

# Proposal form

## IMPORTANT NOTICES

**Please read the following before proceeding to complete this Proposal Form.**

### **Your Duty of Disclosure**

This Proposal Form can be used to obtain quotations from DUAL Australia for:

- a. Directors & Officers Liability Insurance;
- b. Employment Practices Liability Cover;
- c. Tax Audit Costs Cover;
- d. Statutory Liability and Supplementary Legal Costs Insurance; and/or
- e. Crime Protection Insurance.

This Proposal Form is split into 7 Sections. The Section 1 asks you to provide details of the Applicant and is a compulsory section. Sections 2-6 each relate to a specific insurance coverage and need only be completed if the Applicant requires quotations for these policies. Section 7 is the Declaration Section and is also compulsory.

For example, if the Applicant only requires a quotation for Directors & Officers Liability Insurance, they should only complete Sections 1, 2 and 7, however, if they require quotations for Directors & Officers Liability Insurance, Employment Practices Liability Insurance and Crime Protection Insurance, then they should complete Sections 1, 2, 3, 5 and 7.

### **Non-Disclosure**

Before you enter into an insurance contract, you have a duty to tell us anything that you know, or could reasonably be expected to know, that may affect our decision to insure you and on what terms.

You have this duty until we agree to insure you. You have the same duty before you renew, extend, vary or reinstate an insurance contract.

You do not need to tell us anything that:

- a. reduces the risk we insure you for;
- b. is common knowledge;
- c. we know or should know as an insurance company; or
- d. we waive your duty to tell us about.

### **If you do not tell us something**

If you do not tell us something you are required to, we may cancel your policy or reduce the amount we shall indemnify you if you make a claim, or both. If your failure to tell us is fraudulent, we may refuse to pay a claim and treat the policy as if it never existed.

### **Completing this Proposal Form**

- Any references throughout this Proposal Form to "you" or "your" are to be read as references to "the Applicant".
- Please answer all questions giving full and complete answers.
- It is the duty of the Applicant to provide all information that is requested in the Proposal Form as well as to add additional relevant facts. A relevant fact is a known 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.
- 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 this insurance for the organisation who acts as the Applicant.
- If you have any questions in relation to the information which is to be provided, please contact your local DUAL Australia underwriter, who will be able to assist you with any queries that you may have. In certain instances, exemptions may be sought in relation to some of the information that has been requested. Contact details of your local DUAL Australia office are available from our website at: [dualinsurance.com](http://dualinsurance.com)

## Privacy Collection Statement

At DUAL Australia Pty Ltd, we are committed to compliance with the *Privacy Act 1988* (Cth). We use your personal information to assess the risk of and provide insurance, and assess and manage claims. We may also use your contact details to send you information and offers about products and services that we believe will be of interest to you. If you don't provide us with full information, we may not be able to provide insurance or assess a claim. If you provide us with information about someone else you must obtain their consent to do so.

We provide your personal information to the insurer we represent when we issue and administer your insurance. When providing a quotation or insurance terms, we will tell you if the insurer is overseas and if so, where they are. We are part of the Hyperion Insurance Group and may provide your information to UK based Group entities who provide us with business support services. We may also provide your information to your broker and our contracted third party service providers (e.g. claims management companies), but will take all reasonable steps to ensure that they comply with the Privacy Act. If a recipient is not regulated by laws which protect your information in a way that is similar to the Privacy Act, we will take reasonable steps to ensure that they protect your information in the same way we do or seek your consent before disclosing your information to them. We do not trade, rent or sell your information.

Our Privacy Policy contains information about how you can access the information we hold about you, ask us to correct it, or make a privacy related complaint. You can obtain a copy from our Privacy Officer by telephone (+61 (0)2 9248 6300), email ([reception@dualaustralia.com.au](mailto:reception@dualaustralia.com.au)) or by visiting our website ([dualinsurance.com](http://dualinsurance.com)).

By providing us with your personal information, you consent to its collection and use as outlined above and in our Privacy Policy.

## 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 of 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.

## 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.

## Notification of Circumstances or Events, which may give rise to a Claim

If during the period of this Policy, you become aware of any circumstances which may give rise to a Claim under the Policy and during the period of insurance given written notice to the Insurer of such circumstances, any Claim which may be subsequently made arising out of the circumstances 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.

All notifications to DUAL Australia should be addressed to:

The National Claims Manager

By Email: [claims@dualaustralia.com.au](mailto:claims@dualaustralia.com.au)

By Mail: Level 29, Angel Place, 123 Pitt Street, Sydney NSW 2000

# Section 1 - Details of the applicant

This Section is compulsory.

