworks that align with the collection acquisition criteria.

1.2. Public Art Definition

Public art is artwork located in public spaces and buildings other than galleries and museums. It is created by practitioners for outdoor spaces such as parks, foreshores, beaches, city squares, streets, courtyards and forecourts, or indoor spaces in publicly or privately-owned buildings such as schools, hospitals, shopping centres, recreation centres, local government administration centres, office buildings, etc.

Public art can take many forms in many different materials. It can be free-standing work or integrated into the fabric of buildings or outdoor spaces, such as a sculpture or mural. Practitioners may also work individually or with other practitioners and manufacturers to create mosaic and ceramic floor or wall insets, stained glass windows, ornamental metal gates or grates, water fountains, light fittings or door handles, street furniture, topiary and landscaping, neon works, and multimedia installations. Performance works can also be executed in public space.

Public art can be permanent, lasting many years, or temporary, lasting a couple of hours, a few days or several months. It can be site-specific, drawing its meaning from and adding to the meaning of a particular site or place, or non site-specific, located in a public place primarily for display purposes.

Source: NAVA Website (<https://visualarts.net.au/advocacy/campaigns/public-art/>)

1.3. Context

Investment in public art is a tangible acknowledgement of Nillumbik's long tradition of artistic values and rich cultural heritage, supports the development and growth of creative and cultural industries, and enables community engagement with the arts as an everyday experience. As such, Nillumbik Shire Council actively commissions permanent and ephemeral (temporary) contemporary public artworks that reflect its culture.

2. Policy Framework

2.1. Policy Statement

Nillumbik Shire Council is dedicated to the best practice management of the PAC as the custodian of artistic and cultural assets for the Nillumbik community. This policy outlines our commitment to preserving and showcasing Nillumbik's artistic values and rich cultural heritage through the PAC.

The PAC plays a pivotal role in supporting the development and growth of creative and cultural industries in Nillumbik. Through strategic acquisitions, the council actively contributes to the vibrancy and diversity of our cultural landscape. Central to our commitment is the authentic representation of the local identity in public art. Nillumbik aims to ensure that public art projects capture the nuanced essence of our community, distinguishing them from the cultural narratives of other communities. Whether public art is ephemeral or permanent, community engagement and support from the project's conception are fundamental to its success. The council recognises that successful public art is intrinsically linked to the community, contributes to its health and wellbeing and is specific to the immediate environment in which it is located.

This policy reflects Nillumbik's dedication to fostering creativity and preserving our unique cultural heritage through the thoughtful management of the PAC.

2.2. Objectives

- Provide clear guidelines to the Council, ensuring consistency and control over PAC activities.
- Demonstrate accountability to ratepayers and residents through consistently applying best practices in the professional management of the PAC.
- Support the strategic growth of the PAC by addressing priority acquisition areas as identified in the Collection Significance Assessment Report (2022).
- Demonstrate the consideration of sustainability in PAC activities, encompassing social, economic, and environmental factors, by implementing practices that minimise the environmental impact of acquisitions and activities.
- Facilitate arts as an everyday experience by proactively acquiring artworks into the PAC, fostering a cultural environment accessible to all residents.
- Promote curatorial/academic research to raise the profile of the Council PCA, facilitate interconnectivity through art and promote tourism

2.3. Principles

- Responsibility and accountability: The Nillumbik Shire PAC is a public collection and will be managed professionally in line with best practice curatorial industry standards. Acquisitions to the PAC will be reviewed according to strict selection criteria.

- Respect: We actively listen and encourage all views, respecting our peers, the community, and the environment.
- Equity and inclusion: Inclusion and diversity in cultural expression and artistic practice are priorities for The Nillumbik Shire PAC.
- Adaptability: We are responsive, agile, and creative in adapting to evolving artistic trends, community needs, and industry standards.
- Community: We actively engage with our community through outreach programs, collaborative projects, and initiatives that promote community participation in the artistic and cultural life of Nillumbik.

2.4. Strategic Alignment

- **Council Plan 2021-2025**

Strategic objective Place and Space: reinforcing character and encouraging social connections, celebrating and prioritising the Heritage, Arts and Culture, Places and Spaces by focusing on the diversity of experiences that have shaped our history.

- **Nillumbik Arts and Culture Strategy 2022-2026**

Goal 1: An Interconnected and Creative Community, Goal 2: A Visible and Supported Creative Community, Goal 3: Diverse and Resilient Creative Community, Goal 4: A Distinctively Nillumbik Creative Community.

3. Scope

The Nillumbik Shire Council Public Art Collection Policy 2023-2026 and the Nillumbik Shire Council Public Art Collection Guidelines 2023-2026 applies to all items housed in the PAC.

Items within the PAC must adhere to the criteria and acquisition process outlined in the policy and guidelines.

As the asset-owner of open space, built infrastructure, and public facilities, the Council can utilise these spaces for creative expression and the responsibility to manage them, including installing public artworks.

This policy applies to:

- The existing PAC on display and in storage.
- The commission of public art, ranging from ephemeral (temporary) public art to major public artworks.
- The acquisition and deaccessioning of artworks and objects to/from the PAC.
- Donations and bequests of artworks/objects to the collection via the Commonwealth Cultural Gifts Program.
- Public access to the PAC via display, exhibitions, and public programs.
- An assessment criteria and approval process for private and community-initiated public art proposals.

- A commitment to allocate 1% of the Council's capital works budgets exceeding \$2 million project value towards Council's arts funds to support current and future public art commissions.
- A negotiated private developer contribution to include an allocation of 1% of the total project budget exceeding \$2 million towards Council's arts contribution funds to support current and future public art commissions.

3.1. **Acquisitions:**

Acquisitions to the public art collection can include purchases, commissions, donations, gifts, or bequests. Artworks eligible to be housed within the PAC must meet all the core acquisition criteria and one or more of the Collection category criteria relevant to public art.

Acquisition Criteria

- **Diversity:** Diversifying the representation of art forms and artists in the collection or aligning with and enhancing similar works in the PAC. Promote diversity in creative narratives, style, materials, and visual experience
- **Cultural Sensitivity:** Ensure the acquisition does not breach principles and protocols protecting Indigenous cultural heritage.
- **Fosters well-being:** Works that encourage place activation, encourage outdoor activities that ultimately promote community's health and wellbeing.
- **Encouragement to new generations of artists:** Provide mentoring opportunities for local artists and support local creatives to enter the public art realm.
- **Cultural Identity:** Represent the unique cultural identity and history of the Shire of Nillumbik.
- **Placemaking:** Create a sense of place within the community.
- **Cultural Tourism:** Contribute to cultural tourism initiatives.
- **Quality:** Ensure a high-calibre work with verifiable legal origin and provenance.
- **Conservation:** Ensure artwork condition report is provided, any needs for conservational work must be budgeted and accounted for in advance prior to initiating the acquisition process.
- **Display Capacity:** Ensure that the Council can fund the cleaning and conservation of the artwork. Additionally, verify that the Council can display the work in public spaces without obstructing public access, creating safety hazards, or breaching the artist's moral rights.

Inclusions

- Specific contemporary art, permanent or ephemeral (temporary), integrated into public spaces, parks, or public facilities. These works should be created by professional public artists and designed to stimulate the community while enhancing a sense of place.
- Private and community-driven projects seeking planning permits and/or funding from the Council, fostering collaboration and community engagement.
- Awards, competitions and symposiums related to public art.

