



# Professional Risks

*Architects Proposal*

V0121

## Important Notices

**PEN UNDERWRITING PTY LTD**  
 ABN 89 113 929 516 AFSL 290518

### 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, 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.

### CLAIMS MADE POLICY

The Policy is issued on a claims made and notified basis. This means that the Policy only covers the Insured for claims first made against the Insured during the Period of Insurance and notified to us during the Period of Insurance.

Section 40(3) of the Insurance Contracts Act 1984 may provide additional rights at law. That section provides that where the insured gave notice in writing to the insurer of facts that might give rise to a claim against the insured as soon as was reasonably practicable after the insured became aware of those facts but during the period of insurance, the insurer is not relieved of liability under the contract in respect of the claim, when made, by reason only that it was made after the expiration of the period of insurance.

### RETROACTIVE DATE

The Policy does not provide cover in relation to the provision of the Professional Services or the conduct of the Professional Business prior to the Retroactive Date.

### PRIVACY

Pen Underwriting and the Insurer(s) handle your personal information with care and in accordance with the Privacy Act 1988 and the Australian Privacy Principles. We collect personal information about you to provide you with insurance and insurance related services. We may disclose your personal information to third parties for the purposes described in our Privacy Policy, including related entities, insurers, reinsurers, agents and service providers, some of whom may be located in the United States of America, United Kingdom, Singapore, Germany, Sweden and India. By asking us to provide you with insurance and insurance related services, you consent to the collection, use and disclosure (including overseas disclosure) of your personal information for the purposes described in our Privacy Policy. Where you provide personal information about others, you represent to us that you have made them aware of that disclosure and of our Privacy Policy and that you have obtained their consent. If you do not consent to provide us with the personal information that we request, or withdraw your consent to the use and disclosure of your personal information at any stage, we may not be able to offer you the products or provide the services that you seek. For information about how to access and or correct the personal information we hold about you or if you have any concerns or complaints, ask us for a copy of our Privacy Policy or visit [www.penunderwriting.com.au](http://www.penunderwriting.com.au).

# Instructions

Please download and save this PDF to your desktop and open via Adobe Acrobat to fill out digitally. Filling the form out in your browser will not save your answers.

Please read this Proposal Form fully prior to answering the questions.

- Answer all questions in full. Where appropriate, tick the 'Yes' or 'No' box that best indicates your reply.
- If there is insufficient space, provide further information on your letterhead.
- All attached documents form part of this Proposal.

## 1. Applicant Details

(a) Name of all entities or person(s) to be insured: .....

.....

(b) Telephone Number: ..... Facsimile Number: .....

(c) Email Address: .....

Website Address: .....

(d) Address of Principal Office: .....

.....

Address(es) of Other Offices: .....

.....

(e) Date Business Established: .....

(f) Particulars of all principals

Names of Principals, Partners or Directors	Age	Qualifications	Years Practising as Principal		Name of Previous Business Practice
			This Practice	Previous Practice	

(g) Staff Numbers

Staff	Numbers
Professionally Qualified including Principals	
Technical Staff	

Staff	Numbers
Administrative Staff	
Other Staff – provide details:	
Total	

(h) Details of Membership of relevant professional association(s): .....

.....

.....

## 2. Your Activities

(a) Provide a breakdown of your business and professional activities and set out the approximate percentage of fee income derived from each for Last Financial Year and an estimate for This Financial Year

Activities:	Last Financial Year (Actual)	Current Year (Estimate)	Next Financial Year (Estimate)
Architecture			
Building Design			
Drafting			
Expert Witness			
Feasibility Studies			
Interior Design			
Landscape Design / Architecture			
Teaching / Lecturing			
Town Planning			
Project Management			
Other _____			
<b>TOTAL:</b>	100%	100%	100%

(b) Provide details of the approximate percentage of the total work in the following areas

Activities:	Last Financial Year (Actual)	Current Year (Estimate)	Next Financial Year (Estimate)
Individual Dwellings			
Low Rise Buildings up to 3 floors			
High Rise Buildings above 3 floors			
Schools, Hospitals, Municipal Buildings & Recreation Centres			

Activities:	Last Financial Year (Actual)	Current Year (Estimate)	Next Financial Year (Estimate)
Modular Buildings			
Bridges and Tunnels			
Harbours and Jetties			
Structures at Fairs, Shows and Exhibitions			
Other _____			
<b>TOTAL:</b>	100%	100%	100%

- (c) Do you use written agreements, disclaimers or conditions in your business?  Yes  No
- (d) Provide a brief description of each of the 5 largest contracts undertaken by you during the last 5 years and the fee income derived from each contract

Date	Brief Description of Contract	Project Construction Value	Your Income
__/__/____	(1)	\$	\$
__/__/____	(2)	\$	\$
__/__/____	(3)	\$	\$
__/__/____	(4)	\$	\$
__/__/____	(5)	\$	\$

### 3. Fee Income

- (a) Advise the date of your financial year end: .....

