

# POLICY DOCUMENT



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## TABLE OF CONTENTS

Introduction.....	3
Overview.....	3
History.....	3
Mission.....	4
Principles of the Association.....	4
Structure	
Association Structure.....	5
Appointment to Board.....	5
Roles and accountability.....	5
Organisational Meetings.....	6
Association compliance requirements.....	8
Membership	
Eligibility and appointment of members.....	8
Occupational health and Safety of members.....	8
Grievance Procedures.....	8
Disputes and Dismissals.....	9
Resignation of membership.....	9
Code of Practice for Members	
Overview.....	10
Buying art.....	10
Selling art.....	10
Representing clients.....	10
Advising clients.....	10
Valuation advice for purchase and sale .....	11
Valuation for insurance.....	11
Storage, handling and conservation.....	11
Relationships with suppliers.....	11
Independence and accountability.....	11
Fees and charges.....	11
Administration	
Financial Planning.....	12
Funding.....	12
Insurance.....	12
Evaluation Procedures	
Policy document review procedures.....	12
Extraordinary review requirements.....	12
Appendices	
Constitution.....	13

## **INTRODUCTION**

This is a working document designed for association members. It is to facilitate the growth and development of the association and to assist members in understanding our structure, aims and purpose. It is anticipated that the document will grow and significantly alter with time. The document will be fully revised each year as part of the AGM and the new issue distributed to members.

## **OVERVIEW**

### **HISTORY**

The association was incorporated in 2006 after consultations with industry specialists in November 2005.

The founding committee members of ACAA were Anita Archer, Marnie Feneley, Michael Reid, Alison Renwick, Sarrah Shapley, Sophie Ullin, Virginia Wilson.

The committee sought pro-bono support from Lowensteins Arts Management (financial) and Archer Thompson Lawyers (legal).

### **MEMBERS**

Name	Date Joined	Membership Number	State	Date Resigned	Reason for resignation
Sarrah Shapley	May 2006	6	VIC		
Anita Archer	May 2006	1	VIC		
Virginia Wilson	May 2006	3	NSW		
Sophie Ullin	May 2006	2	VIC		
Marnie Feneley	May 2006	4	NSW		
Michael Reid	May 2006	5	NSW	April 2008	Conflict of interest
Alison Renwick	May 2006	7	NSW	January, 2009	Conflict of interest
Alison Kelly	August 2006	8	VIC	June 2008	Conflict of interest
Ian Rogers	June 2006	9	VIC		
Amanda Love	September 2006	10	NSW		
Brenda Colahan	July 2006	12	NSW		
Jane Hylton	August 2006	13	SA		
John Jones	July 2006	14	VIC	June 2008	Non renewal
Vivienne Sharpe	September 2006	15	NSW		
Lousie Smith	January 2007	16	VIC		
Jane Raffan	August 2009	17	NSW		
Adrian Newstead	October 2009	18	NSW		
Anna Waldman	January 2010	19	NSW		
Claire Mitchell	January 2010	20	VIC	June 2010	Personal reasons

### **MISSION**

The Art Consulting Association of Australia is a professional industry association linking art consultants nationally and providing information and provider links to those seeking the services of a consultant.

The purpose of the association is to represent, promote and further the interests of art consulting as a professional endeavour in Australia.

We will enhance and strengthen the commercial aspects of art consulting. We believe that the establishment and maintenance of a set of ethical standards is fundamental to sustained growth and commercial success of the industry.

The association will comment and respond to issues relating to arts practice in Australia in the light of our ethical standards.

We will provide information that creates industry transparency through our website, flyers, member talks and press releases.

We will link members through regular contact, website and meetings and provide opportunities for professional growth.

The Association will grow membership and become a platform and voice for the art consulting industry.

## **PRINCIPLES OF THE ASSOCIATION**

To represent, promote and further the interests of professional Australian art consultants and art consulting as a professional endeavour.

The establish a benchmark of ethical standards of professional practice for art consultants practising within Australia.

