



## Museum Advisory Committee Meeting

7 December 2022

# Minutes

To: Museum Advisory Committee Meeting Members and Councillors.

Here within are the Meeting Minutes of the Museum Advisory Committee Meeting, held on the above-mentioned date in the Shire of Toodyay Council Chambers, 15 Fiennes Street, Toodyay WA 6566.

A handwritten signature in blue ink, appearing to read 'Suzie Haslehurst', is written over a light blue wavy graphic element.

Suzie Haslehurst

**CHIEF EXECUTIVE OFFICER**



### Preface


When the Chief Executive Officer approves these Minutes for distribution they are in essence "Unconfirmed" until the next Committee Meeting, where the Minutes will be confirmed subject to any amendments made by the Committee.

The "Confirmed" Minutes are then signed off by the Presiding Person.

Attachments that formed part of the Agenda, in addition to those tabled at the Meeting are incorporated into separate attachments to these Minutes.

### Unconfirmed Minutes

These minutes were approved for distribution on 9 December 2022.



Suzie Haslehurst  
**CHIEF EXECUTIVE OFFICER**

### Confirmed Minutes

These minutes were confirmed at a meeting held on 1 March 2023.

Signed: Philip D Hart.....

*Note: The Presiding Member at the meeting at which the minutes were confirmed is the person who signs above.*

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**1 DECLARATION OF OPENING**

Cr P Hart, Chairperson, declared the meeting open at 4.07pm.

**1.1 ANNOUNCEMENT OF VISITORS**

Nil

**1.2 RECORD OF ATTENDANCE AND APOLOGIES**Members

Cr P Hart	Councillor (Chair)
Mrs E Frayne	Community Representative
Mr B Keens	Community Representative

Staff

Ms T Bateman	Manager Corporate and Community Services
Mrs M Rebane	Executive Assistant
Mrs M Eberle	Museum Curator/ Cultural Heritage Office

Visitors

Nil

Apologies

Mrs K Hardie	Economic Development Coordinator
Ms J Edgecombe	Community Member
Cr S McCormick	Councillor

**1.3 DISCLOSURE OF INTEREST**

The Chairperson advised that no disclosures of interest in the form of a written notice had been received prior to the commencement of the meeting.

**2 MINUTES AND ADDITIONAL INFORMATION****2.1 CONFIRMATION OF MINUTES****2.1.1 Minutes of Meeting held on 7 September 2022**

OFFICER'S MAC007/12/22	RECOMMENDATION/MAC	RESOLUTION	NO.
<b>MOVED</b>	Cr P Hart		
That the Unconfirmed Minutes of the Museum Advisory Committee Meeting held on 7 September 2022 be confirmed subject to amendments as follows: Mr B Keens be removed from the record of attendance and the first motion at item 2.1.1 be moved by 3/0 and not 4/0.			
			<b>MOTION CARRIED 3/0</b>

## 2.2 REVIEW OF STATUS REPORT

### 2.2.1 Review of Status Report

Attachments:	1. Updated Status Report
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THE STATUS REPORT WAS REVIEWED AND UPDATED.

## 2.3 INWARD/OUTWARD CORRESPONDENCE

Nil.

## 3 BUSINESS LEFT OVER FROM PREVIOUS MEETING (IF ADJOURNED)

Nil.

## 4 OFFICER REPORTS

### 4.1 Museum Advisory Committee Update

Date of Report:	18 November 2022
File Reference:	COC4
Author:	M Eberle – Museum Curator and Cultural Heritage Officer
Responsible Officer:	T Bateman – Manager Corporate and Community Services
Attachments:	Nil

### PURPOSE

To provide information on current activities involving the Shire Museum and its collections.

### BACKGROUND

This update follows on from a verbal report presented at the Museum Advisory Committee (MAC) meeting in September 2022.

### COMMENTS AND DETAILS

This report is on current activities – no further actions are recommended.

#### Gnulla Karnany Waangkini (Our Truth Telling) Project

- Cultural ceremony & official launch of project at Newcastle Gaol precinct: 8 Sept 2022  
Invitation only event attended by a cross-section of the community including Traditional owners, Noongar Kaartidijin Aboriginal Corporation members, school students, representatives of other groups and organisations involved with the project.  
A private smoking ceremony was also held inside the Newcastle Gaol to formally begin the process of healing.
- WALGA Aboriginal Engagement and Reconciliation Forum presentation: 5 Oct 2022

Delivered by Helen Shanks & Robert Miles from the Noongar Kaartidijin Aboriginal Corporation.

- Address to WA Legislative Council by Sandra Carr MLC: 26 Oct 2022.

There is now a permanent record in Hansard of the Gnulla Karnany Waangkini project and the reconciliation work currently being undertaken in the community.

### Collections

- Transcriptions  
Toodyay Police Station Occurrence Book 1860-1861 ongoing.
- Collections WA
  - a) Continuing to upload to this platform and in the process updating the organisation and quality of our own records through further research;
  - b) A new slide show about the jewellery in the museum collection has been created.

### Displays

- Positioning of display cabinets and other internal elements in the temporary exhibition room has been modified. Part of the Toodyay Families exhibition has been removed and the 6-minute narrated video about the Toodyay Convict Depot has been brought back.

### Museum volunteer project

- Off-the-rack rubber and metal ramps have been purchased for use in the Newcastle Gaol at the front entry into the courtyard and into the temporary exhibition room, to allow easier access for people in wheelchairs and for those using walkers.

### Promotion

- Toodyay Herald & Social media engagement continues.
- Australia Re-Discovered with Ricko (a four-wheel drive travel show, televised on 7mate) visited the Newcastle Gaol on 9 November. They were following up the story of Moondyne Joe.
- During WA Seniors Week 2022 (6-13 November) a “two-for-one” offer was promoted in the Have a Go News magazine. During that week, if seniors paid an entry fee to visit one museum then they received free entry to our second museum.

### Professional development

On 10 November 2022, we hosted a group of museum and heritage professionals at the Newcastle Gaol site. The program included a presentation in the temporary exhibition room about the Gnulla Karnany Waangkiny (Our Truth Telling) project, and a round table discussion in the museum workshop afterwards. Attendees came from across the metro region and York.

### Public programs / public engagement

- “Who is Moondyne Joe?” - during the September school holidays the museum and the visitors centre partnered in an activity which entailed answering questions about Joe that were supplied on the Toodyay Convict Depot Walk signs. A second task was to track down the life-size cut-out of Joe inside the gaol; each day he was moved around by our volunteers.

- On 17 October a morning tea was held at the Newcastle Gaol to attract local visitors back to the gaol. This volunteer initiative was organised, promoted, and paid for out of volunteer fundraising funds and attracted 38 visitors.

#### Policy review

On 13 October 2022, a workshop was held by the MAC to review the following policies that relate to the management of the museum: Policy O.4 Museum Collection and Conservation Management, and Policy O.3 Museum Interpretation and Exhibition. Amendments for both policies were proposed and presented for consideration by Councillors at a policy review workshop on 4 November. Further changes were made, and the updated policies were submitted to the 23 November 2022 Ordinary Council Meeting.

#### Art collection

On 19 October 2022, the subject of managing the art collection was brought up at a Council Concept forum. Councillors indicated that for the present time Councillors would just prefer a register be kept of the collection and a procedure (rather than a policy) be created for its management.

I am assuming the procedure will be referring to updating the register for new artworks and changes of location. The management of the register should involve a simple administrative function.

In consequence, all the records associated with artworks that are currently considered to comprise the Shire of Toodyay art collection (as listed in the Art Collection August 2022 Summary report attached to the September MAC report) have now been removed from the museum database and are listed in a spreadsheet separate from the museum collection.

To move forward, a decision on what should be included in the Shire's art collection would be most appropriate. It is hoped we can discuss this at the meeting today. Based on feedback from this committee, a procedure can be compiled and presented to Council for consideration, if this is deemed necessary.

The questions to be considered could include: "Should some of the existing artworks in the museum collection be included in the Shire's art collection?", "Should the collection only include modern works, or only framed works or should it also include murals and/or sculptural works for indoors and/or outdoors?", and "Should the collection only include original works and not prints or reproductions?"

Clarification was sought by the Museum Curator with respect to the Art Collection.

#### **OFFICER'S RECOMMENDATION/MAC RESOLUTION NO. MAC008/12/22**

**MOVED** Mrs E Frayne

That the Museum Advisory Committee recommends to Council the following:

That Council receives the Museum update report on current Activities – Shire Museum and its Collections.

**MOTION CARRIED 3/0**

## 4.2 Council Policy - Public Art Policy

Date of Report:	29 November 2022
Applicant or Proponent:	Shire of Toodyay
File Reference:	PCY2
Author:	M Rebane – Executive Assistant
Responsible Officer:	T Bateman – Manager Corporate and Community Services
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Review
Attachments:	1. CURRENT Public Art Policy; and 2. REFORMATTED Public Art Policy.

### PURPOSE OF THE REPORT

To consider the adoption of the REFORMATTED Public Art Policy.

### BACKGROUND

Council resolved to implement a review of all Shire policies at an Ordinary Council Meeting held in February 2022. Information regarding this policy is in the table below:

Old Ref	New Ref	Policy Name	Adoption Date	Most recent Council Resolution No. where applicable
SP.10	<a href="#">COM3</a>	Public Art Policy	24/03/2020	CRN: 79/03/20

### COMMENTS AND DETAILS

Council adopted the Public Art policy on 24 March 2020 (**Attachment 1**).

The REFORMATTED policy (**Attachment 2**) has had two amendments made to it as follows:

- A new part in Section 2 Assessing Public Art Proposals that reads:  
***“Public Safety***  
***Any proposal should be assessed for possible public safety hazards. Compliance to current public safety standards defined in our Public Liability Insurance cover should be adhered to.”***
- At the beginning of section 4 – the following words: ***“The Shire will be responsible for the ongoing care of public artworks that are not ephemeral.”***



The reason for the above amendments was that there needed to be something in the Policy about:

- (a) Assessing the potential public safety hazards for any proposed public artwork.
- (b) The Shire being responsible for the ongoing care of public artworks. The current policy implies that there is, but this was not clear.

The REFORMATTED policy is recommended for adoption.

## **IMPLICATIONS TO CONSIDER**

### **Consultative:**

This policy has been provided to Councillors via the Teams environment on 29 Nov 2022.

### **Strategic:**

#### ***Strategic Community Plan – Toodyay 2028***

*Governance – the way the Shire leads and operates.*

The strategic outcome is that Council will engage with the community and provide good governance on behalf of the Community.

### **Policy related:**

The structure of policies presented is in line with Council's Corporate Documents Policy, adopted in November 2021.

### **Financial:**

Nil.

### **Legal and Statutory:**

s.5.41 of the *Local Government Act 1995*.

### **Risk related:**

The risk of this policy not being adopted at this time is Minor (2) related to Compliance Risk. Adoption of these policies mitigates any risks.

### **Workforce related:**

The policy review was undertaken in-house by Shire officers.

## **VOTING REQUIREMENTS**

Simple Majority

Cr Hart moved the Officer's Recommendation as follows:

**That the Museum Advisory Committee recommends to Council the following:**

**That Council:**

- 1. Adopts the REFORMATTED Public Art Policy (Attachment 2).**
- 2. Authorises the Chief Executive Officer to make any necessary minor typographical changes to the above policies, prior to publication.**

Clarification was sought.

**AMENDMENT/MAC RESOLUTION NO. MAC009/12/22****MOVED** Cr P Hart

That amendments are made to the policy as follows:

- (a) The word quality be removed from the words quality public art in the Policy statement;
- (b) Under emerging artist definition the word specialist be amended to read specialised;
- (c) The first and last paragraphs of the definition of artist be removed;
- (d) At Point (b) of the Artist definition the word exhibit be changed to exhibiting;
- (e) The definition of Public Art Commissions to read as follows:

*In art, a commission is the act of requesting the creation of a piece, often on behalf of another. Artwork may be commissioned by private individuals, by the government, or businesses. Commissions often resemble endorsement or sponsorship.*