## Basic Information

### 1. The Proposed Policyholder's Name:

(Please include the name of all entities which are not subsidiaries of the ultimate holding company which you require a quotation for. References to the Applicant are references to the Proposed Policyholder throughout)

### 2. Trading as:

### 3. ABN/ACN:

### 4. Type of company (e.g. private, public listed, public unlisted, association, co-operative etc.)

### 5. Insured's Registered Address:

Head office address:

### 6. Insured's Website Address:

### 7. Date of incorporation:

### 8. Names of all subsidiaries / incorporated joint venture companies to be insured by this policy/these policies:

### 9. Describe the full business activities of the Applicant (including all subsidiary companies and controlled entities):

10. Please advise the annual turnover / revenue and assets of the Applicant for:

	Previous 12 months	Next 12 months (estimated)
Revenue / Turnover		
Assets		

11. Please advise the total number of employees including contractors:

Employment Type	Number
Board members, Directors, Partners and Executive Officers	
Full-time Employees excluding the above	
Part-time and Casual Employees	
Independent Contractors	
Voluntary Workers and Secondees	
<b>Total</b>	

#### Stamp Duty and GST

12. Is the Insured domiciled in Australia with no subsidiaries outside Australia or New Zealand Yes No

a. If NO, is the Insured domiciled in Australia? Yes No

b. If NO, where are the Insured's overseas subsidiaries? Yes No

(Please include the name of all entities which are not subsidiaries of the ultimate holding company which you require a quotation for. References to the Applicant are references to the Proposed Policyholder throughout)

Subsidiary Name	Country	Revenue (%)
-----------------	---------	-------------

13. In respect of gross turnover for the current financial year, please provide a breakdown by State:

NSW %	ACT %	QLD %	VIC %	TAS %	SA %	WA %	NT %	O/S %*	Total
									100%

If the Insured has declared Overseas Turnover, please complete the below table:

Country	Percentage of Total Turnover (%)	Activities
---------	----------------------------------	------------

14. Is the Insured exempt from GST? Yes No

15. Is the Insured exempt from Stamp Duty? Yes No

#### **NSW Small Business Exemption**

I declare that the insured is a small business and qualifies for the NSW small business stamp duty exemption in relation to this policy. I have obtained a signed declaration from the insured in accordance with the requirements of Revenue NSW and I will provide the signed declaration to DUAL on binding or upon request.

#### **Other Exemption**

I declare that the insured relying on a stamp duty exemption in relation to this policy in all States and Territories. I have obtained a copy of the exemption certificate(s) or declaration(s) and I will provide a copy to DUAL on binding or upon request.

#### **Additional Details**

16. Does the Applicant or any of its Subsidiaries have any acquisition, tender, offer or merger with another entity pending or under consideration? Yes No

17. In the last 24 months, has the Applicant or any of its Subsidiaries acquired or merged with any other entity? Yes No

18. Is the Applicant or any of its Subsidiaries aware of any proposal relating to its acquisition by another entity? Yes No

19. Is there any change to the nature of business intended, or being considered in the next twelve (12) months? Yes No

20. Is the Applicant listed on the ASX or any other Securities Exchange? Yes No

21. Please advise the Securities Exchange, which the Applicant is listed on (eg: ASX), if applicable:

22. Is the Applicant intending to raise funds via a public offering of securities within the next year in Australia or elsewhere? Yes No

23. Is the Applicant involved in any business activities outside of Australia and New Zealand? Yes No

If YES, is the Applicant involved in any business activities in the USA and/or Canada? Yes No

**If YES, please complete the North American Risks Addendum at the end of this Proposal Form.**

24. Does the Insured generate revenue from any crypto assets or related activities/exposures? Yes No

25. Does the Applicant or its related entities have any operations or dealings which could give rise to a risk or obligation in a jurisdiction which is subject to any applicable trade or economic sanctions, law or regulation, including but not limited to where any underlying activity is located, revenue earnt, or persons are located in a sanctioned jurisdiction? Yes No

If YES, please provide details:

### Other Insurance

26. Does the Applicant have any other similar Insurance Cover currently in place? Yes No

If YES, please advise us of the following information:

Name of Insurer	Limit of Indemnity	Policy Period	Deductible
-----------------	--------------------	---------------	------------

Management Liability

General Liability

Professional Indemnity

Other:

## Claims and Circumstances

27. In the past five (5) years, has the Applicant or any Director or Officer of the Applicant or its subsidiaries, been declined, had cancelled or non-renewed any insurance policies for any of the coverage's for which it has applied?	Yes	No
28. After inquiry, in the past five (5) years, has there been any regulatory inquiries or investigations made into the Applicant, its subsidiaries, or any of its Directors, Officers, Managers, or Employees, which may have been covered by us, under any of the coverage's for which it has applied?	Yes	No
29. After inquiry of all Directors & Officers of the Applicant, has there been, or is there now pending, any proceedings (Criminal or Civil) or demands which have been made against them in their capacity as a Director or Officer of the Applicant or its Subsidiaries?	Yes	No
30. After inquiry, is the Applicant or any of its Directors or Officers aware of any facts or circumstances, which might afford valid grounds for any future investigations, inquiries, regulatory proceedings, or other claims, which may be covered by us, under any coverage for which it has applied?	Yes	No
31. In the last five years, has Applicant been the subject of any complaint, suit, inquiry or notice of a hearing from any State, Territory or Federal regulatory body, or any other party?	Yes	No
32. Has the Applicant sustained any losses over the last five (5) years as a result of any fraudulent action, or dishonest misappropriation? This includes the loss of any third party's funds or tangible property in the care, custody and control of the Applicant?	Yes	No
33. Within the last five (5) years, has the Applicant been audited or been the subject of a Risk Review by the Australian Taxation Office or any State or Territory Revenue Office?	Yes	No
34. Upon enquiry, is any Director, Officer or Employee of the Company aware of any facts or circumstances that may affect the ability of the Company to meet its debts as and when they fall due or any change in the financial position or capital structure of the Company that may materially affect the performance of the Company?	Yes	No
35. If the Applicant answered YES, please provide details of any losses (via separate addendum if necessary) sustained during the past five (5) years. Please include a brief description of the facts of the matter, details regarding the quantum of the loss, the outcome and whether any insurance monies were paid as a result.		

## Quotation Details

36. Please select what you would like us to provide a quote for.

### Directors & Officers Liability

\$1m	\$2m	\$3m	\$4m	\$5m	\$10m	Other (Please specify):
------	------	------	------	------	-------	-------------------------

### Employment Practices Liability (EPL)\*

\$250k	\$500k	\$1m	\$2m	\$3m	\$5 m	Other (Please specify):
--------	--------	------	------	------	-------	-------------------------

### Tax Audit Costs\*

\$50k	\$100k	\$200k	\$250k	\$500k	\$1m	Other (Please specify):
-------	--------	--------	--------	--------	------	-------------------------

### Crime Protection

\$1m	\$2m	\$3m	\$4m	\$5m	\$10m	Other (Please specify):
------	------	------	------	------	-------	-------------------------

### Statutory Liability & Supplementary Legal Costs

\$500k	\$1m	\$2m	\$3m	\$4m	\$5m	Other (Please specify):
--------	------	------	------	------	------	-------------------------

\*Tax Audit Cover and EPL are only available with D&O.

## Section 2 - Directors & Officers Liability

Section 2 should be completed if the Applicant would like a quotation for Directors & Officers Liability Insurance.

1. Please advise:

The market capitalisation if listed on a public securities exchange:

The total number of shareholders:

The total number of shares held by Directors of Officers:

2. Do any of the Directors or Officers of the Applicant hold (at the specific request of the Applicant) any Board or other managerial positions on other outside entities? Yes No

If YES, please advise us of the Directors or Officers who require cover, the entities where they hold positions, and the positions that they hold:

3. Are any of these outside entities not-for-profit? Yes No

If YES, please confirm the names of the non-for-profit entities:

## Section 3 - Employment Practices Liability

Section 3 should be completed if the Applicant would like a quotation for Employment Practices Liability Insurance.

1. During the next 12 months, is the Applicant or any of its subsidiaries implementing or contemplating the implementation of, any outsourcing of any functions currently performed by its employees? Yes No

2. During the next 12 months, is the Applicant or any of its subsidiaries undergoing, or has it contemplated implementation of, any outsourcing of any functions currently performed by its employees? Yes No

3. During the next 12 months, is the Applicant or any of its subsidiaries undergoing, or has it contemplated undergoing, any employee redundancies, layoffs, or early retirement (including those resulting from any type of employment terminated, or been made redundant within the last 24 months)? Yes No

If YES to any of the above (Q. 1-3), please provide full details:

4. Does the Applicant have a central Human Resources or personnel department performing a function for the Applicant and its subsidiaries? Yes No

If NO, how is this function handled?

5. Does the Applicant and its subsidiaries have a written Human Resources manual, employee handbook or equivalent written employment management guidelines? Yes No

If YES, are all managers and employees:

- a. Provided with a copy of this manual? Yes No
- b. Provided with training in relation to the policies and procedures in the manual? Yes No

6. Are decisions regarding the termination of employment always subject to prior review by the Applicant's:

- a. Human Resources or Personnel Department? Yes No
- b. Internal Legal Department? Yes No
- c. External Legal Counsel? Yes No

## Section 4 - Tax Audit Costs

Section 4 should be completed if the Applicant would like a quotation for Tax Audit Costs Cover.

1. Does the Applicant outsource any of its audit functions? Yes No

If YES, please advise full details of the firm or persons conducting the Audit function:

2. Does the Applicant engage any external consultants to assist it with its bookkeeping and accounting? Yes No

If YES, please provide full details:

3. Does the Applicant employ an Accountant or Bookkeeper? Yes No

## Section 5 - Crime Protection

Section 5 should be completed if the Applicant would like a quotation for Crime Protection Insurance.

- 1. Do external auditors audit all operations at least annually? Yes No
- 2. Have all recommendations by external auditors regarding internal controls been complied with following your last audit? Yes No

3.	Do you have an Internal Audit Department?	Yes	No
4.	Are duties segregated so that no individual can control any of the following activities from commencement to completion without referral to others:		
a.	signing cheques or authorising payments (including capital expenditure) above \$5,000?	Yes	No
b.	issuing funds transfer instructions?	Yes	No
c.	amending funds transfer procedures?	Yes	No
d.	opening new accounts?	Yes	No
e.	investment in and custody of securities and valuables?	Yes	No
f.	refund monies or return goods above \$5,000?	Yes	No
g.	disbursement of assets or funds of any pension plan?	Yes	No
h.	awarding contracts following a tender?	Yes	No
5.	When recruiting or promoting employees to positions of trust involving handling of stock, money, financial or treasury functions, do you:		
a.	Undertake independent checks into their employment history?	Yes	No
b.	Undergo a process to ensure their suitability for the position?	Yes	No
6.	Is there controlled access to all locations?	Yes	No
7.	Are all premises containing stock, money, securities, precious metals etc. connected to an intruder alarm?	Yes	No
8.	Does the Applicant maintain an approved suppliers list?	Yes	No
9.	Are unique passwords used to give various levels of entry to the computer depending on the users authorisation?	Yes	No
10.	Are passwords automatically withdrawn when people leave?	Yes	No
11.	Is your computer system firewall protected to prevent unauthorised access?	Yes	No
12.	Is your computer system protected by virus detection and repair software?	Yes	No
13.	Does the Applicant have a process in place at all locations where all bank statements are independently reconciled by persons not authorised to deposit or withdraw funds, issue funds transfer instructions or dispatch funds to customers?	Yes	No

If the Applicant answered NO to any of the above (1-13) please provide full details:

### Social Engineering

14. Does the Insured maintain procedures for the provision of written training materials to all Employees regarding the dangers of Social Engineering Fraud, Phishing, Phreaking and Cyber Fraud which incorporate regular review?	Yes	No
15. Does the Applicant have a process in place at all locations where all unusual payment instructions purporting to come from the Applicant's senior management are followed up by call backs to senior management at a previously known and pre-designated phone number to confirm payment instructions and check authenticity?	Yes	No
16. Are all requests to establish/create or alter supplier and customer details including bank account details, independently verified with a known contact, either in person or via a telephone call, for authenticity?	Yes	No
17. Does the Applicant have a process in place at all locations where senior management approval is always required before a change to vendor and supplier bank details is processed, such approval being given after review of the underlying request and the record of its verification?	Yes	No
18. Does the Insured maintain procedures for changing passwords for all online accounts and banking platforms maintained by the Insured at least every 45 days and that the password protocols accord with industry best practice, or adopt two factor authentication?	Yes	No
19. Does the Insured ensure that at least two members of staff authorise any transfer of funds, signing of cheques (above \$2,000) and the issuance of instructions for the disbursement of assets, funds or investments?	Yes	No

If the Applicant answered NO to any of the above (1-6) please provide full details:

## Section 6 - Statutory Liability & Supplementary Legal Costs

Section 6 should be completed if the Applicant would like a quotation for Statutory Liability Insurance.

