

Artsource MAX Membership

Thank you for your interest in Artsource MAX membership. We strongly recommend that you read this information pack in full before submitting your application.

Artsource MAX Member Benefits

In addition to the membership services received by Artsource PLUS members, Artsource MAX members receive two additional benefits:

- an Insurance Package
- free attendance at Artsource run workshops

(The Insurance Package is aimed at the professional practitioner. For this reason, non-practitioners are not eligible to apply for Artsource MAX membership.)

The insurance package is included in the price of your annual Artsource MAX membership subscription. A detailed outline follows in this information pack. Please be sure that you understand the scope of the insurance cover offered through your Artsource MAX membership and note that this insurance package DOES NOT PROVIDE Professional Indemnity Insurance. Do not cancel any existing insurance without checking with the insurance brokers.

Assessment Process

Your application will be assessed by Artsource for evidence of a high level of professional presentation and to check that you have provided all the information required. Once these criteria have been met you will be recommended to the Board to become an Artsource MAX member of Artsource. The Board will make the final decision on your application.

Artsource MAX Membership Criteria

Completion of Artsource MAX membership application form, which includes:

- Information regarding your professional practice
- Curriculum Vitae in digital form
- 6 x images for presentation on website
- A.B.N.

Ongoing Requirements

Once accepted as an Artsource MAX member you will be required to keep your member profile on the website and/or your hardcopy file held at Artsource up to date. This includes all your personal contact information, curriculum vitae and images as well as any other material relevant to your professional practice. Artsource MAX status is not permanent and can be revoked by the Board (under exceptional circumstances only).

Membership Period

The insurance policy that provides cover for Artsource MAX members will run for a twelve month period expiring 1st March each year. For the first year, this period will not necessarily correspond to the renewal or upgrade date for your existing membership, or from the time you make an application to be an Artsource MAX member. The full Artsource MAX membership fee is \$230.00, and a pro-rata rate will be calculated for those memberships not beginning on 1st March.

Artsource MAX Members Insurance Package: Details

Artsource has secured an insurance package for Artsource MAX Members through Local Government Risk Services. This insurance cover is an automatic benefit of the Artsource MAX membership fee. Please ensure you check that the insurance package covers all of your needs before cancelling any existing insurance.

Artsource MAX members are covered for the following:

Public Liability	\$10,000,000
Products Liability	\$10,000,000
Tenants Liability	\$10,000,000
Property in Physical and Legal Control	\$50,000
Excess	\$250

1: Public Liability Insurance

This will protect you against any person who makes a claim against you for bodily injury or property damage caused by a negligent action on your part.

2: Product Liability Insurance

This will protect you against any person who makes a claim against you for bodily injury or property damage caused by a fault in the products which you have made.

3: Tenants Liability

This is an extension to the Public Liability Policy which will protect you against claims made against you for any damage that you negligently cause to any property that you are renting.

4: Goods in Care, Custody and Control

This will protect you from claims arising from other people's goods which are in your control which you negligently lose or damage. So if you are working on a collaborative project, any goods belonging to the other person/s will be covered. This package does not insure you for the loss or damage of your own goods.

The policy will also cover any legal costs authorised by the Insurer in defending claims brought against you in the areas covered above, and this is probably the most important part of the Policy. Whilst you may be perfectly innocent of a claim brought against you, you will incur legal fees in defending the case, and without a Liability Policy to protect you, this could amount to many thousands of dollars.

5: Teaching

This policy extends to include the activities of the Artsource MAX member when teaching or training students. Cover under this policy is limited to a maximum of six classes per year of no more than ten students per class. Please Note: The activities of an Artsource MAX member as a 'contractor' in schools or Council art classes does not impinge on the cover, i.e. it does not fall into the 6 classes per year category.

Artsource MAX Member Insurance Package: Information

The insurance scheme arranged by Local Government Risk Services on behalf of Artsource is designed to give you protection against persons issuing legal proceedings against you in the event of your negligence. The policy which has been affected covers Artsource MAX members of Artsource only, not all members. It will only cover those members provided that there are no more than three persons involved in their business. It is a Standard Public and Products Liability Insurance Policy of the same type that is carried by most businesses. ***The policy will only cover you for the activities relating to the visual arts, craft and design industries as detailed on you're Artsource member profile.***

The Public Liability section of the policy will protect you against any "Act of Negligence" on your part causing injury to the public or damage to their property. For instance, you may leave an item of equipment lying on the floor of your workshop in a gangway and not put it away because you are going to use it shortly. If a visitor then trips over that piece of equipment, you could possibly be held liable in a court of law. If you are held liable, the policy will pay for both the damages awarded and the costs involved in fighting the case.

The Public Liability section of the policy will cover you against an "Act of Negligence" on your part caused by the manufacture or sale of your merchandise. For instance, a nail may come loose on an item you have made, or you may have failed to knock it in properly. If someone tears their clothes on that nail then you could be held liable to replace the item of clothing. Again the policy would answer to the claim in the same manner as in the previous paragraph.

Technically, to be negligent you must either have done something that a reasonable person would not do, or conversely, you must have failed to do something that a reasonable person would have done. A third party will not be able to claim against you merely because they were injured on your premises; it will be necessary for them to prove that their injury was caused by your negligence.

The law in respect of manufactured products is different. In this case it is only necessary for the injured party to show that the injury was caused by your product or a product that you have sold to them. It is then your responsibility to prove that the injury was not caused by your negligence.

Perhaps the most important aspect of a liability policy is that the cover includes the cost of fighting a false claim made against you – provided these costs are approved by the insurance company prior to being incurred. Many people think that they do not need a liability policy because they are very careful in everything that they do, and forget that people may try to claim against them even when they have not been negligent. It is the role of the courts to decide these cases and lawyers to help you prove that you have not been negligent. The decision whether or not you have been negligent, and an injured party should be paid, rests with the insurance company and the court. ***You should never admit liability in any way, as it may prejudice your claim.***

The program which Artsource has arranged is not intended to be "all embracing", and apart from the exclusions that are stated in the policy, you should be aware that this is a Public and Products Liability policy and ***not a Professional Indemnity Policy.***

The policy will cover you against legal action taken against you, as described above, but not against professional acts of negligence. Professional acts of negligence could include: advice that you may give to anyone on a professional basis, or any fault in the actual design of your product. It is virtually impossible to give instances in all cases, because each case will depend on the circumstances and these always differ. This brings us back to one of the most important reasons why you need liability insurance; the policy covers the costs of a claim made against you, provided that the claim falls within the terms and conditions of the policy, and that the insurance company agrees to those costs being incurred.

Insurance Enquiries + Certificates of Currency

If you would like general information about the insurance cover or membership, please contact Artsource via email on perth@artsource.net.au or phone on (08) 9226 2122.

If you require a Certificate of Currency; or need to vary the insurance cover; or need to record specific details about your work circumstances, please contact Chris Esposito at Local Government Risk Services on (08) 8235 6496 or email espoc@jlta.com.au

DISCLAIMER: Information contained in this outline should not be relied upon in lieu of legal advice on any particular case, transaction or matter. Individual needs and requirements in relation to any insurance should be assessed by the insured at the commencement of any cover.

Artsource is not the insurer, broker or agent of any insurance company and as such assumes no liability for any issue or event that arises from this policy. Artsource receives no incentives or payments from the insurer as part of this program.

Artsource MAX Insurance Package: Extra

The following insurance cover is also available to Artsource MAX members:

PLEASE NOTE: the Artsource MAX member's policy does not automatically cover the activities listed below. *If you require cover for these activities, it is necessary for the individual artsource MAX member to make a separate application in each instance.*

Please contact Chris Esposito at Local Government Risk Services on (08) 8235 6496 or email espoc@jlta.com.au to arrange a cover note for these activities.

Principal's Indemnity for Sub-Contractors

Artsource MAX members may now individually arrange to have the Policy extended to cover Principal's Indemnity where it is required. This is necessary in order to cover Artsource MAX member's liability for sub-contractors**, and will be subject to the following:

1. Artsource MAX members who utilise sub-contractors in respect of part of their activities will have to provide Local Government Risk Services with the following information:
 - (A) Class of sub-contractors and the type of work they will carry out.
 - (B) Estimated annual payment to each type of sub-contractor.
2. It will be the individual Artsource MAX member's responsibility to ensure that they sight a Certificate of Currency of a Liability Insurance Policy for at least \$10,000,000 before a sub-contractor is utilised. If this Certificate cannot be provided in the event of a claim, no cover will be afforded the Artsource MAX member.

****Definition:**

A sub-contractor is a person called in by a Principal to carry out work that is within the expertise of the Principal and would normally be carried out by him/her.

Teaching

Artsource MAX member's may individually apply through Local Government Risk Services to have the Policy extended to cover their Liability in respect of the teaching of their craft beyond what is already covered, provided that not more than ten (10) persons are taught in any one class.