

APPENDIX 8 **Artworks In Public Places - Gifts Policy**

1. Gifts of public artworks would generally be defined as artworks presented to mark visits to or by dignitaries and delegations and institutions and mark anniversaries of events, and upon completion be placed on Council-owned land, buildings or facilities.
2. An individual or Trust may also make bequests of money for artwork or artwork to the Council.
3. Approved donations, gifts or bequests are deemed to be unconditional.
4. The Council will be under no obligation to accept any public artwork gift offered.
5. The value, installation requirements and security of the gifted public artwork will determine how it is to be processed and accepted:

A public artwork requiring installation in an outdoor site or special security arrangements proposed for acquisition by means of unconditional gift or bequest and valued under \$10,000 shall be approved by the Council's CEO or his/her nominee upon the recommendation of the Arts Adviser.

A public artwork requiring installation in an outdoor site or special security arrangements proposed for acquisition by means of unconditional gift or bequest and valued over \$10,000 shall be approved by the Council upon the recommendation, based on a report from the Public Artworks Team, to the relevant Standing Committee/s.

6. The Council will only acquire (by means of an unconditional gift) public artworks which are consistent with the Artworks in Public Places Policy and for which it has the resources to provide appropriate and safe care. This includes documentation, conservation, storage, display and other associated requirements involved in processing the public artwork into the City's permanent collection. Consideration would need to be given to the staff and budgetary resources required of the Council including: siting and installation, maintenance and registration, insurance and asset management of artworks donated/gifted.
7. Where a public artwork being offered is already commissioned, approvals of gifts are to be determined on the basis of provenance, quality and value of the item, relevance to the *Artworks in Public Places Policy* and *Plan*, suitability for public siting. A report is to be prepared by the Arts Adviser (in consultation with the relevant 'pools of knowledge', stakeholders and Asset Unit ultimately responsible for the asset) outlining the suitability of the gift and the Council's budgetary requirements (see clause 20.6) and considered in relation to its value (see clauses 20.5.1 and 20.5.2).
8. All public artworks considered should be in good condition; a conservator will be consulted if required to assess the condition of the artwork proposed to be gifted.
9. Public artworks proposed for acquisition by means of unconditional gift or bequest must be recommended by the Arts Adviser, who will ascertain that the public artwork is not stolen and has been (where relevant):
 - Legally imported into New Zealand
 - Legally excavated and/or exported from its country of origin
 - Ethically acquired by the donor
12. The Council's Arts Adviser should consult with the Legal Services Unit regarding offers for bequests of money for the purchase of artworks.
13. Groups with a relationship to the Council, for example Sister City Committees or Art & Industry Biennial Trust, may wish to commission artworks (including the raising of funds and paying for) as part of a specific event or occasion and gift them to the City.
14. Representatives of a group wishing to commission an artwork should approach the Arts Adviser in the first instance and become co-opted to the Project Working Party and/or relevant project selection group and follow the commissioning process outlined in the relevant *Artworks in Public Places* category and commission process model.
15. The Council will undertake to notify the donor of its decision regarding the location of the gifted artwork. However, the final decision of the gifted artwork's site remains with the Council. In all situations, the Council will be mindful of the expressions of the donor.
16. The Council acknowledges that should its preferred siting not be acceptable to the donor, the offer of the gift may be returned.
17. The Council may enter into an arrangement with a third party to site the gifted artwork on land not owned by Council. If this is the case, the Council will reach agreement with the owner of the land regarding maintenance and upkeep of the sited artwork.
18. All donations, gifts or bequests accepted by the Council are to be accompanied by relevant documentation stating the acceptance of the gift and outlining the relevant parties. The Council would, where appropriate, gain clear title and copyright in the artwork gifted.