

PUBLIC ART PROCEDURE

PROCEDURE NO: DRAFT	PUBLIC ART PROCEDURE
FUNCTION:	Sustainable Development
ACTIVITY:	Public Art Procedure document
OBJECTIVE:	Acquire and manage high quality public artworks that enrich and vitalise the public domain and enhance Lismore's identity. The Procedure document outlines the working process that articulates the Public Art Policy.
SECTION RESPONSIBLE:	Arts, Tourism and Leisure
AUTHORISED:	REVIEWED: March 2012

1. Scope

These Procedure document guidelines are applicable to the Public Art Reference Group (PARG) and are to guide the group in its dealings with the regulation of private sector development, Council capital works, and cultural development. The guidelines apply to all Public Art projects within the City. The PARG has the status as an advisory group to Council. In particular Chapter 21 of Council's Development Control Plan (DCP) is on public art. This chapter relates to public art required as a result of commercial, retail and tourist development in certain zones. This procedure applies to Public Art referred to the PARG under that DCP. The PARG has a role in respect of Chapter 21 of the DCP.

2. Purpose

To outline the main elements that need to be considered in the implementation of the policy.

3. Definitions

For the purposes of implementing the Lismore City Council Public Art Policy the following definitions will apply:

Art: Creative visual arts and craft activity that produces unique material objects or works of art made from lasting components and materials, or significant temporary/ephemeral works of art that can be documented and displayed in a lasting way.

Artist: Professional practitioners in the creative industries, visual arts, craft and design.

Artworks: Permanent or temporary works of art made by, or with, professional artists.

City: Lismore City including its villages.

Community Art: Work resulting from a high degree of community consultation and/or preparation. Community Art is to be produced in consultation or collaboration with an artist.

Council: Lismore City Council.

Plonk-Art: Artwork that is taken out of context, unplanned, inappropriate or existing outside its intended environment. Plonk Art excludes the correct process of consultation, planning and integration within a place/precinct.

Public Domain: Includes but is not limited to; streets, parks, squares and spaces within buildings that are accessible to general public and/or in the ownership/control of Council, State Government or Commonwealth Government agencies.

Public Art: for the purposes of this policy is defined as artworks created for or located in a public space and readily accessible to members of the public. Public art includes works of a permanent or temporary nature located in the public domain. A public space means all public space, which the public has access to or can view; this includes, but is not limited to; parks, streets, squares, gardens, walkways, public plazas and building foyers. Public art for the purpose of this policy does not include designed architectural or landscape features such as exterior designs on buildings or mosaics on pavers.

Public Art Fund: is defined by the monies received by Council through DCP contributions for Commercial developments over \$2 million in value. The Fund is to be used to contribute to Public Art Projects in the Lismore LGA as deemed appropriate by the PARG.

Public Art Register: includes artists from the Northern Rivers region who have identified themselves as having the capacity to carry out public art projects.

Reference Group: Public Art Reference Group (PARG).

4. Parameters

- Public Art may be incorporated within a building's structure or result in the creation of new architectural spaces or new public spaces.
- Public Art may take the form of tapestries, carpets, weaving, textiles, hangings, banners, use of colour, mobiles, ceramics, tiling, interior lighting, signage and flooring.
- Public Art could be sculpture, landmarks, environmental land works, photography, prints, paintings, projection, moving images, computer generated images.
- Public Art can introduce narrative or text, be issue based, decorative, humorous, challenging, beautiful, subtle or contentious.
- Public Art may refer to our heritage or celebrate the future, highlight specific areas and issues or be conceptual.
- Public Art can be permanent or temporary, internal or external, integral or free standing, monumental or local, large or small scale, design or ornament.

5. Reference Documents

This guideline has been developed to assist in the application or administration of the Public Art Policy to achieve the policy outcome.

Associated Documents:

- Lismore City Council Strategic Plan
- Lismore Local Environment Plan (LEP)
- Lismore City Council Cultural Plan
- Lismore City Council Cultural Policy
- Lismore Development Control Plan (DCP)
- Lismore City Council Consultation Policy
- Lismore City Council Aboriginal Consultation Procedure.

6. Public Art is generally initiated:

- As part of Centre Improvement Strategies, i.e. Council funded streetscape projects.
- Through Development Applications as a condition of approval. The work is funded by the developer and may be on private or public land – e.g. park or road reserve.
- Through the Regional Open Space Strategy i.e. in parks funded by Council.
- Through a community driven initiative funded by grants e.g. Ministry for the Arts and Australia Council.
- Percentage for art partnerships with State Government.
- Through a donation, gift or bequest.

