

## Proposal form

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### IMPORTANT NOTICES

#### **Please read the following before proceeding to complete this proposal form**

This Combined Liability Proposal Form is used to apply for General, Statutory and Employers Liability. 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 in order that your entitlement to full indemnity under your new policy is not placed in jeopardy.

#### **Your Duty of Disclosure**

Before you enter into a contract of general insurance with an Insurer, you have a duty to disclose to the Insurer every matter that you know, or could reasonably be expected to know about yourself and others to be insured, is relevant to the Insurer's decision whether to accept the risk of the 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 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 its business, ought to know; or
- 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 in its entirety. 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 provided.

#### **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.

## When Completing this Proposal Form

- Please answer all questions honestly, 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 any additional relevant facts. Note: a relevant fact is a fact and/or circumstance that may influence 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 the 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 management liability insurance for the organisation who acts as the Applicant.

**This proposal form DOES NOT BIND the Applicant or the Insurer to complete the insurance but will form part of any insurance.**

## Privacy Collection Statement

At DUAL New Zealand, we are committed to protecting your privacy and complying with the Privacy Act 2020 (NZ) (Privacy Act).

We use your information to assess the risk of providing you with insurance, provide quotations, issue policies and assess claims, on behalf of the insurers we represent. We also use your information to administer any policies we have issued to you and may do so by mail or electronically, unless you tell us that you do not wish to receive electronic communications. If you do not 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 may also provide your information to your broker and our contracted third party service providers (e.g. claims management companies). We are part of Howden Group Holdings Limited and may provide your information to UK based Group entities who provide us with business support services. 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. We do not trade, rent or sell your information.

Our Privacy Policy contains more information about how to access and correct the information we hold about you and how to make a privacy related complaint, including how we will deal with it. By providing us with your personal information, you consent to its collection and use as outlined above and in our Privacy Policy. Ask us for a copy of our Privacy Policy via email at [privacy@dualnewzealand.co.nz](mailto:privacy@dualnewzealand.co.nz) or access it via our website using the following [link](#).

## Fair Insurance Code

Our policies are Insurance Council of New Zealand's Fair Insurance Code of Practice compliant, apart from any claims adjusted outside New Zealand. Underwriters at Lloyd's and DUAL New Zealand proudly support the Fair Insurance Code. The purpose of the Code is to raise standards of practice and service in the general insurance industry. A copy of this Code is available by contacting DUAL New Zealand on +64 09 973 0190 or from the Insurance Council of New Zealand's website at [www.icnz.org.nz](http://www.icnz.org.nz).

# Section 1 - Details of applicant

Insured Name:

Insured Address:

Telephone:

Mobile:

Website Address:

Date established (dd/mm/yy):

Country State of Registration:

Company Number:

Address of all other locations (if any) from which the Insured operates:

## Section 2 - Insurance history

1. If this is a new business, provide details of your previous experience:
2. Provide details of any previous policies held during the past five years:

	Insurer(s)	Limit (\$)	Excess (\$)	
General Liability				
Statutory Liability				
Employers Liability				

3. Has any Insurer ever:

a.	Declined to insure you?	Yes	No
b.	Cancelled or refused to renew your policy?	Yes	No
c.	Imposed special terms or conditions in respect of ANY policy for the types of insurance being applied for?	Yes	No

If YES to any of the above, please provide full details including the name of the Insurer :

## Section 3 - Indemnity limit

1. Tick the cover you require and state the limit of Indemnity and Excess required:

General Liability	Limit: \$	Limit: \$
Statutory Liability	Limit: \$	Limit: \$
Employers Liability (claims made)	Limit: \$	Limit: \$

## Section 4 - Income details

1. Please provide a full description of your business activities and operations and a breakdown of the turnover for each activity or operation (If a landlord, advise of your tenants' business):

Description of business or industrial activity	Actual turnover LAST financial year (\$)	Estimated turnover THIS financial year (\$)
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2. Advise where your business is conducted, your activities at each location and whether premises are owned or leased:

Location(s) where the business is conducted within New Zealand	Activities	Owned/Leased
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## Section 5 - General Liability information

1. Do you have contracts for work outside of New Zealand? Yes No

2. Number of staff:

New Zealand:

Others:

3. Provide details of all work you carry out away from your premises and the percentage of turnover this generates:

Location	Nature of Work	% Annual Turnover
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4. Does any of your work involve cutting, welding, the use of naked flames or open heat sources? Yes No

If YES, please provide full details and state the percentage of turnover this generates:

Nature of Work	% Annual Turnover
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5. Do you do any physical work that involves hot work of any kind? Yes No

6. Do you use, store, handle, manufacture or transport any acids, bulk liquids, chemicals, explosives, gases or any flammable, hazardous or toxic goods or substances? Yes No

If YES, please provide full details of the goods and state the quantity and how it is used/stored/transported:

<b>Type of goods/substances</b>	<b>Quantity</b>	<b>How used/stored/transported</b>
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7. If YES to the above, how are toxic, chemical or hazardous goods or substances (including PCB) disposed of?

<b>Type of goods/substances</b>	<b>Quantity</b>	<b>How used/stored/transported</b>
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8. If waste disposal contractors are used, please name and provide a copy of all contracts entered into for the engagement of these contractors:

9.	Have any pollution or environmental issues (whether or not resulting in a claim) occurred during the past 5 years?	Yes	No
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If YES, please provide details:

10.	Do you carry out any work on offshore oil or gas rigs?	Yes	No
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If YES, please provide full details and state the percentage of turnover this generates:

<b>Nature of Work</b>	<b>% Annual Turnover</b>
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## Section 6 - Products

Note: Products Liability includes any goods manufactured, constructed, erected, installed, repaired, serviced, treated, sold, supplied or distributed to you.

