



**BusinessGuard Multimedia Professional Liability Insurance**

PROPOSAL FORM

## BusinessGuard™

### An Important Notice

#### Claims-Made and Notified Insurance

This policy is issued by Chartis Australia Insurance Limited (Chartis), ABN 93 004 727 753 AFSL 381686, on a claims-made and notified basis. This means that the policy only covers Claims (as defined) first made against you during the Policy Period (as defined) and notified to the insurer in writing during the Policy Period. The policy does not provide cover for any Claims made against you during the Policy Period if at any time prior to the commencement of the Policy Period you became aware of facts which might give rise to those Claims being made against you.

Section 40(3) of the Insurance Contracts Act 1984 provides that where you give notice in writing to the insurer of facts that might give rise to a Claim against you as soon as is reasonably practicable after you become aware of those facts but during the Policy Period, the insurer cannot refuse to pay a Claim which arises out of those facts, when made, because it is made after the Policy Period has expired.

This policy contains a "Prior Claims/Circumstances" Exclusion for loss in connection with any claim:

- a. made prior to or pending at the inception of this policy; or
- b. arising out of, based upon or attributable to any circumstance that, as of the inception of this policy, may reasonably have been expected by any Insured to give rise to a Claim.

This policy does not provide cover for Claims arising from any Wrongful Acts which take place before the Retroactive Date.

#### Your Duty of Disclosure

Section 21 of the Insurance Contracts Act 1984 provides that 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, 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.

However, your duty of disclosure does not require you to disclose matters:

- a. that diminish the risk to be undertaken by the insurer;
- b. that are of common knowledge;
- c. that your insurer knows, or in the ordinary course of its business, ought to know;
- d. as to which compliance with your duty of disclosure is waived by the insurer.

Your duty of disclosure continues after the proposal form has been completed up until the Policy Period commences.

#### Consequences of 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.

#### Subrogation

This policy contains provisions which have the effect of excluding or limiting the insurer's liability in respect of a loss where you have prejudiced the insurer's rights of subrogation where you are a party to an agreement which excludes or limits insurer's rights to recover the loss from another party. You are hereby notified of the effect of these provisions.

#### Privacy Consent and Disclosure

Chartis has adopted the National Privacy Principles. The National Privacy Principles apply to any personal information collected by Chartis.

## **Purpose of Collection**

Chartis collects information necessary to underwrite and administer your insurance cover, to maintain and to improve customer service. You have a duty under the Insurance Contracts Act 1984 to disclose certain information. Failure to comply with your Duty of Disclosure or to provide certain information may result in Chartis either declining cover, cancelling your insurance cover or reducing the level of cover.

In the course of administering your Policy we may disclose your information to:

- a. another member of the Chartis group of companies either in Australia or overseas;
- b. contractors or third party providers providing services related to the administration and sale of your Policy;
- c. banks and financial institutions for the purpose of processing your application and obtaining policy payments;
- d. in the event of a claim, assessors, third party administrators, emergency providers, and medical providers.

We will only disclose your personal information to these parties for the primary purpose for which it was collected. In some circumstances Chartis is entitled to disclose your personal information to third parties without your authorisation such as law enforcement agencies or government authorities.

## **Access To Your Information**

You may gain access to your personal information by submitting a written request to Chartis.

In some circumstances, Chartis may not permit access to your personal information. Circumstances where access may be denied include where it would compromise the privacy of other individuals, or where it would be unlawful.

Chartis has also established an internal dispute resolution process for handling customer complaints and an access and correction procedure. Both procedures are generally free of charge however we reserve the right to charge for access requests in limited circumstances.

If you feel you have a complaint about Chartis' Information Privacy Principles, require assistance in lodging a privacy complaint or you wish to gain access to the information, you may write to The Privacy Manager, Chartis, Level 12, 717 Bourke Street, Docklands, or e-mail [australia.privacy.manager@Chartisinsurance.com](mailto:australia.privacy.manager@Chartisinsurance.com). Your complaint will be reviewed and you will be provided with a written response. If it cannot be resolved, your complaint will be referred to Chartis' Internal Disputes Resolution Committee who will respond within 15 working days. In either case the matter will be reviewed by a person or persons with appropriate authority to deal with the complaint.

Should your complaint not be resolved by Chartis' internal dispute resolution process, you may take your complaint to the Privacy Commissioner for review of the determination.

## Details of Proposer

1. a) Firm Name \_\_\_\_\_
- b) Trading Name \_\_\_\_\_
- c) ABN \_\_\_\_\_
- d) Contact Person \_\_\_\_\_
- e) Dun and Bradstreet Number \_\_\_\_\_
- f) If you intend to claim an Input Tax Credit for the premium paid for this policy, please specify the percentage of the premium you will be claiming: \_\_\_\_\_ %
- g) How long has the firm continually carried on business? \_\_\_\_\_

Firm's main office

Street Address \_\_\_\_\_

Suburb \_\_\_\_\_

State \_\_\_\_\_

Postcode \_\_\_\_\_

Telephone \_\_\_\_\_

Facsimile \_\_\_\_\_

Website \_\_\_\_\_

Email Address \_\_\_\_\_

2. a) During the past 3 years has the:
  - i) Name of the firm changed? Yes / No
  - ii) Firm acquired, merged or taken over any other firm(s), or been acquired, merged or taken over by any other firm(s)? Yes / No
- b) Is any acquisition, tender offer or merger pending or under consideration by the Firm? Yes / No
- c) Is the Firm aware of any proposal relating to its acquisition by another company? Yes / No

*If "Yes" to any of the foregoing, please provide full details (use a separate sheet of your letter headed paper if insufficient room below), including confirmation of the position relating to past liabilities assumed by either party/ firm(s).*

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3. Please provide details of the current partners/principals/directors of the firm:

Name	Qualification (s)	Year Qualified	How many years as a partner/principal/director	
			This Practice	Previous Practice

*Use a separate sheet of your letter headed paper if insufficient room above.*

4. To what professional associations does the firm belong?

\_\_\_\_\_

5. Please provide details of current staff numbers:

- a) Partners/principals/directors \_\_\_\_\_
- b) Other qualified/technical personnel \_\_\_\_\_
- c) Administration & clerical personnel \_\_\_\_\_

6. Is any partner, principal or director of the Firm connected or associated (financially or otherwise) with any other practice or business? Yes / No

*If "Yes", please give details of the nature of the connection/association (use a separate sheet of your letter headed paper if insufficient room below).*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### Details of the Business

7. a) Are any of the Firm's business activities performed outside of Australia or provided to clients based outside of Australia? Yes / No

*If "Yes", please give details of the name of the client(s), the country they are located within and what service(s) are provided (use a separate sheet of your letter headed paper if insufficient room below).*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b) Does the Firm have any subsidiary or assets within the USA or Canada? Yes / No

*If "Yes", please give details (use a separate sheet of your letter headed paper if insufficient room below).*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. Is the Firm involved in a joint venture? Yes / No

*If "Yes", please give details including the nature of the joint venture, the business activities provided by the Firm and the name(s) of the joint venture partners (use a separate sheet of your letter headed paper if insufficient room below).*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. Does the Firm issue any brochures (or other promotional material), code of ethics, annual report or the like? Yes / No

*If "Yes", please attach copies of each.*

### Claims Information

10. After enquiry of the partners/principals/directors and employees, has there been or is there now pending a claim against the Firm, it's predecessors in business or it's former partners/principals/directors or employees? Yes / No

*If "Yes", please give details (use a separate sheet of your letter headed paper if insufficient room below).*

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11. After enquiry of the partners/principals/directors and employees is the Firm aware of any circumstance or incident which may give rise to a claim against the Firm or its partners/principals/directors or employees? Yes / No

*If "Yes", please give details (use a separate sheet of your letter headed paper if insufficient room below).*

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12. After enquiry of the partners/principals/directors and employees is the Firm aware of any prosecution (actual or pending) of the Firm or any partners/principals/director or employees under any International, Commonwealth, State or Local statute, legislation, regulation or By Law? Yes / No

