



Management liability

Application form
Australia



MANAGEMENT LIABILITY INSURANCE

APPLICATION FORM

INTRODUCTION

The purpose of this application form is for us to find out who you are and to obtain information relevant to the cover provided by the ML policy. Completion of this application form does not oblige either party to enter into a contract of insurance.

Insurance is a contract of utmost good faith. This means that the information you provide in this application form must be complete, accurate and not misleading. It also means that you must tell us about all facts and matters which may be relevant to our consideration of your application for insurance. Any failure by you in this regard may entitle us to treat this insurance as if it never existed. If a contract of insurance is agreed between you and us this application form will form the basis of the contract.

Important: Insuring clauses 1, 2, 3, 4 and 5 (SECTIONS A and B only) provide cover on a claims made and reported basis. Under these insuring clauses, a claim must be first made against the Insured and notified to us during the period of the policy and a claim will not be covered if it arises out of any prior or pending litigation before the Prior and Pending Date.

HOW TO COMPLETE THIS FORM

Whoever fills out the form must be a director of the applicant company and should make all the necessary enquiries of their fellow directors, officers and employees to enable all the questions to be answered.

If you require any extra space to complete the answers to questions contained within this application form please continue your response in the Additional Information section at the back of the form. Once you have completed the form please return it directly to your insurance broker.

SECTION 1: COMPANY DETAILS

1.1 Please provide the following details:

Insured company:	
Address:	
ABN:	Country of registration:
*Year of establishment:	Website:

** if less than 12 months old, please supply a copy of your business plan*

1.2 Please state the legal status of the company (tick as appropriate):

Publicly listed ☐ Pty Ltd (proprietary company) ☐ Public unlisted ☐ Other ☐

If other, please provide details:

1.3 Please provide the following details:

- a) is the company listed on any stock exchange or other securities market? ☒ Yes ☐ No
- b) does the company have any of its securities publicly traded in the USA? ☒ Yes ☐ No
- If yes, does the company file the statutory File 20-f to the Securities and Exchange Commission ☐ Yes ☒ No

If you have ticked the shaded boxes in parts a) or b) above, please explain in the box below and continue on the ADDITIONAL INFORMATION page if necessary. Please also provide a copy of the completed statutory File 20-f, if applicable:

1.4 Please describe below the nature of your business activities:

1.5 Please state the number of employees and business locations:

Territory:	Number of employees:	Number of locations:
Australia:		
Europe:		
USA:		
Rest of the World:		
Total:		

1.6 Please advise the:

- a) Number of shares issued:
- b) Number of shareholders:
- c) Name and percentage of shares owned by shareholders owning more than 10% of all voting rights (both direct and indirect):

Name:	Percentage ownership:	Represented on the board:
	%	☐ Yes ☐ No
	%	☐ Yes ☐ No
	%	☐ Yes ☐ No
	%	☐ Yes ☐ No
	%	☐ Yes ☐ No

1.7 Please confirm:

- a) Your gross turnover for the last completed financial year:
- b) The percentage of turnover derived from the USA: %
- c) You achieved a profit for the last completed financial year: ☐ Yes ☐ No
- d) Your total assets for the last completed financial year:
- e) The percentage of assets within the USA: %
- f) You have a positive net worth for the last completed financial year: ☐ Yes ☐ No

1.8 For Stamp Duty purposes please provide a percentage breakdown of your estimated revenue by State or Territory:

NSW	%	VIC	%	QLD	%	SA	%	WA	%
TAS	%	NT	%	ACT	%	O'Seas	%	Total	%

1.9 Have you in the past 3 years, or do you during the next 12 months, have plans to:

- a) Sell the company? ☐ Yes ☐ No
- b) Be involved in any mergers, acquisitions or divestments? ☐ Yes ☐ No
- c) Change your capital structure? ☐ Yes ☐ No
- d) Raise any new equity capital? ☐ Yes ☐ No

1.10 Has the company reviewed and updated its Health and Safety policies within the last 12 months? ☐ Yes ☐ No

If you have ticked any of the shaded boxes in questions 1.7, 1.9 and 1.10, please explain in the box below and continue on the ADDITIONAL INFORMATION page if necessary:

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SECTION 2: STATUTORY LIABILITY

Only complete this section if you require statutory liability cover

- 2.1 Do you have an environmental policy that has been approved by the board of directors? ☐ Yes ☐ No
- 2.2 Do you have an environmental consultant to advise you on environmental issues? ☐ Yes ☐ No
- 2.3 Do you currently have pollution liability insurance in force? ☐ Yes ☐ No

SECTION 3: EMPLOYMENT PRACTICES LIABILITY

Only complete this section if you require employment practices liability cover

- 3.1 Do you have a human resources department: ☐ Yes ☐ No
- a) If yes, how many employees are in this department?

b) If no, how is this function handled?

