





## Art Built-in Policy

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Arthur Pambejan, *Flying Fox, Story Place*, 2002.  
Photo: David Campbell.



## INTRODUCTION

Procuring a building is a cultural act as much as it is a physical one. It is an intervention in the contemporary landscape and an opportunity to engage in an informed and meaningful dialogue about civic culture, sense of place, and about our identity as Queenslanders. Every act of building procurement therefore encompasses a responsibility – to ensure public environments preserve the value of Queensland’s cultural heritage and embrace contemporary cultural expression.

The purpose of a work of art is to communicate meanings through which people engage in an act of identification that gives their individual and collective existence meaning. Artists, therefore, can bring to the building procurement and delivery process an instinctive and extraordinary capacity that can extend the concept of building function beyond its physical aspects.

The Queensland Government is the major procurer of public buildings in the State. It is incumbent on government to ensure that Queensland’s public buildings work actively in the cultural development of the State. The Art Built-in Policy ensures that 2% of the total value of capital works building budgets of State Government Departments will be allocated for public art activity in order to ensure that cultural and artistic expertise is integral in the shaping of our built environment.



## BACKGROUND

In 1991 the incoming Labor Government undertook a major review of the Arts in Queensland and released a watershed policy document entitled *Queensland: A State for the Arts 1991*. In this document, support for art and artists in Queensland was affirmed as a major commitment of Government. The Government also gave a commitment to public art arguing that:

“Queensland has a mixed record in the area of heritage protection. Consequently there is a pressing need to revitalise the experience and appreciation of Queensland public spaces, [and] a concerted effort ensuring all future developments are well considered, well designed and sympathetic to community and the environment in which they are located,” (Queensland: A State for the Arts 1991:121)

Further articulated was a “widely expressed concern about the failure of our urban environment to respond to human needs and extend cultural experience [which] has made it imperative that public art be placed on the Queensland Government’s agenda,” (p.121). *Queensland: A State for the Arts* recommended that:

“The Government considers a policy whereby a minimum percentage of the costs of significant capital works projects, especially those with major public access, be set aside to enable the incorporation of work by Queensland visual artists, craftworkers and designers,” (p.123).

In late 1998 the Art Built-in Policy and Guidelines were approved by the Government and the policy came into effect on 1 July 1999. The Government approved that 2% of state government capital works building budgets over \$250,000 be allocated for integrated art and design.

Arts Queensland published *Creative Queensland: The Queensland Government Cultural Policy 2002* which celebrated the fact that Art Built-in was providing jobs for artists, designers and artswomen and improving the aesthetic appeal of public places. *Creative Queensland* also announced the establishment of the position of Government Curator to manage artworks collections across Government.



Craig Walsh, *Input*, 2002,  
Logan Entertainment Centre.  
Photo: Craig Walsh.

# THE ART BUILT-IN POLICY

## 1

### Purpose

The Art Built-in Policy involves allocating 2% of the total value of State Government capital works building projects for public art. The purpose of the policy is to ensure that cultural expertise and contemporary discourse are an integral part of shaping the built environment and influencing the spirit of place. The policy aims to maximise the social, cultural and economic benefits that will result from a heightened quality, experience and understanding of Queensland's public places.

### Definition

The term 'public art' usually refers to contemporary art practice that occurs outside of the traditional gallery or museum system. Historically, public art was dominated by commemorative sculpture and artists were invited to participate as an afterthought or in isolation. Best practice contemporary public art involves a highly diverse range of activities that integrate art and design into the public domain. The preferred approach to integrated public art is to include artists in project development teams at the outset of capital works planning and delivery. Artists working in this context can create meaningful and appropriate work that has a direct relationship to the local environment and the culture of the community.

Public art can involve the commission of artists to produce permanent or temporary site-specific work such as painting, sculpture, or installation. It can involve the commission of designers to create functional items for internal and external environments that may include, but not be limited to, chairs and seating, desks and tables, filing and storage items, lighting, door handles, carpet, textiles and fabrics, and the design and treatment of floors, paving, walls, windows, doors, fencing, lifts and stairwells. Public art can also involve the purchase of existing works to be permanently sited in public places or the provision of community cultural facilities or events that contribute to the animation of public spaces.

### Application

The Guidelines for application of the Art Built-in Policy are also included in this publication. They detail the application of the Art Built-in Policy for the procurement of public art by public sector

agencies and complement the existing framework for government agency capital works building procurement and asset management. The guidelines are also available on the Public Art Agency website [www.arts.qld.gov.au/publicartagency/](http://www.arts.qld.gov.au/publicartagency/)

### Benefits

The policy aims to maximise the quality, experience and understanding of Queensland's public domain in both the built and natural environments through the integration of art, design and cultural expertise into the evaluation, planning, design, development and management processes of the Government's capital works building programs.

Outcomes delivered under the Art Built-in Policy will enhance the public amenity of government buildings and public spaces and directly benefit building users and the general public. Public art will contribute to the quality of public working and leisure environments and to regional cultural identity. Benefits will also include an increase in job opportunities for artists and cultural industry personnel and in associated industries such as manufacturing. Principles and benefits of the Art Built-in Policy are outlined in Part 4 of this document.

Guidelines will assist government departments to ensure that 2% of the applicable costs of all Queensland Government capital works building projects is allocated for integrated art and design which:

- reflects artistic innovation
- improves the design and functionality of public buildings and spaces
- contributes to local distinctiveness, creating a sense of place and regional cultural identity.

The implementation of this policy will complement and extend all government agency capital works planning, procurement and asset maintenance activity and promote job opportunities for Queensland artists, designers and cultural industry professionals.

The integration of public art into public buildings is an aesthetic, social and potential economic enhancement to the Government's capital works building program and is intended to develop the public amenity of government buildings and spaces.

## IMPLEMENTING THE ART BUILT-IN POLICY

# 2

### Public Art Agency

A strategic approach to the management of the State Government's involvement in public art is essential to sustain benefits arising from the Art Built-in Policy. Arts Queensland, the peak State Government agency for arts and cultural policy, has established a Public Art Agency to implement a whole-of-government approach to public art procurement in capital works projects and to provide identity and leadership for public art in Queensland.

Working in partnership with other agencies involved in public art is crucial to the success of any policy and resulting strategies. The history of collaboration between Arts Queensland and the Department of Public Works has yielded many successful outcomes, some of which have received national recognition through awards. The need to provide leadership is essential to ensure a coherent approach for the State.

The Public Art Agency will work in partnership and foster relationships with public and private sector agencies concerned with integrated art and design. The specific roles and responsibilities of the Public Art Agency in relation to the implementation of the Art Built-in Policy are detailed below. The Agency's broader role in support of public art across Queensland is discussed in Section 3.

#### What is the role of the Public Art Agency?

The role of the Public Art Agency in implementing the Art Built-in Policy will be to:

- assist in best practice commissioning of public art in the Government building program
- provide best practice advice and assistance for government agencies to appropriately audit and manage their public art collection as part of existing asset management strategies
- create, promote and regularly review the Art Built-in Guidelines based on accepted industry practice and standards
- provide advice to agencies regarding the allocation of monies for public art for capital works projects that are implemented in stages
- assist government agencies in cases of variation of the application of the Art Built-in Policy, such as:
  - (i) the transfer of the 2% yield from one portfolio project to another; and (ii) in circumstances where departments may wish to aggregate the 2% applied to projects below the \$250,000 threshold to enable an integrated design solution to these projects.
- participate on Public Art Advisory Groups to ensure that activity supported under the Art Built-in Policy complements existing Arts Queensland programs and satisfies the government's policy and priority areas for the arts

- assist agencies to provide mentor and employment opportunities for young artists, especially in capital works building projects in excess of \$10million
- develop a whole-of-government management strategy for the existing and developing the Queensland Government Public Artworks Collection (QGPAC)
- develop specific guidelines and procedures for the deaccessioning and disposal of public artworks and assist agencies in this regard as required
- develop evaluation procedures and guidelines for all government agencies to assess the success and effectiveness of their artwork procurement processes on a project by project basis as well as on a whole-of-department program level
- assist agencies to promote the activity and outcomes of their Art Built-in projects
- undertake an evaluation of the impact and achievements of the Art Built-in Policy and report to the Government.

### Public Art Advocacy

The Public Art Agency will undertake the following advocacy in support of public art in Queensland:

- actively involve the State, industry and the community in the debate on industry developments both in Australia and overseas and, where possible, annually review interstate and international policies in this area
- encourage Government Owned Companies and Commercialised Business Units to include the Art Built-in Policy in their 'Statement of Corporate Intent' as one way of meeting their Community Service Obligations and to undertake a 'best endeavours' approach to implementing the Art Built-in Policy
- explore ways in which the Queensland Art Gallery can participate in the implementation of the Art Built-in Policy through providing advice on database management systems to ensure museum standard documentation, processes and nomenclature; advice and cooperation on the maintenance and conservation of the more long-term and permanent commissioned works of integrated art; curatorial staff participation in Artworks Advisory Groups to determine selected artists and commissioned pieces for major government public art projects
- develop specific guidelines for temporary performance/site-specific installation
- research and develop pilot projects on government 'non-building' capital works projects
- identify opportunities for partnerships with other agencies to implement government policy on public art e.g. Art Built-in South Bank
- support the development of skills and infrastructure in the cultural industries active in the area of public art
- disseminate guidelines to Local Councils, arts organisations, community groups, the private sector and other parties interested in the commissioning of integrated art and design.



## ADDITIONAL INCENTIVES

# 3

### Partnerships with Local Government

Research has shown that many other agencies are involved in developing cultural projects in the public realm. The Government particularly recognises the work that Local Councils have achieved and continue to undertake throughout the State by commissioning work in this area.

The Public Art Agency has also identified opportunities for regional concentrations of the Queensland Government Public Artworks Collection (QGPAC) through partnerships with Local Councils in major regional centres. This is already occurring in the State capital, Brisbane, and there are signs of comparable development in Townsville and Cairns and other regional centres.

While sensitive to the need for regional distribution of the State Government Collection of Public Art, the Government acknowledges that a major collection of public art is developing within the State capital, through the artwork procurement processes of both the State Government and the Brisbane City Council (BCC). The Government also acknowledges that the BCC has been instrumental in promoting the social and cultural benefits of public art, through its Creative City policy and the Suburban Centre Improvement Program.

The Public Art Agency will continue to assist in the provision of advice and information to Local Governments in the development of public art policies and projects. State Government funding assistance for these projects are available through the Regional Arts Development Fund (RADF) and the Small and Major grant rounds offered by Arts Queensland. For more information on Arts Queensland funding programs contact Arts Queensland (07) 3244 4896 Toll free 1800 175 531 or visit the website [www.arts.qld.gov.au](http://www.arts.qld.gov.au)

The Agency will explore ways to develop integrated art and design planning agreements with major regional Local Councils to maximise the benefits for their communities. The Agency will continue to liaise with Brisbane City Council on the establishment of a working agreement for planning, developing and promoting of integrated art and design projects in Brisbane.

### Partnerships with the Private Sector and the Arts Industry

The Public Art Agency will continue to provide information and advice on request to the private sector on best practice Art Built-in commissioning.

Also, the Public Art Agency will continue to advocate for the commissioning of Queensland designed furniture and furnishing prototypes and for their progression into manufacture. Arts Queensland's promotion of the Queensland de ma project furniture range under Art Built-in is a good example of successful partnerships with the private sector.

The Integrated Cultural Opportunities Assessment undertaken for capital works building projects can identify opportunities to commission Queensland-designed furniture and fit-out for government building projects.

The Public Art Agency will continue to advocate for Queensland designers to design prototypes to client specification and satisfaction within a commercial/ private sector or public sector environment.

### Young People and Public Art

The Public Art Agency provides opportunities to support young and emerging cultural workers in the transition from skills-based training and education to a professional career in the area of public art.

Through projects such as Art Built-in South Bank and other initiatives such as the *Art Built-in Information and Advice for Young Artists 2002*, the Public Art Agency seeks to encourage participation of young artists and artswriters. A raft of further initiatives for young public artists was announced as part of *Children and Young People in Creative Queensland* publication launched in 2003.



Sebastian Moody,  
*BUILT UNDER THE SUN*, 2002.  
Photo: Ryan Moorfield.

# 3

## Other Partnership Funding

The Agency has the opportunity to facilitate additional support to help implement projects over and above any specific Treasury allocation. Potential sources of partnership funding for projects, other than State Government departments, include:

- Local Government
- the Australia Council
- private sector sponsors
- other States/Territories (for joint/international projects)
- specific initiatives of the Federal Government
- agencies of other countries (for international initiatives).

The Public Art Agency will explore support from other sectors to help implement programs.

## Employment, Training and Professional Development

Art Built-in is increasingly providing employment opportunities for artists but the level of understanding in the field and the quality of training in tertiary institutions requires further development. Currently, art education is not a significant part of architectural courses, let alone engineering. Conversely, built environment teaching is not integral to art education.



Although employment opportunities are increasing there are few training programs in either formal or informal education which deal with the specialist skills required, such as:

- knowledge of materials for and their appropriateness for work created in an external environment
- understanding and knowledge of the varied disciplines involved in capital works building projects
- skills in design, research, community consultation (where appropriate), negotiation, costing, concept development and presentation.

In partnership with the relevant advocacy and industry development organisations, the Public Art Agency will encourage professional development and training programs for architects and planners, young and/or emerging artists, established artists and designers, project managers, and other professionals working in the planning, design and development of public spaces through:

- commissioning a regular program of lectures/ workshops by visiting professionals for all designers working in the built environment
- encouraging other design professionals to integrate public art into training and higher education curriculum for artists, architects, interior designers and planners
- the development of specific training modules in partnership with education institutions, for example, those for project managers
- developing mentoring and training opportunities for young/emerging artists on government projects.

The Art Built-in Policy will enhance the ability of government agencies to deliver direct outcomes through the integration of broader cultural expertise into the design process in line with whole of government priorities and with the Government's Arts and Cultural Policy *Creative Queensland 2002*. This policy will also position Queensland as the leading Australian State in terms of enriching the quality of its built environment.

Amanda Cuyler, *plantlerantlerpilot*, 2002.  
Photo: Ryan Moorfield.

## PRINCIPLES AND BENEFITS OF THE ART BUILT-IN POLICY

# 4

### Artistic and Cultural

#### Principles

- In the procurement of services and products under Art Built-in, priority be given to Queensland artists, designers and associated cultural industry professionals and or professionals from elsewhere who have or can demonstrate an understanding of local cultural issues.
- In the event that the Art Built-in allocation would result in the inclusion of works by national and international artists, it is recommended that a young or emerging Queensland artist be provided with a mentor or employment opportunity.
- Activity supported under this policy should reflect best practice as outlined in the Art Built-in Guidelines.
- The artist must be recognised as an integral member of design project teams and an inclusive approach to art in public places is adopted whereby artists are included at the earliest stages of design development for capital works building projects.
- Recognition must be given to the importance of collaboration and interdisciplinary approaches to public art procurement and practice to ensure successful public art solutions (such processes and those involved will differ each time to reflect the nature and objectives of each project).
- All art produced for the public domain must have intrinsic artistic value.
- That temporary public art activity (that can alter a place temporarily and change the way people perceive that place) be encouraged.
- Activity supported under the policy should acknowledge the Government's priorities areas for the arts and should complement other programs and objectives of Arts Queensland.
- Recognition must be given to the Government's *Children and Young People in Creative Queensland: Queensland's Cultural Policy in Action 2003-2005* to expand the professional development and employment opportunities available to young and emerging artists and other young people in the cultural industries and stimulate greater community, government and cultural industry recognition of young artists' contribution to emerging and experimental art forms.

#### Benefits

- Public art can create a unique sense of place, enhance community ownership of public places, express regional and cultural identities and renew a sense of civic pride.
- Provide exposure to engaging, innovative and experimental art for all Queenslanders.
- Increased opportunities for innovation and experimentation in the design and development of public spaces.
- Provision of opportunities for collaboration between artists, communities and built environment professionals in shaping our public spaces.
- Greater accessibility for the public to the work of artists of many disciplines, thus expanding audiences for all cultural activity.
- Greater understanding of the role and contribution of artists and cultural workers in the life of the community.

### Economic

- Art Built-in is a major generator of jobs for artists and artsworkers in Queensland. The Public Art Agency regularly publishes the Art Built-in Scorecard in the *Art Built-in News*, the most recent edition can be downloaded from the Public Art Agency website [www.arts.qld.gov.au/publicartagency/](http://www.arts.qld.gov.au/publicartagency/)

#### Benefits

- A substantial increase in job opportunities and related training for Queensland artists, craft workers, designers, project managers and others with cultural expertise working in the sector.
- Indirect economic benefits will flow to associated industries such as fabricators of artworks and local manufacturers.
- Public art can make a vital contribution to the economic recovery of many cities and towns featuring in cultural tourism.
- Public art can attract companies, adding to land values, creating employment as well as increased investment in the design and development of the built environment from sources other than the State Government
- Public art can symbolise civic pride or create a corporate image.
- Public art can increase the attractiveness of the State as a tourism destination through recognition of the quality of the built environment and an increased recognition of Queensland as a culturally active and innovative State.

# 4

## Social

### Principles

- The traditional rights of Aboriginal and Torres Strait Islander peoples should be recognised in all issues concerning the evaluation, planning, design, development and animation of the public domain.
- Recognition should be given to the Multicultural Affairs Queensland's policies and principles.
- Individuals and communities should have the opportunity to participate equitably in the social, cultural and economic life of the State.
- All public spaces developed in the State should be sensitive to the cultural diversity of their users.
- Mentor opportunities for young artists and related cultural industry professionals should be provided.
- Recognition should be given to the specific needs of children when considering issues of access.
- Improved quality of public spaces should be sought and their appeal enhanced to a wider range of people regardless of age, gender and cultural background.
- People experiencing disabilities, and their families and carers, should enjoy the same rights as other Queenslanders and live as valued and participating members of their communities through the provision of accessible and responsive services and support.

### Benefits

- Can improve the quality of life and environment for Queenslanders.
- Can be used as an element of urban regeneration.
- Better functioning of public spaces through greater use, thus discouraging vandalism and enhancing safety.
- Can improve the public appreciation and understanding of public spaces and the benefits of integrated art, design and cultural facilities.

## Environment and Heritage

### Principles

- Appropriate advice is sought from conservation architects as to the heritage significance of the site or surrounding precinct on or within which a State Government building is to be built.
- The Burra Charter is used as the appropriate approach for identifying, assessing and modifying places of cultural heritage value and that these principles can also be applied to non-heritage listed places.
- Artist's brief contains historical information pertaining to the site and that artists seek to engage in a meaningful dialogue with sense of place.

- Existing qualities of place and values that the community may hold in accordance with nationally accepted practices such as the National Estate Criteria be recognised.
- The Queensland Government Public Artworks Collection be properly documented and maintained and that appropriate expertise be sought in ongoing maintenance and management of public art collections.
- Understanding of the environment in order to create a conservation-conscious and better-informed society and to increase community involvement in conservation and that recognition be given to the Environmental Protection Agency's mission to achieve ecologically sustainable development.

### Benefits

- The creation of public art for future generations that assists in developing an understanding of social, historical and aesthetic significance in our cultural and natural landscapes.
- Reaffirming local distinctiveness, sense of place and regional identity.

## Training and Education

### Principles

- The development of training opportunities and mentor opportunities for young and emerging artists and related cultural industry professionals.
- Opportunities for professional development and training exist for Queensland artists, craft workers and designers.

### Benefits

- Local artists, designers and cultural industry professionals can increase skills and expertise resulting in a more competitive, artistic workforce and cultural industry in Queensland.
- The Art Built-in Policy will address the need to improve workforce skills now and in the future, raise general education levels and encourage innovation and flexibility by industry and government to strengthen Queensland's position, giving the State a competitive edge.
- Young and emerging artists will be provided with mentor opportunities in association with any national or international artist engaged through the Art Built-in Policy.

## GOVERNMENT CURATOR AND THE QUEENSLAND GOVERNMENT PUBLIC ARTWORKS COLLECTION

# 5

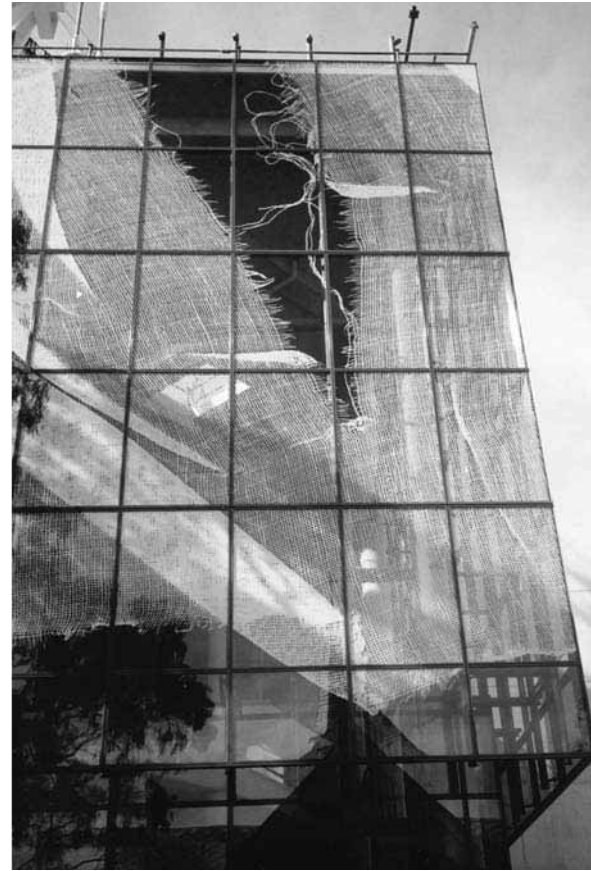
The Public Art Agency is developing a whole-of-government Public Artworks Collection Management System for the largely undocumented but significant, existing Queensland Government public artworks collection and newly commissioned works under the Art Built-in Policy implemented since 1 July 1999.

The Public Art Agency will provide assistance to agencies in implementing this initiative. Specific guidelines on key aspects of the maintenance and management of public artworks will be provided to all agencies. The system will impact upon costs associated with management and maintenance of newly commissioned artworks including documentation of artworks, security, preventative conservation and decommissioning or de-accessioning artworks in buildings identified as surplus to Government needs.

The Project will deliver:

- the Public Artworks Collection Management System (PACMS) for the Queensland Government Public Artworks Collection (QGPAC)
- a Proof of Concept [pilot] implementation, including an interpretative project
- a whole-of-government implementation plan.

In this way the Public Art Agency can ensure that the Government Public Artworks Collection is managed, documented and interpreted for all Queenslanders.



Jill Kinnear, *Veil*, 2002,  
Suncorp Stadium.  
Photo: Jill Kinnear.



Bianca Beetson & Yolk Design,  
*Urban Groove*, 2001.  
Photo: Vincent Long.

# ART BUILT-IN GUIDELINES

## 1 Introduction

On 1 July 1999 the Queensland Government's public art policy Art Built-in came into effect. The Art Built-in Guidelines for Public Art Planning, Delivery and Review provides an overview of requirements for best practice public art procurement in line with the Government's Art Built-in Policy. These guidelines provide a whole-of-government approach for the integration of artists and designers into the development, design and cultural animation of capital works building projects. This includes a requirement that, in planning for and procuring new public art assets, knowledge of appropriate management and maintenance practices for these special assets is taken into account.

## 2 Definition of Public Art

The term "public art" usually refers to contemporary art practice that occurs outside of the traditional gallery or museum system. Historically, public art was dominated by commemorative sculpture and artists were invited to participate as an afterthought or in isolation. Best practice in contemporary public art involves a highly diverse range of activities that integrate art and design into the public domain. The preferred approach to integrated public art is to include artists in project development teams at the early outset of capital works planning and delivery. Artists working in this context can create meaningful and appropriate work that has a direct relationship to the local environment and the culture of the community.

Public art primarily involves the:

- integration of artists and designers into collaborative design teams
- commission of artists to produce permanent or temporary site-specific works
- commission of designers to create distinctive products and functional items for internal and external environments
- purchase of existing works of art to be permanently sited in public places.

It can also contribute towards the:

- provision of cultural and community facilities
- development of public precincts and public places
- cultural animation and cultural programming.

Public art project outcomes may result in:

- visual artworks including painting, sculpture, or installation
- functional items including office furniture, work stations, customer service counters, reception furniture, street furniture and signage systems

- products including chairs and seating, desks and tables, filing and storage items and lighting
- fittings including door handles, carpets, textiles and fabrics
- the design and treatment of floors, paving, walls, windows, doors, fencing, garden features, lifts and stairwells.

Outcomes may also include or contribute towards:

- literary works, dramatic works, digital media or film production
- development of exhibition spaces, museums or amphitheatres
- aspects of festivals and events staged in public places.

## 3 Definition of a Capital Works Building Project

A government building project generally means a project for the State or an instrumentality or department of the State (consistent with the application of the State Purchasing Policy) including the construction of new buildings, extensions to buildings, and major refurbishment or upgrading of buildings.

The Art Built-in Policy will apply to the:

- erection or construction of a building or any related site work (including the construction of retaining structures) included in the building works or as a separate contract in itself
- renovation or extension of a building
- construction projects which enhance the amenity of public spaces in government buildings and public spaces generally
- fit-out of new buildings and building extensions.

The following exemptions apply:

- maintenance and repair of a building
- demolition or removal of a building
- construction, maintenance or repair of a road under the Land Act 1962
- construction, maintenance or repair of a bridge
- construction, maintenance or repair of railway tracks, signals or associated structures
- construction, maintenance or repair of harbours, wharfs and other marine structures not related to land-based building work
- construction, maintenance or repair of a dam.

This definition should be taken as a guide only and is not exhaustive.

## 4 Applicable Capital Works Building Projects

The Art Built-in Policy will apply to capital works building projects (consistent with the definition of a building project above) valued in excess of \$250,000 excluding Government fees and charges, Work Cover and the cost of capital equipment. The Art Built-in Policy may result in the siting of public art (consistent with the definition of public art above) in either interior and/or exterior spaces including work environments and the broader public domain. Siting and selection of public art will be determined by the procuring department with appropriate cultural sector expertise through the process outlined in these guidelines. Procuring departments retain final approval as to what art is procured and where it is sited for any given project.

### 4.1 Government Fees and Charges

Government fees and charges are not included in the gross project cost for the purposes of calculating the 2% allocation. Procuring departments will identify the budget lines for government fees and charges in the Business Case stage (see Section 2.1.2). This may include but not be limited to:

- Building Act compliance
- water and sewerage compliance
- fire services levy
- Queensland Building Services Authority financial review
- portable long service leave
- Workplace Health and Safety fees.



Sebastian Di Mauro, fabrication phase of *Drift* for 33 Charlotte St, Brisbane, 2004.  
Photo: Courtesy of the Public Art Agency

### 4.2 Capital Equipment

The cost of capital equipment is not included in the gross project cost for the purposes of calculating the 2% allocation. Procuring departments will identify capital equipment budget lines in the Business Case stage (see Section 2.2). Capital equipment does not include items of furniture, furnishings, or fit-out such as desks, chairs or carpet.

### 4.3 Areas of Specialist Operational or Utilitarian Purpose

Priority is to be given to the distribution of public art in areas of general public access. It is acknowledged that foyers and reception areas are more appropriate areas for artworks than in the case of health facilities' medical operating theatres. The application of the Art Built-in Policy will be to total building costs, discounted for those areas that are primarily for specialist operational or utilitarian purposes. This may include areas within hospitals, schools, emergency facilities or police and correctional facilities. Procuring departments will identify budget lines with any proposed discounts for areas of specialist operational or utilitarian purposes in the Business Case stage (see Section 2.2).

See the Art Built-in Advisory notes for Project Managers, Quantity Surveyors and Project Administration Officers, Project Services, October 1999.

### 4.4 Transferring the 2% Allocation

The 2% allocation may be transferred from one applicable capital works building project to another within a department's capital works program provided that the department can demonstrate social and regional equity in its rationale for doing so. A department that wishes to transfer the 2% from one project to another will need to consult with the Public Art Agency at the Business Case stage (see Section 2.1.2).

### 4.5 Aggregation of Projects Valued at Less Than \$250,000

Procuring departments may aggregate applicable capital works building projects that are each valued at less than \$250,000 to meet or exceed the \$250,000 threshold and apply the Art Built-in Policy to these building projects in accordance with the provisions of these guidelines.



## 5 Exempt Capital Works Building Projects

The following building projects are exempt under the Art Built-in Policy:

- building projects valued at less than \$250,000
- prisons and watch-houses
- buildings for private and domestic purposes.

However, departments undertaking exempt capital works building projects are encouraged to apply the principles of the Art Built-in Policy to appropriate projects.

### 5.1 Government-owned Corporations and Commercialised Business Units

The Art Built-in Policy is not mandatory for Government-Owned Corporations (GOCs) and Commercialised Business Units (CBUs). However, GOCs and CBUs are required to undertake best endeavours in implementing the Art Built-in Policy.

### 5.2 Jointly Funded Capital Works Building Projects

The Art Built-in Policy will apply to the quantum of the State Government contribution for capital works building projects that are jointly funded by the State and either Commonwealth or Local Governments. Other contributors will be encouraged to apply the Art Built-in Policy subject to the same qualifications applying to State-funded building projects.

## 6 Capital Works Management Framework (CWMF) & Strategic Asset Management (SAM)

These guidelines for the application of the Art Built-in Policy are predicated upon the best practice building procurement processes outlined by the Department of Public Works in the Capital Works Management Framework (CWMF) articulated within a Strategic Asset Management (SAM) context. Allocation of 2% for public art is included in this framework as an item that departments should consider when formulating their project budgets.

The CWMF is a documented framework for the planning and delivery of government-funded building infrastructure and is a whole-of-government framework that identifies critical risk areas in the delivery of building projects. From the CWMF flows a series of Strategic Asset Management (SAM) Guidelines and Tools that describe best practice processes for the effective management of these risks.

The CWMF and SAM promote a consistent and strategic approach to investment in building infrastructure across government portfolios. It recognises the need for rigorous project evaluation and planning to ensure that any building solution supports service delivery and that value for money is achieved. This philosophy applies to the planning and delivery of an Art Built-in project as an element of the building process.

The Art Built-in Policy shares a primary objective with the CWMF and SAM to ensure that risk to Government in procuring artworks and maintaining these assets for capital works building projects is managed in an appropriate manner. The Art Built-in Policy will ensure that government departments make the most of the opportunity to:

- revitalise the concept, design, experience and appreciation of Queensland public buildings and public spaces
- foster best practice, innovative and creative design solutions in the process of meeting service delivery needs through capital works programs
- create jobs and foster Queensland's economy by buying locally through commissioning Queensland artists, craftworkers, designers and associated cultural professionals who can demonstrate knowledge of local cultural issues.

The Capital Works Management Framework (CWMF) describes the linkages between already existing Government policy and guideline documents and highlights the essential steps to be taken when managing government building projects. The capital works planning process encompasses:

1. Project Initiation (including Strategic Planning).
2. Project Development (including Project Evaluation and Project Formulation).
3. Project Implementation (including Project Delivery, Project Definition, Procurement Strategy, Consultant and Contractor Selection, Design and Construction, Handover, Project Review, Building Performance Review and Process Review).

The Art Built-in Guidelines are predicated upon these three phases. In line with the Government's Art Built-in Policy, the procurement of public art must be considered as a component in all stages of the building planning and delivery process. How Art Built-in is factored into the CWMF is explained in the flow chart included as Appendix 1.

## 6.1 Public Art in Project Initiation

### 6.1.1 Strategic Planning

The capital works management process begins with the department's strategic planning which identifies and develops service delivery strategies that are in line with Government priorities and the current and projected needs of the community.

The Capital Investment Strategic Plan (CISP) is the asset component of a department's overall strategic planning process. Asset planning describes what physical assets are needed to address service needs and delivery strategies documented in the department's Strategic Plan. Queensland Treasury's Capital Investment Strategic Plan Guidelines provide direction and guidance for Agencies preparing a CISP.

A key objective of the CISP is to consider the appropriateness of the existing building portfolio to existing and future needs and to minimise the whole-of-life costs of a department's portfolio. The Department of Public Works' *Strategic Asset Management Best Practice Guideline: Asset Strategic Planning* provides additional information on how the Strategic Asset Planning relates to ongoing asset management. The development of asset strategies through analysis and direction-setting processes provides a basis for compiling asset strategic plans and disposal, capital, maintenance and management-in-use programs formalised through the annual budget process.

Following are the stages of Strategic Asset Planning:

1. Review and analysis of existing assets. In the context of Art Built-in this includes a department's artwork asset collection (non-current assets) as well as those integrated into a building's fabric.
2. Comparison of asset needs described in the service delivery strategies with the existing assets to identify any gaps between the two areas. The strategy for addressing this gap becomes the asset strategy that is included in the Capital Investment Strategic Plan (CISP).
3. Identify preferred physical asset strategies that may impact on capital investment and require the delivery or major refurbishment of buildings.

### 6.1.2 Public Art Asset Planning

In the context of the strategic management of buildings as physical assets and/or determining the need for new buildings, the management of existing public art assets and planning for future public art assets need to be taken into account.

Agencies across State Government already own public art assets that in many cases are site-specific and that form part of a building asset. These public art assets need to be considered in the asset planning phase. Considering public art assets at the earliest planning phases ensures that Agencies manage their public art assets appropriately and to the best advantage.

Agencies will be required to undertake Public Art Asset Planning which will include the following stages:

1. Review and documentation of existing public art assets. Agencies need to undertake an audit and document what kind of public art collection has been developed through their building programs. This will inform future commissioning and ongoing maintenance and management of public art assets.
2. Identify new public art asset opportunities under the 2% allocation in the context of existing public art assets.
3. Include in the Capital Investment Strategic Plan.

A State Government collection of public art already exists but has been rarely documented or included in the maintenance of existing works or planning for new public artworks. This has whole-of-government implications including ethical issues concerning the management and maintenance of artworks, moral rights of artists, copyright ownership, conservation and interpretation of artworks, and the disposal or deaccessioning of artwork from buildings that are surplus to an department's needs. Management of existing public art assets and planning for future public art activity need to take all of these factors into account (see Public Art Project Review).



Kylie Bickle, *Knuckles*, 2000,  
de ma Furniture Range.  
Photo: Mark Burgin.

## 6.2 Public Art in Project Development

### 6.2.1 Public Art in Project Evaluation

Project Evaluation in the building delivery process involves undertaking the early planning required to ensure that the asset strategy proposed to meet an identified service need is the best value for money option. Project Evaluation comprises the phases of Project Feasibility and Business Case.

#### Project Feasibility

Project Feasibility phase comprises the evaluation of the various build and non-build strategies that may be used to facilitate the delivery of the identified service. If a build strategy is proposed, various build options are analysed in the Business Case phase of Project Evaluation (see below), culminating in the identification of a preferred option. The Art Built-in Policy will apply if a build option is identified.

At this level, strategic planning for assets involves establishing what assets are required to support service and output strategies identified in the department's Strategic Plan. In the Project Feasibility phase these are compared to existing available assets. Strategies are developed for the acquisition of new building assets or the reconfiguration, use, refurbishment and disposal of existing assets. This process includes consideration of recurrent cost implications of capital investment.

Art Built-in considerations in this phase are:

- size and nature of existing departmental artwork collections that form part of building assets
- reconfiguration, refurbishment or disposal of building assets and their effect on existing artwork assets owned by departments. The Public Art Agency must be contacted for advice where artworks will be affected by decisions made in this phase i.e. whether departments are planning to alter commissioned integrated artworks in any way (relocate, remove or exchange or dispose of artworks)
- procurement strategies for new artworks commissioned as part of the proposed building need to be considered in relation to the existing collection controlled by the department
- recurrent cost implications of the existing artwork collection need to be considered in the formulation of procurement strategies for an Art Built-in project as part of a new building project.

Project Evaluation involves project analysis of the most suitable options identified. Project analysis is undertaken of all options identified to ensure best value for money through economic, environmental, social and budget analyses of all short listed options.

The *Integrated Planning Act 1997* (IPA) is the principal legislation governing development in Queensland and seeks to achieve ecological sustainability. Integration of the IPA processes and compliance with its intent in project development phases will contribute to managing the impact of buildings on the social and physical environment.

Art Built-in intersects with requirements under the Integrated Planning Act for “ecological sustainability which includes maintenance of the cultural, economic, physical and social wellbeing of people and communities.” [IPA 1997, Part 3–Interpretation, Section 1.3.3 (c)]

The cultural, economic, physical and social wellbeing of people and communities is maintained if:

- well serviced communities with affordable, efficient, safe and sustainable development are created and maintained
- areas and places of special aesthetic, architectural, cultural, historic, scientific, social or spiritual significance are conserved and enhanced
- integrated networks of pleasant and safe public areas for aesthetic, architectural, cultural historic, scientific, social or spiritual significance are conserved or enhanced
- integrated networks of pleasant and safe public areas for aesthetic enjoyment and cultural, recreational or social interaction are provided. [IPA1997, Section 1.3.6]

One of the core matters for planning schemes is what is termed “valuable features” which include:

- areas contributing significantly to amenity (such as areas of high scenic value, physical features that form significant visual backdrops or that frame or define places or localities and attractive built environments)
- areas or places of cultural heritage significance (such as areas of indigenous cultural significance, or aesthetic architectural, historical, scientific social or technological significance, to the present generation or past or future generations. [IPA 1997, Schedule 1 (3) definition of “valuable features”])

Cultural value and the role of Art Built-in and commissioned artwork in improving amenity of government buildings should be considered in the Project Development Phase. Whether a particular build option has a capacity to contribute to amenity and the creation or preservation or enhancement of cultural value, should be considered.

The next step is to select the preferred option and develop a Business Case.

### Business Case

A Business Case is produced as a result of the Project Evaluation phase and where this phase has demonstrated that a particular building solution is the preferred means of satisfying a service need. Project funding is then sought on the basis of this documented analysis.

Business Cases are used to support submissions for major building proposals to departmental management, Ministers and the Cabinet Budget Review Committee (CBRC). The *Financial Management Standard 1997* requires written evaluations where an investment in a building is estimated to be \$1million or more. Submissions to the Treasurer are required for projects \$5million and above. There are no formal reporting requirements for projects below \$1million.

NOTE: Agencies are required to identify the 2% allocation for applicable capital works projects in the Business Case phase of Project Evaluation within the capital works building delivery process.

### 2% Allocation

The 2% allocation will cover:

- public art asset and project planning
- public art project management and consultant fees
- public art tender costs
- public art legal and contractual documentation
- artist fees, subcontractor (and trainee wages where applicable)
- public art materials and manufacture/fabrication
- public art risk management and liability costs
- public art maintenance and conservation.

### 6.2.2 Public Art in Program Formulation

The final phase of project development process is Program Formulation. After the sound planning and evaluation is undertaken, departments can develop a capital acquisition plan based on accurate and accountable information. A department's capital acquisition phase is based on the approved Capital Investment Strategic Plan. Approval is sought from CBRC as part of the annual budget process, in which departments submit their shortform Capital Investment Strategic Plans.

Once a capital works program has been approved, projects move into the Delivery Phase.

The Capital Works Program is a snapshot of projects that will incur expenditure in the next financial year. Projects range from those in the early planning phases to those nearing completion.

After publication of the Capital Statement each year, departments will be contacted by the Public Art Agency to determine eligible new projects with an Art Built-in component and will be asked to submit an Art Built-in Program Lodgement Form confirming the list of new Art Built-in projects.

Agencies will be expected to have already allocated the required 2% as part of their Business Case submission to CBRC. Much information that will inform the Integrated Cultural Opportunities Assessment (ICOA) document will have already been collected in the Project Evaluation and Project Formulation phases.

## 6.3 Public Art in Project Implementation

This is the primary focus of this Guideline document and describes the processes that need to be completed to ensure the planning outcomes identified in the project evaluation stage are achieved. The key phases within Project Implementation are:

1. Project Delivery
2. Project Definition
3. Procurement Strategy
4. Contractor/Consultant Selection
5. Design and Construction
6. Handover
7. Project Review
8. Building Performance Review
9. Process Review.

### 6.3.1 Public Art Project Delivery

This phase involves the Project Definition, Procurement Strategy, Consultant Selection, Design and Construction, Handover, Project Review, Building Performance Review and Process Review.

### 6.3.2 Public Art Project Definition

Project Definition is the process of assessing client operational needs and documenting these clearly. The outcomes of the project definition process are summarised in the Project Brief document. The Project Brief is prepared upon budget approval and is used as the basis for developing the project design documents.

Agencies are encouraged to adopt a best practice integrated approach in the planning and delivery of public art projects. This means that departments could work with an artist in the development of the design brief or that departments could commission an artist to work with consultants commissioned to develop initial design concepts (see Section 3.4 Public Art Procurement Strategy).

### 6.3.3 Integrated Cultural Opportunities Assessment (ICOA)

Alongside the development of the Project Brief it is essential that an assessment of possible cultural opportunities be undertaken immediately following funding approval of the 2% allocation to define all elements of the project based on the parameters set forth in the Business Case. The ICOA process is required to focus on delivering public art projects that meet service delivery objectives and match the current and projected needs of the building and its users, community and environment. The purpose of the ICOA is to identify new public art opportunities in the context of the building development and the department's existing collection of public art and to inform the public art procurement process.

The scope of the ICOA should include:

1	Project description	
2	Agency corporate objectives and mission	
3	Summary of department's existing public art assets	
4	Project parameters	<ul style="list-style-type: none"> <li>• size and breakdown of the budget and 2% allocation</li> <li>• time scale for the project</li> </ul>
5	Location of the building	<ul style="list-style-type: none"> <li>• local or regional context</li> <li>• public profile</li> </ul>
6	Significance of the site or existing building	<ul style="list-style-type: none"> <li>• environmental</li> <li>• social</li> <li>• cultural</li> <li>• historical</li> </ul>
7	Impact of the development	<ul style="list-style-type: none"> <li>• community</li> <li>• tourism</li> <li>• economic</li> <li>• Integrated Planning Act 1997</li> </ul>
8	Access to and usage of the building	<ul style="list-style-type: none"> <li>• tenants</li> <li>• public</li> </ul>
9	Local/regional cultural planning	<ul style="list-style-type: none"> <li>• relevance of public art projects</li> <li>• equity in public art benefits</li> </ul>
10	Identification of potential cultural/public art opportunities	<ul style="list-style-type: none"> <li>• integrated art and/or design</li> <li>• permanent works</li> <li>• temporary works</li> <li>• site-specific works</li> <li>• integrated cultural facilities</li> <li>• animation of public spaces</li> <li>• workshops and residencies</li> </ul>
11	Value Statement	<ul style="list-style-type: none"> <li>• including values, themes and concepts informing curatorial brief (if curator appointed)</li> <li>• the artworks commissioning brief</li> <li>• artists statement of artistic intent (for concept design presentations)</li> </ul>
12	Recommendations for project delivery	<ul style="list-style-type: none"> <li>• identify appropriate Public Art Advisory Group</li> <li>• identify appropriate procurement method</li> </ul>

### Consultation in the ICOA Process

It is recommended that departments engage public art project management or consultancy services and undertake appropriate consultation with stakeholders in the Project Definition stage to ensure that there is a comprehensive coverage of requirements and consensus of direction in the planning, delivery and review of public art projects.

#### *Role of the Public Art Project Manager, Curator and Cultural Consultant*

The role of the Public Art Project Manager Curator and Cultural Consultant is pivotal in coordinating the development and delivery of public art projects, particularly in large projects where the Art Built-in budget can support an array of public art components (see Section 3.5 Public Art Consultant Selection).

#### *Role of the Public Art Advisory Group*

A Public Art Advisory Group will provide advice to the Public Art Project Manager throughout the project (see Section 4.1: Public Art Project Definition). The Public Art Project Manager shall ensure that all meetings of the Public Art Advisory Group are documented with agendas and minutes.

A consultative committee of stakeholder representatives is critical to identifying appropriate public art opportunities and in the selection of artists. The Public Art Advisory Group includes representatives from:

- Principal or Procuring department
- Public Art Agency or its nominee
- Project Manager
- Managing Contractor
- Principal Architect or Associate
- Public Art Project Manager, Curator and/or Cultural Consultant.

Inclusion of other stakeholders is recommended such as:

- building users
- community representatives (including young people, older people, people with a disability, Indigenous Australians, and people from diverse cultural backgrounds)
- specialist cultural experts as required
- environment and cultural heritage consultants.

#### *Role of the Public Art Agency*

A consultant or nominee from the Public Art Agency may participate on the Public Art Advisory Group to ensure that activity supported under the Art Built-in Policy complements existing Arts Queensland programs and satisfies the Government's policy and priority areas for the arts including:

- artistic merit
- access and equity
- cultural diversity

- Indigenous arts and culture
- people experiencing disabilities
- regional arts development
- young people and emerging artists
- training and education.

### 6.3.4 Public Art Procurement Strategy

A procurement strategy is required to provide greater certainty of desired outcomes for building stakeholders. Where capital works building projects are considered to be of high or significant risk, advice on the determination of the procurement strategy should be sought from the Department of Public Works.

Agencies should pursue innovative solutions and best practice when formulating options for public art. Agencies should also consider equity and access for all Queenslanders in the delivery of public art in capital works building projects. The public art procurement strategy will be informed by the ICOA and may include:

- integration of artist/designer in the project development team
- commission of new works (permanent/temporary)
- purchase of existing works (permanent/temporary)
- development of cultural facilities (in the building or local area)
- cultural animation and programming
- youth mentor and employment opportunities.

In the procurement of services and products through the 2% allocation, it is recommended that priority be given to Queensland artists, designers and associated cultural industry professionals or professionals from elsewhere who can demonstrate an understanding of local cultural issues. In the event that the 2% allocation would result in the inclusion of works by national and international artists, it is recommended that a young or emerging Queensland artist be provided with a mentor or employment opportunity.



Wendy Mills, *Ark*, 2003, Herston Hospital Complex.  
Photo: Project Services.

### **Integration of Artist/Designer in the Collaborative Design Team**

The engagement of artists or designers as part of the collaborative design team is the preferred approach for the procurement of art and design in capital works building projects. The Collaborative Design Team may consist of the architect/s, interior architects or designers or landscape architects. The Department may require the Managing Contractor submitting for the building project to include fees for the employment of artists and designers in the project tender. However, artists or designers should retain the right to control the construction and completion of their artworks or designs if desired.

### **Commission of New Works (permanent or temporary)**

Common approaches to the commissioning of new works are by limited or open competition or by direct commission.

#### **Open Competition**

Open competition is the preferred means for the commission of major new works by Agencies under the Art Built-in Policy. Open competition through a public tender will provide equitable access to employment opportunities for all artists including young and emerging artists and regional artists.

#### **Limited Competition or Direct Commission**

Limited competition or direct commission, whereby departments source artists from existing arts advocacy organisation databases or through commercial galleries, is a cost-effective means for the procurement of works. This may be appropriate where the total building cost is less than \$5M and the 2% allocation less than \$100,000.

### **Purchase of Existing Works (permanent or temporary)**

Purchase of existing works would be appropriate for building projects valued between \$250,000 and \$2.5M where the 2% allocation is less than \$50,000. However, this approach is limited in its capacity to involve artists in the design development of capital works projects.

### **Development of Cultural Facilities (in the building or local area)**

For major capital works building projects, Agencies may consider the inclusion of facilities of a cultural nature within the building or in the local area. This approach may strengthen community ownership of a new building in a local area and could facilitate the incorporation of cultural events or programs.

### **Cultural Animation and Programming**

The provision of events and programs of a cultural nature such as exhibitions, residencies or public workshops would facilitate improved equity and access for all Queenslanders to cultural opportunities resulting from the Art Built-in Policy. However, any recurrent costs for the ongoing provision of events or programs would need to be budgeted for by the client department within the 2% allocation.

### **Young People Mentor and Employment Opportunities**

In line with the Government's Breaking the Unemployment Cycle strategy, capital works building projects valued in excess of \$10M should, wherever possible, provide mentor and employment opportunities for young artists in the delivery of options under the Art Built-in Policy. The Public Art Agency can provide advice to client departments on delivering these opportunities.

#### **6.3.5 Public Art Consultant Selection**

The resource selection process in capital works building delivery incorporates the selection of appropriate consultants in accordance with the project procurement strategy. Selection and assessment must be in accordance with guidelines developed by the Department of Public Works whereby departments are required to engage building consultants and contractors from the registers of pre-qualified suppliers managed by the DPW. These guidelines include provision for non-price criteria in the selection of consultants and contractors.

In implementing Art Built-in, departments will need to ensure that costs associated with procurement of public art project management, curatorial services and or cultural consultancy services are included as required as part of the 2% allocation. The fees for public art project management will vary depending on the nature and complexity of project requirements.

#### **Public Art Project Management**

Public Art Project Managers can assist departments to:

- coordinate a Public Art Advisory Group
- undertake an ICOA to identify cultural activities relevant to each project
- develop a public art procurement strategy
- manage artist selection
- liaise with artists and other cultural consultants (for example, curators, cultural planners, historians or conservation architects)
- oversee and report on the project progress
- coordinate formal accessioning, documentation and conservation planning.

Public Art Project Managers should not be eligible to design and/or produce artworks for a project in which they are involved. Public Art Project Managers may be professionally qualified curators, arts management specialists or designers who can demonstrate:

- previous experience in community and cultural development
- a working knowledge of contemporary arts practice
- an understanding of materials and processes
- an ability to interpret architectural drawings and site plans
- expertise in budgeting and financial management
- a high level of verbal, written and visual communication skills.

#### **Curators and Cultural Consultants**

Public art curators select and combine public artworks in a building project in the context of an artistic/curatorial vision that is developed through research, consultation and collaboration with the Client, Architect, Public Art Project Manager and Public Art Team.

The Curator works collaboratively with the Public Art Project Manager and the Architect to ensure that the artistic integrity of the artists and the public art commissioned is maintained and communicated throughout the highly consultative commissioning process. The Curator also orchestrates ideas, selects suitable types of artworks and suggests the placement of those artworks within the context of the building/site and, importantly within the conceptual and design vision of the architect and assists the Public Art Project Manager in ensuring quality public artworks are realised in material form on time and within budget.

A Cultural Consultant can range from cultural planners and researchers, professional historians to cultural heritage consultants. Usually employed on larger Art Built-in projects they provide important and detailed cultural information to inform the Curator and Public Art Project Manager.

#### **Public Art Project Management Brief**

The Public Art Agency has developed Scope of Services for Public Art Project Manager which is included in Appendix 2. This Brief should include but not be limited to:

- project description
- procurement system
- program information
- Public Art Advisory Group
- scope of services.

#### **6.3.6 Public Art Design and Construction**

The procurement strategy sets the level of contract documentation required based on the parameters documented in the project brief. Where there is a contract between a department (as purchaser) and a contractor or consultant (as provider), the department or its nominated representative performs the role of Principal under the terms of the contract.

The responsibilities of the Principal will vary according to the degree of risk allocation provided for in these contracts. The Department of Public Works prescribes general conditions of contract for consultancy services that includes provisions for:

- interpretation
- provision of consultancy services
- negation of employment and department
- fees and expenses for reimbursement
- invoice procedure
- records
- disclosure of information
- variations
- risk and indemnity
- insurance
- termination of contract and reduction of scope and governing law.

These general conditions are subject to variation in respect of the extraordinary needs of the integration of public art into building projects. Special Conditions of Contract for Public Art Project Managers may include provisions for:

- intellectual property
- alteration and maintenance
- relocation, removal or sale
- warranty and repairs
- materials and workmanship
- execution and completion of works
- time for commencement
- time for completion
- defects maintenance period
- default
- cleaning of site
- assignment and sub-contracting.

A Public Art Project Management Agreement is available from the Public Art Agency.

The Principal/Procuring Department will have right of final approval in what public art is commissioned for a given capital works building project.



### 6.3.7 Hand Over

According to the CWMF a Certificate of Practical Completion that verifies the completion of public artworks as a component is issued when the construction work has been completed and the building is suitable for occupation. At this stage the control of the building and artworks passes from the contractor to the department.

Upon achieving practical completion, the building and its public artworks must be registered in the department Asset Management System. Registration of buildings is required to be in a format compatible with the Queensland Building Information Systems (QBIS), the whole-of-Government building asset register administered by the Department of Public Works. The registration of public artworks must form part of this process. The Public Art Agency will work with the Department of Public Works to ensure appropriate reporting formats for departments.

The Hand Over stage of the project must be adequately planned, as any delays may impact on service delivery. Public artworks may be implicated in such delays depending on the nature, scale, and importance of the work. The Public Art Project Manager should negotiate with artists to ensure sufficient time for planning the Hand Over activity.

#### Risk Management

The major risks associated with not adequately addressing hand over issues for artworks include possible delays in occupancy due to ineffective commissioning and the consequent impact on the service delivery and future public art projects suffering from repeat issues/problems.

#### Public Art Asset Maintenance

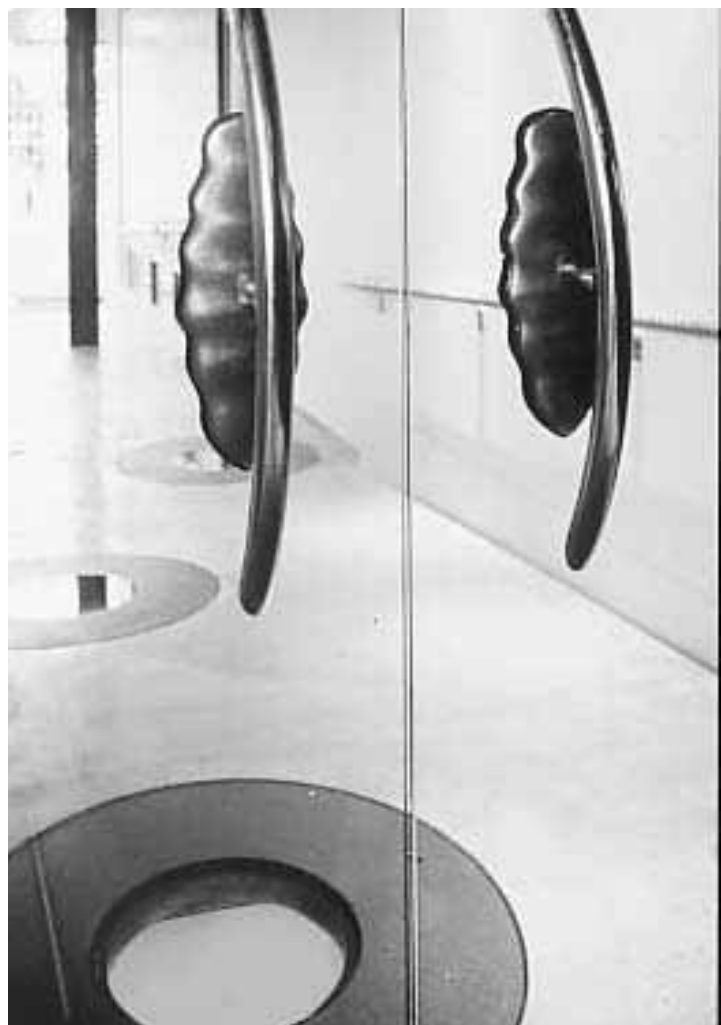
In the Hand Over period it is essential that artists provide all certificates, warranties and operation/maintenance manuals in relation to public artworks to ensure the proper management of them, as special assets, by owner departments.

Commissioning artworks for location in a public place carries certain ethical obligations. When the possible relocation, refurbishment or removal of an artwork is considered, the client is urged to consult with the original artists. If the artist is not available, contact the Public Art Agency or an appropriate cultural institution before committing to a plan of action.

Within the terms of the commission contract, the artist is required to provide the client department with a maintenance manual on completion of the installation of the work. The department is responsible to ensure that maintenance of the public artwork is undertaken in the manner set out in the maintenance manual.

#### Liability

The owner department may be liable for any loss or damage, arising at Common Law and under any statute relating to such as property damage and personal injury, sustained as a result of the artwork, once ownership in the work passes to the owner department (usually on final payment for the public art work, though that may depend upon the contract). Public Liability Insurance requirements for artists and designers are included and negotiated in the commissioning agreement.



Jay Younger, Ann-Maree Reaney, Gregory Gilmour,  
Integrated artworks at 381 Brunswick, 1998,  
(detail). Photo: Erik Williamson.



Hew Chee Fong and L.M. Noonan, *Water Blocks*, 2001, Roma Street Parklands. Photo: David Sandison.

### Moral Rights

Under the *Copyright (Moral Rights) Amendment Act 2000* the department is obliged to identify the creator of the work wherever the work is exhibited to the public and whenever the work is reproduced in a material form, published, or broadcast. The department is further obliged to ensure that the work or any adaptation of the work will not be subject to any material distortion, mutilation or alteration that is unreasonable or is prejudicial to the honour or reputation of the artist.

### Relocation, Removal or Sale of Public Art

Provided that it has given the artists at least 14 days notice in writing of its intention to do so, the department may remove the work from its location for the purposes of either relocating it (permanently or temporarily), selling it, making a gift of it, storing it or otherwise disposing of it. In the event that the work is to be disposed of other than through the sale or donation of the work, the artist will be given the option to acquire the work. The regulations to the *Copyright (Moral Rights Amendment) Act 2000* prescribe how artists are to be informed of changes to artworks that may affect their moral rights.

### Deaccessioning of Public Art

Deaccessioning a work of public art is the process by which an:

- object is approved for removal from its site
- the documentation of its removal.

Once a public art work is deaccessioned, it is usually disposed of by sale, gift, exchange or destruction. These decisions should be based on objective criteria and it is essential that deaccessioning and disposal of public art be carried out in a legal and ethical manner. Every government department must be able to deaccession works for a variety of reasons.

However, not all art and design procured will require a formal deaccessioning process. Public Art Deaccessioning Guidelines will be available from the Public Art Agency and will outline:

- the purpose and objectives of deaccessioning
- implications of deaccessioning or disposing of public artworks
- when deaccessioning would take place (including the moral rights of artists)
- how deaccessioning will be achieved (disposal of artworks).

## 6.4 Public Art in Project Review

Within the CWMF, Agencies are required to conduct Project Reviews that incorporate Building Performance Review (Post-Occupancy Evaluations) and Process Review. These reviews benefit departments by providing a valuable feedback loop. Within the CWMF the Project Review section describes processes that can be undertaken to assess how well the completed building facilitates service delivery and how to achieve continuous improvement in all parts of the process including public art processes.

Determination of the scope and rigour of review of public art activity by departments will be dependent on the scale of the artworks incorporated in a government building. Capital works projects whose building costs range from \$250,000 to \$2.5million (yielding \$5,000 to \$50,000

respectively) would require only purchase of artworks, not a detailed procurement process. The minimum amount of \$1million is based on the Department of Public Works threshold relating to Project Evaluation which is based on the Financial Management Standard 1997 (s47). For capital works investments of \$1million or above, accountable officers must, according to the Capital Works Management Framework, prepare a written evaluation.

As part of its role of providing advice to departments, the Public Art Agency will regularly assess, develop and refine overall public art procurement processes. There are two distinct elements in public art project review: the artworks Process Review and Post-Occupancy Evaluation.

#### **6.4.1 Building Performance Review (Public Art Post-Occupancy Evaluation)**

Post-Occupancy Evaluation is generally scheduled at least 12 months after commissioning and involves a process of evaluating performance of a new or improved building in a systematic manner after it is fully operational. The Department of Public Works' Strategic Asset Management (SAM) Guideline on Post-Occupancy Evaluation provides guidance in this area. The level of evaluation undertaken in relation to a completed project can be either broad or detailed. A detailed evaluation should only be undertaken as a result of identified outcomes of the broad study.

The objectives of the Post-Occupancy Evaluation are to assess the suitability of the new asset to meet the delivery objectives originally determined in the Project Brief, and to facilitate continuous improvement in the planning process for future facilities.

Built in to this Post-Occupancy Evaluation will be a process whereby departments gauge the success of public art within the new or improved building against the objectives originally determined in the ICOA. The Public Art Agency will determine a proforma for the evaluation of the success of integrated art.

#### **6.4.2 Public Art Process Review**

The purpose of a capital works Process Review is to evaluate the overall strategies and processes used in the delivery of the project. This feedback is used to further develop and refine systems and processes for successful capital works planning and investment. Within this, a review of artworks procurement processes also needs to be undertaken. Areas in the planning stage requiring assessment as part of the review process for artworks are:

#### **Public Art Project Evaluation**

All significant items and information not included in the project Business Case relating to design and public art procurement should be identified and evaluated in terms of their impact on project time, cost and the artistic outcome or quality of the completed building project. Differences between the Business Case preferred option and the final Project Brief should be identified and justified. A review of the appropriateness of Integrated Cultural Opportunities Assessment and the procurement strategy identified in the ICOA is useful in summing up the success or failure of the process.

#### **Public Art Program Formulation**

It is important to undertake a comparative analysis of projected parameters of time, cost and cash flow, estimated during project planning on a program basis, and the actual program performance to identify areas requiring greater attention on future projects. Program under- or overspends indicate that the reliability of forward estimates of time and cost for the public artwork component could be improved.

#### **Public Art Project Delivery**

Building delivery activities requiring assessment are:

##### *Public Art Project Definition*

The parameters of time, cost, scope and function should be assessed in terms of compliance with the end product. This is where departments need to revisit the ICOA process to determine whether this process identified the best cultural opportunities for the project.

##### *Public Art Procurement Strategy*

The selection of an art work procurement strategy should be evaluated in terms of its appropriateness for the works undertaken. The balance of risk between the Principal and the service provider should also be evaluated.