7. Public art projects are generally managed as:

- 7.1 Public art commissions with or without community involvement in the development of the brief.
- 7.3 Community arts projects with community involvement in planning, design and fabrication.
- 7.5 Community environment art design projects.

8. Private and Public Funding for Public Art

The ability to fund a Public Art program is a key consideration. It is a principle of the Public Art Policy that the public and private sectors contribute to the creation of a vibrant public realm. This is primarily through the funding of Public Art through DCP contributions. There are two ways in which Public Art can be required through this process, namely:

8.1 Chapter 21 of the DCP requires a minimum of \$15,000 contributions where Public Art is provided on-site or at least \$12,000 where a contribution to the Public Art Fund is made for commercial, retail and tourist development over \$2 million in value. This procedure applies under this DCP.

8.2 The Public Art Policy requires Council to provide integrated public art of at least 1% of the value of any major building, urban streetscape or sporting facility of greater value than \$2million. This figure is higher than in 8.1 due to the need for the Council to show leadership in this area.

9. Public Art Fund

The Public Art Fund is where monies are received by Council through DCP contributions for Commercial developments over \$2 million in value. The Fund is to be used to contribute to Public Art Projects in the Lismore LGA as deemed appropriate by the PARG. The PARG is responsible for the identification of relevant projects to receive funding from the Public Art Fund. When this occurs, the project should be publicly recognised as having received support from this fund.

10. Public Art Reference Group (PARG)

10.1 Scope of Public Art Reference Group Operations

The Public Art Reference Group will have an overseeing management role for all commissioning, implementation, relocation and de-accessioning of Public Artwork. The Group will work within the Public Art Policy and will use the Public Art Procedures as their reference documents.

10.2 The Public Art Reference Group

The Public Art Reference Group (PARG) will be the Lismore City Council's public art advisor body and will be made up of the following members:

- a) 1 Councillor (Chairperson)
- b) Lismore Regional Gallery Director (support officer for PARG)
- c) 1 Indigenous art representative
- d) 1 Arts industry representative
- e) Executive Director of Sustainable Development
- f) Community Services representative

PARG members (a), (c) and (d) shall be appointed by Council within 12 months following a Council election. Representatives (c) and (d) shall be determined by an expression of interest process.

The PARG will also consider advice pertinent to each project from the following personnel:

- 1 Strategic Planner/ Development Assessment Planner
- 1 Public liability/ risk management representative.

10.3 The PARG scope is to:

- 10.3.1 Propose new Public Art concept briefs prior to the commissioning of the artists and the construction of the work.
- 10.3.2 Oversee concept briefs for new Public Art works including process for selection of artists.
- 10.3.3 Make decisions in respect of Public Art acquisition (via gift, donation, bequest or other means), removal, relocation and de-accession.
- 10.3.4 In collaboration with relevant stakeholders, recommend to Council six sites within the Lismore LGA for public art zones of activation. These will be the preferred locations for public art. In terms of scope items (10.3.1) and (10.3.3) the location or relocation of the subject Public Artwork will be part of the PARG scope.
- 10.3.5 Consider a public art plan for each site; integration, enhancement of the site, connectivity to community, relevance to history and currency of the site, and prospective partners.
- 10.3.6 Consult with the community as appropriate, consistent with Council's Consultation Policy and work generally in accordance with the Public Art Procedures.
- 10.3.7 Ensure quality control and provision of quality advice, however the PARG does not have any financial responsibility. However the PARG can make written submissions to the annual budget process for commissioning and maintaining Public Art.

