

POLICY DOCUMENT



ART CONSULTING ASSOCIATION OF AUSTRALIA

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OVERVIEW

Vision

The Art Consulting Association of Australia is the peak industry body for art consultants in Australia, an organization benchmarking ethics, expertise and excellence in the visual arts.

History

The Art Consulting Association of Australia was incorporated in 2006 after consultations with industry specialists in November 2005. Its founding committee was Anita Archer, Marnie Feneley, Michael Reid, Alison Renwick, Sarrah Shapley, Sophie Ullin and Virginia Wilson. Pro-bono support came from Lowensteins Arts Management (financial) and Archer Thompson Lawyers (legal).

Mission

The Art Consulting Association of Australia is a professional industry association representing and linking art consultants nationally.

The purposes and objectives of the Association are:

- to represent, promote and further the interests of art consulting as a professional endeavour in Australia
- to develop, maintain and promote a set of ethical standards in relation to the conduct of art consultants and valuers
- to enhance the professional standing of the association by requiring its members to possess a high standard of knowledge and maintain strict ethical standards in the conduct of their business affairs
- to promote honesty and integrity in dealings between art consultants, museums, dealers and art collectors and thereby develop stronger ties between consultants, artists, their agents, arts bodies, and Government
- to assist in the development and promotion of a national standard for the authentication of works of art
- to bring together members of the Association for the mutual improvement and higher education of one another
- to promote, support or oppose legislative or other measures affecting the business interests of Members and the welfare of artists and organisations that represent them
- to play an educative role in the wider community through the Association's website, and related materials and events, such as flyers, member talks and press releases
- to promote the role of artists and community organisations in the preservation and maintenance of the Australian cultural life
- to collect, maintain and circulate to Members statistics and other information in regard to the national and international art market, or any legislation affecting it
- to print, publish, issue and/or circulate such papers, pamphlets, periodicals, books, circulars and other written material as may appear to be conducive to any of these objectives
- to do all such other things as are incidental or conducive to the attainment of the objectives and the exercise of the powers of the Association
- to provide information and links to those seeking the services of an art consultant
- to grow its membership and remain the peak art body providing a platform and voice for the art consulting industry.

Current Members

Name	Date Joined	State
Adam Knight	July 2013	VIC
Adrian Newstead	October 2009	NSW
Alex McCulloch	January 2014	VIC
Alison Renwick	March 2013 (previously a member)	NSW
Amanda Love	September 2006	NSW
Angela Tandori	October 2011	VIC
Amy Lugten-Taylor	January 2015	TAS
Anita Archer	May 2006	VIC
Anna Waldmann	January 2010	NSW
Anne McGravie-Wright	August 2012	VIC
Brenda Colahan	July 2006	NSW
Cameron Menzies	June 2019	VIC
Caroline Field	May 2021	VIC
Caroline Jones	June 2020	ACT
Christopher McKenzie	June 2019	QLD
David Forrest and Janis Nedela	July 2013	WA
David Hulme and Brigitte Banziger	October 2011	NSW
Digby Hyles	August 2012	NSW
Douglas Sheerer	January 2014	WA
Elizabeth Hastings	August 2010	NSW
Eloise Hastings	September 2020	NSW
Eugene Barilo von Reisberg	September 2018	VIC
Frances Cummings	September 2012	QLD
Gabrielle Dalton	June 2015	NSW
Greer Adams	March 2016	NSW
Guy Abrahams	October 2011	VIC
Helen Miller	August 2021	NSW
Ian Rogers	June 2006	VIC
Jane Messenger	July 2019	NSW
Jane Raffan	August 2009	NSW
Jasmine Kean	November 2017	NSW
John Walsh	July 2016	QLD
Jon Dwyer	July 2012	VIC
Julian Edwards (Associate Member)	September 2019	NSW
Kelli Lundberg	July 2017	VIC
Kym Elphinstone	December 2021	NSW
Litsa Wilkinson	July 2018	NSW
Louise Smith	January 2007	VIC
Merran Morrison	October 2019	NSW
Michael Blanche	October 2011	VIC
Miriam Grundy	February 2015	NSW
Noel Stott	March 2013	VIC
Paul Auckett	April 2012	VIC
Peter Walker	October 2018	SA
Rodney James	February 2017	VIC
Seva Frangos	February 2017	WA
Sophie Ullin (Associate Member)	May 2006	VIC
Venita Poblocki (Associate Member)	September 2012	NT
Warren Joel	October 2011	VIC

Membership Eligibility

Eligibility requirements for membership:

1. Tertiary qualification or equivalent, in relevant field;
and/or
2. Industry experience for a period not less than 5 years (cumulative)
in at least two of the following:
 - relevant tertiary qualifications
 - commercial gallery experience
 - public art institution
 - auction rooms
 - consultancy practice.

New membership applications will be presented to the Committee at the AGM or at an Extraordinary Meeting. An application must be accompanied by supporting letters from no less than two referees, one of whom is a member of ACAA. Membership must be endorsed by the consent (or abstention) of all Committee members.

CODE OF PRACTICE FOR MEMBERS

Overview

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. 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

Members will purchase art in a responsible and ethical manner with an awareness of industry issues and standards.

Members agree to not knowingly purchase fraudulent works of art.

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.

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

Selling art

Members will sell art in a responsible and ethical manner with an awareness of industry issues and standards.

Members agree to not knowingly sell fraudulent works of art.

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

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

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, members agree to adequately independently research and value the artworks under consideration and to provide a valuation that accurately reflects current market conditions.

Members agree to insist on a second opinion, or assist in finding a more suitable independent valuer, if they have had a prior interest in an artwork being valued, or should there be any danger of a perceived or implied conflict of interest.

Valuation for insurance

When providing valuation documentation for insurance purposes, 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, 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

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

Independence and accountability

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.

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

Fees and charges

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

ASSOCIATION STRUCTURE

Board

These positions are honorary and by invitation

Committee Roles

PRESIDENT – David Hulme

The President leads and shapes the direction of the ACAA throughout the year and directs the committee. The president works with the Public Officer and Treasurer, listens to the requests of members and calls on members for feedback and decision making to ensure that the direction of the ACAA is shaped in accordance with the constitution and policy documents and remains a majority member decision making body.

PUBLIC OFFICER – Vacant

The Public Officer is the compliance regulator for the association, the point of contact for the Dept of Justice and an assistant to the newly formed role of President – in the same way that any other member of the committee is an assistant.

The Public Officer is responsible for the maintenance of the membership register and the official documents and records relating to the association.

The Public Officer works closely with the Administrative Coordinator.

TREASURER – Brenda Colahan

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 – Vacant

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 affect 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

Membership is 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.

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.

Other Roles

ADMINISTRATIVE COORDINATOR – 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 compromise of proxy representatives. The meeting is to be dissolved and postponed if a quorum is not present within half an hour from the appointed meeting commencement time.

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 equal vote the chairperson of the meeting at which the show of hands takes place shall be entitled to a second or casting vote.

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.

ADMINISTRATION

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.

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

1 NAME

The name of the unincorporated association is

ART CONSULTING ASSOCIATION OF AUSTRALIA (ACAA)

2 OBJECTIVES

The Art Consulting Association of Australia is a professional industry association representing and linking art consultants nationally.

The purposes and objectives of the Association are:

- to represent, promote and further the interests of art consulting as a professional endeavour in Australia
- to develop, maintain and promote a set of ethical standards in relation to the conduct of art consultants and valuers
- to enhance the professional standing of the association by requiring its members to possess a high standard of knowledge and maintain strict ethical standards in the conduct of their business affairs
- to promote honesty and integrity in dealings between art consultants, museums, dealers and art collectors and thereby develop stronger ties between consultants, artists, their agents, arts bodies, and Government
- to assist in the development and promotion of a national standard for the authentication of works of art
- to bring together members of the Association for the mutual improvement and higher education of one another
- to promote, support or oppose legislative or other measures affecting the business interests of Members and the welfare of artists and organisations that represent them
- to play an educative role in the wider community through the Association's website, and related materials and events, such as flyers, member talks and press releases
- to promote the role of artists and community organisations in the preservation and maintenance of the Australian cultural life
- to collect, maintain and circulate to Members statistics and other information in regard to the national and international art market, or any legislation affecting it
- to print, publish, issue and/or circulate such papers, pamphlets, periodicals, books, circulars and other written material as may appear to be conducive to any of these objectives
- to do all such other things as are incidental or conducive to the attainment of the objectives and the exercise of the powers of the Association

- to provide information and links to those seeking the services of an art consultant
- to grow its membership and remain the peak art body providing a platform and voice for the art consulting industry

3 MEMBERSHIP

The maximum number of Members is unlimited.

The Members of the Association are:

- Any person who is admitted to membership of the Association under the Constitution and who pays the annual membership fee determined and notified by the Executive Committee from time to time
- Any person who conducts a professional, specialist art consulting business that demonstrates a commitment to the ethical industry standards established by the Association and to the specialist role of the consultant as professional independent advisor shall be eligible to apply to be admitted as a member of the Association
- At first instance any person wishing to apply for membership shall forward an application to the ACAA Administrator, who will forward the applicant's membership request to the Executive Committee
- The Executive Committee shall consider each application for membership and if reasonably satisfied that the applicant is eligible for membership may admit the person as a Member of the Association
- When an applicant has been accepted for membership the President shall notify the applicant of the decision of the Executive Committee
- Members shall be entitled to attend and vote at all General Meetings of the Association and shall have one vote
- Members shall have the right to nominate Executive Committee Members
- A Member shall cease to be a Member of the Association if he or she resigns, is expelled or fails to renew his or her membership. Failure to renew membership within 30 days of receipt of renewal notification will instigate appeals for payment by the Administrator or Treasurer. Membership will be suspended after three unresponsive appeals and subject to cancellation by the Executive Committee at the next meeting
- Any Member of the Association may resign his or her membership by written notice to the President and the Member's resignation shall be deemed to take effect from the date of serving of the notice on the President
- Any Member who resigns shall not be entitled to any refund of membership fees already paid
- The Executive Committee may temporarily suspend Members. Such temporary suspension shall apply until the Member in question has fulfilled his or her obligations or has satisfied the Executive Committee'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 cease to be a Member of the Association if he or she ceases to operate an art consulting business, or engages in a commercial contract or full-time employment that raises a potential conflict of interest

4 ASSOCIATE MEMBERS

- Members who resign may apply to remain in the Association as an Associate Member, wherein they will enjoy the same benefits as Members other than voting rights
- Associate Members will not have voting rights at General Meetings including the AGM
- Associate Members will be subject to the same scrutiny of ethics and renewal conditions as Members
- Fees for Associate Members are set at 50% of standard Member rates

5 ANNUAL GENERAL MEETINGS

- The following business shall be transacted at an Annual General Meeting of the Association:
 - Confirmation of the minutes of the last Annual General Meeting
 - President's report
 - Treasurer's report
 - Nomination and Election of new Executive Committee Members
 - Any other business on the agenda for the Annual General Meeting
- The agenda of an AGM shall be sent out with the Notice for that Meeting
- Any Member who wishes to bring any business before a General Meeting must give notice in writing of that business to the President not less than one week prior to the date of that meeting
- No business shall be transacted unless 25% of Members, including a majority of the Executive Committee, is present at the time when the meeting proceeds to business
- The President shall preside as Chairperson at every AGM, or if there is no President, or he or she is not present, then the Members present shall elect one of their number to be Chairperson of the meeting
- Only Members who have paid their annual membership fee prior to the General Meeting may vote at a General Meeting
- At any AGM a resolution put to the vote of the meeting shall be decided on a show of hands
- 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

6 EXECUTIVE COMMITTEE and SUB-COMMITTEE MEMBERS

- The Executive Committee may delegate any of its powers to a committee or consisting of such member or members of the Executive Committee as they think fit; any sub-committee so formed shall in the exercise of the powers so delegated conform to any regulations that may be imposed on it by the Executive Committee
- A sub-committee may meet and adjourn as it thinks proper. Questions arising at any meeting shall be determined by a majority of votes of the members present, and in the case of any equality of votes the Chairperson shall have a second or casting vote
- Minutes shall be taken of all business transacted at each meeting of the Executive Committee. The minutes will be presented for approval at the next Executive Committee meeting and signed by the President or Chairperson of that meeting if accepted as a true and correct record
- The Executive Committee shall meet at least once a year
- An Executive Committee meeting may be convened at the request of the President or at the request of a majority of Executive Committee Members and may be conducted by telephone or video link-up
- Any Executive Committee Member who is absent from three consecutive meetings of the Executive Committee without a valid excuse acceptable to the President shall be deemed to have resigned his or her position on the Executive Committee and his or her position shall become vacant

7 CONFLICTS of INTEREST

- A member of the Executive Committee who in any way whether directly or indirectly, has any material interest in a contract or proposed contract with the Association shall declare the nature of that interest at a meeting of the Executive Committee
- The President shall record such a declaration in the minutes of the meeting at which it was declared
- The Executive Committee, with the interested member abstaining from the deliberations, shall determine whether the interested member may:
 - be included in any meeting of the Executive Committee at which such contract proposed contract or arrangement is being considered
 - vote in respect of any contract, proposed contract or arrangement in which he or she has an interest
 - enter into any contract, proposed contract or arrangement in which he or she has an interest

8 REGISTER of MEMBERS

- The Administrator shall keep and maintain current a register of all Members and Associated Members
- The register shall contain the full name, address, contact details and date of entry into the Association for each Member, as well as dates of resignations and commencements and endings of Associated Memberships

9 ACCOUNTS

- The Executive Committee shall cause proper accounting to be kept via the Treasurer, who shall distribute copies of accounts to Executive Committee Members before presenting the financial report at each Annual General Meeting

10 NOTICES

- Notice of every Annual General Meeting shall be given to every Member

11 CHEQUES, BILLS, ETC

- All cheques, drafts, bills of exchange, promissory notes, electronic payments and other negotiable instruments shall be signed by at least two persons authorised by the Executive Committee for this purpose, one of whom is the Treasurer. **END**