*Professional artists will be eligible to carry out public art commissions. Council reserves the right to be flexible and seek people other than professional artists to carry out artwork commissions. This may apply in instances when young, emerging (see definition) and indigenous artists or students may be considered.*

- (f) Clause 2.1 be reworded to read:  
Proposals will be assessed for public safety hazards to ensure that public art will not pose risks to community safety, public or private property, or the environment.
- (g) A sentence be added at clause 2.2 to read:  
The following considerations would be undertaken prior to an artist being commissioned to produce work for the Shire of Toodyay.
- (h) At Clause 2.3 the final sentence to read:  
A Public Art Advisory Group may be established by Council (as required) to assess Public Art projects. Council will make the final decision.
- (i) Clause 4(a) and (b) be reworded as point (a) to read: installation of the artworks, and in the case of ephemeral artworks, their removal and clean up; and
- (j) At clause 6 be reworded to read: The Shire will maintain a public art register.
- (k) At clause 7 the word not be removed after the word cannot.

**AMENDMENT CARRIED 3/0****OFFICER'S RECOMMENDATION/MAC RESOLUTION NO. MAC010/12/22****MOVED** Cr P Hart

That the Museum Advisory Committee recommends to Council the following:

That Council:

1. Adopts the REFORMATTED Public Art Policy (**Attachment 2**) as amended.
2. Authorises the Chief Executive Officer to make any necessary minor typographical changes to the above policies, prior to publication.

**MOTION CARRIED 3/0**

**5 OTHER BUSINESS / NEW BUSINESS OF AN URGENT NATURE****5.1 MEETING DATES AND TIMES**

The Chairperson advised that at the Audit and Risk Committee Meeting a recommendation was made to change the commencement time of those meetings to 12.30pm. It was proposed that the commencement time of the Museum Advisory Committee Meetings be amended to 2.30pm.

**MOTION/MAC RESOLUTION NO. MAC011/12/22**

**MOVED** Cr P Hart

That the Museum Advisory Committee recommend to Council the following:

That the commencement time of Museum Advisory Committee Meetings be moved from 4.00pm to 2.30pm.

**MOTION CARRIED 3/0**

**6 CONFIRMATION OF NEXT MEETING**

The next meeting of the Museum Advisory Committee is scheduled to be held on 1 March 2023 commencing at 2.30pm, subject to a Council decision at the December 2022 Council Meeting.

**7 CLOSURE OF MEETING**

The Chairperson closed the meeting at 6.01pm.





# **ATTACHMENTS MINUTES**

**Museum Advisory Committee Meeting**

**Wednesday, 7 December 2022**

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**MUSEUM ADVISORY COMMITTEE MEETING ATTACHMENTS - 7 DECEMBER 2022  
MINUTES**

**MAC STATUS REPORT**  
**Museum Advisory Committee**

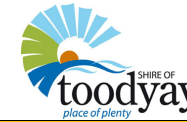
*Supporting Officer*  
*Manager Corporate & Community Services*



Meeting Date	Purpose	Recommendation and/ or Resolution	Target date for completion	Actioned by	Completion Date	Meeting Commentary
07/09/2022	4.1 Museum Advisory Committee Update	That the Museum Advisory Committee recommends to Council the following: That Council receives the Museum update report on current Activities – Shire Museum and its Collections.	ASAP	M Eberle	28/09/2022	Council Resolution: OCM001/09/22
07/12/2022	Virtual portrait gallery of Toodyay Museum Volunteers over the years	Use of the history of the museum booklet with some pictures – instead of feeding the volunteers, grant funding can be utilised through creation of a virtual gallery	ASAP	M Eberle	Ongoing	Still not a top priority at present time but the project will be addressed. Keep in abeyance until next year.
07/12/2022	4.1 Museum Advisory Committee Update	That the Museum Advisory Committee recommends to Council the following: That Council receives the Museum update report on current Activities – Shire Museum and its Collections.	ASAP	M Eberle	Tba	Council Resolution:

**MAC STATUS REPORT**  
**Museum Advisory Committee**

*Supporting Officers*  
**MCD/MC-CHO**



Meeting Date	Purpose	Recommendation and/ or Resolution	Target date for completion	Actioned by	Completion Date	Meeting Commentary
07/12/2022	4.2 Council Policy - Public Art Policy	That the Museum Advisory Committee recommends to Council the following: That Council: 1. Adopts the REFORMATTED Public Art Policy ( <b>Attachment 2</b> ) as amended. 2. Authorises the Chief Executive Officer to make any necessary minor typographical changes to the above policies, prior to publication.	ASAP	M Eberle	Tba	Council Resolution:
07/12/2022	5.1 Meeting Dates and times	That the Museum Advisory Committee recommend to Council the following: That the commencement time of Museum Advisory Committee Meetings be moved from 4.00pm to 2.30pm.	ASAP	M Eberle	Tba	Council Resolution:





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## G2 Public Art Policy

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### Introduction

This proposed Public Art Policy relates to the Shire of Toodyay's Vision – We are a vibrant rural community that respects our environment, celebrates our past and embraces a sustainable future.

### Application

This policy applies to the following objectives:

(a) Strategic Community Plan

Social: 0.3 Support the development of places and spaces for recreation, learning, art and culture.

(b) Corporate Business Plan

S2.4 Support development of arts, culture, heritage and environmental tourism.

S3.4 Maintain open space for recreation and connection – Develop a Public Art Strategy for the Shire.

(c) Objectives

The Shire of Toodyay is a naturally beautiful and creative place to live, work and recreate. Through the application of this Public Art Policy, the Shire proposes to:

- Continue to enhance cultural life, not only through supporting cultural activities and events but also via quality and meaningful public and community art that will enliven and provoke thought in public spaces
- Acknowledge and celebrate the culture and history of the Shire through art
- Encourage high quality art that supports local artists and emerging artists in the cultural industry

### Policy Intent

This policy supports the development and delivery of quality public art, whether enduring, temporary or ephemeral, and informs the sustainable management of public art for the community present and future. It facilitates the planning, commission and maintenance of public art activities in the Shire of Toodyay, ensuring that "public art will showcase Toodyay's unique identity, community and cultural heritage, and encourage residents and visitors alike to explore in the Shire's landscape".

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**1. Strategy**

Funding of Public Art Works through:

- Shire Contributions

The Shire of Toodyay will consider funding annually via the budgeting process to contribute towards public art.

Additionally, infrastructure expenditure around the town centre and recreation areas will be routinely assessed for their potential to include a public art component.

- Donations

Public art may be gifted or funded through cash and other philanthropic measures but will be subject to the public art assessment process involving consultation with the Shire of Toodyay and Council process.

- Grant Funding

Where possible suitable grant funding applications will be undertaken.

- Community and Ephemeral Art

The Shire is committed to supporting opportunities for public art projects and may make budgetary allocations and apply for funding from other funding sources for this purpose.

Groups or individuals wishing to progress public art projects in/on Shire assets (i.e. parks, or other Shire infrastructure) will need to make application to the Shire for approval. The public art proposal shall be assessed by Council.

Groups for individuals wishing to progress public art projects in/on other Public Infrastructure (i.e. Water Corporation water tanks, Western Powerswitchboards) must obtain permission from that Public Organisation prior to making application to the Shire.

**2. Assessing Public Art Proposals**

When public art proposals are presented to the Shire, the Public Art proposals will be assessed against the following criteria:

- If Commissioned by the Shire

1. Compliance with Expression of Interest requirements outlined in the Artwork Brief (if required)
2. Quality of previous artwork. Was it created by an artist (see definition) and does it have artistic merit including originality)
3. Approach and philosophy  
*Philosophy of art - Philosophy of art, the study of the nature of art, including concepts such as interpretation, representation and expression, and form. It is closely related to aesthetics, the philosophical study of beauty and taste. [www.Britannica.com](http://www.Britannica.com)*
4. Relevant experience
5. If proposal is from Individual or Community Group
6. Completion of Public Art Application;
7. Completion of Development Application (if required);
8. Quality of previous artwork. Was it created by an artist (see definition) and does

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it have artistic merit including originality); and

9. Approach and philosophy

All Public Art projects will be assessed by the Public Art Advisory Group (as required), with the final decision made by Council.