11. Approval Procedures

11.1 The PARG will have the scope to approve the following public art projects:

- 11.1.1 Projects falling under DCP provisions and having followed the procedures below (12.1.1 ~ 12.1.8)
 - 11.1.2 Community led projects that have received Council funding
 - 11.1.3 Less permanent (or temporary) public art projects (those deemed as lasting 5 years or less)
 - 11.1.4 Grant funded projects with Council investment
 - 11.1.5 Ephemeral, short term projects
- 11.2 The PARG will make recommendation to Council in the case of the following:
- 11.2.1 Large scale permanent works that will make a strong presence when in situ
 - 11.2.2 Works of a potentially contentious nature
 - 11.2.3 If the PARG deems it necessary for full Council approval of a given project or situation
- 11.3 In the cases of 11.2.1~11.2.3, the PARG will recommend to Council:
- 11.3.1 A Project Brief outlining the project and method in which artists will be selected
 - 11.3.2 Final artwork as approved by the PARG

12. Procedures in context of differing ways of public art commission:

12.1 Public art commissions through DCP Contributions.

- 12.1.1 The two options are (1) to contribute \$12,000 to the Public Art Fund, or (2) contribute \$15,000 towards the provision of an onsite public art project
- 12.1.2 The PARG to receive written advice from Strategic Planner/Development Assessment Planner as to developer's decision reached in 12.1.1
- 12.1.3 It should be noted that extensive timelines of at least 12 months are required to suitably develop and commission public art projects
- 12.1.4 If an onsite public art project is to go ahead, PARG to meet with Developer and Strategic Planner/Development Assessment Planner to discuss options and the nature of the project
- 12.1.5 In consultation with Developer, PARG to develop project brief and method of artist selection
- 12.1.6 If needed, an Advisory group of key stakeholders could be established to oversee the process
- 12.1.7 PARG to consider need for appointment of Project Manager
- 12.1.8 A single point of coordination will be established for each project
- 12.1.9 Project Manager and PARG to meet together with Developer when artist designs are submitted to discuss options
- 12.1.10 PARG to recommend to Executive Director Sustainable Development preferred artwork/artist for commissioning
- 12.1.11 At the conclusion of such projects, a full evaluation of the process should be undertaken to ensure ongoing efficiency and best practice

12.2 Community led public art projects.

- 12.2.1 Community groups may contact the Public Art Officer for approval to conduct a public art project
- 12.2.2 Via the Public Art Officer, the PARG should receive an outline of the project, including artwork brief, proposed location, budget, design mock ups and nature of participants
- 12.2.3 The PARG will preference projects that are situated and are appropriate for the 6 identified public art zones
- 12.2.4 The PARG may approve such proposals via email consultation, unless a meeting is deemed necessary between the community group and the PARG
- 12.2.5 The PARG may approve funding from the Public Art Fund to such projects if deemed necessary and appropriate

12.3 Public Art Projects on Private Land

- 12.3.1 Where a project is to be implemented on private property, is not funded by Council, and doesn't fall under the DCP Public Art contribution, the PARG should have the ability to provide input into best practice procedures and comment upon the proposed design as a minimum standard. It should be noted that this may not always be practical, and particularly in small scale and indoor public areas that are difficult to monitor.

- 12.3.2 If the PARG has the capacity to work with the property owner, similar procedures should be adopted as outlined from 12.2.1–12.2.5

12.4 Council initiated / Grant funded / partnership projects public art projects

- 12.4.1 The PARG has the ability to make written submissions to the Council budget process in view of developing a specified public art project
- 12.4.2 The approval process for developing such projects is in line with 11 above
- 12.4.3 The PARG should meet with all relevant stakeholders to determine the scope of the project and follow similar procedures as outlined in 12.1.3 ~ 12.1.11

13. Artist selection procedures

Artists may be selected through the following procedures:

- 13.1 Through open call for tenders. Best Practice procedures include:
 - 13.1.1 Artists submit CV and examples of scale and nature of past projects
 - 13.1.2 PARG selects shortlist of artists to be paid a fee to develop initial concept proposals
 - 13.1.3 Artist offered full commission based on initial concept proposal
- 13.2 Through direct recommendations of PARG and public art consultant if required
- 13.3 Through selecting relevant artists identified from the Public Art Register.