## **ASSOCIATION STRUCTURE**

### **BOARD**

These positions are honorary and by invitation

CHAIRMAN - to be appointed

DEPUTY CHAIRMAN - to be appointed

### **COMMITTEE**

(the constitution states that the committee must be >5 members and <11)

Committee roles are honorary and appointed by a show of hands

Committee Roles:

**PUBLIC OFFICER/CHIEF EXECUTIVE – Sarrah Shapley**

The public officer/chief executive of the association is responsible for the growth and development of the association throughout their term. This elected role is accountable to the committee. The Public Officer/chief executive is to be the coordinator who steers and delegates tasks and actively controls the direction of the association.

The public officer/chief executive is responsible for the maintenance of the membership register and the official documents and records relating to the association.

The public officer work closely with the Association Administrator

**TREASURER – Sarrah Shapley**

The treasurer is responsible for the maintenance of the accounts and financial record keeping of the association. The treasurer is to liaise with Evan Lowenstein at Lowensteins Art Management with regards to the end of year accounts. The accounts are currently maintained using Quickbooks.

**MEDIA SPOKESPERSON – Sophie Ullin/Virginia Wilson**

The media spokesperson is responsible for writing, forwarding and delegating the regular production of responses to media issues relevant to the association and to being the voice of the association when comment is required. The media spokesperson is to forward copy of all comment and releases to the public officer/chief executive for record keeping accountability however is entitled to act without the consent of the committee bearing in mind the mission statement and principles of the association in order to effect timely media responses.

### **OTHER COMMITTEE MEMBERS**

Other committee members are to actively assist and promote the association as required and to be available when called upon.

### **MEMBERS**

(the constitution states that membership numbers are unlimited)

All members are invited to actively contribute to the growth and development of the association through suggestions, linked activities, written press releases and issues discussions as well as the regular and consistent use of the association logo and website within their own professional practice

### **ADMINISTRATIVE CO-ORDINATOR – Stephanie Sacco**

In June 2010, the Association approved the appointment of an administrative co-ordinator. It is a volunteer position with a monthly stipend of \$150.00. The role involved the maintenance, management and production of association correspondence and website matters, the management and smooth running of all meetings and member queries and additional duties as requested by the public officer.

### **ORGANISATIONAL MEETINGS**

A General Meeting of the Association will be held annually. This is to be a formal gathering with States linked by teleconference if necessary. All other meetings will be extraordinary General Meetings. These can be in an electronic format via email or other agreed electronic method. However, the business of an electronic extraordinary meeting must be commenced, transacted and concluded within a seven day period.

The AGM should be held around the time of the end of financial year.

The following business is to be transacted at the AGM of the Association:

- Confirmation of the minutes of the last Annual General Meeting and any General Meeting since the last Annual General Meeting.
- Public Officer's report of the Association's Activities.
- Treasurer's report.
- Nomination and Election of new Members to the Committee.
- Any other business on the agenda for the Annual General Meeting.

The agenda of any General Meeting shall be prepared by the Public Officer and be sent out at least one week prior to the date of the General Meeting.

Any Member who wishes to bring any business before a General Meeting must give notice in writing of that business to the Public Officer not less than one (1) week prior to the date of that meeting.

A quorum of five Members is required to activate a meeting. This quorum can be comprised of proxy representatives. If within half an hour from the time appointed for the meeting a quorum is not present, the meeting is to be dissolved and postponed.

If a meeting is dissolved, it shall be postponed for two weeks and no quorum limitations apply.

Only Members who have paid their annual membership fee prior to the General Meeting may vote at a General Meeting.

A Member may vote in person or by proxy or by attorney and on a show of hands every person present who is a Member or a representative of a Member shall have one vote. In the case of an equality of votes the chairperson of the meeting at which the show of hands takes place shall be entitled to a second or casting vote.