**3. Insurance**

Public artworks on Shire owned land will be valued and insured by the Shire of Toodyay. Public artworks on private land will be the responsibility of the landowner.

**4. Installation and Maintenance**

Artists will be responsible for installation of the art works and in the case of ephemeral art works they will also be responsible for removal and clean up.

Artists will also be responsible to outline a maintenance program (for non- ephemeral art works) and provide an estimate of yearly maintenance costs.

**5. Copyright, legal title and ownership**

An artist's rights are protected under the Copyright Amendment (Moral Rights) Act 2000 (the Act). Under the Act, all original artwork must be attributed to the artist.

The ownership of the public artwork and copyright will be determined within the commission process, the contract and the land on which it is located. Unless otherwise agreed, copyright of both the preliminary visual material and the work itself should be retained by the artist.

**6. Documentation**

The Shire will maintain an art collection database.

**7. De-accessioning and Disposal**

Should the artworks deteriorate to the point that they cannot not be feasibly maintained or they no longer fulfil the objectives of the policy, they may be de- accessioned. Where possible, the artist responsible for the original work will be consulted on the procedures for removal. For art works located on public land, the Shire will cover the costs of deaccession and disposal. For art works on private land, the landowner will cover the costs.

**8. Definitions**

**Art means** "the product of practitioners who intend their work and activities to be seen and read as art. Art embraces material and immaterial products and concepts from the imaginative thinking of artists."

**9. Public Art**

Public art is defined as the product of artists which is accessible to the public. The works may be located in a public space or a private space that is accessed by the public. An artist must be involved in the development of the public art and it must be identifiable as an artwork, so that the artwork has artistic value in its own right. Some examples include standalone sculptures, wall etchings, painted walls that will be read as art (not simply coloured walls).

**10. Artist**

Only professional artists will be eligible to carry out public art commissions. The term artist for the purpose of this policy is defined as a person who meets a minimum of two of the following criteria:

- (a) A person who has a Bachelor's Degree or Diploma in visual arts or any similar field;

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- (b) A person who has a track record of exhibit their own original artwork at reputable art galleries that sell the work of professional artists;
- (c) A person who has had their own original artwork purchased by major public collections – i.e. the Art Gallery of Western Australia;
- (d) A person who earns more than 50% of their income from arts related activities, such as teaching, selling their own artwork or undertaking public art commissions.

Council does reserve the right to be more flexible and seek people other than professional artists to carry out artwork commissions. This may apply in instances when young, emerging (see definition) and indigenous artists or students may be considered.

#### **11. Contentious Public Art**

People's interpretation of art will be influenced by their personal feelings, tastes, or opinions and art.

While the Shire aims for public art to provoke thought and discussion, it aims not to offend. Proposals incorporating any of the following will not be supported:

- (a) Negative racial stereotypes;
- (b) Political messages;
- (c) Sexually provocative nudity;
- (d) Sexist; and
- (e) Discriminatory.

The responsibility of determining what is contentious will be determined by Council.

#### **12. Community Art**

Community Art is a collaboration between professional artists and non-professional artists, often around dealing with a social issue, community building initiative, or as a form of community consultation.

#### **13. Ephemeral Art**

Ephemeral art is art that only lasts a short time. Some examples of ephemeral art are: chalk drawings, ice sculptures, sand sculptures, projections and performance art.

#### **14. Emerging Artist**

An artist who is at an early stage in their career, who has specialise training in the art form or who has created a modest body of artistic work.

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**Reference Information**

**Related Documents**

**Related Legislation**      *Local Government Act 1995 (WA)*

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<b>Document Theme</b>	Governance
<b>Document Category</b>	Community Development
<b>Document Title</b>	Public Art
<b>Document ID</b>	G2 Public Art Policy
<b>Document Owner (position title)</b>	Chief Executive Officer
<b>Author (position title)</b>	Manager Community Development
Date of approval	27 October 2020
<b>Date Published</b>	
<b>Date of last review</b>	
<b>Date of next review</b>	October 2022

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## Public Art Policy

### Introduction

To ensure that the Shire follows a consistent approach when considering any proposed public art projects.