14. The Public Art Officer (Gallery Director) will:

- 14.1 Make recommendations to Executive Director Sustainable Development in regard to Public Art.
- 14.2 Facilitate the selection of artists being mindful of Council's tendering procedures.
- 14.3 Undertake the role of Support Officer for the PARG.
- 14.4 Support Public Art Project Managers
- 14.5 Contact all relevant departments and organisations, e.g.: roads, parks, electricity etc, to obtain approval if necessary.
- 14.6 Liaise with Executive Director Sustainable Development in regard to contracting a consultant/s to manage larger scale public art projects
- 14.7 Initiate and facilitate the collection of any background, historical and Indigenous information.
- 14.8 Facilitate the project status, i.e. by commission or community arts project.
- 14.9 Manage the public art aspects of small scale projects.
- 14.10 Coordinate the implementation of Council's Public Art Policy and Procedure.
- 14.11 Source and consider significant policy and practice issues and trends relevant to the arts both nationally and internationally that will enhance this policy.
- 14.12 Depending on the project assist in the process of communication between: architects, builders, town planners, engineers; and artists, arts workers, other professionals; and the community.
- 14.13 Liaise with all relevant sections throughout Council depending on the project.
- 14.14 Consult with all stakeholders. This will vary depending on projects and what they want to achieve.
- 14.15 Manage the de-accessioning, relocation and disposal of public art works.
- 14.16 Prepare Public Art documents including, but not limited to, Public Art Reference Group Minutes, Public Art Contracts, Public Art Condition Reports for City Works inspectors and individual Public Art Project Briefs inline with the Code of Practice for the Australian Arts and Crafts Sector.

15. Selection Criteria for Public Artworks

Evaluation and approval of all public art will be based on the following criteria:

- 15.1 **Story telling/sense of place:** It's important that Public Art tells the various stories of Lismore and villages that are unique to our area. Telling 'our stories' is critical to creating a sense of place, wellbeing and belonging. The concept brief for Public Art should reflect a story that is relevant to the place it will be located in.
- 15.2 **Excellence:** Artwork shall be of lasting value, quality and artistic merit that will enhance the City's collection.
- 15.3 **Audience:** The artwork will be suitable for display to a diverse audience including children. It should enhance its setting and help create a sense of place. The Public Art Reference Group may not acquire public art that would, when displayed, create a hostile environment for the public.

- 15.4 **Style:** The artwork should be suitable in scale, materials, and form for its surroundings, or capable of being sited in a variety of public spaces. Artwork selected for the Council's collection should advance the purpose specified by the Public Art Reference Group at the time an acquisition project is undertaken.
- 15.5 **Condition and Permanence:** The artwork will be of materials and method of construction suitable to the setting. Artwork for outdoor exhibition will be resistant to theft, vandalism, weathering and constructed to avoid extensive maintenance and repair. At the time of acquisition, the artwork will be in good condition or worthy of restoration.
- 15.6 **Technical Feasibility:** The Reference Group will consider for commissions only those artwork proposals it finds likely to be completed according to design. The Reference Group will only select artworks for which it has an immediate location or storage capacity.
- 15.7 **Fiscal Feasibility:** The Reference Group will consider only such artworks for which it possesses adequate funding for appropriate display, maintenance, insurance and safeguarding.
- 15.8 **Safe:** Because Public Artworks are located in public areas they must be able to be safely handled by children and others, and therefore must comply with all relevant health and safety regulations and are subject to review by Council's Risk Management personnel.
- 15.9 **Relevance:** The Reference Group will consider only such artworks that clearly demonstrate the relevance of the proposed work to its site and address aspects of the City's history, culture or society.
- 15.10 **Consistency:** The Reference Group will consider only such artworks where there is consistency of the overall vision for the Public Art Reference Group.
- 15.11 **Local Skills:** The Reference Group will consider projects that favour the employment of local fabricators and crafts/arts workers.

16. Spatial Relationship between Public Art and the Construction Projects that fund it

Council reserves the right to locate Public Art in the most appropriate and meaningful sites for the community. In determining the appropriate site for an artwork the following criteria will apply:

- 16.1 The six sites identified by the PARG and adopted by Council shall be the priority sites for Public Art depending upon the budget and relevance.
- 16.2 Desirable public art sites will be identified through the local area planning process.
- 16.3 Pooling of funds for Public Art will be encouraged within Centres and in conjunction with Streetscape Improvement Projects.

The location of private sector funded artworks will be subject to negotiation with the project developer and will be determined within the following framework:

- 16.4 Within the defined Urban Centre of which the development is a part.
- 16.5 Within a prescribed area e.g. – sites within a Streetscape Improvement Project.

17. Acquisition and Establishment of New Artwork

- 17.1 Upon identification of a new Public Art project the PARG will oversee the development and establishment of the Artwork, in accordance with adopted Procedures in this document. Importantly the PARG will recommend to Executive Director Sustainable Development if the Public Art should be acquired and approve any newly commissioned work.
- 17.2 Council may acquire Public Art via gift, donation, bequest or other means. Prior to accepting an acquisition the PARG would make a recommendation to Executive Director Sustainable Development.
- 17.3 Council has adopted several methods for the acquisition of artwork: commission, purchase, donation, integrated (built-in) into urban initiatives in collaboration with other professionals, community projects and sponsored competitions.
- 17.4 Council recognises that consultation with key stakeholders, city, state, arts, private, business sectors and community is essential prior to and during the acquisition process.
- 17.5 Council places a high priority on the employment of local artists and supporting emerging artists for the supply of public art. Selection priorities are as follows: (1) Locally (City of Lismore), (2) Regionally (Northern Rivers); (3) Northern State (Northern NSW); (4) State NSW and SE Qld.

- 17.6 Council places a high priority on interactive artworks designed so as to be touched, where practicable, but must conform to health and safety legislation, and be easily maintained.

18. Relocation or Removal of Artwork

- 18.1 Council may, as necessary or appropriate, transfer Council-owned artwork from one public site to another; remove artwork to storage; or make a temporary loan of artwork to another agency or organisation.
- 18.2 The Public Art Reference Group will review such proposals to relocate or remove a Council-owned artwork and make recommendations to the Executive Director Sustainable Development (or Council if deemed necessary). Considerations for the relocation or removal of artworks may include, but are not limited to:
- 18.2.1 Security of the artwork can no longer be reasonably guaranteed.
 - 18.2.2 Maintenance costs are higher than anticipated.
 - 18.2.3 Faults of design or workmanship make repair unfeasible.
 - 18.2.4 The artwork has been damaged and repair is unfeasible.
 - 18.2.4 As erected, the artwork poses risks to public safety not identified during the selection process.
 - 18.2.5 Once installed, the artwork does not conform to the expectations according to which it was selected.
 - 18.2.6 Significant changes in the use, character or design of the site have occurred, affecting the integrity or appeal of the artwork.
 - 18.2.7 The authenticity of the artwork is called in to question.
 - 18.2.8 The aesthetic quality of the artwork is called in to question.
 - 18.2.9 The Public Art Reference Group wishes to replace the artwork with a more appropriate work by the same artist.
 - 18.2.10 The site on which the artwork has been located is required for other community or utility undertakings.
 - 18.2.11 The significant redevelopment or upgrade of the surrounding site or the buildings necessitating the relocation or removal of the artwork.

18.3 Relocation or removal considerations and arrangements

In reviewing proposals for relocation or removal the PARG will receive a report from the Public Art Officer that covers the following steps/matters:

- 18.3.1 Discussion has occurred with the artist and/or donor in respect of the circumstances prompting the review.
- 18.3.2 If appropriate, opinions sought from more than one independent professional qualified to recommend on the concern prompting the review (conservators, engineers, architects, landscape architects, critics, art historians, safety experts, etc).
- 18.3.3 Review written correspondence, press and other public suggestions.
- 18.3.4 Explore means of resolving the concerns prompting review of relocation or removal.
- 18.3.5 Undertake appropriate consultation as per Council's policy.

If the Public Art requires removal, the Public Art Officer will:

- 18.3.6 Seek a suitable relocation of the artwork.
- 18.3.7 If the artwork was designed for a specific site, the Public Art Officer will endeavour to relocate the artwork to a site consistent with the artist's intention. If possible, the Public Art Officer will obtain the artist's assistance in making this determination.
- 18.3.8 If there is a cost in relocating the artwork, the original artist may be commissioned to relocate it at the Executive Director Sustainable Development's discretion without seeking expressions of interest (EOI) assuming there are sufficient funds for the relocation.
- 18.3.9 If no relocation is suitable, the Public Art Officer may store the work in consultation with Council's City Works section, or seek de-accession consistent with the de-accession procedure.
- 18.3.10 This procedure shall not limit the Council's ability to take whatever action is deemed appropriate to protect artwork and human health and safety in the event of an emergency.

19. Maintenance

- 19.1 Public Art will be professionally managed and maintained (within resource constraints) to maximise its contribution to the community's quality of life and to business development.

