

# Professional Indemnity - Willis Towers Watson Barristers

PLEASE READ THE FOLLOWING NOTICES BEFORE COMPLETING THE ATTACHED PROPOSAL FORM

## Claims Made Policy

This proposal is for a claims made policy. This means that the policy responds to:-

1. Claims first made against you during the policy period; and
2. Events of which you become aware during the policy period which could give rise to a future claim provided that you notify the Insurer during the policy period of the circumstances of such events.

**When the policy expires, no claims can be made on the policy even though the event giving rise to the claim may have occurred during the policy period. It is therefore advisable to renew the insurance policy each year on a claims made basis with retroactive cover for past activities.**

## Your Duty of Disclosure

Before you enter into a contract of general insurance with an Insurer you have a duty, under the *Insurance Contracts Act, 1984*, to disclose to the Insurer, every matter that you know, or could reasonably be expected to know which is relevant to the Insurer's decision whether to accept the risk of the insurance and if so, on what terms.

You have the same duty to disclose those matters to the Insurer before you renew, extend, vary or reinstate a contract of general insurance.

- Your duty, however, does not require disclosure of matters:-
- That diminishes the risk to be undertaken by the Insurer
- That is of common knowledge
- That your Insurer knows, or in the ordinary course of his business, ought to know
- As to which compliance with your duty is waived by the Insurer

## Non-Disclosure

If you fail to comply with your duty of disclosure, the Insurer may be entitled to reduce his liability under the contract in respect of a claim or may cancel the contract.

If your non-disclosure is fraudulent, the Insurer may also have the option of voiding the contract from its beginning.

## Notice of Collection of Personal Information

In order to arrange insurance for you or to handle a claim for you, Willis Australia Limited ("Willis Towers Watson") needs to collect your personal information (which may include, depending on the circumstances, sensitive information about you such as information about your health). Willis Towers Watson will use your personal information to provide such insurance-related services to you, and also for other related purposes, such as: (1) complying with legal and regulatory requirements; (2) improving and developing the services Willis Towers Watson provides; and (3) contacting and maintaining the relationship between Willis Towers Watson and you.

For such purposes, Willis Towers Watson may share your personal information with: (1) third parties who are relevant to the services Willis Towers Watson provides, such as insurers and claims handlers; (2) third parties who support Willis Towers Watson's business operations, such as IT service providers, administrative support service providers; and (3) where applicable, third parties with whom Willis Towers Watson is by law required to share your personal information, such as regulators or courts/tribunals. Such sharing of your personal information may result in your personal information being transferred overseas, including the UK, USA, and India.

It is not mandatory for you to provide your personal information when requested by Willis Towers Watson, but if you do not agree to the collection or subsequent use of your personal information by Willis Towers Watson, this might prevent Willis Towers Watson from arranging insurance or handling claim for you and that might in turn adversely affect you. If you wish to learn more about how Willis Towers Watson handles your personal information, please refer to Willis Towers Watson's Privacy Policy which is available online at <https://www.willistowerswatson.com/en-au/privacy-policy-australasia> or upon request.

If you have any question or concern regarding how your personal information is handled by Willis Towers Watson, please contact the Privacy Officer at:

Willis Towers Watson  
Level 16 Angel Place  
123 Pitt Street  
Sydney NSW 2000  
Australia

E-mail: [Aust\\_privacy@willis.com](mailto:Aust_privacy@willis.com)  
Telephone: 02 9285 4000

## Barristers Professional Indemnity Insurance Application Form 2020 / 2021

Please provide the following information in order for us to provide a quotation.

### Section 1 : Insured Details

FIRST NAME	<input type="text"/>	LAST NAME	<input type="text"/>	DATE OF BIRTH (DD/MM/YYYY)	<input type="text"/>
ADDRESS	<input type="text"/>				
SUBURB	<input type="text"/>	STATE	<input type="text"/>	POSTCODE	<input type="text"/>
EMAIL	<input type="text"/>				
CHAMBERS	<input type="text"/>	BAR ASSOCIATION NUMBER	<input type="text"/>	<input type="text"/>	<input type="text"/>
PHONE	<input type="text"/>	ABN	<input type="text"/>	<input type="text"/>	<input type="text"/>

### Section 2 : Business Details

FEES LAST 12 MONTHS	\$ <input type="text"/>	FEES NEXT 12 MONTHS (estimation)	\$ <input type="text"/>
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Please state what percentage of fee income is received from the following activities:

TAXATION LAW	<input type="text"/> %	CRIMINAL	<input type="text"/> %	FAMILY	<input type="text"/> %	COMMERCIAL	<input type="text"/> %	OTHER (please specify)	<input type="text"/>
M&A	<input type="text"/> %	PERSONAL INJURY	<input type="text"/> %	MEDIATION/ ARBITRATION	<input type="text"/> %	CIVIL (other than commercial)	<input type="text"/> %		

DATE BAR ROLE SIGNED (DD/MM/YYYY)	<input type="text"/>	DATE ADMITTED TO THE BAR (DD/MM/YYYY)	<input type="text"/>
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Are you **NSW Stamp Duty Exempt**?