(b) Advise the amount of gross fee income for

	Australia	Overseas
Last Financial Year	\$	\$
Estimate for Next Financial Year	\$	\$

(c) Provide the approximate percentages of your activities applicable to each State, Territory and Overseas

ACT	%	QLD	%	SA	%
NSW	%	NT	%	WA	%
VIC	%	TAS	%	Overseas	%

#### 4. External Cladding

##### 4.1 General

(a) Have you ever in the past; do you currently; or will you at any time in the future provide professional services for any project that involves aluminium composite panels with a polyethylene core and or expanded polystyrene used as a component of external walls?  Yes  No

*If your answer is **No**, you do not need to complete the remaining questions of this proposal. Complete the declaration page and return the document to your broker. If your answer is 'Yes' complete the remaining questions in this proposal.*

(b) Do you always recommend that aluminium composite panels used as a component of 'external walls' (defined throughout this Proposal as 'the entire wall system which separates the interior air space of the building with the outside air space') are compliant with the National Construction Code (formerly Building Code of Australia) 'NCC' requirements?  Yes  No

##### 4.2 Past Activities

(a) In the past **10 years**, have you or any subcontractor on your behalf provided professional services for any projects that involve aluminium composite panels with a polyethylene core or expanded polystyrene used as a component of external walls?  Yes  No

If **Yes**, provide details of the professional services: .....

.....

.....

(b) If **Yes** to (a), advise the types of projects in respect of which the professional services were provided:

High Rise Residential Buildings (3 and above floors)  Yes  No

High Rise Commercial / Office Buildings (3 and above floors)  Yes  No

High Rise Buildings for general public use (3 and above floors)  Yes  No

Other: (provide details) .....

If **Yes** to (a), using the attached Table, provide details of all projects.

(c) If **Yes** to (a), did the aluminium composite panels with a polyethylene core and or expanded polystyrene for all of the projects detailed in the Table meet the requirements of the NCC at the time of completion?  Yes  No

(d) Do you consider that the aluminium composite panels with a polyethylene core and or expanded polystyrene for all of the projects detailed in the Table still meet the requirements of the NCC?  Yes  No

Provide more specific details of all projects involving aluminium composite panels with a polyethylene core and or expanded polystyrene used as a component of external walls

Name and Address of Project	Your Role	Completion Date	Total Contract Value	Cost of Cladding Component	Does the Building have Internal Sprinkler Systems
			\$	\$	<input type="checkbox"/> Yes <input type="checkbox"/> No
			\$	\$	<input type="checkbox"/> Yes <input type="checkbox"/> No
			\$	\$	<input type="checkbox"/> Yes <input type="checkbox"/> No
			\$	\$	<input type="checkbox"/> Yes <input type="checkbox"/> No
			\$	\$	<input type="checkbox"/> Yes <input type="checkbox"/> No
			\$	\$	<input type="checkbox"/> Yes <input type="checkbox"/> No
			\$	\$	<input type="checkbox"/> Yes <input type="checkbox"/> No
			\$	\$	<input type="checkbox"/> Yes <input type="checkbox"/> No
			\$	\$	<input type="checkbox"/> Yes <input type="checkbox"/> No
			\$	\$	<input type="checkbox"/> Yes <input type="checkbox"/> No

(f)

Classify the Projects Detailed in the attached Table into the Following Areas:		
You / Your subcontractor assessed the product and supporting information and determined that the product complies without requiring any supporting assessment by a fire engineer	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____ % of Projects
You / Your subcontractor assessed the product and supporting information and requested the opinion of a fire engineer as to whether the system complies with the deemed-to-satisfy provisions of the NCC.	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____ % of Projects
You / Your subcontractor assessed the product and supporting information and determined that an alternative solution was required	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____ % of Projects

### 4.3 Current and Future Activities

- (a) Do you currently provide or in the next 12 months will you provide advice in relation to types of external cladding that can be used on various types of buildings to ensure compliance with the NCC?  Yes  No

If **Yes**, provide details: .....

.....

- (b) In the next 12 months do you anticipate providing professional services for any of the following types of projects that involve aluminium composite panels with a polyethylene core and or expanded polystyrene used as a component of external walls?