- 19.2 As part of the Art Gallery annual budget, a public art maintenance amount will be allocated for the long term maintenance of public artworks. Unspent funds from this budget allocation may be carried over to following years due to the erratic and sometimes expensive maintenance needs of public art.
- 19.3 Where relevant, artists designing and/or installing public artworks in the Lismore Local Government Area must provide a comprehensive written Maintenance Report to accompany the artwork.
- 19.4 The Public Art Officer will perform a condition report of all public artworks once every 12 months and will inform the PARG of any incidents or deterioration. The Public Art Officer will determine appropriate methods of repair, which may include:
 - 19.4.1 The artist/agent making repairs.
 - 19.4.2 A local artist/suitable tradesperson making repairs as recommended by the Public Art Officer and in consultation with the original artist.
 - 19.4.3 A suitably qualified conservator making repairs.
 - 19.4.4 The work being removed for de-accession (see de-accession procedure).
 - 19.4.5 Where works require repair, Executive Director Sustainable Development approval will be sought following consultation with the artist/agent, preservation specialists and the community as necessary.
 - 19.4.6 The PARG may make a submission to the annual budget process on significant maintenance if required after considering a condition report. The Public Art Officer may independently allocate an annual budgetary allocation to provide maintenance of installed works through the Public Art maintenance budget.
 - 19.4.7 Where the cost of maintenance exceeds the allocated amount, the Public Art Officer will advise the Executive Director Sustainable Development in writing.

20. De-Accession

20.1 Selection criteria de-accessioning

A Public Art work may be recommended by the PARG (and then resolved by Executive Director Sustainable Development, or Council if deemed necessary) to be de-accessioned if at least one of the following applies:

- 20.1.1 Security of the artwork can no longer be reasonably guaranteed.
- 20.1.2 There is no suitable site for relocation of a work that must be moved.
- 20.1.3 Maintenance or relocation costs are higher than anticipated.
- 20.1.4 The artwork requires repairs that are unfeasible.
- 20.1.5 The work's condition requires restoration in excess of its aesthetic value.
- 20.1.6 The work is so deteriorated that restoration would prove unfeasible or misleading.
- 20.1.7 If, as erected, the artwork poses risks to public safety not identified during the selection process.
- 20.1.8 It is determined that the work lacks significant aesthetic, historical and/or cultural value.
- 20.1.9 The work is determined to be a forgery or fake. The PARG is responsible for ensuring that any such forgery or fake is identified as such when it leaves the Council's collection.

20.2 Disposal Procedures

In consultation with the PARG, and the Executive Director Sustainable Development, the Public Art Officer may dispose of an approved de-accessioned work including any of the following means, or others not listed, as warranted by each circumstance:

- 20.2.1 The artist/agent or donor will be given the right of first refusal to reacquire the work at fair market value, original price or gratis, depending on the recommendation of the PARG.
- 20.2.2 The Public Art Officer may sell the work through a dealer.
- 20.2.3 The Public Art Officer may sell the work through competitive bidding.
- 20.2.4 The Public Art Officer may sell the work at a Public Sale.
- 20.2.5 Trades or exchanges may be negotiated under special circumstances with a dealer or artist. The Public Art Officer may also trade a work to be de-accessioned for another artwork by the same artist.
- 20.2.6 If a marginally significant work has deteriorated to such an extent that it is irreparable and unsuitable for exhibition or cannot be disposed of by means listed above, the PARG may, with the approval of Council, elect to destroy it upon de-accession.

- 20.2.7 If it is unfeasible to move and thus sell a work, or cannot be disposed of by means listed above, the PARG may, with the approval of the Council, elect to destroy it upon de-accession.
- 20.2.8 The cost of removal of the work will be borne by the buyer.
- 20.2.9 The cost of the artwork will be determined by the Public Art Officer following discussion with certified art valuer.
- 20.2.10 Any monies raised through de-accession will be deposited into the Council's Public Art Fund. Council will use such funds for future acquisitions.
- 20.2.11 No works may be sold, traded or transferred to a member of the PARG, its supporting staff or its agents. Once de-accessioned from the Council's collection, a work may not be installed on Council property and the Public Art Officer will remove all acquisition numbers and labels from the work and coordinate its physical departure from the Council's collection. The Public Art Officer will transmit a final report informing the Council of the removal of the object from Council's collection.

21. Moral Rights

Lismore City Council is obliged to:

- 21.1 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; and
- 21.2 Ensure to its best endeavours that 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.

22. Title and Copyright

Although the Artist retains ownership of copyright in the design and the work, this right is separate from the title to the model or drawing which contains the design, as well as title to the work. Title to both the Design and the Work vests in The Commissioner. All copyright in the Design and the Work belongs to the Artist.