After the Courtship, is the love lost?...The engagement of art and architecture in Queensland’s *Art Built-in*.

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Ten 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 ten 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.

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.


(accessed 22 February, 2008)
AB-i as a whole of government policy has been unique in Australia in the amount of funding that was allocated throughout the state to public art. AB-i automatically generated public art in step with capital works without ad hoc, competitive or metropolitan-focused 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 works for the built environment.

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.

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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.

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).
Art World Criticism of AB-i

When it came to vocal attacks on public art in Queensland, the voice of the art world was most often 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.  

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. 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’. 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 art-by-committee process within government commissioning:

6 Butler, p. 1.
7 BAM is the acronym for the ‘Books Art Music’ liftout section. Butler, p. 4.
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, Roslyn Deutsch, Miwon Kwon, Katarina Hegewisch, Iris Marion Young, and others, that the art-by-committee process is 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’.\(^9\)

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\(^8\) Butler, p. 4.  
The Public Art Agency was the Arts Queensland organisation charged with administering AB-i.  
Iris Marion Young in Deutsch, pp.309-10.
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. 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 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 artist-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
Photo: Jay Younger
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 Wynnum 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.  

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10 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 5
Kevin Todd
*Untitled* Roma St Magistrates Court
1999
Photo: Richard Stringer

Figure 6
John Smith Gumbula, CJC Fit out – Terrica Place
*Barramundi + Kurlpa*
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
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 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.\(^\text{11}\)

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 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 gaoloed for what was essentially sending an email to a colleague, just as I commenced as curator of the project.\(^\text{12}\) In combination these factors created the backdrop for an over-

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\(^{12}\) 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
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. 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.

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12 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.

13 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.
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.\textsuperscript{14}

\textit{Figure 16}
Dan Templeman
Confluence
2004
Brisbane Magistrates Court
Plate aluminium and concrete
Photo: Stefan Jannides

\textsuperscript{14} 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 placenames 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.
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.15

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

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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 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’.17

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.’18

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.

16 Mirium Cosic
17 Mirium Cosic
18 Mirium Cosic
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%);\(^{19}\)
- 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.

\(^{19}\) The allocation is $3 million and would have been $12 million under AB-i.
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 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.\(^\text{20}\)

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.

\(^{20}\) Jay Younger, *Brisbane Supreme Court and District Court Artwork Commission Plan*, (Brisbane: Justice and Attorney General, Queensland Government, 2009), p. 32
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 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, artists were hindered by the expectation of public art to represent government. In the context of integrated government commissioned public art, there is an evolving understanding that the art is more than an expression of state authority or community or civic values. Even though the Global Financial Crisis has 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.

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