3.2 Are your employees issued with an employee handbook?
If yes, please provide a copy

☐ Yes ☐ No

3.3 Do you have written procedures for the following:

a) Disciplinary procedures?

☐ Yes ☐ No

b) Termination of employment?

☐ Yes ☐ No

c) Preventing discrimination?

☐ Yes ☐ No

d) Preventing harassment?

☐ Yes ☐ No

e) Any complaint of discrimination or harassment from an employee?

☐ Yes ☐ No

f) Any complaint of discrimination or harassment from any person who is not an employee?

☐ Yes ☐ No

g) Grievance procedures?

☐ Yes ☐ No

If you have ticked any of the shaded boxes in question 3.3, please explain in the box below and continue on the ADDITIONAL INFORMATION page if necessary:

3.4 In the past 24 months has there been or, in the next 12 months is it anticipated there will be, any redundancies?

☐ Yes ☐ No

If yes, please provide full details:

3.5 Do you provide anti-discrimination and anti-harassment training for all your employees?

☐ Yes ☐ No

3.6 Do areas of your premises which are accessible to the public comply with the Disability Discrimination Act 1992, as amended?

☐ Yes ☐ No

SECTION 4: SUPERANNUATION FUND TRUSTEES LIABILITY

Only complete this section if you require superannuation trustees liability cover

4.1 (a) Has the Company appointed a corporate trustee?

☐ Yes ☐ No

If yes, please state name of your corporate trustee

(b) Does the corporate trustee hold a registrable superannuation entities licence?

☐ Yes ☐ No

If yes, please provide the licence number

4.2 Please state the total asset size of all of your funds:

4.3 Please complete the following information for your three largest funds:

Name of fund:	Fund assets:	Type of fund (i.e. accumulation fund, allocated fund or defined benefits)

Please forward your latest APRA report, audited annual report and actuarial report for your largest fund.

4.4 Are the funds funded in accordance with the actuary's recommendation?

☐ Yes ☒ No

4.5 Are the company and employee contributions fully and promptly paid to the funds?

☐ Yes ☒ No

4.6 Have you ever had to make a notification to the Australian Prudential Regulation Authority in respect of any fund?

☒ Yes ☐ No

4.7 Are the fund assets held independently of the company?

☐ Yes ☒ No

4.8 Is there currently, or is it anticipated that there will be, a suspension or reduction in contributions to any fund?

☒ Yes ☐ No

4.9 Is any fund currently, or anticipated to be, wound up?

☒ Yes ☐ No

4.10 Has any fund merged with, or assumed the responsibilities of, another fund in the last 3 years?

☒ Yes ☐ No

4.11 Are any funds subject to the Employee Retirement Income Security Act of 1974 (ERISA)?

☒ Yes ☐ No

If you have ticked any of the shaded boxes in questions 4.4 – 4.11, please explain in the box below and continue on the ADDITIONAL INFORMATION page if necessary:

SECTION 5: CYBER AND PRIVACY

Only complete this section if you require cyber and privacy cover

5.1 Do you have procedures and protocols in place covering compliance with all applicable privacy regulations?

☐ Yes ☒ No

5.2 Do you have IT security procedures and protocols in place that govern the handling and storage of sensitive information?

☐ Yes ☒ No

5.3 Do you ensure that all sensitive personally identifiable data (including credit and debit card details) is encrypted while standing and during transmission?

☐ Yes ☒ No

5.4 Do you have anti-virus software installed and enabled on all desktops, laptops and servers (excluding database servers) and is it updated on a regular basis?

