

PUBLIC & PRODUCTS LIABILITY RENEWAL DECLARATION

IMPORTANT INFORMATION: PLEASE READ THE FOLLOWING INFORMATION BEFORE COMPLETING THIS RENEWAL DECLARATION

A. Your Duty of 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:

- reduces the risk we insure you for; or
- is common knowledge; or
- we know or should know as an insurer; or
- we waive your duty to tell us about.

If you do not tell us something

If you do not tell us anything you are required to, we may cancel your contract or reduce the amount we will pay 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 contract as if it never existed.

B. 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.

C. Privacy Statement

Berkley Insurance Australia handles your personal information in a responsible manner and in accordance with the the Australian Privacy Principles and the Privacy Act 1988 (Cth).

Consent

By requesting us to provide you with insurance and insurance related services, you consent to the collection, use and disclosure of personal information you have provided to us for the purposes set out in our Privacy Policy.

How we collect your personal information

Generally we collect personal information from you or your agents. Personal information may also be collected by us from our agents and service providers; other insurers and insurance reference bureaus; third parties who may claim under your policies; service providers who assist us in investigating, processing and settling claims; third parties who may be arranging cover for a group that you are part of; statutory, regulatory and law enforcement bodies and from publicly available sources.

Why we collect personal information

The personal information we collect enables us to provide our products and services. This may include processing and settling claims; offering products and services that may be of interest to you and conducting market research for products and services that may be relevant to you.

You can choose not to receive product or service offering from us by calling (02) 92758500 Eastern Standard Time 9am to 5pm Monday to Friday inclusive. For further information, you can access our Privacy Policy at www.berkleyinaus.com.au

Who we disclose your personal information to

Your personal information may be disclosed to other parties with whom we have business arrangements for purposes set out in the paragraph above. These parties may include insurers, intermediaries, reinsurers, related companies, our advisers and parties involved in claims assessment, processing, investigation and settlement. Where required by law, we may also disclose information to government, law enforcement, dispute resolution and statutory or regulatory bodies.

Personal information about others

Where you provide personal information about others, you represent to us that you have made them aware that you will do so, the types of third parties we may disclose it to together with the purposes we and our third parties use it for, how they can access such information and how complaints can be made

Where you provide sensitive information about others, you represent to us that you have obtained their consent. If you have not, and will not do so, you must tell us before you provide the sensitive information.

Overseas Disclosure

Your personal information may be disclosed to other companies in the Berkley group, reinsurers and service providers that may be located in Australia and overseas. The countries this information may be disclosed may vary from time to time but may include the United States of America and other countries where the Berkley group has a presence.

Any information disclosed may only be used for the purposes detailed above.

Accessing your personal information and dealing with complaints

You may request access to the personal information we hold about you by calling us at any time.

Our Privacy Policy details how you can make a complaint about a breach of the privacy principles as set out in the Privacy Act 1988 (Cth) and our complaints process.

Our Privacy Policy is available at www.berkleyinaus.com.au

Contact Details

Berkley Insurance Australia

Level 7, 321 Kent Street

SYDNEY NSW 2000

Ph: 02 9275 8500

Fax: 02 9261 2773

Email: australia@berkleyinaus.com.au Web site: www.berkleyinaus.com.au

Berkley Insurance Company, trading as Berkley Insurance Australia (“We”, “Us”) may issue a policy to replace your expiring public and products liability policy underwritten by Us.

In underwriting and issuing a replacement policy, we may rely on all disclosures, proposals, declarations and representations made by you to us in this form, including those in previous proposal forms and/or declarations submitted to Us.

If any details of your business or activities performed have changed since you completed last year’s proposal form and/or declaration or any disclosures, proposals, declarations and representations made by you to Us are no longer true, complete or accurate, you must advise Us.

If you do not advise us of any material changes, coverage under the proposed Insurance policy may be altered or void. If there are any material changes to notify, please ask your insurance broker for a full proposal form.

GENERAL INFORMATION

Name of Insured:

1. Please provide a description of your business activities and products supplied (if applicable) and details of any changes in operation in the last 12 months or anticipated changes to the business in the next 12 months.

2. Have you discontinued manufacturing, processing or handling any products within the last 12 months?

No Yes

If yes, please provide full details.

3. 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.)

4. Please provide an updated schedule of properties owned or occupied and any occupancy therein.

5. 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	Actual for last 12 months	Estimate for next 12 months

6. Please give a percentage split totalling 100% of which state generates the proposer's income:

NSW	VIC	QLD	SA	WA	TAS	NT	ACT	O/S

If income is generated in NSW, please answer the following additional questions:


- a. Is the proposer a Capital Gains Tax small business entity (within the meaning of section 152-10(1AA) of the *Income Tax Assessment Act 1997* (Cth))? No Yes
- b. Is the proposer a small business individual, partnership, company and/or trust, which is carrying on a business, and the business has an aggregated turnover of less than \$2,000,000? (Aggregated turnover is your Australia wide annual turnover plus the annual turnovers of any business entities that are your affiliates or are connected with you). No Yes

7. Wages.

Actual for last 12 months:

Estimate for next 12 months:

8. Do you engage personnel from labour hire companies (other than contractors mentioned in Question 9 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		

9. 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		

10. 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.

11. Imported & Exported Products


Product	Imported From	Exported To	Estimated Revenue for the Next 12 Months

12. 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		


13. 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


14. 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:


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

No Yes  If yes, please provide details:

16. Have any incidents occurred that may give rise to a claim that has not been advised to Berkley Insurance Australia?

No Yes  If yes, please provide details:

17. Was this liability cover insured with an underwriter other than Berkley Insurance Australia during the last 5 years?

No Yes  If yes, please provide details of updated claims experience for this preceding period on Insurer letterhead.

DECLARATION

I declare that I am authorised to complete this Renewal Declaration (Declaration) on behalf of the Company and that to the best of my knowledge and belief the statements and particulars in this Declaration 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 the inception date of any insurance based on this Declaration.

By completing and signing this Declaration you acknowledge, accept and agree that in underwriting and issuing a policy BIA does and will rely on all disclosures, proposals, declarations and representations made by you to Us.

____ / ____ / 20____

Date

Name of authorised individual/partner/principal/director

Signature of authorised individual/partner/principal/director

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