THE INTERNATIONAL
JOURNAL
of THE **HUMANITIES**

Volume 9, Issue 7

The Coupling of Art and Government: Dilemmas in
Government Commissioned Public Art

Jay Younger

THE INTERNATIONAL JOURNAL OF THE HUMANITIES
<http://www.Humanities-Journal.com>

First published in 2012 in Champaign, Illinois, USA
by Common Ground Publishing LLC
www.CommonGroundPublishing.com

ISSN: 1447-9508

© 2012 (individual papers), the author(s)
© 2012 (selection and editorial matter) Common Ground

All rights reserved. Apart from fair dealing for the purposes of study, research, criticism or review as permitted under the applicable copyright legislation, no part of this work may be reproduced by any process without written permission from the publisher. For permissions and other inquiries, please contact
<cg-support@commongroundpublishing.com>.

THE INTERNATIONAL JOURNAL OF THE HUMANITIES is peer-reviewed, supported by rigorous processes of criterion-referenced article ranking and qualitative commentary, ensuring that only intellectual work of the greatest substance and highest significance is published.

Typeset in Common Ground Markup Language using CGPublisher multichannel typesetting system
<http://www.commongroundpublishing.com/software/>

The Coupling of Art and Government: Dilemmas in Government Commissioned Public Art

Jay Younger, Griffith University, Queensland, Australia

Abstract: In Queensland, Australia, public art, and specifically the public art produced under Art Built-in, has been seen to be “dumbed down,” with a preference for art in the public domain that is not critically-engaged. The government client-commissioner within the supposedly democratic art-by-committee process often expects the artwork to represent government values and to be content-free and risk-free with the intention of avoiding controversy. With the demise of Art Built-in in 2006, Arts Queensland has put in place a new strategy, art + place. In terms of critically engaged practice in public art, has Queensland public art improved? In this paper, a case study of three recent commissioning phases of the Department of Justice and Attorney General will be undertaken to reflect on the development of Queensland’s government public art commissioning methodologies.

Keywords: Public Art, Government Commissioning

TWELVE YEARS AGO a new public art policy *Art Built-in (AB-i)*, was introduced by the Queensland State Government where two percent of the budget of any new Government building over \$250,000 was to be expended on integrated public art.

Even though *AB-i* was replaced in 2007 by a new Queensland government scheme —‘art + place’—to commission both temporary and permanent public art in Queensland, this paper seeks to reflect on the legacy of *AB-i*’s eight year reign.¹ Through comparing early, mid and post *AB-i* public art commissions for a specific government client commissioner, Justice and Attorney General (JAG), over a twelve year period, I intend to shed light on how *AB-i* has changed public art commissioning methodologies and especially changed the mindset of Government commissioners.

AB-i as a whole of government policy was unique in Australia in the amount of funding that was allocated throughout the state to public art— approximately \$20 million.² The policy also generated approximately 1012 jobs. *AB-i* automatically generated public art in step with

¹ Rather than an ongoing automatic two percent commitment to commissioning integrated public art, ‘art + place’ has a \$12 million budget to be expended over 3 years. Under the new ‘art + place’ guidelines temporary and permanent public art may be commissioned. An application process is employed that is similar to other state funding models where selected projects are funded by an Arts Queensland panel of peers. Not for profit arts organisations, arts festivals, and local council and state government can apply without a cap and private companies can apply for up to \$25,000 for artists’ fees. Another significant change in the new model is that artists are no longer required to reside in Queensland. The first wave of public artwork has not yet been produced under the new guidelines so it will be of interest to monitor the new model. Just as this paper is going to publication, ‘art + place’ is undergoing evaluation after 3 years of operation. For further information please see *Queensland State Government (2007). art+place, Queensland Public Art Fund Guidelines for Applicants*. <http://www.arts.qld.gov.au/funding/pub-art-funds.html> Downloadable pdf, p. 3. (accessed 22 February, 2008)

² While a comparative discussion of the various state government approaches to the commissioning of public art may be desirable, it cannot be dealt with in the parameters of this short paper.

capital works without ad hoc, competitive or metropolitan-focussed project selection methodologies. *AB-i*'s fixed budget allocation, that was not capped or dwindled away by other needs on the building project, has been an important distinction of *AB-i* compared with other schemes. Another important aspect of *AB-i* resources worth mentioning, was that the funding to create *AB-i* artworks came from State Works and did not impact on Arts Queensland funding to arts organisations and individuals—and provided an additional source of funding for the visual arts in Queensland. The *AB-i* funding model for Queensland public art projects was holistic and therefore avoided the difficulties inherent in partnering and the management of separate budget lines from various sources. The other side of the *AB-i* equation was that while artistic opportunities were automatic and a fixed budget allocation was guaranteed, the artwork was located at and tied to specific State Works developments. *AB-i* was well managed, informed by art world values, and there was substantial support for the artist from the Public Art Agency (PAA) and often the architectural firm in creating art works for the built environment.³

Despite the artistic opportunities represented by *AB-i*, the artistic outcomes were often considered disappointing by those both experienced and inexperienced in the public art arena within the art world. And unfortunately as the new public art policy in Queensland matured, criticisms increased.⁴

Art World Criticism of *AB-i*

Figure 1: Rex Butler, 'Bogus Public Art' *Courier-Mail*, BAM, 7 June, 2003, p. 4

³ The Public Art Agency was part of Arts Queensland and was established to manage *AB-i*. It played a significant role in education and advocacy.

