



ace insurance

# Directors and Officers Liability - Enterprise **PROPOSAL FORM**

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## **INSTRUCTIONS TO PROPOSER**

For Companies with less than \$5,000,000 worth of Assets

Please include with this Proposal Form:

1. The last Annual Report for the Company;
2. The latest Interim statement (If applicable).

**BEFORE COMPLETING THIS PROPOSAL FORM PLEASE READ THE IMPORTANT NOTICES ON PAGE 4**

**THIS PROPOSAL SHOULD ONLY BE COMPLETED AFTER DETAILED ENQUIRY OF ALL THE PERSONS TO BE COVERED.**



## DIRECTORS AND OFFICERS LIABILITY

### PROPOSER DETAILS

Name of Company .....

.....

Postal Address .....

.....

Date Company incorporated: .....

Nature of Business: .....

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.....

Current Assets

Current Liabilities

Total Assets

Total Liabilities

Turnover  
(Last Financial Year)

Pre-tax Result  
Last Financial Year)

### PLEASE ANSWER EACH OF THE FOLLOWING QUESTIONS

1. After enquiry, is any director or officer aware of any facts or circumstances which might effect the ability of the Company to meet all it's debts as and when they fall due Yes  No
2. After enquiry, has there been, or is there now pending any claim against a director or officer of the Company? Yes  No
3. After enquiry, is any director or officer aware of any fact, situation or circumstances which may give rise to a claim against him or her? Yes  No
4. Has the company or any director or officer ever been refused this type of cover, had a similar policy cancelled, or had special terms imposed? Yes  No
5. Do the Company's activities extend to the USA or Canada? Yes  No
6. Is there now pending, or has there ever been, any prosecution of any director or officer under the Fair Trading Act, Companies Act, Commerce Act, or any other NZ legislation or similar overseas legislation? Yes  No
7. Does the company sell it's shares publicly, or is it listed on any stock exchange? Yes  No
8. Has any director or officer been employed or engaged by or otherwise involved in a company that has been in receivership or liquidation? Yes  No



## DIRECTORS AND OFFICERS LIABILITY

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9. Has any Company annual financial reports and accounts received an auditor's assessment other than unqualified? Yes  No

**IF YOU ANSWERED 'YES' TO ANY OF QUESTIONS 1 – 9 PLEASE PROVIDE DETAILS BELOW OR ON A SEPARATE SHEET**

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11. ....  
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## DIRECTORS AND OFFICERS LIABILITY

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### IMPORTANT NOTICES

#### **Your Duty of Disclosure**

Before you enter into any contract of insurance with an Insurer, you have a duty to disclose to the Insurer every matter that you know, or could reasonably be expected to know, that 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 any new or changed information to the Insurer before you renew, extend, vary or reinstate a contract of insurance.

It is important that all information contained in this proposal is understood by you and is true, correct and complete, as you will be bound by your answers and by the information provided by you, and on your behalf, in this proposal. You should obtain advice before you sign this proposal if you do not properly understand any part of it.

Your duty of disclosure continues after the proposal has been completed up until the time the contract of insurance is entered into.

#### **Non-Disclosure**

If you fail to comply with your duty of disclosure, the Insurer may avoid the contract of insurance or cancel it and not pay any claim.

#### **Change of Risk or Circumstances**

You should advise the Insurer as soon as practicable of any change to your normal business as disclosed in the proposal, such as, but not limited to changes in location, acquisitions and new overseas activities.

#### **Subrogation**

Where you have agreed with another person or company, who would otherwise be liable to compensate you for any loss or damage which is covered by the contract of insurance, that you will not seek to recover such loss or damage from that person, the Insurer will not cover you, to the extent permitted by law, for such loss or damage.

#### **Privacy Act**

This proposal collects personal information about directors, officers, company secretaries and employees of the Company. The information is collected to enable the Insurer to evaluate this application and any claims and to administer the contract of insurance. The Insurer will hold the information at 345 Queen Street, Auckland. If you do not provide this information, the Insurer is entitled to decline this application for insurance.

The directors, officers, company secretaries and employees of the Company have rights of access to and correction of, their personal information under the Privacy Act 1993.



## DIRECTORS AND OFFICERS LIABILITY

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### DECLARATION

We acknowledge that we have read and understand the **Important Notices** contained in this proposal. We agree that this proposal, together with any other information or documents supplied to the Insurer will form the basis of the contract of insurance.

We acknowledge that if this proposal is accepted, the contract of insurance will be subject to the terms and conditions as set out in the policy wording as issued or as otherwise specifically varied in writing by the Insurer. We declare, after enquiry, that the statements, particulars and information contained in this proposal and in any documents accompanying this proposal are true and correct in every detail and are complete.

We undertake to comply with our duty of disclosure and inform the Insurer of any material alteration to those facts before this contract of insurance is entered into.

Signed for and on behalf of each and every person and Company to be insured.

Signed:

\_\_\_\_\_  
(Chairperson)

\_\_\_\_\_  
(Managing Director/Chief Executive Officer)

Dated:

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Name:

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\_\_\_\_\_

Company:

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