*If "Yes", please give details (use a separate sheet of your letter headed paper if insufficient room below).*

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13. After enquiry of the partners/principals/directors and employees, has the Firm or any partners/principals/director or employee ever been subject to any disciplinary action, been fined or penalized, or been the subject of an inquiry investigating or alleging professional misconduct? Yes / No

*If "Yes", please give details (use a separate sheet of your letter headed paper if insufficient room below).*

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## Details of Insurance

14. As at today's date does the Firm have Professional Indemnity Insurance currently in force that has been paid for? Yes / No

*If "Yes", please state*

a) Insurer	_____
b) Indemnity Limit	_____
c) Expiry Date	____ / ____ / ____
d) Retroactive Date	____ / ____ / ____

15. Has the Firm ever had any Insurer decline a proposal, imposed any special terms, cancelled or refused to renew a Professional Indemnity Insurance Policy? Yes / No

*If "Yes", please give details (use a separate sheet of your letter headed paper if insufficient room below).*

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16. What limit(s) of liability do you require quotations for?

<input type="checkbox"/> \$1 million	<input type="checkbox"/> \$5 million
<input type="checkbox"/> \$2 million	<input type="checkbox"/> \$10 million
<input type="checkbox"/> \$3 million	<input type="checkbox"/> Other: _____

17. What limit(s) of self insured retention are you prepared to carry?

<input type="checkbox"/> \$2,500	<input type="checkbox"/> \$20,000
<input type="checkbox"/> \$5,000	<input type="checkbox"/> Other: _____
<input type="checkbox"/> \$10,000	

## Optional Extension for Employment Practices Liability

18. a) Would you like a quotation for Employment Practices Liability coverage? Yes / No

b) If 'Yes' has any Claim arising from employment practices liability ever been made against the Insured or, after enquiry of the partners/principals/directors and employees, is the Firm aware of any circumstances which may give rise to a Claim against the Firm or any its partners/principals/directors or employees? Yes / No

*If "Yes", please supply the relevant details and advise what precautions have been taken to prevent a recurrence (use a separate sheet of your letter headed paper if insufficient room below).*

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## Optional Extension for Fidelity

19. a) What Fidelity Cover sub-limit(s) do you require quotations for?

- \$50,000                       \$250,000  
 \$100,000                     Cover not required

b) As at today's date, does the Firm currently have any fidelity guarantee/crime insurance?

Yes / No

If "Yes",

- a) Insurer \_\_\_\_\_  
b) Indemnity Limit \_\_\_\_\_  
c) Expiry Date \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
d) Deductible \_\_\_\_\_

c) Has the Firm ever sustained any loss through the fraud or dishonesty of any employee, or after enquiry of the partners/principals/directors and employees, is the Firm aware of any circumstances which may give rise to a loss against the Firm?

Yes / No

*If "Yes", please supply the relevant details and advise what precautions have been taken to prevent a recurrence (use a separate sheet of your letter headed paper if insufficient room below).*

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d) Are monies, securities and/or negotiable instruments subject to control by at least one partner, principal or director, and one authorised signatory?

Yes / No

e) Is bank reconciliation carried out by someone not authorised to deposit into or withdraw from the bank accounts?

Yes / No

f) When recruiting or promoting Employees to positions of trust involving handling of stock, money, financial or treasury functions, does the Firm undertake independent checks in their employment history?

Yes / No

## Broadcasting Services Questions

Please only answer the questions below if they are relevant to the services you are seeking insurance for.

20. Please state the firm's gross income/fees from Broadcasting services:

- a) Previous financial year \$ \_\_\_\_\_
- b) Current financial year \$ \_\_\_\_\_
- c) Coming financial year (estimate) \$ \_\_\_\_\_

21. Please state the percentage of gross / income fees derived from each of the activities specified below:

	<i>Past 12 months</i>	<i>Next 12 months (estimated)</i>
a) Television Broadcasting	_____ %	_____ %
b) Radio Broadcasting	_____ %	_____ %
c) Satellite Broadcasting	_____ %	_____ %
d) Other	_____ %	_____ %
e) Total	_____ 100%	_____ 100%

