

**THE LEGISLATIVE ASSEMBLY FOR
THE AUSTRALIAN CAPITAL TERRITORY**

**GOVERNMENT RESPONSE TO
AUDITOR-GENERAL'S REPORT INTO SELECTED ACT GOVERNMENT
AGENCIES' MANAGEMENT OF PUBLIC ART
REPORT NO. 8/2017**

**Presented by
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Minister for the Arts and Community Events**

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1. INTRODUCTION

The ACT Government welcomes the findings of the Auditor-General's report, titled 'Selected ACT Government Agencies' Management of Public Art' (Report No.8/2017), which was tabled in the Legislative Assembly on 12 October 2017.

The audit provides an independent opinion on the effectiveness of selected ACT Government agencies' management of public art. Relevant agencies selected for audit were artsACT in the Chief Minister, Treasury and Economic Development Directorate, the ACT Health Directorate, the Transport Canberra and City Services Directorate (TCCS) Directorate and the Cultural Facilities Corporation (CFC). These agencies manage 111 public art works with a total value of \$17.5 million.

The Minister is required to prepare a written response to the Legislative Assembly within four months of the report being presented. artsACT was responsible for the coordination of this Government response to the Auditor-General's report.

artsACT plays a lead role across the ACT Government on arts policy, research and development, advocacy and support for artists and arts projects. It is the agency responsible for commissioning, acquiring and managing the majority of public artworks owned by the ACT Government. Other government agencies also commission, acquire and manage public art. However, activities by these agencies are small in scale compared to the work of artsACT.

The audit focused on governance and administration, acquisition and decommissioning and maintenance and repairs of public art.

The performance audit report highlights strengths in the management of public art by the ACT Government as well as areas for improvement. Six recommendations in total were made by the Auditor-General. Four of the recommendations are the responsibility of artsACT to lead, including a key recommendation to develop an ACT Public Art Strategic Plan that covers all ACT Government public art. Recommendation 3 relates only to the Health Directorate's activities and Recommendation 6 relates only to operational activities of TCCS. The Government agrees that while the report highlights there are effective asset management strategies in place, there is room for improvement and welcomes the advice of the report.

Strong existing relationships between artsACT and other government agencies assist knowledge transfer across government and help drive a strategic approach to public art. These agencies are looking forward to the opportunities for collaboration across government on the management, acquisition and commissioning of public art. The audit report has provided the impetus to prioritise this collegiate approach.

The ACT Government has accepted all the recommendations of the Auditor-General's report. A response to each recommendation is detailed below.

2. GOVERNMENT RESPONSE TO THE RECOMMENDATIONS

RECOMMENDATION 1 ACT PUBLIC ART STRATEGIC PLAN

artsACT should lead the development of an ACT Public Art Strategic Plan that covers all ACT Government public art. The plan should incorporate: a desired management model; mechanisms for the involved agencies to work cooperatively; and awareness raising of the contribution of ACT public art to the public realm. If the Australian Government and private sector entities who manage public art in the ACT agree, this plan should be jointly developed.

Response – Agreed

artsACT will lead the development of an ACT Public Art Strategic Plan to build on the strength of the existing public art, guide future direction and capitalise on opportunities for enhancing the ACT public art collection. artsACT will endeavour to engage with the Australian Government and private sector entities that manage public art in the ACT in the development of the strategic plan.

RECOMMENDATION 2 ARTSACT OPERATIONAL ACTIVITIES

artsACT should improve its operational activities by:

- a) developing and implementing an overarching risk management plan
- b) developing and reporting against a specific public art related performance indicator/measure
- c) updating the Public Art Database so that information is available for all ACT Government public artworks. The cooperation and support of the Australian Government and private sector entities to list their works on this database should be explored
- d) reviewing and updating the *ACT Government Public Art Guidelines (2015)*, in consultation with stakeholders, providing further guidance on:
 - i) different commissioning models that may be used
 - ii) acceptance and management of public art loans
 - iii) cultural and local Indigenous community protocols in procuring and decommissioning artwork
- e) examining ways to protect public art from deliberate defacing by members of the public
- f) considering the implementation of legal sanctions for damage (accidental or deliberate) to public art
- g) working with other government agencies, in particular the Transport Canberra and City Services Directorate, to identify strategies to protect public artworks from damage by ACT Government contractors and businesses, engaged by this Directorate, operating across the ACT
- h) establishing a comprehensive record of maintenance documentation for all public artwork; and
- i) developing a Maintenance and Repairs Plan.

Response – Agreed

artsACT will include these elements in future operational plans.

RECOMMENDATION 3 ACT HEALTH DIRECTORATE OPERATIONAL FACILITIES

The ACT Health Directorate should improve its operational activities by:

- a) incorporating key risks related to its art collection in its draft *Arts in Health Program Policy*
- b) finalising and endorsing its Arts in Health – Acquisition and Maintenance of Art in ACT Health Facilities document
- c) finalising and endorsing its Arts in Health – De-accessioning of Art in ACT Health Facilities document
- d) developing a Maintenance and Repairs Plan.

Response – Agreed

A Risk Register for the art collection and a Maintenance and Repairs Plan that aligns with both professional best practice and the Health Directorate’s processes and standards is under development. This will be incorporated into the Procedure for Arts in Health – Asset Management in ACT Health Facilities. The Arts in Health Program will develop a schedule of known conservation work to enhance the integrity of the art collection, including public art.

The procedures for Acquisition, Maintenance and De-accessioning of Art in ACT Health Facilities were endorsed on 7 September 2017 as part of the review of the Policy and Procedure documentation, including Arts in Health – Asset Management in ACT Health Facilities.

RECOMMENDATION 4 ASSET MANAGEMENT

artsACT and Cultural Facilities Corporation should monitor their asset listings so that they are up-to-date and aligned with the ACT Insurance Authority asset register and the Public Art Database.

Response – Agreed

artsACT and CFC will continue to liaise with the ACT Insurance Authority (ACTIA) to ensure ACTIA's asset register accurately reflects artsACT's and CFC's public art holdings. artsACT and CFC will ensure that any future acquisitions of public artworks are notified to ACTIA to ensure ongoing consistency between the asset registers of ACTIA and the agencies.

RECOMMENDATION 5 PUBLIC ART ASSET ACCEPTANCE

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

Response – Agreed

Asset acceptance protocols for public art will be developed by artsACT and TCCS. Measures to improve the asset acceptance process for public art and to optimise input from artsACT as the future asset owners will include:

- updating the draft Municipal Infrastructure Design to clarify management responsibility for public art
- updating the Design Acceptance Documents (Ref 06 Design Document) to include public artworks
- preparing and promoting an Advisory Note on updates to the asset acceptance protocols for developers/industry on the revised Municipal Infrastructure Design Standards.

RECOMMENDATION 6 TRANSPORT CANBERRA AND CITY SERVICES OPERATIONAL ACTIVITIES

The Transport Canberra and City Services Directorate should improve its operational activities by:

- a) working with artsACT to identify strategies to protect public artworks from damage by contractors and businesses, under engagement by the Directorate, operating across the ACT
- b) educating and training staff and contractors, especially mower operators, on how to protect public artworks when they are undertaking routine activities
- c) monitoring staff and contractors' work that may potentially affect public artworks and, if necessary, taking action to more effectively protect public artworks.

Response – Agreed

TCCS will implement the following strategies to improve its operational activities by:

- a)
 - updating the public land use permit application forms to include a condition to protect public artworks
 - working with Access Canberra to ensure public art is protected when planning for major events
 - informing the landscape and construction industry of requirements to protect public artworks
 - ensuring ongoing data collection and spatial mapping of public art assets to provide to event organisers, businesses and contractors, and
 - preparing maintenance contracts to specify the protection of art and to make good any damage of public art

- b)
 - updating the mowing training/induction package for mower operators to include the protection of public artworks
 - informing staff and contractors at toolbox/contract meetings of the requirement to protect public artworks during daily work programs and to report damaging activities, and
 - including protection of public artworks in the maintenance specifications for internal staff and contractors.

- c)
 - including protection of public artwork in the performance monitoring checklist for mowing for internal staff and contractors
 - including public artworks in the dilapidation reports for major events or constructions work
 - including a bond where necessary to ensure the protection of public artworks, and
 - monitoring and reporting inappropriate activities/damage of public artworks by a third party to compliance officers for appropriate action.