High Rise Residential Buildings (3 and above floors)  Yes  No

High Rise Commercial / Office Buildings (3 and above floors)  Yes  No

High Rise Buildings for general public use (3 and above floors)  Yes  No

Other: (provide details) .....

If **Yes**, provide details of the professional services: .....

.....

### 4.4 Claims

- (a) After making enquiries, has there been or is there now pending a claim against the Proposed / Insured / Subsidiaries / Principals / Employees for liability in the performance of professional services in relation to aluminium composite panels with a polyethylene core and or expanded polystyrene used as a component of external walls?  Yes  No

- (b) After making enquiries, are you aware of any circumstance that might give rise to a claim against the Proposed / Insured / Subsidiaries / Principals / Employees in relation to aluminium composite panels with a polyethylene core and or expanded polystyrene used as a component of external walls?  Yes  No

- (c) After making enquiries, are you aware of any actual or pending investigation or prosecution against the Proposed / Insured / Subsidiaries / Principals / Employees in relation to aluminium composite panels with a polyethylene core and or expanded polystyrene used as a component of external walls?  Yes  No

- (d) After making enquiries, has the Proposed / Insured / Subsidiaries / Principals / Employees ever been subject to any disciplinary action, been fined or penalised or been the subject of an inquiry investigating or alleging unsatisfactory professional conduct or professional misconduct in relation to aluminium composite panels with a polyethylene core and or expanded polystyrene used as a component of external walls?  Yes  No

If you have answered **Yes** to any of Questions 4.4(a) to (d), provide details: .....

.....



**5. Insurance History**

(a) Are you are presently insured for Professional Indemnity insurance?  Yes  No

If **Yes**, provide details

Insurer	Expiry	Sum Insured	Excess	Premium
	__/__/____	\$	\$	\$

(b) In respect of the practice or any principal, have any Professional Indemnity insurers:

- (i) Declined a proposal?  Yes  No
- (ii) Imposed special terms?  Yes  No
- (iii) Declined to continue your insurance?  Yes  No
- (iv) Cancelled your insurance?  Yes  No

If **Yes** to any of the above, provide details: .....

.....

.....

**6. Claims and Circumstances**

(a) During the past 10 years, has any Claim been made, or has negligence been alleged against any entity or individual to be insured by this insurance (including any prior corporate entity and any of the present or former principals), or have any circumstances which may give rise to a claim against any of these been notified to insurers?  Yes  No

If **Yes**, provide details

Year	Insurer	Brief Description	Is it Finalised?	Amount paid or estimate outstanding
			<input type="checkbox"/> Yes <input type="checkbox"/> No	
			<input type="checkbox"/> Yes <input type="checkbox"/> No	
			<input type="checkbox"/> Yes <input type="checkbox"/> No	
			<input type="checkbox"/> Yes <input type="checkbox"/> No	

(b) What action has been taken to prevent a recurrence of the situation which gave rise to each claim at question 6(a)?

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.....

(c) After making enquiries, has any principal, employee, consultant, sub-contractor or commission agent ever been subject to external disciplinary proceedings?  Yes  No

If **Yes**, provide details: .....

.....

.....

7. **Cover Required**

(a) Limit of Indemnity required:

\$1,000,000       \$2,000,000       \$5,000,000       \$10,000,000

Other: .....

(b) Excess required:

\$2,500       \$5,000       \$10,000       \$20,000

Other: .....

**DECLARATION**

I/We declare that:

- I/We am authorised by each of the Applicant(s) to sign this Proposal
- The statements in this Proposal are true and complete and no material information has been withheld
- I/We have read and understood the Important Notices accompanying this Proposal
- I/We have diligently made all necessary enquiries in order to comply with the duty of disclosure
- I/We have read the Pen Underwriting Privacy Statement on this Proposal and consent to the use, disclosure and obtaining of personal information about the insured for the purposes shown in the Privacy Statement
- Where I/We have provided information about another individual, that individual has been made aware of that fact and of the Pen Underwriting Privacy Statement
- I/We acknowledge that Pen Underwriting relies on the information and representations in this Proposal and otherwise made by me or on my behalf in relation to this insurance
- Except where indicated to the contrary, I/We understand that any statement made in this Proposal will be treated as a statement made by all persons to be insured
- I/We undertake to notify Pen Underwriting of any material alteration to the information contained in this Proposal prior to inception of the proposed insurance
- I/We understand that no insurance is in place until such time as Pen Underwriting has confirmed acceptance of the proposed insurance

Signature:.....

Date: .....

Full Name:.....

Title: .....