

# Public Art and community cultural development

## ***Practical issues to be addressed before getting started***

*You have approval to work on a selected public site; you have an artist lined up to work with the community; the local government is helping with landscaping and some funds; a service club has offered in-kind assistance; a sympathetic architect is involved in the working party and you've had some legal advice on contracting the artist.*

### ***What else has to be done?***

The purpose of this information sheet is to provide a checklist for organisations, communities and artists involved in planning a public art project. This is the stage before the agreements and contracts are signed; and the questions that require answering before the project plan is finalised.

It is a complicated process, putting something in the public domain. Collaborations require important discussions about the nature and value of public art in relation to the crucial issues of public space. Everyone concerned has responsibilities. As with all community-based projects, changes to the initial concept can be expected; new ideas emerge, budgets change, and personnel move on.

Whilst it is understandable that artists and communities are preoccupied with getting the job done, it is a reality that inadequate project planning will lead to problems once the project is complete.

### ***It is going to look terrific; everyone loves the design***

This is not about the content, it is assumed that proper consultation process and site-specific research will ensure that the images/messages portrayed are appropriate. It is about the ongoing management of the completed work including; safety, maintenance and public risk issues relating to art in public places.

The artist/designer/owner should think about:

- The main users of the site and for what purpose
- Consultation with and support of traditional owners
- Safety for children; climbing, playing
- The quality of the material(s) to be used; consider deterioration and potential public risk
- Some material(s) are likely to reflect excessive heat or glare
- Projecting parts of the artwork should be clearly visible to all users of the site
- If a ground level work (will be walked on), materials may need to be tested for slip factor
- If a free standing structure, an engineering report may be required prior to installation.

### ***How permanent is permanent?***

The public environment is constantly changing. Public spaces are vulnerable to misuse, and changes to policies and public opinion. Art in public places can be uprooted by road works, hit by falling branches, defaced by vandals, deteriorate and become unsafe.

Planning by the artist/designer/owner should include consideration of:

- What to do if the work(s) is damaged/destroyed
- What to do if the artist no longer wants the work to be on display
- What would happen if the owners of the site of the artwork need to remove it

- What would happen if the public (users of the site of the artwork) demand its removal
- If the work were to be relocated the artist may require consultation re the new site.

### ***Who will be the carer?***

This artwork will not be cared for in a controlled gallery environment. Chemical reactions, corrosion, climatic conditions, air pollution and general wear and tear on different materials are all considerations when planning the installation of artworks in the public domain.

The artist/designer/owner should consider:

- The expected life of the artwork(s)
- The cost of maintaining the artwork(s) and which party will be responsible
- Who has responsibility for carrying out the maintenance
- The need for a specialised maintenance program
- The benefits of a written maintenance program as a requirement of the artists' contract.

### ***Who will be the owner; who is liable?***

Any genuine community cultural development project will involve a number of stakeholders. A community cultural development and public art project will also involve a number of interest groups and individuals and often, because the outcome is usually a semi-permanent product, the associated contracts and agreements have long term implications.

A written contract clearly detailing the responsibilities of all parties concerned is an absolute must. It is not a 100% guarantee that the project will be hassle free but it will be the best tool you have in resolving any problems.

All stakeholders need to reach agreement on:

- Who owns the artwork and what rights they have
- Who owns the property on which it is installed and what rights they have
- Who has the right to reproduce or use the images/artwork
- Who has the right to repair the work if damaged
- Who should be consulted in the event that the work needs to be removed/relocated
- Who should insure the artwork
- Who is responsible for public liability associated with the artwork; and for how long
- How much say the community - (non-professional input) has in any ownership negotiations
- How the artwork would be described if appearing in a publication
- How the contributors to its design and creation will be acknowledged.

This checklist will not cover every possibility; as each project varies so will the issues arising from that project.

*The most important thing is that all stakeholders have a shared understanding and reach agreement on the processes and expected outcomes; ownership and responsibilities before the project commences.*

Documentation and advice exists on copyright, moral rights and contracts for artists and artworkers. A brochure '**Copyright, Moral Rights and Community Cultural Development**' is a good starting point and includes contacts for the Arts Law Centre of Australia, the Australian Copyright Council and the National Indigenous Arts Advocacy Association.