1. Provide details of all products sold in New Zealand:

<b>Product Type</b>	<b>Actual turnover LAST financial year (\$)</b>	<b>Estimated turnover THIS financial year (\$)</b>
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### EXPORTS

2. Provide details of all products exported:

<b>Product Type</b>	<b>Country Exported to</b>	<b>Actual turnover LAST financial year (\$)</b>	<b>Estimated turnover THIS financial year (\$)</b>
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3. Do you sell/export products to the US or Canada? Yes      No

### IMPORTS

4. Provide details of products you import and how you use them e.g. sold "as is", incorporated into your own products etc.

<b>Product Type</b>	<b>Supplier name and country</b>	<b>Use of product by you</b>
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5. Do your suppliers indemnify you for any defects in the products they supply to you? Yes No

If YES, please attach copies of the relevant sections of the contract(s) or agreement(s).

6. Do you have product brochures or promotional material for your products? Yes No

If YES, please attach copies. If NO, attach your product list.

7. Do you manufacture the products you sell? Yes No

If YES, please state:

**Product designed**

**Specifications by**

If you do not manufacturer the products you sell, attach a copy of the agreement(s) you have with the contract manufacturer(s).

8. Are any of the products used as components of, or incorporated or mixed into, any other products produced by other parties? Yes No

If YES, please provide full details:

9. Are you involved in any way with water supply/storage (including dams, lakes, reservoirs etc)? Yes No

If YES, please provide full details (including locations, capacity and construction):

10. Are you involved in any way with gas supply/storage? Yes No

If YES, please provide full details:



## Section 7 - Risk management

- |    |   |     |    |
|----|---|-----|----|
| 1. | Do you have a quality control manual?<br>If YES, how long has the manual been in use?                                   | Yes | No |
| 2. | Who is responsible for quality control?<br><br>Name: _____ Title: _____   |     |    |
| 3. | Has your quality control system been certified?<br>If YES, please provide details of certification (e.g. ISO9000 etc.): | Yes | No |
| 4. | Do you have a Product Recall Plan in place?   | Yes | No |

## Section 8 - Contractual liability

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|----|--|-----|----|
| 1. | Do you have any contracts or agreements where the other party limits their liability to you?<br>If YES, attach a copy of the relevant sections of the contract(s) or agreement(s). | Yes | No |
| 2. | Do you have a standard warranty or conditions of sale with your customers?   | Yes | No |

## Section 9 - Professional services

- |    |  |     |    |
|----|--|-----|----|
| 1. | Do you provide professional, technical or consultancy services or advice to your customers?<br><br>a. If YES, please provide full details:<br><br><br><br><br><br><br><br><br><br>b. Do you charge a fee for these services? | Yes | No |
| 2. | Total fees LAST financial year: \$   |     |    |

## Section 10 - Property in your control

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|----|---|-----|----|
| 1. | Do you require cover for property owned by others that is in your care, custody or control? | Yes | No |
|----|---|-----|----|

If YES, please advise the following:

a. Description of the property:

b. Maximum value of the property: \$

c. Limit of Indemnity required: \$

2. Do you charge a fee for storing property owned by others? Yes No

## Section 11 - Service and repair

1. Do you service, repair, work on or supply parts for motor vehicles? Yes No

If YES, please provide details and the turnover derived from this activity:

## Section 12 - Statutory and Employers Liability

1. Have you ever had a penalty or premium loading imposed under any ACC legislation, the Accident Insurance Act 1998 or Workers Compensation insurance? Yes No

If YES, please provide full details:

2. Are there any Acts of Parliament that have particular application to your business? Yes No

If YES, please list the Acts:

3. Do you have written procedures, manuals and/or systems in place to ensure compliance with legislation that affects your business or organisation? Yes No

If NO, advise how you comply with such legislation:

## Section 13 - Claims information/circumstances

1. During the past five years have you, or any other entity to be insured under this insurance, had any loss, proceedings, notice, complaint, claim or prosecution made against you, or any fine imposed under any legislation? (Includes all matters, irrespective of whether any insurance was in force and irrespective of any policy excess. Also include any ACC or Workers Compensation claims). Yes      No

If YES, please provide details below or attach prior Insurers claims experience(s):

Date of loss	Description of loss	Amount of loss/claim
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2. After enquiry, are there any claims currently pending against you or any other person or entity to be insured under this insurance, or are you aware of any circumstances which could give a rise to Claim under the proposed insurance? Yes      No

If YES, please provide full details:

# Declaration

## **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(s) 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 Collection 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.

The undersigned also acknowledges that the insurance is being purchased for business purposes only, and not wholly or predominately for personal, domestic or household purposes. This product therefore does not constitute a consumer insurance contract pursuant to the Financial Markets Conduct Act 2013. If the insurance is being considered for personal, domestic or household purposes, please contact your broker for further information.

The undersigned acknowledges that they have read the policy wording and associated endorsements and are satisfied with the coverage provided, including the limitations and restrictions on coverage.

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

Full name:

Position:

Signature:

Date:

**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 Insured's right of recovery under the policy.**

DUAL New Zealand 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).

## Helping you do more

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