See proxy form on the following page

Proxy Form

**ART CONSULTING ASSOCIATION OF AUSTRALIA**

I, \_\_\_\_\_ of \_\_\_\_\_ being a  
Member of the above named Association, hereby appoint  
\_\_\_\_\_ of \_\_\_\_\_ as my proxy to vote for me  
on my behalf at the (annual or extraordinary, as the case may be)  
General Meeting of the Association, to be held on the \_\_\_\_\_ day of  
20\_\_\_\_, and at any adjournment thereof.

Signed this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

This form is to be used: in favour of against the resolution. Strike out  
whichever is not desired (unless otherwise instructed, the proxy may  
vote as he or she thinks fit).

## **ASSOCIATION COMPLIANCE REQUIREMENTS**

The Public Officer shall keep and maintain current a register of all Members of the Association. The register shall contain the full name, address and date of entry of each Member.

The Public Officer shall keep in his/her custody or under his/her control all books, documents and securities of the Association.

The Association shall cause proper accounting and other records to be kept and shall distribute copies of accounts at every Annual General Meeting. These accounts should be current five months of the date of the meeting.

The accounts and books of the Company will be available for inspection by Members during normal business hours upon 24 hours prior notice to the Public Officer.

## **MEMBERSHIP**

### **ELIGIBILITY**

Eligibility for membership is as follows:

Tertiary qualification or equivalent, in relevant field;  
Industry experience in at least two of the following:  
Public arts institution  
Commercial Gallery  
Auction House  
Consultancy practice  
Two referees, at least one of whom is a member of ACAA.

New membership applications will be presented to the Committee at the AGM or at an extraordinary Meeting. An application needs to be endorsed by a majority of Committee members.

## **OCCUPATIONAL HEALTH AND SAFETY OF MEMBERS**

The Association takes no responsibility for the Occupation Health or Safety of its members.

## **GRIEVANCE PROCEDURES**

If any member has a grievance or objection to the policies, procedures, conduct of the Association and / or its component members then the member should put the grievance in writing to the public officer. The Public Officer will call an extraordinary general meeting within 30 days of receipt of the Member's grievance and a response will be provided in writing to the member by the Public Officer on behalf of the committee with 7 days of the meeting. The committee's decision will be final.

## **DISPUTES AND DISMISSALS**

A dispute and/or a dismissal is resolved by a majority vote of the committee at an extraordinary meeting.

A membership may be temporarily suspended by the committee. Such temporary suspension shall apply until the Member in question has fulfilled his or her obligations or has satisfied the Association's requirements with regards to rectifying his or her breaches of conduct and the revocation of suspension shall have retrospective effect if necessary.

A member shall be dismissed if their conduct contravenes the principles and/ or the eligibility requirements of the Association. The member in question shall have the opportunity to present their case at the extraordinary meeting. An expelled member may resubmit for membership at a later date. This submission will be considered by the committee in accordance with policies and procedures for membership.

All decisions regarding disputes and dismissals will be provided in writing by the Public Officer within 7 days of the extraordinary meeting, and all decisions will be final.

In the event of dismissal, the member will forfeit any outstanding subscription monies. The member must immediately remove all logos and design art work of the Association from any documents used by that member. Any subsequent renewal of membership will incur an administration fee to be fixed by the Board

## **RESIGNATION OF MEMBERSHIP**

Any Member of the Association may resign his or her membership by written notice to the Public Officer and the Member's resignation shall be deemed to take effect from the date of serving of the notice. Any Member who resigns shall not be entitled to any refund of membership fees already paid. The member must immediately remove all logos and design art work of the Association from any documents used by that member. Any subsequent renewal of membership will incur an administration fee to be fixed by the Board.

A member will resign from the Association if they cease to operate an art consulting business.

## **CODE OF PRACTICE FOR MEMBERS**

### **OVERVIEW**

All members agree to act in a responsible and ethical manner with due consideration to the Copyright Act of 1968, the Moral Rights Act of 2000 and the Resale Royalties Act of 2009.

All members agree to respect and actively contribute to visual art and art practice in Australia. Members agree to respect the integrity of artwork when considering the best interests of their clients.

### **BUYING ART**

All members of the association will purchase art in a responsible and ethical manner with an awareness of industry issues and standards.

All members agree to “not knowingly” purchase fraudulent works of art.

All members agree to fully disclose any known provenance at the point of time of purchase and to continue to provide updated provenance information if it becomes known to the member.

All members are obliged to adequately research and inform themselves of the provenance of an artwork that they are purchasing in order to apply ethical judgement and accepted industry standards to the purchase.

### **SELLING ART**

All members of the association will sell art in a responsible and ethical manner with an awareness of industry issues and standards.

All members agree to “not knowingly” sell fraudulent works of art.

All members agree to adequately research and inform themselves of the provenance of an artwork that they are selling and refer that information to the purchaser as part of the sale process or at the time that the information becomes available.

### **REPRESENTING CLIENTS**

All members agree to represent their clients ethically and responsibly, to respect the privacy of their relationship and business with the client and to act in the best interest of their client at all times.

### **ADVISING CLIENTS**

All members agree to full transparency of information when advising clients. All members agree to inform clients of both positive and negatives aspects of any transaction and not to withhold any information that may influence the decision of a client. All members agree to provide advice that is in the best interest of the client at all times.

## **ARTWORK VALUATION FOR PURCHASE AND SALE**

When providing valuation documentation relating to the sale or purchase of an artwork, all members agree to adequately independently research and value the artworks under consideration and to provide a valuation that accurately reflects current market conditions.

## **VALUATION FOR INSURANCE**

When providing valuation documentation for insurance purposes, all members agree to adequately independently research and value the artworks under consideration and to provide a valuation that accurately reflects current replacement market conditions.

## **STORAGE, HANDLING AND CONSERVATION**

Where storage and handling of artwork is required, all members agree to engage in safe and appropriate art storage and handling practices. Members agree to take into account any conservation requirements.

When providing advice, members agree to recommend reputable and appropriate suppliers.

## **RELATIONSHIPS WITH SUPPLIERS**

All members agree to act in a professional and ethical manner in dealing with all suppliers relevant to their art consultancy practice.

## **INDEPENDENCE AND ACCOUNTABILITY**

All members are required to practice independently. This means that the member will engage in a practice that is not directly linked or influenced by another business or entity relevant to their art consultancy practice.

All members agree to be accountable for their decisions and advice and to adequately document and record their business practices.

## **FEES AND CHARGES**

All members agree to negotiate and inform clients of fees and charges in advance of a transaction and to discuss any changes or alterations to fees and charges in a full, frank and timely manner.

## **ADMINISTRATION**

### **FINANCIAL PLANNING**

At the Annual General Meeting, Members will decide on a financial plan for the forthcoming financial year. The Public Officer is then entitled to act upon the agreed plan as set out in the minutes of the meeting. Any disputes or grievances should be addressed to the Public Officer in accordance with Section D part 3.

### **FUNDING**

The Association will actively seek funding from philanthropic and/or government agencies.

### **INSURANCE**

All members are responsible for their own insurance cover relative to the needs of their art consultancy practice.

## **EVALUATION PROCEDURES**

### **POLICY DOCUMENT REVIEW PROCEDURES**

This Policy is a working document and changes, alterations and additions are anticipated relative to the development and scope of the Association.

The policy will be reviewed and updated at the Annual General Meeting. Changes, additions and/or alterations will be agreed in the minutes and effected within 30 days of the meeting by the Public Officer or Member appointed by the Public Officer.

### **EXTRAORDINARY REVIEW REQUIREMENTS**

If a member wishes to suggest a change, alteration or addition to the Policy Document at a time other than at the Annual General Meeting, the suggestion should be made in writing to the Public Officer. The Public Officer will then call an extraordinary Meeting within 30 days of receipt of suggestion, and the suggestion will be considered and decided upon by a majority vote.

## **APPENDICES**

Constitution – to be attached