⁴ Rhana Devenport—then Queensland Art Gallery curator, Tim Hill—architect, and Louise Martin Chew—then writer for *Art and Australia* (to name a few).

When it came to vocal attacks on public art in Queensland, the voice of the art world was most frequently heard. In many ways, public art is generally seen by the art world as an inferior form of artistic practice that is constrained conceptually by its democratic ‘dumbing down’ for the public context.⁵

Mid year in 2003, acclaimed Queensland-based critic and theorist Rex Butler stated that Queensland ‘would be better off with no public art at all’ if the prevalent types of public art continued to be commissioned.⁶ Butler’s scathing article about public art in Queensland that was featured on the front page of the widely read ‘BAM’ section of Saturday’s *Courier-Mail*. Entitled ‘Bogus Art’—the article is subheaded: ‘A policy to fund public art was a great idea. It’s a pity the resulting art is so dull’.⁷ In Butler’s opinion, government attempts to commission art to appease the public were responsible for the cause of problematic or dull public art. Compromised, inoffensive art ‘dumbed down’ for the public context, according to Butler, was brought about by the public art committee process within government commissioning:

Read the Queensland Public Art Agency’s website, with all its talk of ‘appealing to a wide range of people regardless of age, gender and cultural background’ and of ‘engaging innovative and experimental art for all Queenslanders’, and you just know that what’s really at stake is an art of the lowest common denominator, of what will get past the committee vote by offending the fewest number of people.⁸

Two of the key culprits in the literature on public art commissioning, reflected in Butler’s ‘Bogus Art’ article are the ‘art-by-committee’ process and the perversion of artistic practice to represent government ideals. Most government permanent public art commissioning methodologies appoint a committee of stakeholders comprised of the government client, the architect, the building project manager, community stakeholders and those that represent artistic expertise. In the *AB-i* model because public art funding was aligned to specific government building budgets, each project had a specific government client commissioner—from health, education etc. Most often there was an expectation that the public art commissioned for that building should reflect the specific government department’s values. In the discourse of the public sphere, there is a recurrent argument in the literature, expounded by Patricia Phillips, Rosalyn Deutsche, Miwon Kwon, Katherina Hegewisch, Iris Marion Young, and others, that the public art committee process is often predicated on a misplaced urge to represent different stakeholders within the public realm while the expectation of art to represent government ideals is based similarly on a misguided misunderstanding of the ‘public’ side of the term ‘public art’.⁹ In spite of the fact that most authors agree that public art cannot

⁵ Rex Butler, ‘Bogus Public Art’, *Courier-Mail*, BAM, 7 June, 2003, p. 4.

⁶ Butler, p. 1.

⁷ BAM is the acronym for the ‘Books Art Music’ lift out section. Butler, p. 4.

⁸ Butler, p. 4. The Public Art Agency was the Arts Queensland organisation charged with administering *AB i*

⁹ Patricia Phillips, ‘Out of Order: The Public Art Machine’, *Art Forum*, vol. 27, no. 4, (1988): p. 95-96.

Rosalyn Deutsche, *Evictions: Art and Spatial Politics*, (Boston: MIT Press, 1998), pp. 270, 273, 274, 275, 280-81, 288, 289, 308.

Miwon Kwon, *One Place After Another: Site-specific Art and Locational identity*, (Cambridge: MIT Press, 2002), p. 6.

Katherina Hegewisch, ‘The Patron or the Fear of Lonely Decisions’ in *Public Art: A Reader* ed. Florian Matzner, (Berlin: Hatje Cantz Publishers, 2004), pp. 111-113.

hope to express values held by everyone, intentions and evaluations still preserve consensual unified space at their core, often in a confused manner.

One of the key unarticulated agendas of *AB-i* art is that it is expected to speak officially or publicly on the behalf of the government—or at least to be less critical, provocative or confrontational. *AB-i* public art—like much publicly commissioned art the world over—appears to be palatably representational, illustrative of history/community/government, abstract, formalist, simplistically symbolic, decorative, harmonious and inspirational, generally unnoticeable and perhaps preferably with views hidden or unarticulated—rather than critical in its nature.

To produce public art which represses self expression, attempts to be impartial, or attempts to represent a unified cohesive whole whether of community or government—is by its nature undemocratic and therefore does not constitute genuine public art. Eliminating conflict eliminates the basis of democracy, making the public realm artificial and essentially private space that is owned and controlled by a dominant force. For Deutsche the potential for negotiation, conflict and contestation are the basic ingredients of democratic public space. According to Deutsche:

Genuine public space, that is by its nature democratic, is an immersive arena of un-repressed conflict.¹⁰

Sometimes in government commissioned public art the desire to illustrate democracy, ironically represses the democratic values encapsulated in freedom of artistic expression; and secondly—the public art committee process is used to democratically justify decisions that most intend to avoid controversy.