I am a **CGT small business entity** (s152-10(1AA) ITAA 1997 Cth) with an aggregated turnover of **less than \$2 million\*** and eligible for the exemption from the requirement to pay insurance duty under s259B of the Duties Act 1997(NSW), (see full requirements at page 4 - Addendum).

Yes  No

If **YES**, please complete **declaration** (page 4).

### Section 3 : Claims Information

Has any Claim ever been made against you?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Are you aware of any circumstances which may give rise to a claim?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Have you ever been the subject of disciplinary proceedings?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Have you ever been declared bankrupt?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

If **YES** to any of the above, please provide details and attach a copy of notification(s) to your insurer.

For any claims or circumstances that have not previously been notified, please provide further details at **Section 6: Claims – Extra information required** (page 3).

### Section 4 : Limit of Indemnity

Limit of Indemnity (please tick the relevant limit required)

\$1,500,000	\$2,000,000	\$3,000,000	\$4,000,000	\$5,000,000	\$6,000,000	\$7,000,000	\$8,000,000	\$9,000,000	\$10,000,000
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Excess required (please tick the relevant excess required)

NIL	\$5,000
<input type="checkbox"/>	<input type="checkbox"/>

Are you a **reader**?

Yes  No

**Section 5 : Additional Information**

**Please return this Application Form to :**  
**E-mail:** [monica.boundy@willistowerswatson.com](mailto:monica.boundy@willistowerswatson.com)

**Willis Australia Limited**  
**Phone: (03) 8681 9924**

**ABN: 90 000 321 237**  
**ASF Licence No: 240600**

I/we declare that the statements and particulars in this Application Form are true and that I/we have not mis-stated or suppressed any material facts. I/we agree that this Application Form, together with any other information supplied by me/us shall form the basis of any Contract of Insurance effected thereon. I/we expressly agree that the information given by me/us is provided with my/our full knowledge and consent and further agree to hold harmless and indemnity Willis Towers Watson in the event of any action or matter that may be taken by any party pursuant to the Privacy Act 1988 (Cth). I/we acknowledge that I/we have read and understood the paragraphs on the reverse of this Application Form headed "Claims Made Policy", "Your Duty of Disclosure" and "Notice of Collection of Personal Information".. Signing this Application Form does not bind the Applicant to complete this insurance.

**Signature:**

**Name:**

**Date:**

**Section 6 : Claims- Extra information required**

Please use this section to provide any **additional details** you have regarding **claims/circumstances** both past and those that may give rise to a claim as noted in Section 3- Claims information.

*In addition, please **attach relevant documentation** to the email when returning your application form.*

### Guidelines for signing the NSW Small Business Stamp Duty Exemption Declaration

To be completed if you answered YES to the **NSW Stamp Duty Exemption** Question.

#### What is the small business exemption?

From 1 January 2018, small businesses will be exempt from paying NSW stamp duty on certain types of insurance.

Where the exemption does not apply, stamp duty is otherwise payable on the premium and GST inclusive amount.

#### What is a small business?

As defined by Revenue NSW: “You are a small business if you are *an individual, partnership, company or trust* that is carrying on a business, and the business has an *aggregated turnover of less than \$2 million*. Aggregated turnover is your annual turnover plus the annual turnovers of any business entities that are your affiliates or are connected with you.”

#### Which insurance types does the exemption apply to?

This exemption can be applied for small businesses with one of the following insurance types:

- Commercial Vehicle
- Commercial Aviation
- Professional Indemnity Insurance
- Product and Public Liability

#### How do I apply for the exemption?

To receive the exemption, please complete the below declaration declaring that you / your company are a small business.

Email the completed declaration to your Account Manager.

#### Please note:

- (a) If you are uncertain whether you classify as a small business, please speak to your financial adviser.
- (b) Willis Towers Watson will place reliance on your declaration in charging the applicable insurance duty.
- (c) False declarations may result in penalties up to \$11,000 by Revenue NSW plus the insurance duty not paid and penal interest on that balance.
- (d) Revenue NSW may also be able to clarify your queries relating to the law and your obligations.

## NSW Small Business Stamp Duty Exemption Declaration

Yes,  (please select) I hereby declare that I am a Capital Gains Tax small business entity (within the meaning of section 152-10(1AA) of the *Income Tax Assessment Act 1997* Cth). I am 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 million\***.

In addition, I declare that at the time that the contract of insurance is effected or renewed (as applicable) I am/will be a small business eligible for the exemption from the requirement to pay insurance duty under section 259B of the *Duties Act 1997* (NSW).

Full Name	
Date	
Name of Insured / Business Name (if different from above)	
ABN of Insured	

\*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.

\*\*A fraudulent declaration may invalidate your insurance contract.

**Disclaimer:** The purpose of these guidelines is to provide guidance only. The content of these guidelines does not constitute legal, tax, accounting or other advice and should not be relied upon as such. We recommend that you seek independent legal, tax and / or accounting advice if you are unsure of whether you are eligible for the small business exemption. Willis Towers Watson accepts no liability for reliance upon these guidelines or if an exemption is claimed for in error or a small business fails to claim for the exemption. These guidelines do not constitute financial advice and Willis Towers Watson has not taken into account your financial needs in providing these guidelines.