

Architects, Engineers, Design and Construction Professional Indemnity



External Cladding Supplementary Questionnaire

This supplementary questionnaire is for use in conjunction with the Architects, Engineers, Design and Construction Professional Indemnity Proposal form.

Completing the Supplementary Questionnaire

1. This questionnaire must be completed in full including all required attachments.
2. If more space is needed to answer a question, please attach a separate sheet with details.
3. The terms Insured and Proposer, whenever used in this questionnaire shall mean the insured and all subsidiary companies of the Insured as declared in the Proposal form to which this Questionnaire attaches, for which coverage is proposed.

Statutory Notice – Section 40 Insurance Contracts Act 1984 (Cth)

This notice is provided in connection with but does not form part of the policy. This is a 'claims made' liability insurance policy. It only provides cover if:

1. a claim is made against the insured, by some other person, during the period of insurance; and
2. the claim arises out of a wrongful act committed, attempted or alleged to have been committed or attempted after the date of continuous cover stipulated in the schedule.

Section 40(3) of the Insurance Contracts Act 1984 (Cth) applies to this type of policy. That sub-section provides that if the insured becomes aware, during the period of insurance, of any occurrence or fact which might give rise to a claim against them by some other person, then provided that the insured notifies the insurer of the matter as soon as reasonably practicable after the insured becomes aware of the occurrence or fact and before this policy expires, the insurer may not refuse to indemnify merely because a claim resulting from the matter is not made against the insured prior to the end of the period of insurance.

If the insured, inadvertently or otherwise, does not notify the relevant occurrence or facts to Zurich before the expiry of the policy, the insured will not have the benefit of Section 40(3) of the Insurance Contracts Act 1984 (Cth) and Zurich may refuse to pay any subsequent claim, notwithstanding that the events giving rise to it or the wrongful acts alleged in it may have taken place during the period of insurance.

If a claim is actually made against the insured by some other person during the period of insurance but is not notified to Zurich until after the policy has expired, Zurich may refuse to pay or may reduce its payment under the policy if it has suffered any financial prejudice as a result of the late notification.

Duty of Disclosure

For policyholders who are not a natural person, 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.

Individuals

If you are the policyholder and you are a natural person, a different duty of disclosure to the one set out above applies to you. Contact your intermediary or us to ensure you are notified of your duty.

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.

Privacy

Zurich is bound by the Privacy Act 1988 (Cth). We collect, disclose and handle information, and in some cases personal or sensitive (eg health) information, about you ('your details') to assess applications, administer policies, contact you, enhance our products and services and manage claims ('Purposes'). If you do not provide your information, we may not be able to do those things. By providing us, our representatives or your intermediary with information, you consent to us using, disclosing to third parties and collecting from third parties your details for the Purposes.

We may disclose your details, including your sensitive information, to relevant third parties including your intermediary, affiliates of Zurich Insurance Group Ltd, other insurers and reinsurers, our banking gateway providers and credit card transactions processors, our service providers, our business partners, health practitioners, your employer, parties affected by claims, government bodies, regulators, law enforcement bodies and as required by law, within Australia and overseas.

We may obtain your details from relevant third parties, including those listed above. Before giving us information about another person, please give them a copy of this document. Laws authorising or requiring us to collect information include the Insurance Contracts Act 1984, Anti-Money Laundering and Counter-Terrorism Financing Act 2006, Corporations Act 2001, Autonomous Sanctions Act 2011, A New Tax System (Goods and Services Tax) Act 1999 and other financial services, crime prevention, trade sanctions and tax laws.

Zurich's Privacy Policy, available at www.zurich.com.au or by telephoning us on 132 687, provides further information and lists service providers, business partners and countries in which recipients of your details are likely to be located. It also sets out how we handle complaints and how you can access or correct your details or make a complaint.

All questions in this supplementary questionnaire must be answered

If the Policy is to be in more than one name then the questions below apply to each person insured.

1 Application information

1. Name of Proposer

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2. Date of application

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2 Details of external cladding projects

1. Has the Proposer in the last ten years provided, or does the Proposer anticipate providing in the next 18 months, professional services involving the use of external cladding on projects of the following types:

- (a) Residential buildings with multiple occupancy (3 or more storeys in height)? Yes No
- (b) Buildings of a public nature (3 or more storeys in height)? Yes No
- (c) Office buildings used for professional or commercial purposes (more than 4 storeys in height)? Yes No

If 'Yes' to any of (a), (b) or (c), please provide details:

Name and address of project/contract	Consulting work by Proposer	Completion date	Total contract value	Cost of external cladding component	Sprinkler system installed
			\$	\$	Yes <input type="radio"/> No <input type="radio"/>
			\$	\$	Yes <input type="radio"/> No <input type="radio"/>
			\$	\$	Yes <input type="radio"/> No <input type="radio"/>
			\$	\$	Yes <input type="radio"/> No <input type="radio"/>
			\$	\$	Yes <input type="radio"/> No <input type="radio"/>
			\$	\$	Yes <input type="radio"/> No <input type="radio"/>
			\$	\$	Yes <input type="radio"/> No <input type="radio"/>
			\$	\$	Yes <input type="radio"/> No <input type="radio"/>
			\$	\$	Yes <input type="radio"/> No <input type="radio"/>
			\$	\$	Yes <input type="radio"/> No <input type="radio"/>

If there is insufficient room for a full answer please provide details using a separate sheet.

2 Details of external cladding projects (continued)

External Cladding means aluminium composite panels with a polyethylene core used for the purpose of external cladding (this does not include aluminium composite panels used as an "attachment" as defined by the Building Code of Australia).

Such aluminium composite panels include, but are not limited to, panels supplied by the following companies:

- ALCUBOND®
- ALCUBEST®
- ALPOLIC®
- VITRABOND
- FORMWALL 1000

2. Did the external cladding for the projects detailed in question 1 comply with the Building Code of Australia at the time of the project or contract completion? Yes No

If 'No' please provide details of which projects or contracts and the reason for non-compliance.

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3. Do you still consider that the external cladding for the projects detailed in question 1 comply with the Building Code of Australia in light of the guidance provided on combustible cladding by the relevant building regulators following the Lacrosse Fire in Melbourne? Yes No

If 'No' please provide details of which projects or contracts and the reason for non-compliance.

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3 Declaration

We declare that the statements in this questionnaire are true and that no material facts have been mis-stated or suppressed after enquiry. We agree that this questionnaire, together with any other information, including a completed proposal form shall form the basis of any contract of insurance effected thereon. We undertake to inform Insurers of any material alteration of those facts occurring before completion of the contract of insurance.

A material fact is one which would influence the acceptance or assessment of the risk.

For and on behalf of all Insureds:

Signed	Date
X	/ /

Title _____ Company _____