Exclusions

- Interpretative Signage and Wayfinding.
- Civic Architectural Design Installations.
- Memorials and Monuments, unless the installation is predominantly an artwork commissioned by professional artists and an artistic process has formed the context and development of the installation.
- Advertising.
- Generic Decorative Civic Features, community art installations, and other visual artworks, crafts, and memorabilia commissioned or purchased separately from the acquisition processes set out in the policy and guidelines. Such works or items will not be housed in the PAC and will remain the responsibility of the relevant installing and/or commissioning unit of the Council.
- Certificates and Non-Artistic Memorabilia.
- Street and Office Decorations.
- Artworks from Employees, Councillors, or Committee Members: Artworks will not be accepted from employees or councillors of Nillumbik Shire Council nor members of the Arts Advisory Committee.

3.2. De-Accessions

Artworks may be de-accessioned from the PAC as part of responsible collection management. De-accessioning will follow the same approval requirements as for acquisitions and in compliance with the following criteria:

De-accessioning criteria

- An item lost or stolen without possibility of recovery.
- An item that has suffered excessive or irreparable damage or deterioration.
- A change of circumstances has occurred in respect of an item, namely:
 - The site of a public artwork is no longer owned by the Council or is to be redeveloped for other purposes, and the artwork cannot be relocated.
 - An artwork cannot be adequately stored and/or restored or protected by the Council.
 - Based on curatorial recommendations in consultation with Arts and Culture Advisory Committee when artwork is deemed no longer relevant to the PAC and/or falls outside the scope of this policy.

NOTE: Gifts made under the Cultural Gifts Program will not be returned to the donor as the donor has already received the benefit of a tax deduction for the gift.

3.3. Loans:

Council may agree to allow items from the PAC to be loaned out to external public galleries and institutions that are members of the Public Galleries Association Victoria (PGAV) for curated exhibitions. Loan applications will be assessed, and decisions will be based on conditions ensuring the safety, security, and appropriate display of the item(s) on loan. Refer to the Nillumbik Shire Public Art Collection Internal Operations Guidelines 2023-2026 for the conditions required for outward and inward loans.

3.4. Collection Management:

The Public Art Collection (PAC) will adhere to industry best practices to ensure its preservation and accessibility. Key components of collection management include:

- **Preventive Actions:** Proactive measures will be taken to prevent deterioration and damage, including maintaining suitable environmental conditions and implementing security measures.
- **Conservation Schedule and Operations:** A continuous conservation schedule will address routine cleaning, maintenance, and restoration efforts. Specialised conservation operations will address issues related to the physical condition, stability, and preservation of individual artworks.
- **Revaluation:** The PAC will be revalued every four years or as deemed required for insurance purposes.
- **Display and Accessibility:** The PAC aims to enhance community awareness through strategic displays in publicly accessible spaces within Council buildings. Note that ephemeral artworks are not suitable for long-term display in public areas.
- **Display Elements:** Artworks will be curated for optimal presentation, with informative labels providing context, artist details, and historical significance.
- **Engagement:** Consideration will be given to public art elements, including special events, community engagement initiatives, and educational programs.
- **Documentation and Cataloguing:** Comprehensive documentation and cataloguing will ensure accurate records of each artwork, including provenance, condition reports, and conservation work.
- **Promote academic and curatorial research** on the existing public art collection

4. Roles and responsibilities

The management of the PAC involves several roles and responsibilities to ensure adequate oversight and execution:

- **Collection Management:** In coordination with relevant units, the designated Council's Arts Officer will utilise the Collection Management System (CMS) to provide necessary information for maintaining the Council's asset register, encompassing the PAC and new acquisitions.

- **New Public Art Projects:** The designated Council's Arts Officer takes responsibility for public art projects and initiatives on behalf of the Council. This includes commissioning, loans, maintenance, facilitating research, and de-accessioning activities.
- **Interdepartmental Collaboration:** Other service areas within the Council involved in public art as part of community projects should integrate the designated officer into the working groups from the project's early planning stages.
- **Advisory Committees, Project Control Groups, and Community Stakeholders:** Committees and Groups, internal and external to the Council, play a crucial role by providing recommendations for public art initiatives.

