

**DUAL**  
A U S T R A L I A

**Web Rater**  
**Professional**  
**Indemnity Insurance**



# Important Notice Relating to this Proposal

**PLEASE READ THE FOLLOWING ADVICE BEFORE PROCEEDING TO COMPLETE THIS PROPOSAL FORM.**

Your Professional Indemnity Insurance Policy is issued on a CLAIMS MADE basis. This means that this policy responds to:

- (1) Claims first made against you during the policy period and notified to the Insurer during that policy period, providing that you were not aware at any time prior to the policy inception of circumstances which would have put a reasonable person in your position on notice that a Claim may be made against you; and
- (2) Pursuant to Section 40, sub-section 3 of the INSURANCE CONTRACT ACT 1984 which states: "Where the Insured gave notice in writing to the Insurer of facts that might give rise to a Claim against the Insured as soon as was reasonably practicable after the Insured became aware of those facts but before the insurance cover provided by the contract expired, the Insurer is not relieved of liability under the contract in respect of the Claim, when made, by reason only that it was made after the expiration of the period of insurance cover provided by the contract"

When the policy expires, no new notification generally can be made on the expired policy even though the event giving rise to a Claim against you may have occurred during the policy period. You will not be entitled to indemnity under your new policy in respect of any Claim arising out of circumstances of which you were aware at any time prior to policy inception which would have put a reasonable person in your position on notice that a Claim may be made against you.

When completing your proposal you are obliged to report and provide full details of all circumstances which have become known to you and which would put a reasonable person in your position on notice that a Claim may be made against you. This is important to ensure that you make proper disclosure (refer to notice pursuant to the INSURANCE CONTRACT ACT 1984) in order that your entitlement to full indemnity under your new policy is not placed in jeopardy. In accordance with the provisions of the INSURANCE CONTRACT ACT 1984, DUAL Australia Pty Ltd is required to advise you of your responsibilities in relation to the disclosure of relevant information.

## Your Duty of Disclosure

Before you enter into a contract of general insurance with an Insurer, you have a duty, under the INSURANCE CONTRACT ACT 1984 to disclose to the Insurer every matter that you know, or could reasonably be expected to know, is relevant to the Insurer's decision whether to accept the risk of the insurance and, if so, upon what terms. You have the same duty to disclose those matters to the Insurer before you renew, extend, vary or reinstate a contract of general insurance. Your duty however does not require disclosure of matter:

- That diminishes the risk to be undertaken by the Insurer;
- That is of common knowledge;
- That your Insurer knows or, in the ordinary course of his business, ought to know;
- As to which compliance with your duty is waived by their Insurer.

(It should be noted that this duty continues after the proposal form has been completed up until the time the policy is entered into.)

## Non-Disclosure

If you fail to comply with your duty of disclosure, the Insurer may be entitled to reduce their liability under the contract in respect of a Claim or may cancel the contract. If your non-disclosure is fraudulent, the Insurer may also have the option of avoiding the contract from its beginning. It is therefore vital that you make sufficient enquiries BEFORE you complete your proposal form and BEFORE you sign any declaration that there has been no change in the information proposed. Please take notice of the following statements pursuant to the provisions of the INSURANCE CONTRACT ACT 1984.

## **Surrender or Waiver of any Right of Contribution or Indemnity**

Where another person or company would be liable to compensate you or hold you harmless for part or all or any loss or damage otherwise covered by the policy, but you have agreed with that person either before or after the inception of the policy that you would not seek to recover any loss or damage from that person, you are NOT covered under the policy for any such loss or damage.

## **Notice of Occurrences or Events**

If during the period of this policy, the Insured shall become aware of any occurrence which may give rise to a Claim under the policy and shall during the period of this insurance given written notice to the Insurer of such occurrence, any Claim which may be subsequently made arising out of the occurrence of which notification has been given shall be deemed to be a Claim made during the period of this policy whenever such Claim may actually be made.

## **Contract by the Insured Affecting Rights of Subrogation**

If the proposed contract of insurance includes a provision which excludes or limits the Insurer's liability in respect of any loss because you are a party to an agreement which excludes or limits your rights to recover damages from a third party in respect of that loss, you are hereby notified that signing any such agreement may place your indemnity under the proposed contract of insurance at risk.

## **When completing this Proposal Form ...**

- Please answer all questions giving full and complete answers

It is the duty of the Proposer to provide all information that is requested in the proposal form as well as to add additional relevant fact.

A relevant fact is such know fact and/or circumstance that may influence in the evaluation of the risk by the insurer. If you have any doubts about what a relevant fact is, please do not hesitate to contact your broker or insurer.

- If the space provided on the Proposal Form is insufficient, please use a separate signed and dated sheet in order to provide a complete answer to any question
- The proposal form must be completed, signed and dated by a person, who must be of legal capacity and authorised for the purpose of requesting directors & officers liability insurance for the firm who acts as a Proposer.

This proposal form does NOT BIND the Proposer to complete the insurance but will form part of any insurance.

## **Privacy Statement**

DUAL Australia Pty Ltd is bound by the obligations of the Privacy Act 1988 as amended by the Privacy Amendments (Private Sector) Act 2000 regarding the collection, use, disclosure and handling of personal information.

We will protect the privacy of your personal information. We will use the information you provide in this Proposal Form (including any supplementary documentation) to consider your application for insurance, to determine policy terms, to assess a claim, etc.

We may disclose your personal information to third parties who we believe are necessary to assist us. These third parties will only use your personal information for the purposes we provided it to them (or if required by law). We may also be required to disclose your personal information to others for the purposes of public safety and/or law enforcement.

If you provide us with personal information about other individuals you must ensure that you obtain consent from those individuals to disclose that information to us. You are entitled to access your personal information and request any correction if required.

**SECTION 1: DETAILS OF THE PROPOSER**

|  |                |              |                |
|--|----------------|--------------|----------------|
| Insured Name:  |                |              |                |
| Currently Insured:   | Yes [ ] No [ ] |              |                |
| Currently Insured Elsewhere:   | Yes [ ] No [ ] | Expiry Date: |                |
| Sole Practitioner:   | Yes [ ] No [ ] | Company:     | Yes [ ] No [ ] |
| Years in Operation:  |                |              |                |
| Staff Size:  |                |              |                |
| Please provide the average of your gross fees/income for the last two years, by stating the whole amount in Australia Dollars (\$) |                |              |                |

In respect of gross fees/income for the last financial year, please provide a breakdown by State:

| NSW % | ACT % | QLD % | VIC % | TAS % | SA % | WA % | NT % | O/S % |
|-------|-------|-------|-------|-------|------|------|------|-------|
|       |       |       |       |       |      |      |      |       |

If any gross fees/income was earned for the last financial year outside of Australia, please provide full details below:

|  |
|--|
|  |
|  |
|  |

**SECTION 2: PROFESSIONAL BUSINESS**

Please complete the Activity Tables below according to your Professional Business. Do not complete the Activity Tables which do not apply to your business.

**DESIGNERS**

|   |                      |   |
|---|----------------------|---|
| Architectural Design                    | <input type="text"/> | % |
| Contract Administration - Architectural | <input type="text"/> | % |
| Draftsperson                            | <input type="text"/> | % |
| Feasibility Studies                     | <input type="text"/> | % |
| Interior Designing                      | <input type="text"/> | % |
| Land Surveyors                          | <input type="text"/> | % |
| Landscape Architecture                  | <input type="text"/> | % |
| Naval Architecture                      | <input type="text"/> | % |
| Pollution                               | <input type="text"/> | % |
| Pre Purchase Inspections                | <input type="text"/> | % |

**Proposal Form: Professional Indemnity Insurance**

|   |                      |   |
|---|----------------------|---|
| Project Co-Ordinator (Construction)     | <input type="text"/> | % |
| Project Co-Ordinator (Non-Construction) | <input type="text"/> | % |
| Project management – Architectural      | <input type="text"/> | % |
| Quantity Surveying                      | <input type="text"/> | % |
| Town Planning                           | <input type="text"/> | % |