☐ Yes ☒ No

5.5 Do you also have firewalls installed on all external gateways?

☐ Yes ☒ No

- 5.6 Do you take regular back-ups (at least weekly) of all critical data and store the same offsite or in a fire-proof safe or can you confirm that your outsourced service provider meets this requirement? ☐ Yes ☐ No
- 5.7 If you accept payment cards (credit or debit) as a form of payment, are you compliant with the Payment Card Industry (PCI) Data Security Standard? ☐ Yes ☐ No

If you have ticked any of the shaded boxes in the above questions, please explain in the box below and continue on the ADDITIONAL INFORMATION page if necessary:

SECTION 6: CRIME

Only complete this section if you require crime cover

- 6.1 Do you have dual control procedures in place for the transfer of assets, funds, investments, disbursements and for the signing of cheques in excess of \$ 2,500? ☐ Yes ☐ No
- 6.2 Are bank statements independently reconciled at least every 30 days by staff who are not authorised to make payments? ☐ Yes ☐ No
- 6.3 Please list all locations containing sums of money in excess of \$10,000 and the security at each location:

Location:	Security:

- 6.4 Does any individual independently control the appointment of suppliers or award contracts? ☐ Yes ☐ No
- 6.5 In the event of an acquisition, are the recommendations arising out of the due diligence process adhered to in full? ☐ Yes ☐ No
- 6.6 Prior to the appointment of finance, accounts and treasury employees, do you obtain written references covering their most recent 3 year employment history? ☐ Yes ☐ No
- 6.7 Are the finance, accounts and treasury department employees required to take two weeks consecutive holiday each year? ☐ Yes ☐ No
- 6.8 Do you investigate any variance in the monthly management reports against the budget forecast? ☐ Yes ☐ No
- 6.9 Are salaries checked by staff not authorised to administer the payroll against personnel records for unusual or excessive payments? ☐ Yes ☐ No

6.10 Do you undertake an audit of raw materials, work in progress and stock at least every 6 months? ☐ Yes ☐ No

6.11 Do you have procedures in place for the use of passwords for your computer systems and is authorisation automatically withdrawn at cessation of employment? ☐ Yes ☐ No

6.12 Do you have internal audits performed? ☐ Yes ☐ No

If you have ticked any of the shaded boxes in the above questions, please explain in the box below and continue on the ADDITIONAL INFORMATION page if necessary:

SECTION 7: KIDNAP AND RANSOM

Only complete this section if you require kidnap and ransom cover

7.1 Please provide the following information in respect of each planned foreign trip in the coming 12 months by your employees:

Country of destination:	Number of employees travelling:	Duration of visit:

If you have more than 10 trips planned in the coming 12 months, please provide an itinerary

7.2 Please state any special security precautions taken prior to and during foreign travel:

SECTION 8: INSURANCE REQUIREMENTS

- 8.1 Please provide details of your current Management Liability insurance or the cover you require if this is the first time you are applying for Management Liability insurance:

	Limit:	Prior and Pending Date:
Directors and Officers Liability:		
Corporate Liability:		
Employment Practices Liability:		
Superannuation Fund Trustees Liability:		
Cyber and Privacy:		
Crime:		
Kidnap and Ransom:		

- 8.2 When would you like your insurance to start?

DD / MM / YY

SECTION 9: CLAIMS EXPERIENCE AND INSURANCE HISTORY

Regarding all of the types of insurance to which this application form relates AFTER FULL ENQUIRY:

- a) are you aware of any circumstances which may give rise to a claim against any of the companies to be insured or their directors, officers or employees, or
- b) have any directors or officers of the companies to be insured, or the companies themselves, been found guilty of any criminal, dishonest or fraudulent activity or been investigated by any regulatory body, or
- c) are you aware of any loss or damage (including environmental damage)(including environmental damage), whether insured or not, that has occurred to any of the companies to be insured within the last 5 years, or
- d) have the companies to be insured, or anyone working for the companies to be insured, experienced any kidnap, extortion, hijack, wrongful detention or a political threat, or
- e) have you ever suffered a loss of data that has resulted in a privacy breach?

With reference to questions a, b, c, d and e above:

☐ Yes ☐ No

If the answer to the above is 'yes' then please attach full details including an explanation of the background of events, the maximum amount involved or claimed, the status of the claims or circumstances and any reserves or payments made by you or by insurers, and the dates of all developments and payments.

SECTION 10: DECLARATION

- I declare that AFTER FULL ENQUIRY the information provided in this application form is true and complete and that I have not mis-stated or suppressed any material fact.
- I agree that this application form, together with any other material information supplied by me, shall form the basis this contract of insurance.
- I undertake to inform underwriters of any material alteration to these facts occurring before the inception of the Policy.

Signed:	Full name:
Position held:	Date: DD / MM / YY

Please enclose with this Application Form your last annual report and accounts

ADDITIONAL INFORMATION: