Berkley INSURANCE AUSTRALIA
a W. R. Berkley Company

PUBLIC & PRODUCTS LIABILITY PROPOSAL FORM

IMPORTANT INFORMATION: PLEASE READ THE FOLLOWING INFORMATION BEFORE COMPLETING THIS PROPOSAL

A. Obtaining a Quotation

To minimise delays in obtaining a quotation please provide complete answers to all questions in this proposal form and attach relevant brochures, CV's, etc. that you believe will help us understand your business.

B. Your Duty of Disclosure

Before you enter into a contract of general insurance with an insurer, you have a duty, under the Insurance Contracts 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 insurance, and if so, on 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 any matter:

- that diminishes the risk to be undertaken by the insurer;
- that is of common knowledge;
- that your insurer knows or, in the course of his business, ought to know;
- as to which compliance with your duty is waived by the insurer.

Non-disclosure

If you fail to comply with your duty of disclosure, the insurer may be entitled to reduce its 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.

C. Subrogation Agreements

Where another person would be liable to compensate you for any loss or damage otherwise covered by the insurance, but you have agreed with that person either before or after the loss or damage occurred that you would not seek to recover any monies from that person, the Insurer will not cover you under the insurance for such loss or damage.

D. Privacy

Berkley Insurance Australia seeks at all times to comply with the Privacy Act 1988 and the Australian Privacy Principles therein. If we disclose personal information to you for any reason you must also act in accordance with and comply with the terms of the Privacy Act and the Australian Privacy Principles.

Purpose for collection of information

The information contained in this document and any other documents provided to us will be dealt with in accordance with our Privacy Policy.

Disclosure of Information that you provide to us

Berkley Insurance Australia will only use the information in accordance with the terms of the Privacy Policy. Without limiting the application of the Policy Berkley Insurance Australia may disclose personal information to other individuals or organisations in connection with your claim, including legal advisors, other parties, other lawyers, experts and witnesses, courts and tribunals and other organisations that need to be involved in the matter. By submitting your notification and continuing to deal with us you consent to Berkley Insurance Australia and these parties collecting, using and disclosing personal and sensitive information about you for these purposes. By signing the claim form you are consenting to the above.

You warrant to us that where you provide us with personal information that you have collected from other individuals:

- That the information has been collected in accordance with the Privacy Act 1988.
- That we are authorised to receive that information from you and to use it for the purpose of providing legal claims management services and advice.
- You, and the person who provided you with the information, are aware and have complied with the Privacy Act 1988 and have notified the person about whom the personal information is collected of the collection use and disclosure of such information.

By executing the claim form you are indemnifying Berkley Insurance Australia against any breach that arises directly or indirectly out of any act or omission of your part which does not accord with the conduct required under the Privacy Act 1988.

Direct Marketing

We do not disclose personal information that we collect to a third party for the purpose of allowing them to direct market their products and services unless you have given us your permission for us to do this.

Cross Border

We will share your personal information with the Berkley group of companies. Our data containing your information is stored in our data centre using dedicated Berkley hardware and network. We may also use Saas, Cloud computing or other technologies from time to time and your information may be stored outside Australia. We will not transfer personal information to a recipient in a foreign country unless we have appropriate protections in place as required by the relevant privacy laws. Your information will be stored on our data base for such period of time as required by law.

Further information

If you would like further information, please review our full Privacy Policy on our website www.berkleyinaus.com.au, or if you have any complaints or concerns over the protection of the information you have given to us or that we have collected from others, contact the National Head of Claims at the Sydney address listed at the back of this form or alternatively send an email to australiaclaims@berkleyinaus.com.au.

Berkley INSURANCE AUSTRALIA
a W. R. Berkley Company

GENERAL INFORMATION

1. Full name of Proposer (including trading name):

2. Principal address of Proposer:

Principal address:	
Telephone No:	
Facsimile No:	
Email address:	
Website Address:	

3. Date business established:

4. Please provide a description of your business activities and products supplied:

5. Is cover required for discontinued products?

No ☐ Yes ☐▶ If yes, please provide full details.

6. Do you have representation outside Australia?

No ☐ Yes ☐▶ If yes, where and what is the nature of your representation in such country (eg. domiciled employee, power of attorney, branch subsidiary, agency, etc.)

7. Please provide schedule of properties owned or occupied and any occupancy therein.

8. Turnover split by major business activity or product (where the business is conducted in more than one state, we will require a split of turnover by state).

Business activity or product	State	Actual for last 12 months	Estimate for next 12 months
		$	$
		$	$
		$	$
		$	$
		$	$
		$	$

9. Estimated wages.

Actual for last 12 months: $ Estimate for next 12 months: $

10. Do you engage personnel from labour hire companies (other than contractors mentioned in Question 11 below)?

No ☐ Yes ☐▶ If yes, please estimate annual split between:

	Actual for last 12 months	Estimate for next 12 months
a) Payment to labour hire companies or other parties	$	$
b) Number of people engaged		
c) Type of work undertaken		

11. Do you engage contractors or sub-contractors

No ☐ Yes ☐▶ If yes, please estimate annual payments split between:

	Actual for last 12 months	Estimate for next 12 months
a) Labour only	$	$
b) Labour and services	$	$
c) Labour and materials	$	$
d) Type of work carried out		

12. Do you assume liability under contract or hold harmless (other than lease liability)?

No ☐ Yes ☐▶ If yes, please provide details and attach copies of all agreements.

13. Products

	Product and destination	Estimate for next 12 months
a) If you import products, please provide details of products and revenue generated		$
b) If you have exports, please provide details by product and revenue generated		$

14. Is work performed away from your premises?

No ☐ Yes ☐▶ If yes, please provide:

	Actual for last 12 months %	Estimate for next 12 months %
a) Percentage of turnover	%	%
b) Type of work	%	%

15. Is welding or hot work performed by you or on your behalf?

No ☐ Yes ☐▶ If yes, do you operate to AS 1674 – Part 1? No ☐ Yes ☐

16. Do you have property in your care, custody or control?

No ☐ Yes ☐▶ If yes, please provide brief details including the total value of the property:

17. Have any products been the subject of a recall notice in the past 5 years?

No ☐ Yes ☐▶ If yes, please provide details:

PREVIOUS HISTORY AND CLAIMS

18. Have you previously held insurance for any of the covers proposed for this insurance?

No ☐ Yes ☐▶ If yes, please provide details:

Name of Insurer	Policy Number	Expiry Date

19. For any of the covers proposed for this insurance has any insurer declined, cancelled or refused any proposal or insurance renewal or imposed special terms or conditions?

No ☐ Yes ☐▶ If yes, please provide details:

20. Within the last five years, have you had any claims made against you or have you any knowledge of any incidents which may lead to a claim for any of the covers proposed for this insurance?

No ☐ Yes ☐▶ If yes, please provide details:

Date	Details	Paid	Outstanding

DECLARATION

I declare that I am authorised to complete this Proposal Form (Proposal) on behalf of the Company and that to the best of my knowledge and belief the statements and particulars in this Proposal are true and correct and no material facts have been omitted or misrepresented. I undertake to inform Berkley Insurance Australia (BIA) of any change to any material fact which occurs before any insurance based on this Proposal is entered into.

By completing and signing this Proposal you acknowledge, accept and agree that:

(a) BIA may issue a policy to replace your expiring policy underwritten by W. R. Berkley Insurance (Europe) Limited trading as W. R. Berkley Insurance Australia (WRBIA);

(b) In underwriting and issuing a replacement policy BIA does and will rely on all disclosures, proposals, declarations and representations made by you to WRBIA and to BIA.

Date

Name of authorised individual/partner/principal/director

Signature of authorised individual/partner/principal/director

Sydney
Level 23, 31 Market Street
Sydney NSW 2000
Tel. (02) 9275 8500
sydney@berkleyinaus.com.au

Melbourne
Suite 5, Level 8, 454 Collins Street
Melbourne VIC 3000
Tel. (03) 8319 4080
melbourne@berkleyinaus.com.au

Brisbane
Level 7, 300 Ann Street
Brisbane QLD 4000
Tel. (07) 3220 9900
brisbane@berkleyinaus.com.au

Perth
Suite 5, 531 Hay Street
Subiaco WA 6008
Tel. (08) 9380 8327
perth@berkleyinaus.com.au

Adelaide
24 Divett Place
Adelaide SA 5000
Tel. (08) 8232 2767
adelaide@berkleyinaus.com.au