### Objective

The objectives of this policy are to:

- Continue to enhance cultural life, not only through supporting cultural activities and events but also via quality and meaningful public and community art that will enliven and provoke thought in public spaces;
- Acknowledge and celebrate the culture and history of the Shire through art;
- Encourage high quality art that supports local artists and emerging artists in the cultural industry;
- Meet the social and economic development objectives of the Shire's ISP documents in relation to the:
  - Development of places and spaces for recreation, learning, art and culture.
  - Development of arts, culture, heritage and environmental tourism.
  - Maintenance of open space for recreation and connection.

### Scope

This policy applies to Members, and Shire Officers, involved in consideration and mobilisation of public art.

### Definitions

Term	Definition
Act	<i>Local Government Act 1995.</i>
Art	Means "the product of practitioners who intend their work and activities to be seen and read as art. Art embraces material and immaterial products and concepts from the imaginative thinking of artists."
Artist	Only professional artists will be eligible to carry out public art commissions. The term artist for the purpose of this policy is defined as a person who meets a minimum of two of the following criteria:  (a) A person who has a Bachelor's Degree or Diploma in visual arts or any similar field;

09/09/2022 (xx)

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Term	Definition
	<p>(b) A person who has a track record of exhibit their own original artwork at reputable art galleries that sell the work of professional artists;</p> <p>(c) A person who has had their own original artwork purchased by major public collections – i.e. the Art Gallery of Western Australia;</p> <p>(d) A person who earns more than 50% of their income from arts related activities, such as teaching, selling their own artwork or undertaking public art commissions.</p> <p>Council does reserve the right to be more flexible and seek people other than professional artists to carry out artwork commissions. This may apply in instances when young, emerging (see definition) and indigenous artists or students may be considered.</p>
CEO	Chief Executive Officer
Community Art	Community Art is a collaboration between professional artists and non-professional artists, often around dealing with a social issue, community-building initiative, or as a form of community consultation.
Contentious Public Art	<p>People's interpretation of art is influenced by their personal feelings, tastes, or opinions. While the Shire aims for public art to provoke thought and discussion, it aims not to offend. Proposals incorporating any of the following will not be supported:</p> <p>(a) Negative racial stereotypes;</p> <p>(b) Political messages;</p> <p>(c) Sexually provocative nudity;</p> <p>(d) Sexist; and</p> <p>(e) Discriminatory.</p> <p>Council will determine whether public art is contentious.</p>
Council	The local government, responsible for making decisions in formal meetings held under the auspices of Part 5 of the <i>Local Government Act 1995</i> and under the <i>Shire's Standing Orders Local Law 2008</i> .
Emerging Artist	An artist who is at an early stage in their career, who has specialise training in the art form or who has created a modest body of artistic work.

09/09/2022 (xx)

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Term	Definition
Ephemeral Art	Ephemeral art is art that only lasts a short time. Some examples of ephemeral art are chalk drawings, ice sculptures, sand sculptures, projections and performance art.
ISP documents	Means a combination of the Shire's: (a) Asset Management Plans; (b) Community Strategic Plan; (c) Corporate Business Plan; and the (d) Workforce Plan.
Member	Means in relation to a council or committee, a Council Member in the Act; Elected Member; or Councillor; or a member of the committee.
Philosophy of art	Means the study of the nature of art, including concepts such as interpretation, representation and expression, and form; closely related to aesthetics, the philosophical study of beauty and taste. (ref. <a href="https://www.britannica.com/topic/philosophy-of-art">https://www.britannica.com/topic/philosophy-of-art</a> )
Public Art	The product of artists, which is accessible to the public. The works may be located in a public or private space accessed by the public. An artist must be involved in the development of the public art and it must be identifiable as an artwork, so that the artwork has artistic value in its own right.  Some examples include standalone sculptures, wall etchings, and painted walls that are read, or interpreted as art. This will not include simply coloured walls.
Regulations	Local Government (Administration) Regulations 1996.
Shire	the Shire of Toodyay.
Shire Officer	Employee of the Local Government

### Policy Statement

This policy supports the development and delivery of quality public art, whether enduring, temporary or ephemeral, and informs the sustainable management of public art for the community present and future. It facilitates the planning, commission and maintenance of public art activities in the Shire, ensuring that “public art will showcase Toodyay’s unique identity, community and cultural heritage, and encourage residents and visitors alike to explore in the Shire’s landscape”.