Do you require quotations for:

a. Statutory Liability	Yes	No
------------------------	-----	----

b.	Supplementary Legal Costs	Yes	No
1.	Does the Applicant have a Workplace or Occupational Health & Safety Manager, Department or Co-ordinator?	Yes	No
2.	Has the Applicant's quality control system been certified? (e.g. ISO9000 series or similar recognised standard)	Yes	No
3.	Does the Applicant have a current manual for Occupational Health & Safety Procedures and Environmental Protection Procedures?	Yes	No
4.	Are these manuals distributed to all employees and is training provided?	Yes	No
5.	On the most recent Workers Compensation renewal, was the Company rated at the industry gazetted rate?	Yes	No
<p>If you are unsure about the answer to this question (5) above, please attach the Applicant's last Workers Compensation Insurance Renewal notice.</p> <p>If the Applicant answered NO to any of the above (1- 5) please provide full details:</p>			
6.	Does the Applicant have workers engaged in any hazardous manual activities (including work in confined spaces, abrasive blasting, electrical work, diving and other high risk activities)?	Yes	No
7.	Does the Applicant manufacture or use any toxic chemicals or hazardous substances?	Yes	No
8.	Has the Applicant, or has the Applicant applied for, any environmental licence or licence to pollute?	Yes	No
9.	Does the Applicant have any involvement in:		
a.	asbestos	Yes	No
b.	fungus, mildew, mould or any other pollutants	Yes	No
c.	recycled, reconditioned or reclaimed materials	Yes	No
d.	any marine, aviation or road activities	Yes	No
10.	Has the Applicant ever had a penalty or premium loading imposed on their Workers Compensation insurance?	Yes	No
11.	Has the Applicant in the past 5 years had a Notifiable Incident under health and safety legislation, or any other incident that required mandatory reporting to any Regulatory Authority under any Act of Parliament?	Yes	No

If the Applicant answered YES to any of the above (6-11) please provide full details:

12. Subject to meeting underwriting criteria, do you wish to include Optional Extension Enforceable Undertaking?	Yes	No
13. Do any of the Directors or Officers of the Applicant hold (at the specific request of the Applicant) any Board or other managerial positions in non-for-profit outside entities?	Yes	No

If YES, please confirm the names of the non-for-profit entities?

# Declaration

**This section is compulsory.**

**Please ensure that a duly authorised representative of the applicant signs the proposal form. Please note that we will require a completed, signed and dated proposal form prior to binding. 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. We 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, we will give immediate notice thereof. We agree that the insurers may use and disclose our personal information in accordance with the "privacy statement" at the beginning of this proposal. The undersigned acknowledges that they have read this proposal form, including all important notices, as well as the policy wording and associated endorsements and are satisfied with the coverage provided, including the limitations and restrictions on coverage. We agree 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**

Full name:

Position:

Signature:

Date:

**Annexures: please annex the following documents to this proposal form**

A copy of the Applicant's latest Audited Financial Statements to this Proposal Form.

Also, if insufficient space has been provided in this Proposal Form for you to adequately answer any of the questions, please annex further supplementary pages.

**It is important that the person signing the declaration above is/are fully aware of the scope of this insurance so that these questions can be answered correctly.**

**If in doubt please speak with your insurance broker, agent or advisor, as non-disclosure or miss-representation in this proposal may affect an insured'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: [dualenquiries@dualaustralia.com.au](mailto:dualenquiries@dualaustralia.com.au)

# North American risks: Addendum

1. In the USA or Canada, has the Applicant or any Subsidiary at any time:

a. conducted any business?	Yes	No
b. had any shares traded on a listed stock exchange?	Yes	No
c. held a beneficial interest in any company based in North America?	Yes	No

2. If the Applicant answered YES to Section 1, Question 23, please advise:

a. The total assets of the Applicant and all Subsidiaries in the USA/Canada: AUD\$	
b. What percentage of total assets of the Applicant and all Subsidiaries are in the USA/Canada: %	
c. Total number of Employees in the USA/Canada:	
d. The total revenue derived from the USA/Canada: \$	
e. What percentage of the total revenue of the Applicant and its subsidiaries is derived from the USA/Canada: %	

3. Please list those subsidiaries in the USA/Canada that are not wholly owned?

**Helping you do more**

Sydney | Melbourne | Perth | Brisbane

1300 769 772

**dualinsurance.com**

DUAL Australia Pty Limited | Registered in Australia under ABN No. 16 107 553 257