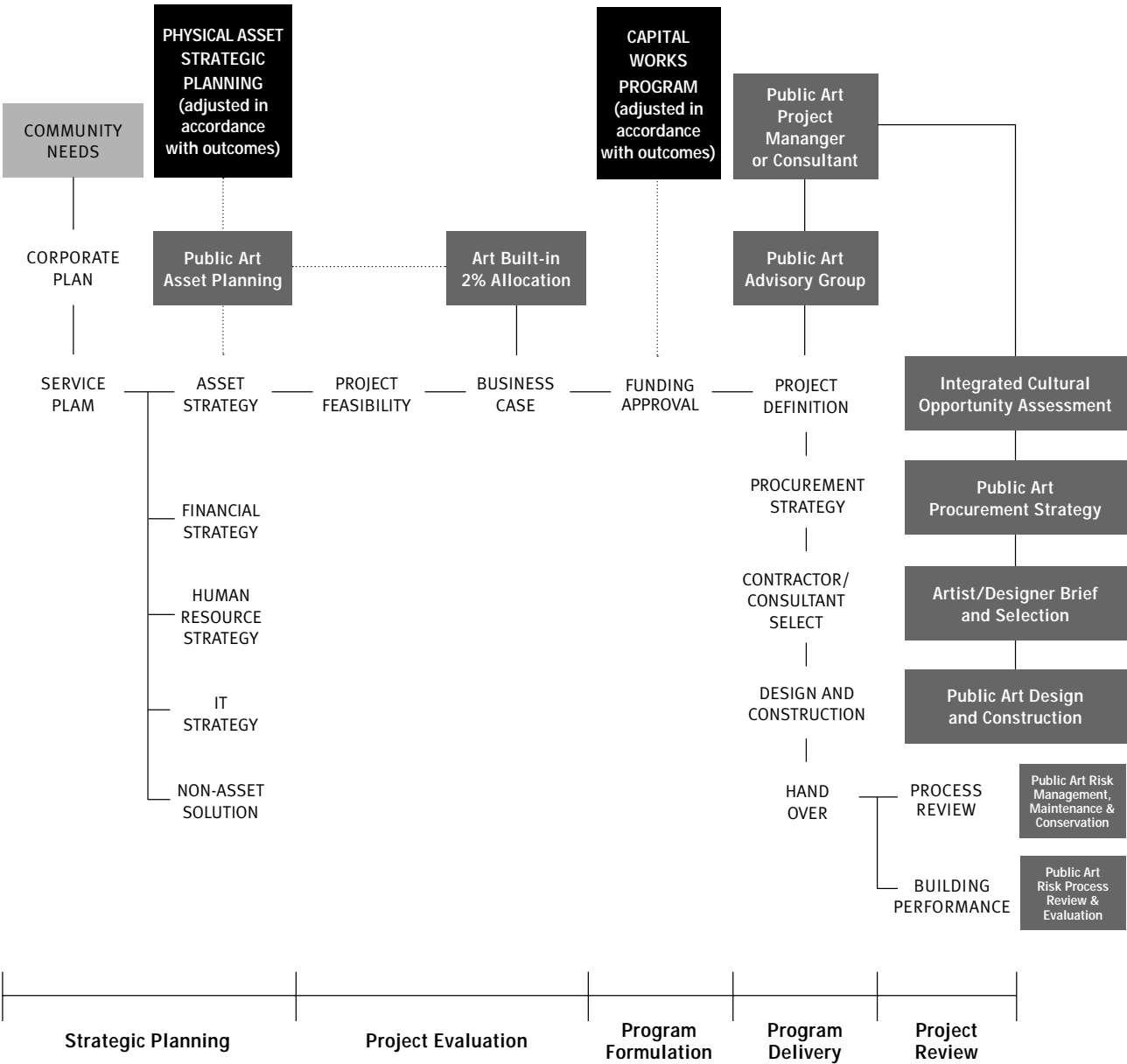
##### *Contractor/Consultant Selection*

Performance evaluation forms should be completed for both the Public Art Project Manager as the consultants and artists as contractors. This review can assist in the consideration of contractors/consultants for future projects. It is also useful to review the Public Art Advisory Group's performance, in terms of structure, communication, teamwork, and reporting and standard processes.

Once all of the components of the capital works process have been identified and evaluated, a summary of the overall performance can be determined which will identify areas where the planning and management could be improved.

APPENDIX 1

Art Built-in to the Capital Works Management Framework



## APPENDIX 2

### Public Art Project Management Brief

#### Scope of Services

The Public Art Project Manager is responsible for advising on and administering the processes by which the Principal procures artwork/s for the project and is responsible to the Principal's representative and the Public Art Advisory Group. The Public Art Project Manager is the key point of contact between artists and the Principal. The Public Art Project Manager must seek the requisite approvals for all processes from the Principal.

#### Artworks Budget

The Public Art Project Manager will be required to draft a notional budget at this stage that indicates the likely expenditure breakdown in order to give the client an indication of the component parts of an artworks budget. The budget will be recast when more information is available, after concept design and the design development phases are complete.

The Public Art Project Manager will also be required to ensure that artists include all the appropriate and necessary elements in the individual final artworks budgets.

A draft notional budget indicating expenditure breakdown of the Art Built-in allocation should include:

- a) Concept design fees (plus additional travel and accommodation costs where anticipated)
- b) Design Development fees (plus additional travel and accommodation costs where anticipated)
- c) Final Artworks budget. This will include all costs for each artist commissioned which could include all or some of the following:
  - artist design fees at commissioning phase
  - artwork administration costs (artist travel and accommodation, management and overseeing the realisation of the design and successful installation and completion of the artwork)
  - fabrication and installation costs (including fabrication and delivery of artwork, installation, artwork plaques/signage, framing, lighting, photographic documentation).

The role of the Public Art Project Manager will also include:

- drafting the artworks commissioning brief.
- advising the Principal on options for selecting artists for the project. This may be by closed or open tender process, direct purchase or direct commission. In many instances the Public Art Project Manager will be asked to source artists from regional Queensland.

NOTE: Public Art Project Managers are required to clearly document methodology used throughout in the sourcing and selection of artists from expressions of interest phase through to final commissioning. This is to ensure accountability and probity of decision making and is a requirement of all Government departments under Queensland Government purchasing policy.

#### Calling for Expressions of Interest from Artists

(Closed tender, direct purchase or direct commission)

- Draft and forward a call for expressions of interest to selected artists, outlining the design program, concept design fee, procedure and timeline.
- Provide advice to artists regarding the expressions of interest process.
- Where required, provide a shortlist of artists based on the requirements of the artworks commissioning brief.
- Make a formal slide presentation to the Public Art Advisory Group for their consideration and recommendation.
- Assist the Public Art Advisory Group in selecting the artists to be invited to progress to concept design i.e. submit Concept Design Proposals.
- Make recommendations to Public Art Advisory Group on appropriate concept design fees and a design timeline.
- Make recommendations to Public Art Advisory Group on appropriate concept design content.

(Open tender)

- Assist in the preparation of advertisement for a public call for expressions of interest from artists.
- Provide advice to artists regarding expressions of interest process.
- Take receipt of expressions of interest from artists.
- Make a formal slide presentation to the Public Art Advisory Group for their consideration and recommendation.
- Assist the Public Art Advisory Group in selecting the artists to be invited to submit Concept Design Proposals.
- Make recommendations on appropriate concept design fees and a design timeline.
- Make recommendations on appropriate concept design content.
- Draft and forward a request for Concept Design Proposals from artists, outlining the design program, concept design fee, procedure and timeline.

## APPENDIX 2 (CONTINUED)

In all cases Public Art Project Managers will be required to:

- give feedback to unsuccessful artists on their submissions
- seek approval from the Principal for artists selected to submit Concept Design Proposals based on the recommendations of the Public Art Advisory Group
- provide the appropriate numbers of copies of documents for obtaining concept design proposals from artists and copies for each member of the Public Art Advisory Group
- minute and document the meeting and outcomes.

### Requests for Concept Design Proposals

- Notify selected artists and organise a formal briefing meeting and a site visit.
- Send the shortlisted artists a letter of invitation to submit Concept Design Proposals including briefing documents, conditions of contract and site plans.
- Request that the artists respond to the brief and provide the Public Art Advisory Group with initial concept design/s, drawings, an artist statement and budget breakdown.
- Advise and assist artists in regard to the design process, including roles and responsibilities of artists, artwork/s budgets, timelines, insurance and appropriate insurance brokers, contact with built environment professionals (such as engineers), presentation and documentation of their concept designs and safety standards.
- Advise and assist artists in their roles and responsibilities during the design stage, corresponding with artists where necessary.
- Liaise with the Project Manager and the Public Art Advisory Group.

### Concept Design Presentation

- Take receipt of the concept design submissions.
- Invite artists to present their proposal to the Public Art Advisory Group.
- Coordinate the meeting for artists to present their concept designs to the Public Art Advisory Group.
- Coordinate the payment of concept design fees, accommodation and travel costs.
- Assist the Public Art Advisory Group in selecting the artists/designs to be developed.
- Minute and document the meeting and outcomes.

### Requests for Design Development Proposals

- Draft and forward a letter of invitation to artists chosen to develop their designs.
- Provide feedback to artists for development of their designs.
- Coordinate payment of design development fees, contracts, accommodation and travel costs.
- Advise and assist artists in their roles and responsibilities during the design development stage.
- Liaise with the Principal's representative where necessary.
- Coordinate meetings between artists and the Principal's representative.
- Assist the Public Art Advisory Group in recommending artists/designs to be selected.
- Convene Public Art Advisory Group meetings to determine recommendations on developed designs.

### Recommendation of Artists to be Commissioned

- Return design proposals not selected by the Public Art Advisory Group.
- Obtain feedback from artists at the end of the design development phase and coordinate a debriefing session.

### Procurement

- Request the selected artists to document the designs commissioned for fabrication.
- Advise and assist artists in understanding their roles and responsibilities.
- Advise artists on their responsibility to provide structural engineering certificates, warranties, conservation advice and any other information required in the final documentation stage.
- Report on procurement progress to the Project Manager.
- Advise and assist the Project Manager with progress payments.
- Coordinate the payment of procurement fees.
- Advise artists on the requirement to provide maintenance manuals for the final artworks.
- A Maintenance Manual is a mandatory requirement before artists can receive final payment.

### Promotion

- Advise and assist the Principal with documenting the commissioning process.
- Advise and assist the Principal with launching the project and with promotional packages.
- Advise and assist the Principal with identifying media opportunities to promote the project.



