



GOVERNMENT OF WESTERN AUSTRALIA

RESPONSE OF THE WESTERN AUSTRALIAN
GOVERNMENT TO:

THE WESTERN AUSTRALIAN LEGISLATIVE ASSEMBLY
COMMUNITY DEVELOPMENT AND JUSTICE STANDING
COMMITTEE INQUIRY INTO *THE INSIDE AUSTRALIA
PROJECT AT LAKE BALLARD (MENZIES)*

RESPONSE FROM THE MINISTER FOR CULTURE AND THE ARTS, ON BEHALF OF MINISTERS FOR TOURISM, LOCAL GOVERNMENT and ENVIRONMENT, TO THE INQUIRY INTO THE INSIDE AUSTRALIA PROJECT AT LAKE BALLARD (MENZIES)

BACKGROUND

The Government commends the Community Development and Justice Standing Committee for its report entitled *Inquiry into the Inside Australia Project at Lake Ballard (Menzies)*.

The Inquiry was undertaken to examine 51 life size metal sculptures by internationally renowned artist Anthony Gormley OBE RA, which are located on the western end of Lake Ballard in the northern goldfields.

Specific matters considered during the inquiry were:

1. the history of the instigation and installation of this project, in particular the original scope and vision for the project;
2. the role taken by the Department of Culture and the Arts and Art Gallery of Western Australia and other government departments and agencies in reference to this project;
3. the costs and benefits and role this art installation project is currently providing to the local community of Menzies, the wider goldfields region, and to the wider Australian community;
4. any support that is needed to assist the Shire of Menzies and the local Menzies community in helping maintain and protect the project;
5. what steps if any need to be taken to promote this project as a significant visitor destination in WA;
6. the risks associated with any ongoing deterioration of or damage to the project;
7. the opportunities for fully completing this project in accordance with the original scope and vision for the project;
8. what organisational framework and financial support is necessary to protect this project into the future; and
9. what opportunities and benefits, if any, exist for additional art installation projects of this type in Western Australia.

The report raises the important issues of governance, management of the site where the metal sculptures are installed, and funding for the conservation and promotion of the art work.

The Government acknowledges these issues and relevant agencies are working cooperatively to address areas of concern identified in the report through the development

of policy options and supporting initiatives. This extends to working with and assisting the Shire of Menzies.

The roles and responsibilities of each of the participating government agencies and the Shire of Menzies in the promotion, development and management of the site are as follows:

- Department of Culture and the Arts – artistic and curatorial care of the asset base;
- Tourism Western Australia – tourism product development, promotion and market development;
- Shire of Menzies – day to day facility management, infrastructure development and site management;
- Department of Local Government – support and assistance to the Shire of Menzies; and
- Department of Environment and Conservation – contracted by the Shire of Menzies for project management and supervision of the recreation site development, including camping and day use of Lake Ballard.

The *Inside Australia* sculptures have, since their installation for the 2003 Perth International Arts Festival by internationally renowned sculptor, Antony Gormley, become a significant drawcard for visitors to the region. It is estimated that 10,000-20,000 people have travelled to Menzies and Lake Ballard to see the sculptures each year.

Negotiations between the former State Government and Mr Gormley resulted in the signing of a Deed of Transfer of the art work in 2007.

RESPONSE TO RECOMMENDATIONS

The Community Development and Justice Standing Committee made 19 findings and 10 recommendations covering at least four portfolio areas.

For the purpose of this response, the 10 recommendations are grouped into six broad categories:

1. Classification – a determination of whether the art work should be classified a functional asset or as part of the State’s art collection;
2. Governance – the effectiveness of the existing governance model;
3. Funding – for conservation and site management;
4. Management – improvement through support mechanisms and development of a business plan;
5. Promotion – greater promotion of the sculptures, including the development of an interpretive centre within Menzies; and
6. Conservation – through prohibition of vehicles on Lake Ballard.

Appendix 1 provides a summary of the recommendations under these headings.

A number of recommendations arising from the Report will have budgetary implications; any subsequent implementation of these recommendations will need to be considered as part of a wider budget process.

