

Credit Licensees and Credit Representatives Professional Indemnity Insurance Application

QBE Insurance (Australia) Limited ABN 78 003 191 035 AFSL 239 545



You must read this notice before you complete the application form.

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

This Policy operates on a 'claims made and notified' basis. This means that the Policy covers you for claims made against you and notified to us during the period of insurance.

The Policy does not provide cover in relation to:

1. acts, errors or omissions actually or allegedly committed prior to the retroactive date of the Policy (if such a date is specified);
2. claims made after the expiry of the period of insurance even though the event giving rise to the claim may have occurred during the period of insurance;
3. claims notified or arising out of facts or circumstances notified (or which ought reasonably to have been notified) under any previous policy;
4. claims made, threatened or intimated against you prior to the commencement of the period of insurance;
5. facts or circumstances of which you first became aware prior to the period of insurance, and which you knew or ought reasonably to have known had the potential to give rise to a claim under this Policy; and
6. claims arising out of circumstances noted on the proposal form for the current period of insurance or on any previous proposal form.

Where you give notice in writing to us of any facts that might give rise to a claim against you as soon as reasonably practical after you become aware of those facts but before the expiry of the period of insurance, you may have rights under section 40(3) of the *Insurance Contracts Act 1984 (Cth)* to be indemnified in respect of any claim subsequently made against you arising from those facts notwithstanding that the claim is made after the expiry of the period of insurance. Any such rights arise under the legislation only. The terms of the Policy and the effect of the Policy is that you are not covered for claims made against you after the expiry of the period of insurance.

Privacy

We'll collect personal information when you deal with us, our agents, other companies in the QBE group or suppliers acting on our behalf. We use your personal information so we can do business with you, which includes issuing and administering our products and services and processing claims. Sometimes we might send your personal information overseas. The locations we send it to can vary but include the Philippines, India, Ireland, the UK, the US, China and countries within the European Union.

Our Privacy Policy describes in detail where and from whom we collect personal information, as well as where we store it and the full list of ways we could use it. To get a free copy of it please visit qbe.com.au/privacy or contact QBE Customer Care.

It's up to you to decide whether to give us your personal information, but without it we might not be able to do business with you, including not paying your claim.

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IMPORTANT: Please answer ALL questions fully. If there is insufficient space please provide details on your letterhead. Where provided, tick (✓) appropriate box to indicate answer.

A. Your details

Full name of all entities to be insured. (You must specify the names of all entities including service, administrative or nominee companies and subsidiaries that are to be covered by this Policy).

Address of head office or principal office

	Website	
	State	Postcode

Address(es) of branch offices or other locations.

	State	Postcode
	State	Postcode
	State	Postcode

Date on which the business was established (dd/mm/yyyy)

Names of all partners/principals/directors	Age	Qualifications	Date qualified (dd/mm/yyyy)	Period practicing as partner/principal/director	
				This business	Previous business

Please provide curriculum vitae or resumes for all partners / principals / directors detailing qualifications and a summary of career experience.

Total number of:

(a) Partners/principals/directors		(e) Non-technical administrative staff	
(b) Professional qualified staff		(f) Clerical staff - typists, receptionists etc	
(c) Other technical staff		(g) Other staff (please specify)	
(d) Trainee staff		Total all partners/principals/directors and staff	

B. Business details

Has the name of the business ever been changed? Yes No

Have you merged with any other business? Yes No

Have you purchased any other business? Yes No

If 'Yes' to any of the above, please supply details.

Is any partner, principal or director connected or associated (financially or otherwise) with any other business? Yes No

If 'Yes', please provide details:

Please list the professional bodies or associations you belong to.

Please detail the approximate percentage of your gross income/fee derived from the following fields of work

Type of work	%
Finance broking (lease or loans) for cars and equipment <=\$500,000 any one item	
Finance broking (lease or loans) for cars and equipment >\$500,000 any one item	
Insurance agency	
Mortgage broking of prime loans <\$1 million in value	
Mortgage broking of sub-prime 'non-conforming' loans <\$1million in value	
Mortgage broking of any loans >\$1 million in value	
Mortgage broking of reverse mortgages	
Mortgage management with a delegated lending authority	
Mortgage originator	
Other (please provide details)	
Total	100%

Do you always provide your client with written confirmation of the following information:

- Details of the nature of your services Yes No
- Disclosure of all fees and charges Yes No
- Rights and remedies available to them in the event of a dispute Yes No

When organising a loan do you always obtain a 100 point identification check, and sight original documents, for all applicants named on the loan, including guarantors? Yes No

If you are required to witness a client's signature, do you always ensure signing is carried out in your presence? Yes No

Do you always ask the client to review and sign off the loan application before it is submitted to the lender? Yes No

Do you always provide a documented comparison between the different interest rates and transaction costs of your available pool of products? Yes No

Are lending funds sourced via solicitors mortgage funds or other mortgage funds? Yes No

Do you have the authority to approve/settle loans on behalf of lenders? Yes No

When recommending the refinancing of an existing loan do you always analyse the costs as well as the advantages and disadvantages of proceeding with the refinance? Yes No

Approximately what percentage of your current outstanding loans exceed a loan to value ratio of 85%? (%)

Please advise, as a percentage of your outstanding loan portfolio, the number of loans more than ninety (90) days in arrears (%)

Have any of your trail commissions been suspended by a lender as a result of loans in arrears or in default? Yes No

Do you provide written reports to clients? Yes No

If 'Yes', please provide sample copies of typical reports together with details of any disclaimers and/or warranties used in connection with such reports.

Please provide a brief description, and fees for the five (5) largest contracts you have undertaken in the past five (5) years.