5. Access, Equity and Inclusion Impacts

The designated Council's Arts Officer will actively consider how community members of various ages, abilities, cultural and gender identities, sexual orientation, religions, locations and social economic backgrounds might access policies, programs or services differently and if there are any barriers which may hinder these groups from accessing these policies, programs or services.

An important first step is to review existing data on artists represented in the collection and begin to collect demographic data, including gender and pronouns. This will improve understanding of priority areas for representation within the collection and help to guide both displays and acquisitions. As part of this process, the designated Council's Arts Officer will benchmark with other councils regarding what and how demographic data is collected and how it is displayed appropriately. Labels and other collateral and published text will be reviewed to improve representation, for example through the continued inclusion of language groups for First Nations artists, as well as including pronouns in labels. In working with artists or donors, the designated Council's Arts Officer will continue to provide assistance with paperwork and processes, being understanding of people's different technical and literacy skills. Moreover, the designated Council's Arts Officer will continue to be understanding of carer and family commitments when creating appointments and project timelines with artists. Financial barriers is also a key concern, and the designated Council's Arts Officer will continue to review project budgets to ensure pay rates meet industry standards, and also explore ways in which to provide further assistance for artists.

6. Related External Legislation, Regulations and Guidelines

- [Arts Law: Public Art Guidelines for Artists and Commissioners.](#)
Helps creators and commissioners of public artworks avoid conflict and misunderstanding both during the commissioning process and for the life of the work.
- [Charter of Human Rights and Responsibilities Act 2006](#)
Sets out the protected rights of all people in Victoria as well as the corresponding obligations on the Victorian Government.

- [First Peoples: A Roadmap for Enhancing Indigenous Engagement in Museums and Galleries 2018.](#)
Provides a roadmap to improving Indigenous engagement and employment for the museums and galleries sector.
- [Gender Equity Act 2020](#)
Promotes gender equality by taking positive action in public institutions towards achieving workplace gender equality; requiring to consider and promote gender equality in their policies, programs and services; and establishing the Public Sector Gender Equality Commissioner to provide education, support implementation and enforce compliance.
- [National Association for the Visual Arts, Code of Practice for Visual Arts, Craft and Design 2022.](#)
Covers best practices approaches to working relationships, ethical standards of access and inclusion, and payment rates in the arts.
- [National Association for the Visual Arts, Love your local: How visual artists, makers and designers can engage with local government, 2023.](#)
A toolkit to assist artists and designers engage with Local Government Authorities.
- [National Association for the Visual Arts, Public Art.](#)
Covers best practices in EOIs, the selection process, the use of appropriate contracts, the insuring of public art work and practitioners, compliancy, the unauthorised use of practitioners' intellectual property, moral rights and the disposal or relocation of art works.
- [National Cultural Policy—Revive: a place for every story, a story for every place | Office for the Arts](#)
Seeks to revive Australia's arts, entertainment and cultural sectors through a 5 year plan.
- [National Standards for Australian Museums and Galleries, second edition, 2023.](#)
Outlines best practice in the museum and gallery sector.

7. Related Council Policies, Procedures, and/or Guidelines

- [Access, Equity and Inclusion Policy 2022-2025](#)
Public Art projects must comply with this policy due to their location in spaces accessible to the general public.
- [Arts and Cultural Advisory Committee Terms of Reference endorsed by Council 23 May 2023](#)
Public Art projects are developed in continuous consultation with Arts and Cultural Advisory Committees, providing a formal mechanism for Council to consult with key stakeholders and seek specialist advice.
- [Arts and Culture Strategy 2022-2026](#)
The PAC Policy aligns with Council's Arts and Culture Strategy.
- Visual Art Collection Guidelines 2023-2026
This document contains a set of internal operation guidelines to effectively implement the Art Policy.
- Visual Art Collection Policy 2023-2026
The Art Policy and the Public Art Policy share most of their core elements and they complement each other.

- [Climate Action Plan 2022-2032](#)
- [Council Plan 2021-2025](#)
The PAC Policy aligns with Council's principles.
- [Customer First Strategy 2023-2026](#)
The ultimate beneficiary of the PAC is the public, including interactions with the community throughout extensive consultation.
- [Gender Equity Action Plan 2022-2025](#)
This plan is a reference to any public art selection process
- [Health and Wellbeing Plan 2021-2025](#)
- [Procurement Policy 2021-2025](#)
A majority of processes that involve hiring services or products are aligned with Procurement Policy.
A guide to Council's response to the changes posed by Climate Change
- Public Art Guidelines 2023-2026
This document contains a set of internal operation guidelines to effectively implement the Public Art Policy.

8. Definitions

Reference term	Definition
Acquisition	The process of obtaining ownership or custodianship of a public art asset is achieved through purchase, commission, donation, gift, or bequest.
Arts and Culture Advisory Committee	These are formal bodies established to provide guidance, recommendations, and expertise to the Council regarding public art initiatives.
Civic Collection	Memorabilia objects and artworks of significance; including memorials and monuments created as artworks for the specific purpose to commemorate an event or person, relating to the social and cultural history of the Shire of Nillumbik and of Council.
Commonwealth Cultural Gifts program	A federal initiative that offers tax incentives to encourage people to donate cultural items to public art galleries, museums, libraries and archives in Australia.
Community Arts	Community-led and based artistic processes comprising any arts discipline or form, including visual, literary and performing arts among others.
Community Engagement	The active involvement and participation of the local community in the creation, selection, or appreciation of public artworks.
Condition Report	Condition Reports are a detailed report confirming the condition or conservation of an artwork, both in written form and in photographic documentation. Where possible, an acquisition will be accompanied by a detailed condition report. It may also be necessary to have an official condition report by a qualified expert for a variety of purposes: Insurance, Transportation, Temporary Display, and/or Loans.
Contemporary Arts	Art of today, produced in the late twentieth or by artists living in the twenty-first century comprising any arts discipline or form.
Creative Industries	Industries with a principal purpose relating to cultural, artistic and heritage goods and services.
Cultural heritage	Community expression as a way of living through artistic and cultural knowledge and customs passed from generation to generation.
Cultural Landscape	The term "cultural landscape" embraces a diversity of manifestations of the interaction between humankind and its natural environment.
De-accession	To dispose of a collection item, either by way of return, re-sale or donation.
De-accessioning	To dispose of a collection item, either by way of return, re-sale or donation.
Ephemeral Public Art	To dispose of a collection item as per the de-accessioning criteria of (7.7.1) of the Nillumbik Shire Council Art Collection Curatorial Guidelines 2019-2022.

First Nations Art and Indigenous cultural heritage	Artistic expressions and cultural practices created by First Nations, often reflect their unique heritage, stories, and connection to the land. Within the public art context, First Nations art may be considered for inclusion and acknowledgment in various projects.
Moral rights	The right of an artist to protect the integrity and ownership of their work.
New media Performing arts	Temporary public art with a life-span ranging from fleeting (such as participatory art, performance art and buskers) to five years (such as murals and installations). Arts created with digital technology.
Permanent Public Art	Forms of creative activity that are performed in front of an audience, such as drama, music, and dance.
Placemaking	A public art strategy that involves creating spaces that enhance the community's identity, culture, and sense of place.
Provenance	A record of ownership of a work of art.
Public Art	Any art/media intended for presentation in the public domain and accessible by all.
Sustainability	Activities that meet the needs of the present without compromising the ability of future generations to meet their needs.
The Public Art Collection (PAC)	All items housed in the Nillumbik Shire Public Art Collection.
Vandalism	Vandalism in the form of tagging, graffiti, carving, stickers and others, that may appear on outdoor sculpture will be removed promptly by Council in accordance with Council policy.