22. Please specify the Television / Satellite Channel names or the call letters and frequency of the Radio Stations for which insurance is required:

	<i>Channel Name / Call Sign and Frequency</i>	<i>First Air Date</i>	<i>Highest 30 second spot Rate</i>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____
6.	_____	_____	_____
7.	_____	_____	_____
8.	_____	_____	_____
9.	_____	_____	_____
10.	_____	_____	_____

23. For each Television / Satellite Channel / Radio Station, please describe the format or type of programming

<i>Channel (as above)</i>	<i>Format / Programming Type</i>
1.	_____
2.	_____
3.	_____
4.	_____
5.	_____
6.	_____
7.	_____

## Risk Management Questions for Broadcasters

24. Are written hold harmless or indemnity agreements executed with sponsors and advertising agencies with respect to the content of commercials? Yes / No  
*If "No", please provide details of why not (use a separate sheet of your letter headed paper if insufficient room below).*
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25. Is "investigative" reporting used for news programs, consumer reports, or any other type of program? Yes / No  
*If "Yes", please provide details (use a separate sheet of your letter headed paper if insufficient room below).*
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26. Are talk shows and interview programs pre-taped or pre-recorded? Yes / No  
*If "No", please provide additional details below (use a separate sheet of your letter headed paper if insufficient room below).*
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27. Is a delay device used during "call ins" or other live audience participation programming? Yes / No  
*If "No", please give details (use a separate sheet of your letter headed paper if insufficient room below).*
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28. Are hidden "mini-cams" or voice recorders used for any programs? Yes / No  
*If "Yes", please give details (use a separate sheet of your letter headed paper if insufficient room below).*
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29. Do you produce content used by other broadcasters? Yes / No  
*If "Yes", please provide details of why not (use a separate sheet of your letter headed paper if insufficient room below).*
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30. Are independent producers required to provide you with written hold harmless or indemnity agreements with respect to the programming they offer? Yes / No

*If "No", please provide details of why not (use a separate sheet of your letter headed paper if insufficient room below).*

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31. Do you pay licensing fees or royalties to any copyright licensing and/or protection organisations for content not produced or commissioned by you? Yes / No

*If "No", please provide details of why not (use a separate sheet of your letter headed paper if insufficient room below).*

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32. Is all content reviewed by internal or external legal counsel prior to publication? Yes / No

*If "No", please provide details of why not (use a separate sheet of your letter headed paper if insufficient room below).*

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### Publishing Services Questions

*Please only answer the questions below if they are relevant to the services you are seeking insurance for.*

33. Please state the firm's gross annual sales from Publishing services:

- a) Previous financial year \$ \_\_\_\_\_
- b) Current financial year \$ \_\_\_\_\_
- c) Coming financial year (estimate) \$ \_\_\_\_\_

34. Please specify the make-up of annual sales:

- a) Publishing \_\_\_\_\_ %
- b) Distribution \_\_\_\_\_ %
- c) Subsidiary rights \_\_\_\_\_ %
- Total \_\_\_\_\_ 100%

35. Please state the percentage of gross / income fees derived from each type of publication published or distributed:

	Past 12 months	Next 12 months (estimated)
a) Textbooks	_____ %	_____ %
b) Social/ Political	_____ %	_____ %
c) Classics	_____ %	_____ %
d) Fiction/ Drama	_____ %	_____ %
e) Children's	_____ %	_____ %
f) Poetry	_____ %	_____ %
g) Technical	_____ %	_____ %
h) History	_____ %	_____ %
i) Current Biography/Autobiography	_____ %	_____ %
j) Religious	_____ %	_____ %
k) Magazines and Newspapers <i>(please specify details below and provide sample copies)</i>	_____ %	_____ %
k) Other <i>(please specify details below and provide sample copies)</i>	_____ %	_____ %
Total	_____ 100%	_____ 100%

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### Risk Management Questions for Publishers

36. Do you have procedures for checking the originality and accuracy of content commissioned by you or published by you? Yes / No  
*If "No", please provide details (use a separate sheet of your letter headed paper if insufficient room below).*

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37. Are written hold harmless or indemnity agreements executed with advertisers and advertising agencies? Yes / No  
*If "No", please provide additional details below (use a separate sheet of your letter headed paper if insufficient room below).*

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38. Is "investigative" reporting content of any kind published by you? Yes / No  
*If "Yes", please provide further details (use a separate sheet of your letter headed paper if insufficient room below).*

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39. Is all content reviewed by internal or external legal counsel prior to publication? Yes / No  
*If "No", please provide details of why not (use a separate sheet of your letter headed paper if insufficient room below).*

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40. Do your standard publishing contracts require indemnification to be provided by authors? Yes / No  
*If "No", please provide details of why not (use a separate sheet of your letter headed paper if insufficient room below).*

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**Printing Services Questions**

*Please only answer the questions below if they are relevant to the services you are seeking insurance for.*

41. Please state the firm's gross annual sales from Printing services:

- a) Previous financial year \$ \_\_\_\_\_
- b) Current financial year \$ \_\_\_\_\_
- c) Coming financial year (estimate) \$ \_\_\_\_\_

42. Please state the percentage of gross / income fees derived from each of the following:

	Past 12 months	Next 12 months (estimated)
a) Business and legal forms, including stationary	_____ %	_____ %
b) Corporate or financial related materials (annual reports, prospectus, stock reports)	_____ %	_____ %
c) Books	_____ %	_____ %
d) Games of chance (i.e. chances, lottery tickets)	_____ %	_____ %
e) Pamphlets and fliers	_____ %	_____ %
f) Discount/rebate coupons	_____ %	_____ %
g) Catalogues	_____ %	_____ %
h) Yellow page directories	_____ %	_____ %
i) Wedding invitations, calling cards, other social announcements	_____ %	_____ %
j) Bindery	_____ %	_____ %
k) Computer graphics	_____ %	_____ %
k) Other <i>(please specify details in the pace provided below):</i>	_____ %	_____ %
Total	100%	100%

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## Risk Management Questions for Printers

43. Does the applicant perform services in relation to games of chance? Yes / No

*If "yes", Please provide details below and attach a copy of procedures and controls employed, and complete details of each type of game printed.*

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44. Does the applicant engage in the distribution and/or redemption of coupons, rebat or other promotional game tickets? Yes / No

*If "Yes", please provide additional details below (use a separate sheet of your letter headed paper if insufficient room below).*

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45. Does the applicant engage in the design of logos or trademarks for clients? Yes / No

*If "Yes", please provide additional details below outlining the number designed each year and the procedures followed in relation to trademarks? (Use a separate sheet of your letter headed paper if insufficient room below).*

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46. Does the applicant engage in mailing services, including the provision of mailing lists and/or the preparation of bulk mail? Yes / No

*If "Yes", please provide further details (use a separate sheet of your letter headed paper if insufficient room below).*

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47. Does the applicant require clients to formally approve all proof copies in writing before printing? Yes / No

*If "No", please provide further details (use a separate sheet of your letter headed paper if insufficient room below).*

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## Stamp Duty Split

48. For the purpose of calculating Stamp Duty please state the number of current staff (including directors/partners, full/part time and casual employees) located in each state:

NSW	VIC	QLD	SA	WA	TAS	ACT	NT	Overseas

Total employees entered above: \_\_\_\_\_

## Declaration

Please Note: Signing the Declaration does not bind the proposer or the Insurer to complete this insurance.

I declare that I have made all necessary inquiries into the accuracy of the responses given in this proposal and confirm that the statements and particulars given in this proposal are true and complete and that no material facts have been omitted, misstated or suppressed. I agree that should any of the information given by me alter between the date of this proposal and the inception date of the insurance to which this proposal relates, I will give immediate notice thereof to the insurer.

I acknowledge receipt of the Important Notice and Privacy Consent and Disclosure information contained in this proposal and that I have read and understood the content of them.

I confirm that I am authorised by the proposing Firm (and its partners/principals/directors if applicable) to complete this proposal form and to accept the quotation terms for this insurance on behalf of the Firm (and its partners/principals/directors if applicable).

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



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