**REAL ESTATE**

|  |                      |   |
|--|----------------------|---|
| Auctioneer                               | <input type="text"/> | % |
| Body Corporate / Strata Management       | <input type="text"/> | % |
| Business Brokers                         | <input type="text"/> | % |
| Land Settlement Agents And Brokers       | <input type="text"/> | % |
| Real Estate Agents - Property Management | <input type="text"/> | % |
| Real Estate Agents - Sales               | <input type="text"/> | % |
| Rent Collection                          | <input type="text"/> | % |
| Valuations                               | <input type="text"/> | % |

**CONSULTANTS**

|  |                      |   |
|--|----------------------|---|
| Business Procurement Consultant                    | <input type="text"/> | % |
| Business Services / Strategic Reviews / Directions | <input type="text"/> | % |
| Communications Consulting                          | <input type="text"/> | % |
| Compliance Consultant                              | <input type="text"/> | % |
| Corporate  | <input type="text"/> | % |
| Electrician  | <input type="text"/> | % |
| Fire And Safety                                    | <input type="text"/> | % |
| Forestry   | <input type="text"/> | % |
| Geological   | <input type="text"/> | % |
| Graphic Designers                                  | <input type="text"/> | % |
| Horticultural                                      | <input type="text"/> | % |
| Human Resource                                     | <input type="text"/> | % |
| Management   | <input type="text"/> | % |
| Market Research                                    | <input type="text"/> | % |
| Marketing  | <input type="text"/> | % |
| Mineral Consultant                                 | <input type="text"/> | % |
| Occupational Health And Safety                     | <input type="text"/> | % |
| Operational Support Process Review                 | <input type="text"/> | % |

**Proposal Form: Professional Indemnity Insurance**

|   |                      |   |
|---|----------------------|---|
| Organisational Strategic Planning / Marketing / Change Management | <input type="text"/> | % |
| Personnel/Recruitment   | <input type="text"/> | % |
| Project Management (Non Design & Engineering)                     | <input type="text"/> | % |
| Public Relations  | <input type="text"/> | % |
| Risk Management Consultants                                       | <input type="text"/> | % |
| Strategic Business Planning                                       | <input type="text"/> | % |
| Training  | <input type="text"/> | % |
| Travel Agents   | <input type="text"/> | % |
| Workflow Processes and Procedures                                 | <input type="text"/> | % |

**ACCOUNTANTS**

|   |                      |   |
|---|----------------------|---|
| Accountants Preparation                                 | <input type="text"/> | % |
| Auditing (Non-Public Listed Companies)                  | <input type="text"/> | % |
| Bookkeeping   | <input type="text"/> | % |
| Company Directorships / Secretarial Positions           | <input type="text"/> | % |
| Consultancy Work - Business Valuations                  | <input type="text"/> | % |
| Consultancy Work - Information Technology               | <input type="text"/> | % |
| Consultancy Work - Management (excluding M&A)           | <input type="text"/> | % |
| Publicly Listed Company Audits / Solvency Practitioners | <input type="text"/> | % |
| Superannuation Fund Management / Trusteeship            | <input type="text"/> | % |
| Taxation  | <input type="text"/> | % |

**SECTION 3: GENERAL INFORMATION**

|  |         |        |
|--|---------|--------|
| <p>1. Upon enquiry:</p> <p>(a) has any claim(s) been made against your business or any partner, principal or director or any related entity to the Insured for professional negligence, error or omission in the past 5 years where the value of all claims notified exceed \$20,000 including current reserves, or</p> <p>(b) are you or any partner, principal or director of the Insured aware of any circumstance or incident which may give rise to a claim under the policy?</p> | Yes [ ] | No [ ] |
| <p>2. Upon enquiry, has any partner, principal, director or staff member of the Insured ever been subject to disciplinary proceedings for professional misconduct?</p>   | Yes [ ] | No [ ] |
| <p>3. Has your business, practice or any partner, principal or director ever been declined this type of insurance, or had similar insurance cancelled, or had an application for renewal declined (other than insurer exiting that area of insurance), or had special terms or restrictions imposed?</p>   | Yes [ ] | No [ ] |

Please complete the below questions according to your Professional Business. Do not complete the questions which do not apply to your business.

**Proposal Form: Professional Indemnity Insurance**

**REAL ESTATE**

|   |         |        |
|---|---------|--------|
| 1. Are you professionally qualified for the activities you wish to insure?  | Yes [ ] | No [ ] |
| 2. Do you use standard property and or strata management agreements as recommended by the Real Estate institute or industry body equivalent and keep a maintenance and complaints register? | Yes [ ] | No [ ] |

**ACCOUNTANTS**

|  |         |        |
|--|---------|--------|
| 1. Are you professionally qualified for the activities you wish to insure?   | Yes [ ] | No [ ] |
| 2. Do you conduct Business valuations, auditing of public listed companies, liquidation, insolvency or bankruptcy for public listed companies, financial planning, fund management or merger & acquisition activities? | Yes [ ] | No [ ] |

**DESIGNERS**

|   |         |        |
|---|---------|--------|
| 1. Are you professionally qualified for the activities you wish to insure?  | Yes [ ] | No [ ] |
| 2. Do you ever enter into hold harmless agreements or otherwise waive any legal right or entitlement that you may have against such consultants, sub contractors or agents? | Yes [ ] | No [ ] |
| 3. Of your five largest projects/contracts, do any exceed \$20M in total overall contract value?  | Yes [ ] | No [ ] |
| 4. Do you always confirm verbal reports and verbal advice in writing?   | Yes [ ] | No [ ] |

**CONSULTANTS**

|   |         |        |
|---|---------|--------|
| 1. Do you have more than 2 years experience for any of the activities you wish us to insure?  | Yes [ ] | No [ ] |
| 2. Do you ever enter into hold harmless agreements or otherwise waive any legal right or entitlement that you may have against such consultants, sub contractors or agents? | Yes [ ] | No [ ] |

**SECTION 4: LIMIT OF INDEMNITY REQUIRED**

|  |                 |                 |                  |
|--|-----------------|-----------------|------------------|
| 1. Please state the following?                 |                 |                 |                  |
| \$500,000 [ ]                                  | \$1,000,000 [ ] | \$2,000,000 [ ] | \$3,000,000 [ ]  |
| \$4,000,000 [ ]                                | \$5,000,000 [ ] | \$7,500,000 [ ] | \$10,000,000 [ ] |
| Other <input type="checkbox"/> - please state: |                 |                 |                  |

**SECTION 5: DECLARATION**

**Proposal Form: Professional Indemnity Insurance**

**SIGNING THIS PROPOSAL FORM DOES NOT BIND THE PROPOSER OR THE INSURER TO COMPLETE THIS INSURANCE**

The undersigned declares that the statement and particulars in this proposal form are true and that no material facts have been misstated or suppressed after enquiry. The undersigned agree that should any of the information given by us alter between the date of this proposal and the inception date of the insurance to which this proposal relates, the undersigned will give immediate notice thereof. The undersigned agrees that the Underwriters may use and disclose our personal information in accordance with the "Privacy Statement" at the beginning of this Proposal. The undersigned agrees that this proposal, together with any other information supplied by us shall form the basis of any contract of insurance effected thereon.

**TO BE SIGNED BY THE INSURED FOR WHOM THIS INSURANCE IS INTENDED FOR**

**SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**NAME:** \_\_\_\_\_

**POSITION:** \_\_\_\_\_

**IT IS IMPORTANT THE UNDERSIGNED OF THE DECLARATION ABOVE IS FULLY AWARE OF THE SCOPE OF THIS INSURANCE SO THAT THESE QUESTIONS CAN BE ANSWERED CORRECTLY. IF IN DOUBT PLEASE CONTACT THE BROKER OR AGENT, SINCE NON-DISCLOSURE MAY AFFECT AN ASSURED'S RIGHT OF RECOVERY UNDER THE POLICY**

DUAL Australia recommends that you keep a record of all information supplied for the purpose of entering into an insurance contract (including copies of this Proposal Form and correspondence)

**HOW TO CONTACT DUAL AUSTRALIA PTY LTD:**

**Address:** DUAL Australia Pty Ltd  
GPO Box 7101  
Sydney NSW 2001  
Australia

**Telephone:** 1300 769 772 (If dialling from outside Australia +61 2 9248 6300)

**E-mail:** reception@dualaustralia.com.au