1. CLASSIFICATION

Recommendation: 1

The *Inside Australia* sculptures become part of the State's art collection and not treated as a functional asset.

It is the Government's view that such a move is premature. The Deed of Transfer, executed between Antony Gormley and the State of Western Australia in 2007, specifies a review to be undertaken in the fifth year (2011) to ascertain whether the level of recurrent funding from the Department of Treasury and Finance to the Art Gallery of Western Australia is sufficient for the conservation treatment program and curatorial custody of the sculptures.

This determination would be an essential component of the due diligence to be undertaken by Art Gallery of Western Australia management prior to any recommendation to the Board of the Art Gallery in relation to the sculptures becoming part of the State's art collection.

2. GOVERNANCE

Recommendations: 2 and 3

The Standing Committee considers the existing governance model involving the Lake Ballard Management Association and the Lake Ballard Advisory Committee is not working satisfactorily, and has recommended (2) that the Ministers for Culture and the Arts and Tourism, review and restructure the governance mechanisms in consultation with all affected stakeholders.

The Committee has also recommended (3) that the Lake Ballard Association, if it continues as the governing body, should have broader membership representative of a greater number of stakeholders, including representatives of Tourism Western Australia and the Art Gallery of Western Australia; and that the Association's rules also need to be consultatively rewritten.

The Government does not accept these recommendations. A multi-faceted approach to the management of the *Inside Australia* sculptures was put in place with the incorporation of the Lake Ballard Association in 2007. The Lake Ballard Association Incorporated was created to own and manage the Reserve constituting the area containing the *Inside Australia* sculptures. Membership of the Association comprises four councillors of the Shire of Menzies and four traditional owners of the land. Its principal roles are land ownership, land management, protection of Aboriginal cultural values, tourism monitoring and public liability for the land and sculptures. Funding for activities is provided by the Shire of Menzies.

The Government does, however, recognise the need for greater cohesiveness between the current Lake Ballard Management Association and its Advisory Committee. A simple amendment to the Association rules allowing the committee to 'co-opt additional skills and technical expertise as required' should be sufficient. Alternatively, an amendment allowing 'ex officio government' involvement will be considered.

Any restructure of existing arrangements resulting from a review of governance should be consistent with the vision and principles of the *Local Government Act 1995* for the functions of a local government, i.e. in carrying out its functions, a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.

This would be consistent with Western Australian Government policy for local government reform and State development, underpinning increased sustainability and community wellbeing.

Progress with this recommendation may also be dependent on a reformulated Deed of Transfer with Antony Gormley.

3. FUNDING

Recommendations: 4 and 5

The Standing Committee acknowledged the high risk of deterioration and damage to the sculptures if funding is not continued for conservation and maintenance, and recommended (4) that requisite base funding be continued indefinitely after the current funding expires in 2011.

The Committee also recommended (5) that a moderate 'user access' fee be levied to help support management costs related to the art work and surrounding landscape.

The Government supports the continued conservation, care and curatorial oversight of the *Inside Australia* art work and acknowledges that the Art Gallery of Western Australia will seek additional funding for this purpose beyond June 2011 within the normal budget process.

The Government also supports, in principle, a 'user-pays' system or regulated means to cover management costs, however, the cost of raising such income needs to be carefully considered. To initiate an effective fee system and collection structure, this initiative should be given further consideration during the development and implementation of a Lake Ballard Business Plan, suggested in Recommendation 7.

These recommendations will need to be considered as part of a wider budget process.

4. MANAGEMENT

Recommendations: 6 and 7

The Standing Committee recommends (6) that the Shire of Menzies, in conjunction with the Department of Environment and Conservation, undertake a feasibility study into the practicalities of using camp hosts to support the Shire ranger in the management of the Lake Ballard site and its associated works to enhance security.

The Committee also recommends (7) the development of a business plan for the management and promotion of *Inside Australia* and its derivatives. The plan should include consideration of the merit of proceeding with the original field house accommodation or other on-site camping facilities.

The Government, via the Department of Environment and Conservation, is prepared to assist the Shire of Menzies to undertake a feasibility study. It is believed, however, that if a proposal to use camp hosts is determined to be a practical solution to the security issue, the camp hosts should be based in Menzies rather than onsite at Lake Ballard. At issue are the accommodation and recruitment costs associated with maintaining staff, and consistency and continuity of services at a remote location, such as Lake Ballard.

The Government supports the development of a business plan for the management and treatment of *Inside Australia* and will provide expertise via relevant agencies to assist the Shire to develop such a plan.

The Shire of Menzies' rate revenue has increased substantially from \$450,000 (approximately) in 2005 to \$2 million (approximately) in 2009 due to the expansion of mining activities within the Shire. In addition, market exposure has increased awareness for the town of Menzies and the Goldfields, which in turn has increased visitation to the region and delivered greater tourist numbers to the site. With this growth is collateral capacity for the Shire to maintain its support for *Inside Australia*. The development of a business plan will assist with this process.

The Government also acknowledges that the Lake Ballard Business Plan is needed to complement the Lake Ballard Management Plan and will assist the Shire to capitalise on the tourism benefits of the attraction. Prioritising initiatives that deliver economic returns to the Shire of Menzies, with outlining indicative costs, timelines and relevant operational aspects, will be addressed as a priority.

There is also support for investigating the merits of a Field House, which was initially intended by Antony Gormley as part of his original vision for the *Inside Australia* Project.

Progress with this recommendation will be dependent on a reformulated Deed of Transfer; however, both recommendations will need to be considered as part of a wider budget process.

5. PROMOTION

Recommendations: 8 and 9

The Standing Committee recommends (8) that there is clarification of the use of two-dimensional images, beyond a narrow set of images provided to Tourism WA, with Mr Antony Gormley. This may possibly lead to a need to amend the Deed of Transfer while still protecting the integrity of the Work and permitting aesthetically sensitive commercialisation of the images.

The Committee also recommends (9) that State Government funding be given to Shire of Menzies to support the development of an interpretative centre based within the township. The Centre would explore the local geology and aboriginal heritage; promote *Inside Australia* and retail relevant and approved replicas and derivatives, which could complement the Golden West Tourist Trail.

Effective promotion and marketing of the site is critical in its sustainability as a cultural tourist attraction. While the Government, via Tourism Western Australia, needs greater flexibility in access to a wider range of images to actively promote *Inside Australia*, it

acknowledges that copyright of the work rests with the artist, Antony Gormley. It is accepted that it may be necessary to negotiate compensation with Mr Gormley for rights to access a wider range of images. Progress with this recommendation will be dependent on a reformulated Deed of Transfer.

The Committee commented that the addition of a new Visitor Information Centre/Interpretive Centre in Menzies could leverage significant social and economic returns to the local community. Such a facility could also enhance the current visitor experience by highlighting increased interpretation that in turn would complement other tourism assets in the region, including the Golden Quest Discovery Trail.

Implementation of both these recommendations has financial implications and will need to be considered as part of a wider budget process.

(1) CONSERVATION

Recommendation: 10

The Standing Committee recommends that the Shire of Menzies passes a local law prohibiting vehicles, unless otherwise authorised, on the western end of Lake Ballard where the sculptures are installed.

The Government endorses this recommendation as vehicular traffic on Lake Ballard currently presents the greatest conservation risk to both the sculptures and the natural heritage values of the lake.

The Government, via the Department of Local Government, will be in a position to offer assistance to the Shire of Menzies with the development of an appropriate local law.

CONCLUDING COMMENTS

In conclusion, the Community Development and Justice Standing Committee is to be commended for its report: *Inquiry into the Inside Australia project at Lake Ballard (Menzies)*.

The report raises a range of concerns and issues which will assist the Government in considering future policy options in relation to governance, management and funding of the site and associated facilities.

While a number of supporting plans - the Lake Ballard Master Development Plan, Lake Ballard Management Plan and Lake Ballard Curatorial and Conservation Plans – are already in place to address current and future deterioration and damage to the Inside Australia sculptures and landscape, the Government acknowledges that ongoing promotion and infrastructure are needed to ensure the attraction reaches its potential as a tourism drawcard for the region.

Many recommendations have financial implications that will need to be considered as part of a wider budget process.

The Government also recognises that greater commitment to effective management arrangements is necessary and will provide support to the Shire of Menzies, particularly in the development of a business plan. There is also potential to explore the involvement of surrounding local governments and other relevant bodies in the broader future development of tourism in the region.

APPENDIX 1

1. CLASSIFICATION

Recommendation 1

It is a matter of great concern to the Committee that Inside Australia is merely on the Art Gallery of Western Australia's (AGWA) asset register. In light of the widely acknowledged artistic merit and international significance of Inside Australia, it should not be treated as a functional asset by AGWA. The Committee therefore strongly recommends that this Work become part of the State's art collection without delay.

2. GOVERNANCE

Recommendation 2

It is widely recognised that the existing governance model is not working satisfactorily and alternative mechanisms need to be put in place. Accordingly, the Committee strongly recommends that the Minister for Culture and the Arts, together with the Minister for Tourism, review and restructure the governance mechanisms in relation to Inside Australia, in consultation with all affected stakeholders, as a matter of priority.

Recommendation 3

It is the strong recommendation of the Committee that if the Lake Ballard Association Inc. (LBA) is to be the governing body then, instead of the current narrow membership base, its membership must be broadened to include more stakeholders, in particular the Art Gallery of Western Australia and Tourism Western Australia. Additionally it is recommended that that the Rules of the Lake Ballard Association (Inc) are consultatively rewritten to accommodate changes to both membership and modus operandi to take account of:

- the need for the body to be able to make timely decisions;
- the objectives of the reconstituted LBA, including desired outcomes;
- the roles and responsibilities of the parties including their capacity to contribute, and positions on the governing board;
- resources to be applied by the parties;
- the approach to identifying and sharing the risks and opportunities involved;
- agreed modes of review and evaluation; and
- agreed dispute resolution arrangements.

3. FUNDING

Recommendation 4

The Committee recognises that current conservation funding expires in 2011 and the risk of ongoing deterioration and damage to Inside Australia is seen to be extremely high if the conservation plan and the funding, as outlined in the Deed, for the conservation and maintenance of the installation were not to continue. Therefore, the Committee strongly recommends that there is a clear decision by government that requisite base funding for conservation will be continued indefinitely.

Recommendation 5

The Committee recommends that, to support the more intense management needed for the artwork and the surrounding landscape, a moderate user access fee is levied. The proceeds of this fee would vest in the reconstituted governing body.

4. MANAGEMENT

Recommendation 6

Onsite management would greatly enhance security. The Committee recommends that the Shire of Menzies in conjunction with the Department of Environment and Conservation undertake a feasibility study into the practicalities of using camp hosts to support the Shire ranger in the management of the Lake Ballard site and its associated works.

Recommendation 7

The Committee recommends that the existing or revised governing body prioritise the development of a business plan for the management and promotion of Inside Australia and its derivatives. This business plan should include consideration of the merit of proceeding with the original field house accommodation or other on-site camping facilities.

5. PROMOTION

Recommendation 8

The Committee recommends that there is clarification of the use of two-dimensional images, beyond a narrow set of images provided to Tourism WA, with Mr Antony Gormley. This may possibly lead to a need to amend the Deed of Transfer while still protecting the integrity of the Work and permitting aesthetically sensitive commercialisation of the images.

Recommendation 9

The Committee recommends that state government funding be given to Shire of Menzies to support the development of an interpretative centre based within the township. The Centre would explore the local geology and the aboriginal heritage. It would promote Inside Australia and retail relevant and approved replicas and derivatives. This would complement the Golden West Tourist Trail.

6. CONSERVATION

Recommendation 10

The Committee recommends that the Shire of Menzies passes a local law prohibiting vehicular traffic, unless otherwise authorised, on Reserve 49153, which forms the canvas on which the sculptures have been installed.