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## 1. Strategy

Funding for Public Art may be through:

### 1.1. Shire Contributions

The Shire of Toodyay will consider funding annually via the budgeting process to contribute towards public art.

Additionally, the Shire will routinely assess infrastructure expenditure around the town centre and recreation areas for their potential to include a public art component.

### 1.2. Donations

Public art may be gifted or funded through cash and other philanthropic measures but will be subject to the public art assessment process involving consultation with the Shire of Toodyay and Council process.

### 1.3. Grant Funding

Where possible suitable grant funding applications will be undertaken.

### 1.4. Community and Ephemeral Art

The Shire is committed to supporting opportunities for public art projects and may make budgetary allocations and apply for funding from other funding sources for this purpose.

Groups or individuals wishing to progress public art projects in/on Shire assets (i.e. parks, or other Shire infrastructure) will need to make application to the Shire for approval.

Groups for individuals wishing to progress public art projects in/on other Public Infrastructure (i.e. Water Corporation water tanks, Western Power switchboards) must obtain permission from that Public Organisation prior to making application to the Shire.

Council shall assess all public art proposals.

## 2. Assessing Public Art Proposals

Assessment of Public Art proposals will be against the following criteria:

### 2.1. Public Safety

- Any proposal should be assessed for possible public safety hazards. Compliance to current public safety standards defined in our Public Liability Insurance cover should be adhered to."

### 2.2. If Commissioned by the Shire

- Compliance with Expression of Interest requirements outlined in the Artwork Brief (if required);
- Quality of previous artwork. Was it created by an artist (see definition) and does it have artistic merit including originality);
- Approach and philosophy of art; and
- Relevant experience.

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### 2.3. If proposal is from Individual or Community Group

- Completion of Public Art Application;
- Completion of Development Application (if required);
- Quality of previous artwork. Was it created by an artist (see definition) and does it have artistic merit including originality); and
- Approach and philosophy of art.

A Public Art Advisory Group (as required) will assess all Public Art projects.

Council will make the final decision.

### 3. Insurance

The Shire shall value and insure Public artworks on Shire owned land. Public artworks on private land will be the responsibility of the landowner.

### 4. Installation and Maintenance

The Shire will be responsible for the ongoing care of public artworks that are not ephemeral.

Artists will be responsible for -

- (a) installation of the art works and in the case of ephemeral art works;
- (b) The removal and clean up;
- (c) writing a maintenance program (for non-ephemeral art works) and submitting that program to the Shire; and
- (d) Provision to the Shire of an estimate of yearly maintenance costs.

### 5. Copyright, legal title and ownership

The *Copyright Amendment (Moral Rights) Act 2000* protects the rights of the Artist, and provides for all original artwork to be attributed to the Artist.

The ownership of the public artwork and copyright will be determined within the commission process, the contract and the land on which it is located. Unless otherwise agreed, the Artist retains copyright of the preliminary visual material work.

### 6. Documentation

The Shire will maintain an art collection database.

### 7. De-accessioning and Disposal

Public art may be de-accessioned if it deteriorates to the point where it cannot not be maintained or where it no longer fulfil the objectives of the policy.

Where possible, the Shire shall consult with the artist responsible for the original work about the procedures for removal.

For public art located on public land, the Shire will cover the costs of deaccession and disposal. For public art on private land, the landowner will cover the costs.

### Reference Information

- [Heritage Strategy](#)

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- [Heritage Master Plan](#)

### Legislation

- Copyright Amendment (moral rights) Act 2000
- Local Government Act 1995 (WA)

### Associated documents

Can just list them here

### Version control information

Version No.	Date Issued	Review position	Developed by	Approved by
V1	27/10/2020	Adopted	Manager Community Development	Council
V2	09/09/2022	Review	Manager Community Services	

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