Queensland Justice Commissions

In this section three phases in Queensland's integrated public art commissioning will be overviewed in relation to one specific government client commissioner: Justice and Attorney-General (JAG). The three phases, early *AB-i* projects (1999-2001), a mid *AB-i* project (2004) and a post *AB-i* project (due for completion in 2011) will be discussed to trace the changes in Queensland Government commissioning methodologies. As the curator of the two latter projects, Brisbane Magistrates Court (2004) and Brisbane Supreme Court and District Court (current) I am in a unique position to shed light on developments in JAG's commissioning methodologies. Unfortunately I have not been involved in the early JAG commissions so cannot provide the same inside perspective.

My initial work in public art was informed by critically engaged temporary practice, and I intended to transfer these values into the permanent integrated art and architecture context of *AB-i*. Many of the projects I was involved with initially were for art organisations' buildings such as the pre *AB-i* 381 Brunswick St (1998), the Brisbane City Council commissioned *Brisbane Powerhouse* (2000) and the early *AB-i* *Judith Wright Centre for Contemporary Art* (2001). (See figures 2-4.) I was directly involved as an artist and curator in these art-

Iris Marion Young in Deutsche, pp. 309-10.

¹⁰ Deutsche, p. 288.

focussed building projects, and experienced public art committees that generally encouraged innovative contemporary art and freedom of artistic expression.

Figure 2

Collaboration Jay Younger, Ann-Maree Reaney, Gregory Gilmour

381 Brunswick Street

Detail: 'Underwater Swimmers' Video Triptych

1998

Commissioned by Artworkers, The Public Art Agency, and Cox/Rayner Architects

Photo: Eric Williamson, Courtesy The Public Art Agency

Figure 3
Richard Tipping
Watermark, Brisbane Powerhouse
2000
Plate Steel
Commissioned by Brisbane City Council
Curated by Jay Younger
Photo: Jay Younger

Figure 4
Ghosting—Opening Night Performance
Live Performance by Lisa O'Neill and Video in Peppers Ghost Effect
Judith Wright Centre for Contemporary Art
2001
Commissioned by Arts Queensland
Curated by Jay Younger
Photo: David Thomlin

When I began to deal with non-art government client commissioners such as Technical and Further Education (TAFE) and JAG, I realised that the commissioning of critically engaged art in non-art building contexts was difficult because of the fears and values of those representing the government client commissioner.

Early *AB-i*: Illustrations of History and Justice

Early JAG commissions include both regional projects such as Innisfail Courthouse (2000), Kowanyama Crime and Justice Commission (1999), Maryborough (2001), and metropolitan projects such as Roma St Courthouse (1999), The Crime and Justice Commission (1999) and Wynnun Courthouse (2001). In looking firstly at the early works, many of these are obviously lesser budgets of approximately \$50,000 in comparison to the higher profile mid and post *AB-i* JAG commissions such as Brisbane Magistrates Courts at \$1.7 million and Brisbane Supreme Court and District Court at \$3 million.¹¹

Figure 5
Kevin Todd
Untitled Roma St Magistrates Court
1999
Photo: Richard Stringer

¹¹ Obviously smaller budgets limit possibilities of artistic production, however it is worth mentioning that the suite of works produced for 381 Brunswick St totalled \$24,000. 381 Brunswick St was used on all the initial Public Art Agency/*Art Built-in* publicity material and was considered to be an exemplar of the type of practice to be commissioned under *AB-i*.

Figure 6
John Smith Gumbula, CJC Fit out – Terrica Place
Barramundi + Kurilpa
1999
Photo: Rod Buchholz

Figure 7
John Smith Gumbula
Kurilpa – South Bank area, CJC Fit out – Terrica Place (detail)
1999
Etched Glass
Photo: Rod Buchholz

Figure 8
Yenda Carson and children from Kowanyama State School, Kowanyama CJC
Place of Many Waters
1999
Painted Cement
Photo: David Campbell

Figure 9
Yenda Carson and children from Kowanyama State School, Kowanyama CJC
Place of Many Waters (Detail)
1999
Painted Cement
Photo: David Campbell

Figure 10
Glen Manning
Balance, Maryborough Courthouse (Detail)
2001
Tiles and Paving
Photo: Project Services

Figure 11
Glen Manning
Balance, Maryborough Courthouse
2001
Tiles and Paving
Photo: Project Services

The media used in many of the early JAG projects is tiles or pavers, etched glass or paint on cement, with the exception of Kevin Todd's work for Roma St Magistrates Court. The works often illustrate regional identity evidenced in Sam Di Mauro's work for Innisfail Court, which portrays the history of the Johnstone River in a representational style. The most typical alternative to the illustrative historical approach was the unobtrusive minimalist patterns and designs that are symbolic of Justice.

Figure 12
Sam Di Mauro
People – Connection – Place, Innisfail Courthouse (Detail)
2000
Tiling and Paving
Photo: John Mongard

Figure 13
Paul Brown
The Labyrinth of the Law, Wynnum Courthouse
2001
Stonework, shot-blasted concrete paving and sand-blasted glazing
Photo: John Mongard

Figure 14
Paul Brown
The Labyrinth of the Law, Wynnum Courthouse (Detail)
2001
Stonework, shot-blasted concrete paving and sand-blasted glazing
Photo: John Mongard

An example of paving patterns as symbols of Justice is found in the premise of the Wynnum Courthouse artwork. The artist statement reads:

The formal geometry of the labyrinth reflects the regulation of the law.

Its many exits and entrances show equilibrium in the expression of democratic rule.

The labyrinth is a contemplative space.

A space for harmony in the midst of conflict.¹²

As evidenced in the aforementioned early *AB-i* JAG commissions, illustration of justice themes or community/regional representation were prevalent.

Brisbane Magistrates Court—Process Art: Protecting the Artworks

In the context of curating public artworks for Brisbane Magistrates Courts, my initial opinion of JAG was that it was a conservative and authoritative Government client and I realised

¹² Paul Brown, 'Labyrinth of the Law, Wynnum Courthouse' in www.paul-brown.com, (accessed 7 July, 2009).

immediately that there was going to be resistance to artistic content that might be seen as challenging or critical. There were three contributing factors in the Magistrates commissions that brought about a steeper learning curve than previous projects: the courts are high security venues that are potentially volatile and dangerous; Magistrates was the largest *AB-i* allocation of its time; Rex Butler's article; and Chief Magistrate Di Fingleton was gaoled for what was essentially sending an email to a colleague, just as I commenced as curator of the project.¹³ In combination these factors created the backdrop for an over-scrutinised and careful commissioning context. Initially it was curatorially disappointing to think that the role of the artwork was simply to pacify the users of building.

To avoid perversion of the artists' concepts both extrinsically (by the art-by-committee process), and intrinsically (where the artist unknowingly alters their work to please the client) the curatorial rationale of 'Process art' was employed.¹⁴ The major concept is that the artistic outcome like the outcome of the legal system is the consequence of a set of actions. First and foremost, this created a vital escape from typical Law Courts commissions, which include austere symbols of state authority, such as statues of liberty, scales of justice and crests, or abstract artworks such as Akio Makigawa's black and white marble *Equilibrium* located at the main entry steps of Brisbane's Federal Law Courts, based on the scales of justice.

¹³ Di Fingleton was appointed Chief Magistrate in 1999 above disgruntled senior male magistrates by The Hon Matt Foley, then Attorney-General (and Minister for the Arts) who 'was keen to appoint women to the bench and reform what it [he] regarded as a conservative boys' club'. She was convicted of a charge of retaliating against a witness after threatening to demote a magistrate, Basil Gibbon. She was sentenced to a year in gaol but this was reduced to six months on appeal. A judicial committee was set up under the legislation to look at a decision Di Fingleton made to transfer a Brisbane magistrate, Anne Thacker, to Townsville. Mr Gibbon had written an affidavit to the judicial committee in support of Anne Thacker's appeal. Fingleton then wrote an email to Mr Gibbon asking him to show cause why he should keep his job. Geoff Airo-Farulla, a Lecturer in Constitutional and Administrative Law at Griffith University, was interviewed on *The Law Report* on Radio National regarding the imprisonment of Di Fingleton. 'The offence was threatening to retaliate against a witness in the judicial proceedings, which was a new offence that was only introduced in the middle of last year [2002], and at that time the Attorney-General said that the purpose of the new offence was to protect witnesses from outlaw bikie gangs and organised crime and things of that ilk,' he said. The Di Fingleton case ran a parallel life to the Magistrates artworks, enduring beyond the opening of the building in December 2004. In July 2005, Fingleton won her High Court appeal and met with Premier Peter Beattie regarding compensation. I believe the behaviour of the JAG public servants charged with commissioning the public art was considerably affected by a background of controversy surrounding the gaoling of their Chief Magistrate.

¹⁴ Process Art side-steps issues of personal taste reasonably well because it has specific qualities that can more easily be addressed in criteria-based assessment. The emphasis of the process artwork is on the surprising qualities of how the artwork is made, not on whether the artwork performs as an aesthetically pleasing product that conforms to traditional views of artistic representation. 'Process art', also known as 'procedural art', is one of the many different art movements to employ alternative strategies to question traditional forms of realist representation. Emerging in the late 1960s, its fundamental philosophical approach continues to have currency for artists and designers. The principles of 'process art' emphasise the creative act of the artist and grew from the practice of 'action painting' and 'tachisme' in the 1940s and 1950s. Jackson Pollock's drip paintings and later Morris Louis's stain paintings were records of the technical procedures employed to produce them; 'process' became both the means and the subject of the works. Richard Serra's *Casting* (1969), an impermanent work made from throwing molten lead into the angular join between the gallery floor and wall and then peeled away as residue, revealed the behavioural properties of the materials that account for their form (or, in Serra's case, 'anti-form'). 'Process' art work provokes thought in terms of how the work is made—the process, experience or task of its making.

