



ZURICH®

# Management Liability Insurance

## Proposal form

### Completing the Proposal form

1. This application must be completed in full including all required attachments.
2. If more space is needed to answer a question, please attach a separate sheet with details.
3. The terms proposer, whenever used in this proposal form shall mean the policyholder listed and all subsidiary companies of the policyholder for which coverage is proposed under this proposal.
4. The terms policyholder and subsidiaries have the same meaning in this proposal form as in the policy.

### Statutory Notice – Section 40 Insurance Contracts Act 1984 (Cth)

This notice is provided in connection with but does not form part of the policy.

This policy is a 'Claims Made' liability insurance policy, apart from Commercial Crime. It only provides cover if:

- A *claim* is made against an *insured*, by some other person, during the period when the policy is in force; and
- The *claim* arises out of circumstances committed, attempted or alleged to have been committed or attempted after the *date of continuous cover* stipulated in the *schedule*.

Section 40(3) of the Insurance Contracts Act 1984 (Cth) applies to this type of policy. That sub-section provides that if an *insured* becomes aware, during the *period of insurance*, of any fact or circumstance which might give rise to a *claim* against them by some other person, then provided that the *insured* notifies Zurich of the matter before this policy expires, Zurich may not refuse to indemnify merely because a *claim* resulting from the matter is not made against the *insured* while the policy is in force.

If an *insured*, inadvertently or otherwise, does not notify the relevant facts or circumstances to Zurich before the expiry of the policy, the *insured* will not have the benefit of section 40(3) and Zurich may refuse to pay any subsequent *claim*, notwithstanding that the events giving rise to it or the circumstances alleged in it may have taken place during the *period of insurance*.

If a *claim* is actually made against the *insured* by some other person during the *period of insurance* but is not notified to Zurich until after the policy has expired, Zurich may refuse to pay or may reduce its payment under the policy if it has suffered any financial prejudice as a result of the late notification.

### Duty of Disclosure

Before you enter into a contract of general insurance with us, you have a duty under the Insurance Contracts Act 1984 to disclose to us every matter you know, or could reasonably be expected to know, is relevant to our decision whether to insure you and, if so, on what terms. This applies to all persons to be covered under this contract of insurance.

You have the same duty to disclose those matters to us before you renew, extend, vary or reinstate a contract of general insurance. Your duty however, does not require disclosure of a matter that:

- diminishes the risk to be insured;
- is of common knowledge;
- we know or in the ordinary course of our business we ought to know;
- we indicate to you that we do not want to know.

### Privacy

Zurich is bound by the National Privacy Principles and the Privacy Act 1988 (Cth).

We may need to collect personal information ('Information') from you for the primary purpose of providing you with insurance products, services, processing and assessing claim(s).

If you do not to provide us with the Information, we may not be able to process your application or assess your claim(s).

By providing us with your Information, you consent to us disclosing your Information to other insurers, our service providers, our business partners or as required by law.

For further information about Zurich's Privacy Policy, a list of service providers and business partners that we may disclose your Information to, or details of how you can access the Information we hold about you, please refer to the Privacy link on our homepage – [www.zurich.com.au](http://www.zurich.com.au), contact us by telephone on 132 687 or email us at [Privacy.Officer@zurich.com.au](mailto:Privacy.Officer@zurich.com.au).

## 1 Company information

Full name of Proposer

Address

State

Postcode

Internet/Website address

Describe comprehensively the Nature of Business activities/operations (including all subsidiary companies/controlled entities).

Is any change to the Nature of Business intended or being considered?

Yes  No

If 'Yes', please provide details.

How long has the Proposer continuously carried on business?

Does the Proposer have any subsidiaries or operations outside Australia?

Yes  No

If 'Yes', please complete the Foreign Subsidiaries Supplementary Questionnaire.

## 2 Further details

Please advise the total number of employees

	White collar	Blue collar
Full time		
Part time		
Volunteer or Work Experience Workers		
Hired Labour (who performs work at the workplace)		
Independent Contractors or Subcontractors		

Does the Proposer have a written grievance procedure which is communicated to all employees?

Yes  No

Has the Proposer completed or currently undergoing any employee layoffs, early retirements or redundancies or contemplating same in the prior or within the next two years?

Yes  No

If 'Yes' please provide full details

## 3 Financial data

	This year	Last year
Total Assets	\$	\$
Total Liabilities	\$	\$
Total Turnover	\$	\$
Total Net Assets	\$	\$
After Tax Profit (Loss)	\$	\$

Has the Proposer traded profitably for the past two full financial periods?

Yes  No

Do the directors or officers consider the Proposer including all subsidiaries/control entities to be solvent?

Yes  No

Is there any information which changes the financial position as detailed above which may materially affect the Proposers' ability to pay its debts as and when they fall due?

Yes  No

If 'Yes' please provide full details

**3 Financial data (continued)**

Are there any shareholders with more than 15% of all voting rights (direct and in-direct) who are not directors of the company?  
If 'Yes', please provide details

Name	Voting rights
	%
	%
	%

**4 Claims information**

Have any claims or circumstances including losses ever been made against or sustained by:

- (i) any past or present Director, Officer or Employee?; or
- (ii) the Proposer or its subsidiaries?;

in relation to the following covers:

Insured Persons Liability	Yes <input type="radio"/>	No <input type="radio"/>	Company Liability	Yes <input type="radio"/>	No <input type="radio"/>
Employment Practices Liability	Yes <input type="radio"/>	No <input type="radio"/>	Statutory Liability	Yes <input type="radio"/>	No <input type="radio"/>
Commercial Crime	Yes <input type="radio"/>	No <input type="radio"/>	Internet Liability	Yes <input type="radio"/>	No <input type="radio"/>

If 'Yes' to any of the above please provide details

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Are you aware of any circumstances which may give rise to a claim? Yes  No

Have you suffered any loss in the past 5 years resulting from the fraud or dishonesty of any employee or third party? Yes  No

If 'Yes' to any of these questions please indicate the type of the claim and provide details below.

Insured Persons Liability	Yes <input type="radio"/>	No <input type="radio"/>	Company Liability	Yes <input type="radio"/>	No <input type="radio"/>
Employment Practices Liability	Yes <input type="radio"/>	No <input type="radio"/>	Statutory Liability	Yes <input type="radio"/>	No <input type="radio"/>
Commercial Crime	Yes <input type="radio"/>	No <input type="radio"/>	Internet Liability	Yes <input type="radio"/>	No <input type="radio"/>

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**5 Outside Directorship**

Do any directors or officers hold any board positions in any outside entity at the specific request of the Proposer for which cover is required? Yes  No

If 'Yes', please provide details and attach the relevant financial accounts for these entities:

Outside entity	Country if incorporation	Position in outside entity	Percentage owned by shareholder with more than 15%
			%
			%
			%
			%
			%

For each of the above, please provide details of current D&O insurance, including name of Insurer, limit of liability and excess level.

## 6 Insurance details

Details of Management Liability insurance held during the last 3 years.

Insurer	Expiry date	Limit of Liability	Deductible	Premium (incl. GST)

Has any Insurer ever declined or refused to renew or imposed any restrictive conditions on any insurance of this nature? Yes  No   
 If 'Yes', please provide details.

Do you require cover for:

Limit of Liability

Insured Persons Liability

Company Liability

Core Cover sections

\$1m  \$5m  \$10m  \$15m  \$20m

Employment Practices Liability

Statutory Liability

Yes  No

\$1m

Commercial Crime

Yes  No

\$1m

Internet Liability

Yes  No

\$1m

The chosen limits apply separately for each Core cover section, subject to an overall policy aggregate Limit of Liability equal to 1.5 times of the core cover sections Limit of Liability or \$20m, whichever is the lesser.

For the purposes of calculating stamp duty and GST charges, please provide a breakdown of the number of employees and split of income of the Proposer in each of the following locations:

	NSW	VIC	QLD	SA	WA	TAS	NT	ACT	O/S
Staff									
Income	%	%	%	%	%	%	%	%	%

## 7 Declaration

We declare that the statements and particulars in this proposal are true and that no material facts have been mis-stated or suppressed after enquiry. We agree that this proposal, together with any other information supplied shall form the basis of any contract of insurance effected thereon. We undertake to inform Zurich of any material alteration of those facts occurring before completion of the contract of insurance.

A material fact is one which would influence the acceptance or assessment of the risk. For and on behalf of all Insureds:

Signed	Date
X	/ /

Title

Company

### Please enclose with this Proposal Form:

- Your latest Annual Report & Accounts or audited consolidated Financial Statement.
- Any other attachments which support you answers in this Proposal.

If you have answered 'No' to any question please provide details of what alternative control procedure you have in place. If the question is not applicable please indicate such and do not leave the answer blank.