Brief description	Fees (\$)

Does any contract or client represent more than 50% of your annual work or fees? Yes No

If 'Yes', please provide details:

Do you engage consultants, sub contractors or agents? Yes No

- If 'Yes',
- do you insist they carry their own professional indemnity insurance? Yes No
 - do you enter into any hold-harmless agreements or otherwise waive any legal rights or entitlements which you may have against such consultants, sub-contractors or agents? Yes No

If 'Yes', please provide details:

Do you perform work outside of Australia, or work for clients located overseas?

Yes No

If 'Yes', please provide details:

Are verbal reports always confirmed in writing?

Yes No

If 'No', how do you substantiate such verbal reports?

Will there be any substantial changes in your activities or are there any major new operations contemplated during the next twelve (12) months?

Yes No

If 'Yes', please provide details:

C. Financial details

When is your financial year end (dd/mm/yyyy)

What is the amount of gross income/fees for the following:

- current financial year (estimate)
- last financial year
- previous financial year

Australia (\$A)	Overseas (\$A)

What is the amount of the largest annual fee for any one client

Please provide the approximate percentage of your activities (based on gross income/fees) applicable to each State, Territory and Overseas

NSW (%)	VIC (%)	QLD (%)	SA (%)	WA (%)	TAS (%)	NT (%)	ACT (%)	O/S (%)

D. Claims details

Please answer the following AFTER ENQUIRY of all persons to be insured under this policy:

Have any claim(s) been made, or negligence alleged in the last ten (10) years against:

Yes No

- you;
- any predecessors in business;
- any prior business of any of your past or present directors, partners or principals;
- any person to be insured under this policy; or

Have any circumstances been notified to insurers that may give rise to a claim?

Yes No

If 'Yes', please provide the following details in respect of each matter.

Date matter notified (dd/mm/yyyy)	Name of insurer (if any)	Name of claimant or potential claimant	Brief description of matter	Amount paid or estimate of potential liability (\$)	Is matter finalised or outstanding?

Are there any circumstances not already notified to insurers which may give rise to a claim against you or any person insured under this policy?

Yes No

If 'Yes', please provide the following details in respect of each matter.

Name of claimant or potential claimant	Brief description of matter	Estimate of potential liability (\$)

Have you or any of your partners, principals or directors ever been refused this type of insurance or had similar insurance cancelled, or had an application of renewal declined, or had special terms imposed? If 'Yes', please provide details: Yes No

Have you or any of your partners, principals or directors ever been declared bankrupt in the last five (5) years? If 'Yes', please provide details: Yes No

Have you or any of your partners, principals or directors been the subject of administration proceedings in the last five (5) years? If 'Yes', please provide details: Yes No

Have you or any person to be insured under this policy ever been subject to disciplinary proceedings for professional misconduct? If 'Yes', please provide details: Yes No

Have you or any of your partners, principals or directors been convicted of any criminal offence (other than minor traffic convictions) in the last five (5) years? If 'Yes', please provide details: Yes No

E. Insurance cover details

Do you presently carry or has the business ever carried professional indemnity insurance? Yes No

If 'Yes', please provide details:

Insurer	<input type="text"/>
Expiry date (dd/mm/yy)	<input type="text"/>
Limit of indemnity (\$)	<input type="text"/>
Premium (\$)	<input type="text"/>

F. Application for cover

Limit of indemnity required (\$)	<input type="text"/>
Deductible/excess requested (each and every claim) (\$)	<input type="text"/>

Optional extensions:

- Aggregated limit of indemnity (reinstatement) Yes No
- Fidelity Yes No
- Previous business Yes No

Fidelity cover

(To be completed only if you are applying for the fidelity extension)

Do you presently carry any fidelity guarantee insurance? Yes No

If 'Yes', please provide details:

Insurer	<input type="text"/>
Expiry date (dd/mm/yyyy)	<input type="text"/>
Limit of indemnity (\$)	<input type="text"/>
Premium (\$)	<input type="text"/>

Has the business sustained any loss through the fraud or dishonesty of any employee? Yes No

If 'Yes', please provide details and state precautions taken to prevent a recurrence.

Is any member of your staff allowed to handle cash or transferable documents or sign cheques on his/her signature alone? Yes No

How often and by whom are the entries in the cash book checked with vouchers and reconciled with bank statements and returned cheques?

Do you always require and obtain satisfactory references when engaging employees? Yes No

Previous business cover

(To be completed only if you are applying for the **previous business extension**)

Name of principal, partner or director seeking previous business cover	Name(s) of previous business(es)	Estimate gross income for previous business(es) for two (2) financial/ calendar year ends immediately prior to principal, partner or director leaving	To the best of your knowledge, does the previous business(es) carry their own current Professional Indemnity Policy?	Please provide details of the types of professional services offered by the previous business(es)

Your answers to the claims and circumstances questions in this application form must fully reflect the claims and circumstances history of any prior or previous business.

G. Declaration and authorisation

Please remember we will treat a statement or claim or act or omission by any one of the applicants as a statement or claim or act or omission by all of the applicants

- I/We have received a copy of the Policy Terms and Conditions
- I/We declare that all answers and statements made in the application are true, correct and complete in every respect.
- I/We authorise QBE Insurance (Australia) Limited ABN 78 003 191 035 to give or obtain from other insurers or insurance reference bureaus or credit reporting agencies, any information about this insurance or any other insurance held by the business including this completed application and the business's claims history and credit history.

Applicant/Intermediary's signature

Date (dd/mm/yyyy)

Please return the completed form to your financial services provider.

This Policy is underwritten by QBE Insurance (Australia) Limited ABN 78 003 191 035