Figure 15
 Akio Makigawa
Equilibrium, Supreme Court, Brisbane
 c 1993
 Steel, black and white marble
 Photo: Jay Younger

JAG was comfortable with the curatorial rationale because it reflected aspects of the legal process, such as evidence and consequence. The process curatorial rationale was employed as a strategy to move beyond predictable artist briefs that focussed on content themes related to the government client commissioner. Rather than adjusting their approach to match the client's limited vision, the artists proposed work that was an extension of their practice (both conceptually and materially) in keeping with the process strategy. As curator, given the constraints of the project, I was initially satisfied to see innovation occur in the wide variety of alternative media utilised by the artists—neoprene, textiles, collage in concrete, photograms and suspended tensioned threads—rather than traditional media such as steel and marble.

With the ongoing Di Fingleton saga, JAG public servants had every reason to be extremely nervous regarding the potential ramifications of commissioning controversial public art and

consistently raised queries in relation to the public artworks. Six out of fourteen commissions were scrutinised and threatened, at some stage of the process, with one almost censored.¹⁵

Figure 16
Dan Templeman
Confluence, Brisbane Magistrates Court
2004
Plate aluminium and concrete
Photo: Stefan Jannides

¹⁵ Templeman's first concept was rejected by the client because it was too austere. On submission of Foley's first concept the artist was asked to use more of the site allotted to her. On submission of her second concept, the client raised concerns regarding a 'memorialising effect' due to the list of place names the artist had incorporated. From an aerial perspective Foley's work had two circles joined by a line of place names. This was seen by the client as a manacles image so the artist was asked to remove the line between the two circles and spread the place names chequerboard style across the site—which she did. Selig's suspended string work was seen to be too fragile but after a full scale model of a section of the proposed artwork was constructed and beaten with large rulers by the client and the NASA designed thread retensioned into its original form, the proposed work was able to proceed to fabrication. Other proposals that were overscrutinised included Sebastian Di Mauro, Bruce Reynolds and Judith Wright's work was almost censored.

Figure 17
 Fiona Foley
Witnessing to Silence, Brisbane Magistrates Court
 2004
 Bronze, Water Feature, Pavement Stone, Laminated Ash and Stainless Steel
 Photo: Stefan Jannides

Even though the JAG client was more than difficult and overscrutinising, Magistrates produced one of the clearest milestones for critically engaged art in Queensland Government commissioning. Months after the building's opening, an article appeared in *The Australian* entitled 'Revealed: Message Hidden in Sculpture', regarding Fiona Foley's *Witnessing to Silence*. The article claimed that Foley's public artwork had originally been presented as being about fire and flood, but instead it was really about the murders of Aboriginal people:

Ash, laminated in glass, was at first said to represent bushfires, but is intended to represent a means used to destroy evidence of the murder of Aborigines; by burning the bodies. Bronze lotus lilies, which grow in water in Queensland, represent another way in which the bodies were disposed: by dumping them in freshwater creeks and lagoons.¹⁶

In the story, subtitled 'Rage Revealed in Urban Landscape', Foley is quoted as saying:

'I knew that the political environment up here is so sensitive that I couldn't just come out and be up-front about the artwork. I had to couch it in other terminology.' Foley says 'All along, I've said that the work is related to fire and floods in Queensland.'¹⁷

Foley, in my opinion, was most likely correct in suspecting that the subject-matter of Aboriginal massacres may not have proceeded to fabrication. In the article, Anna Bligh, then

¹⁶ Mirium Cosic, 'Revealed: message hidden in sculpture', *The Australian*, 10 March, 2005. <http://theaustralian.news.com.au/printpage/0,5942,12495946,00.html> (accessed 10 March, 2005)

¹⁷ Mirium Cosic

Queensland Minister for the Arts and now the elected Premier, was asked to comment on Foley's hidden message:

'[Foley is] a very talented Queensland artist: whom the Government was pleased to bring to public attention' ...

'She is also very passionate about the oppression of Aboriginal people and it is not at all surprising that she would find an expression of that in her work.' ...

Ms Bligh said 'a work that encouraged thinking about issues of justice and injustice was appropriate to the site'.¹⁸

In a practical context, this open criticality is difficult to negotiate as there are many public servants who fear controversy and the relevant minister's wrath. In attempting to avoid controversy at all costs, the artistically uninformed, conscientious and cautious public servant seeks to curb artistic expression to more palatable topics and often intends to commission risk-free, content-free art so as to ensure their job security. In spite of this, Foley, a politically motivated, critically engaged artist, successfully opened the debate within the public arena regarding the silencing of controversial ideas in artistic practice. Furthermore Bligh encouraged freedom of artistic expression:

Ms Bligh said she was not concerned about the deception. 'I hope her [the artist's] experience with this work will encourage her to feel she can be as open as she wants in the future.'¹⁹

As a consequence of the Bligh–Foley hidden metaphor article, Queensland artists received a nation-wide ministerial proclamation for freedom of artistic expression and critical engagement in the public realm. Magistrates achieved a number of firsts, but most importantly in this context the commissions avoided predictable representations of government client values and instead the artists' works were more in keeping with the integrity of their practice.

¹⁸ Mirium Cosic

¹⁹ Mirium Cosic

Brisbane Supreme Court and District Court: Staking a Claim

Figure 18

The New Brisbane Supreme Court and District Court

Project Architect: John Hockings for Architectus

Commissioned by Justice and Attorney General

Proposed completion date June 2012.

Visualisation: Architectus

The Supreme/District Court is a post *AB-i* project and interestingly JAG chose to allocate public art commissioning funds—that is—it was no longer government policy to allocate 2% to public art. The model employed is predominantly *AB-i* in nature in that:

- the funds are allocated by the Queensland Government client
- (however the public art proportion of the building budget is .05% rather than 2%);²⁰
- the art is integrated and tied to the site;
- the artist is working with the curator, architect and design team;
- there are three commissioning phases;
- there is a Public Art Committee who makes recommendations to the
- client;

One significant difference from the *AB-i* model, due to the changes brought about by art+place, is that the selection of artists is not limited to Queensland artists.

In September 2008 I was selected as curator for the Supreme/District public artworks and can provide an inside perspective on commissioning methodologies to date. After Magistrates I decided to create a curatorial rationale for Supreme/District that focuses on the pleasure

²⁰ The allocation is \$3 million and would have been \$12 million under *AB-i*.

of difference in multi public space and directly confronts the criticisms of commissioning methodologies, especially the art-by-committee process and expectations of art to represent government. This strategy was employed to enhance freedom of artistic expression within public art commissioning. Following is an excerpt from the curatorial rationale:

In spite of the fact that public art cannot hope to express values held by everyone, many assumed values pertaining to public art still preserve consensual unified space at their core. As Deutsche has argued, because there is no such thing as a unified social field, even for a moment, in genuinely democratic public space, it is not possible for artists to represent a cohesive unified public view in relation to either government or community values. Similarly the repression of individual artistic expression for the greater good of representing a supposedly unified public or community view also undermines genuinely democratic public space.²¹

Government client representatives still harbour concern about parliamentary accountability and they still have some desire to link the artworks to the purpose of the building (i.e. Justice) as well as some expectation to commission Queensland artists. However, as long as the art can be argued as high calibre and the artworks are fabricated in Queensland then there is less concern because the arguments of quality and employment are in place. Regardless of these advancements in commissioning, limitations certainly exist in regard to the type of art and concepts that may be commissioned in this context. It is still debatable whether *Witnessing To Silence* would be commissioned in a courts context knowing that the concepts underpinning the work focus on Aboriginal massacres.

The work in progress commissions for the new Brisbane Supreme Court and District Court (BSCDC) include: Yayoi Kusama, Sally Gabori, Gemma Smith and Sebastian Di Mauro. These commissions have not been without their problems but they are mainly logistical with only one issue of content representation coming into play. After completion of the concept design and design development phases the client withdrew support for a proposed artwork. Initially the client approved the concept and the artist's work was seen favourably, however eventually concern was expressed about the nudity of some of the figures represented within a large celestial scene. The commissioning process was then commenced with another artist in place of the previous proposal that included representations of the body. Issues arose about commissioning artists that do not reside in Queensland or Australia. Concerns were also expressed that fabrication of the artworks should take place in Queensland if possible. Those higher up in the approval process requested that a Queensland artist be placed in competition with Kusama and Kusama's concept proceeded to be awarded the commission. Unexpectedly contractual issues arose just prior to the third and final contractual phase as some of the artists' agents were not comfortable signing an agreement with the managing construction contractor. This may seem like a minor logistical detail, however if a contract for fabrication cannot be agreed then the artwork also cannot be manifested.

Conclusion

While *AB-i* public art, like most public art commissioned in Australia and overseas, has received considerable criticism, what was so important about *AB-i* was that it provided a tightly

²¹ Jay Younger, *Brisbane Supreme Court and District Court Artwork Commission Plan*, (Brisbane: Justice and Attorney General, Queensland Government, 2009), p. 32

focussed, structured (as opposed to ad hoc), and well-resourced arena of experimentation in which interdisciplinarity between the fields of art and architecture could take place. Overtime, *AB-i* projects evolved from historically or thematically illustrative to strategically providing opportunities for innovation and critically engaged art and post *AB-i* to staking a claim in public space for the freedom of artistic expression. JAG has provided its own allocation for the Supreme/District Court public artworks and in principle has embraced freedom of artistic expression enshrined in the curatorial rationale.

While there were some early successes, artistic expression was hindered by the expectation of public art to represent government. In the context of integrated government commissioned public art in Queensland there is a maturity evolving that the art is more than a complementary, utilitarian, or harmonious accompaniment to architecture in the urban environment, and its purpose is not to be representative or illustrative of government or community values. Artists cannot realistically be expected to express state authority or community or civic values that are shared by all. Even though the Global Financial Crisis and the recent Queensland flood disasters have increased accountability regarding public expenditure, experienced politicians understand that the best political advertisement for a democratic government is a less confined approach to the expression of Queensland identity. The flood disasters have created a considerable debt for Queensland and this will become an election issue. Predictably Queensland Government expenditure on public art will be scrutinised in this process and this will almost certainly ensure anxiety for those accountable within the public art commissioning process.

AB-i is now defunct, however, much has been learned in the Queensland context, albeit in an integrated art and architecture approach with a government client commissioner. A certain level of maturity has come into being as a consequence of the debates and negotiations experienced in the *AB-i* context that will flow on to future projects that will have their own parameters and problems to be negotiated. Even though there has been a significant shift in the model employed by the State Government it is important to understand that the experiences gained under *AB-i* and incidents such as the Bligh—Foley hidden metaphor came some way in negotiating critically engaged art in a context where public space is often appropriated and not open to contestation.

References

- Brown, P. 'Labyrinth of the Law, Wynnum Courthouse' in www.paul-brown.com (accessed 7 July, 2009).
- Butler, R. (2003). 'Bogus Public Art', *Courier-Mail*, BAM, 7 June, pp. 1, 4.
- Cosic, M. 'Revealed: message hidden in sculpture', *The Australian*, 10 March, 2005.
<http://theaustralian.news.com.au/printpage/0,5942,12495946,00.html> (accessed 10 March, 2005).
- Payne, M. (1998). *A Dictionary of Cultural and Critical Theory*, Blackwell: Oxford and Massachusetts.
- Queensland State Government (2007). 'art + place, Queensland Public Art Fund Guidelines for Applicants'. <http://www.arts.qld.gov.au/funding/pub-art-funds.html> Downloadable pdf, p. 3. (accessed 22 February, 2008).
- Younger, J. (2009) *Brisbane Supreme Court and District Court Artwork Commission Plan*, Justice and Attorney General, Queensland Government: Brisbane.

About the Author

Assoc. Prof Jay Younger

Jay Younger is a practising artist and Associate Professor at the Queensland College of Art, Griffith University. Jay's work focuses on space, place and the body and finds form in photomedia, video, sound, site specific installation and art in public places. Jay has undertaken public art projects both as an artist and curator as well as within state government, local council, and corporate contexts. Significant public art curatorial projects include: Brisbane Magistrates Courts (2002-4) and Brisbane Supreme and District Court (2008-current). BMC showcased 14 Queensland artists and was the highest budget project of its time at \$1.7 million. BSCDC, is similarly one of the largest budget projects of its time with a \$3 million budget and is commissioning 3 Queensland artists Sally Gabori, Gemma Smith, and Sebastian Di Mauro alongside internationally acclaimed artist Yayoi Kusama.

Editors

Tom Nairn, The Globalism Institute, RMIT University, Australia.

Mary Kalantzis, University of Illinois, Urbana-Champaign, USA.

Editorial Advisory Board

Patrick Baert, Cambridge University, Cambridge, UK.

David Christian, San Diego State University, San Diego, USA.

Bill Cope, University of Illinois, Urbana-Champaign, USA.

Joan Copjec, State University of New York, Buffalo, USA.

Alice Craven, American University of Paris, Paris, France.

Michel Demyen, University of Victoria, Victoria, Canada.

Elizabeth DePoy, University of Maine, Orono, USA

Mick Dodson, Australian National University, Canberra, Australia.

Oliver Feltham, American University of Paris, Paris, France.

Clyde R. Forsberg Jr., Oxford College/Aletheia University, Tamsui, Taiwan.

Stephen French Gilson, University of Maine, Orono, USA.

Hafedh Halila, Institut Supérieur des Langues de Tunis, Tunis, Tunisia.

Souad Halila, University of Tunis, Tunis, Tunisia.

Hassan Hanafi Hassanien, Cairo University, Cairo, Egypt.

Ted Honderich, University College, London, UK.

Paul James, Globalism Institute, RMIT University, Melbourne, Australia.

Moncef Jazzar, Institut Supérieur des Langues de Tunis, Tunis, Tunisia.

Eleni Karantzola, University of the Aegean, Rhodes, Greece.

Krishan Kumar, University of Virginia, Charlottesville, USA.

Ayat Labadi, Institut Supérieur des Langues de Tunis, Tunis, Tunisia.

Marion Ledwig, University of Nevada, Las Vegas, USA.

Greg Levine, Macquarie University, Sydney, Australia.

Harry R. Lewis, Harvard University, Cambridge, USA.

Fethi Mansouri, Institute for Citizenship & Globalization, Deakin University, Melbourne, Australia.

Juliet Mitchell, Cambridge University, Cambridge, UK.

Nahid Mozaffari, New York, USA.

Nikos Papastergiadis, University of Melbourne, Melbourne, Australia.

Robert Pascoe, Victoria University, Melbourne, Australia.

Scott Schaffer, University of Western Ontario, London, Canada.

Jeffrey T. Schnapp, Stanford University, Stanford, USA.

Gayatri Chakravorty Spivak, Columbia University, New York, USA.

Bassam Tibi, University of Goettingen, Goettingen, Germany and
Cornell University, Ithaca, USA.

Giorgos Tsiakalos, Aristotle University of Thessaloniki, Thessaloniki, Greece.

Siva Vaidhyanathan, University of Virginia, Charlottesville, USA.

Cheryl A. Wells, University of Wyoming, Laramie, USA.

Zhang Zhiqiang, Nanjing University, Nanjing, People's Republic of China.

Chris Ziguras, Globalism Institute, RMIT University, Melbourne, Australia.

The Humanities Community

This knowledge community is brought together by a shared commitment to the humanities and a concern for their future. The community interacts through an innovative, annual face-to-face conference, as well as year-round virtual relationships in a weblog, peer reviewed journal and book imprint – exploring the affordances of the new digital media. Members of this knowledge community include academics, educators and research students.

Conference

Members of the Humanities Community meet at the [International Conference on New Directions in the Humanities](#), held annually in different locations around the world.

Over the past eight years, the Humanities Conference has established a reputation as a focal point for new ideas and new practices in humanities research and teaching. The conference was held at the Universidad de Granada, Campus La Cartuja, Granada, Spain in [2011](#); in University of California, Los Angeles, USA in [2010](#); in Beijing, China in [2009](#); in the Fatih University, Istanbul, Turkey in [2008](#); American University of Paris in [2007](#); University of Carthage, Tunis, Tunisia in [2006](#); University of Cambridge, Cambridge, UK in [2005](#); Monash University Centre, Prato, Italy in [2004](#); and the University of the Aegean, Rhodes, Greece in [2003](#). In [2012](#), the conference will be held at the Centre Mont-Royal in Montréal, Canada.

Online presentations can be viewed on [YouTube](#).

Publishing

The Humanities Community enables members to publish through three media. First, by participating in the Humanities Conference, community members can enter a world of journal publication unlike the traditional academic publishing forums – a result of the responsive, non-hierarchical and constructive nature of the peer review process. [The International Journal of the Humanities](#) provides a framework for double-blind peer review, enabling authors to publish into an academic journal of the highest standard.

The second publication medium is through a book series [The Humanities](#), publishing cutting edge books in print and electronic formats. Publication proposals and manuscript submissions are welcome.

The third major publishing medium is our [news blog](#), constantly publishing short news updates from the Humanities community, as well as major developments in the humanities. You can also join this conversation at [Facebook](#) and [Twitter](#) or subscribe to our email [Newsletter](#).

Common Ground Publishing Journals

AGING Aging and Society: An Interdisciplinary Journal Website: http://AgingAndSociety.com/journal/	ARTS The International Journal of the Arts in Society. Website: www.Arts-Journal.com
BOOK The International Journal of the Book Website: www.Book-Journal.com	CLIMATE CHANGE The International Journal of Climate Change: Impacts and Responses Website: www.Climate-Journal.com
CONSTRUCTED ENVIRONMENT The International Journal of the Constructed Environment Website: www.ConstructedEnvironment.com/journal	DESIGN Design Principles and Practices: An International Journal Website: www.Design-Journal.com
DIVERSITY The International Journal of Diversity in Organizations, Communities and Nations Website: www.Diversity-Journal.com	FOOD Food Studies: An Interdisciplinary Journal Website: http://Food-Studies.com/journal/
GLOBAL STUDIES The Global Studies Journal Website: www.GlobalStudiesJournal.com	HEALTH The International Journal of Health, Wellness and Society Website: www.HealthandSociety.com/journal
HUMANITIES The International Journal of the Humanities Website: www.Humanities-Journal.com	IMAGE The International Journal of the Image Website: www.OntheImage.com/journal
LEARNING The International Journal of Learning. Website: www.Learning-Journal.com	MANAGEMENT The International Journal of Knowledge, Culture and Change Management. Website: www.Management-Journal.com
MUSEUM The International Journal of the Inclusive Museum Website: www.Museum-Journal.com	RELIGION AND SPIRITUALITY The International Journal of Religion and Spirituality in Society Website: www.Religion-Journal.com
SCIENCE IN SOCIETY The International Journal of Science in Society Website: www.ScienceinSocietyJournal.com	SOCIAL SCIENCES The International Journal of Interdisciplinary Social Sciences Website: www.SocialSciences-Journal.com
SPACES AND FLOWS Spaces and Flows: An International Journal of Urban and ExtraUrban Studies Website: www.SpacesJournal.com	SPORT AND SOCIETY The International Journal of Sport and Society Website: www.sportandsociety.com/journal
SUSTAINABILITY The International Journal of Environmental, Cultural, Economic and Social Sustainability Website: www.Sustainability-Journal.com	TECHNOLOGY The International Journal of Technology, Knowledge and Society Website: www.Technology-Journal.com
UBIQUITOUS LEARNING Ubiquitous Learning: An International Journal Website: www.ubi-learn.com/journal/	UNIVERSITIES Journal of the World Universities Forum Website: www.Universities-Journal.com

For subscription information please contact
subscriptions@commongroundpublishing.com