



Professional Risks

*Professional Indemnity (Design &
Construction) Addendum*

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 <https://www.penunderwriting.com.au/important-information/>.

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 Addendum 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 Addendum.
- This Addendum will be reviewed in conjunction with and forms part of your most recent fully complete Proposal.

Applicant(s) Name:

Trading Name(s):

Address:

Advise turnover and fees from contracts undertaken by the Applicant ('you'), as follows:

(Note: professional services means design or specification, feasibility study, surveying, inspection, project management and construction management, but excludes supervision of construction, erection or installation services performed by you)

	Last Financial Year		Current Financial Year (est)	
	Turnover	Fees	Turnover	Fees
Contracts where you provide professional services in addition to construction works and undertake the professional services yourself	\$	\$	\$	\$
Contracts where you provide professional services in addition to construction works but sub contract these services to other parties	\$	\$	\$	\$
Contracts where you are employed for a fee in a professional capacity to provide design only services (you are not undertaking construction works)	N/A	\$	N/A	\$
Contracts where you are employed for a fee to provide project management or construction management services (you are not undertaking construction works)	N/A	\$	N/A	\$
Contracts where you only undertake construction works and do not provide any professional services	\$	N/A	\$	N/A
Other turnover or fee income not specified above (provide details)	\$	\$	\$	\$
Total of all contracts undertaken by you	\$	\$	\$	\$

Other, provide details:

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External Cladding

These questions are designed to assist us:

- to understand the Applicant’s exposure to potential claims involving External Cladding; and
- in addition to the questions throughout this form, to determine whether we can offer insurance to the Applicant for its professional services and the terms of that offer.

For the purposes of this Addendum, the following terms mean:

Cladding Risk Building	Buildings or projects (including parts thereof) for which, pursuant to Clause C1.1 of the NCC, the minimum type of fire-resisting construction required by the BCA Deemed-to-Satisfy provisions is Type A or Type B fire-resisting construction.
External Cladding:	<ul style="list-style-type: none"> (a) aluminium composite panels; (b) architectural insulated panel systems or insulated metal panel systems, containing expanded polystyrene, extruded polystyrene, phenolic insulation, polyurethane, polyisocyanurate or similar materials; (c) external insulation and finishing systems containing expanded polystyrene, extruded polystyrene, phenolic insulation, polyurethane, polyisocyanurate or similar materials; (d) used as a component of External Walls
External Walls:	The entire wall system which separates the interior air space of the building with the outside air space including any componentry or elements necessary for the external wall to achieve the requirements for structural performance, weather tightness, thermal performance, non-combustibility and required Fire Resistance Level if required by the type of construction, and any other functionality required under the NCC. External Walls include facade coverings, framing, insulation, sarking, spandrels, internal linings (e.g. plasterboard), and curtain wall systems.
NCC	National Construction Code (formerly the Building Code of Australia).
Work:	The services declared as Types of Work in this Form and any past, present or future services.

Confirmation:

On behalf of the Applicant:

- I understand that claims may be brought against the Applicant for projects involving External Cladding for up to 10 years following building completion.
- I confirm that I have read and understood the Duty of Disclosure in the Important Notices section of this Form.

1. General

In the past 10 years, has the Applicant performed Work in respect of any Cladding Risk Buildings?

Yes No

If Yes, state the number of Cladding Risk Buildings:

2. Cladding Audit

(a) Has the Applicant undertaken an audit of all projects completed in the past 10 years (or, if the Applicant's business has operated for less than 10 years, such shorter period) to determine whether the Applicant has performed Work in respect of buildings where External Cladding has or may have been used in a Cladding Risk Building? Yes No

(b) If **No**, explain why an audit has not been undertaken:

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(c) Is the Applicant aware of any external audits that have been or are being conducted by a statutory authority or independent third party of Cladding Risk Buildings in respect of which the Applicant has performed Work, to determine whether:

- (i) External Cladding has been used? Yes No
- (ii) the building(s) are compliant with the NCC and all applicable regulations and industry standards relating to External Cladding? Yes No

If **Yes**, provide details:

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3. Past Activities

(a) In the past 10 years, has the Applicant performed Work in respect of any Cladding Risk Buildings where External Cladding has been used? Yes No

If Yes, provide a breakdown:

Building Class designated under the NCC	Storeys	Number of Cladding Risk Buildings
Class 2	2 or more	
Class 3	2 or more	
Class 5	3 or more	
Class 6	3 or more	
Class 7	3 or more	
Class 8	3 or more	
Class 9	2 or more	

(b) In the past 10 years, has the Applicant performed Work in respect of any Cladding Risk Buildings where the Applicant is not aware of, or is unable to determine what type of External Cladding was used? Yes No

If **Yes**, provide details:

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4. Current and Future Activities

Does the Applicant currently or will the Applicant over the next 18 months perform Work in respect of any:

- (a) Cladding Risk Buildings? Yes No
- (b) Cladding Risk Buildings where External Cladding will be used? Yes No

If **Yes**, provide details:

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5. Claims

After making enquiries of the Applicant's partners, directors and employees:

- (a) has there been or is there now pending a claim against the Applicant, its partners, directors or employees in connection with External Cladding? Yes No
- (b) is the Applicant aware of any fact, matter or circumstance that might give rise to a claim against the Applicant, its partners, directors or employees in connection with External Cladding? Yes No
- (c) has the Applicant, its partners, directors or 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 External Cladding? Yes No
- (d) is the Applicant aware of any actual or pending investigation or prosecution against the Applicant, its partners, directors or employees in connection with External Cladding? Yes No

DECLARATION

I/We declare that:

- I 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 have read and understood the Important Notices accompanying this Proposal
- I have diligently made all necessary enquiries in order to comply with the duty of disclosure
- I 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 have provided information about another individual, that individual has been made aware of that fact and of the Pen Underwriting Privacy Statement
- I 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 understand that any statement made in this Proposal will be treated as a statement made by all persons to be insured
- I undertake to notify Pen Underwriting of any material alteration to the information contained in this Proposal prior to inception of the proposed insurance
- I 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: