



KARTING AUSTRALIA NATIONAL INSURANCE PROGRAM

31st March 2017- 31st March 2018

IMPORTANT INFORMATION



Arthur J. Gallagher
BUSINESS WITHOUT BARRIERS™



IMPORTANT INFORMATION

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, 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 or reinstate a contract of general insurance.

Your duty, however, does not require disclosure of a matter:

- 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 statement

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 avoiding the contract from its beginning.

Please note: The disclosure is especially important in matters relating to the physical risk, past claims, cancellations of insurance covers, the imposition of increased premiums etc. and any matters that might affect the acceptance of the risk (such as insolvency or criminal convictions).

Your duty of disclosure must be taken seriously as it may affect your right to claim. Disclosure is not limited to matters applying to the insured named in the policy but includes other past businesses or private insurances.

Average Clause

Under insurance

Many policies contain a co-insurance (or average) provision whereby you may be required to bear a ratable proportion of the loss in the event that the sum insured is less than the value of the insured property at the commencement of the insurance. Sums insured should be such as to ensure you are not penalised by this provision.



Hold Harmless Agreements

You will prejudice your rights of a claim if, without prior agreement from your insurer, you make any agreement that may prevent the insurer from recovering the loss from a third party.

These 'hold harmless' clauses are often found in leases, in maintenance or supply contracts (e.g. from burglar alarm or fire protection installers), building or repair contracts and sales agreements. If you are in doubt consult us.

This notification requirement applies to all Property insurances and also to Public Liability insurance. It has a special connotation in Products Liability where you must not without the insurer's agreement, indemnify or hold a supplier harmless.

Interested Parties

If you require the interest of any additional parties to be covered you **MUST** request this. Most policy conditions will exclude indemnity to other parties (e.g. mortgagees, lessors, principals etc.) unless their interest is properly noted on the policy. Please contact your nearest Arthur J Gallagher office if you require a Certificate of Insurance with an interested party noted.

Utmost good faith

Insurance contracts are subject to the doctrine of Utmost Good Faith and this is part of the law. Both parties must strictly adhere to Utmost Good Faith and if you fail to do so, you may prejudice any claim.

Change of Risk/Circumstances

It is our duty as brokers to give you sound professional advice, but that advice can only be sound and valid if we are kept properly informed of changes and developments to your business or circumstances.

It is imperative you advise us of location changes, of new business activities, radical departure from your normal form of business or change in products as such have a tremendous bearing on the adequacy of your insurance program. Your insurers have assessed and accepted your risks on the basis of information given - any variation of those details could lead to an uninsured loss if they are not disclosed.

For example, an insurer may well accept an engineering risk but no longer give cover if a woodworking activity is entered into. In liability insurance, underwriters must be informed if the nature of your business changes and, specifically in Products Liability, if your product range changes or you are involved in products not previously made known to underwriters. In Personal Accident insurance, a change in occupation could prejudice your cover.

In order to ensure proper protection, please consult with us if you are in doubt as to whether an insurer should or should not be told of certain changes. We would rather give you the extra service by answering those queries, than allow you to take the risk of losing your proper protection under your insurance policies.



Privacy Statement

Who does this Privacy Statement apply to?

This Privacy Statement applies to the following entities: Arthur J. Gallagher & Co (Aus) Limited, Arthur J. Gallagher (Aus) Pty Ltd, Arthur J. Gallagher (Life Solutions) Limited and Specialised Broking Associates Pty Ltd, collectively referred to as Arthur J. Gallagher in this document.

In this document the words 'we', 'our' and 'us' are used to refer to Arthur J. Gallagher. 'You' and 'your' refer to you as the person whose personal information Arthur J. Gallagher may collect and maintain.

Why is it important?

We recognise the importance of your privacy and will protect your personal information. In some circumstances external organisations may also hold information about you on our behalf so that they can provide services to Arthur J. Gallagher. The Australian Privacy Principles (APPs) govern the way we collect, use, handle, disclose and secure information about you. All companies within Arthur J. Gallagher are subject to the APPs as set out in the Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth).

What does it cover?

Access to your information

The APPs permit you access to the information we hold about you in order to correct or update it.

How and why we collect your personal information

We collect 'personal information' specific to, and required for, the services and products that we provide to our clients. The personal information we collect and maintain may comprise of your:

- name
- address
- contact details
- information relating to your business, and/or
- information about other parties that you may or intend to conduct business with

For some products and services we may also collect and maintain 'sensitive information'. This may include:

- health information
- genetic information
- biometric information
- religious beliefs or affiliations
- membership of a professional or trade association
- membership of a trade union, and/or
- any criminal convictions

We will obtain your consent prior to collecting and maintaining any 'sensitive information' about you, unless the collection of this information is required or authorised under Australian law (i.e. it is required by a court/tribunal order).



Arthur J. Gallagher collects information either directly from you or indirectly from third parties. For example, we may obtain personal information from third parties such as:

- past insurers
- premium funders
- other service providers, and/or
- publically available sources

The information collected allows us to:

- analyse risks
- properly administer your claims or claims brought against you
- provide insurance, financial and investment advice
- arrange and place insurance cover
- facilitate the payment of funds owing to insurers, and/or
- initiate and maintain your and/or your employee's membership of relevant organisations (such as superannuation funds or industry associations)

We collect information from the www.ajg.com.au site using server logs and Google Analytics. When you visit the site to read, browse or download information, the system will record/log your IP address (the address which identifies your computer on the internet and which is automatically recognised by our web server), date and time of your visit to the site, the pages viewed and any information downloaded. This information will only be used for the purpose of site analysis and to help us offer you improved online service. We may automatically collect non-personal information about you such as the type of internet browsers you use or the site from which you linked to our websites. You cannot be identified from this information and it is only used to assist us in providing an effective service on our websites.

What happens if you do not provide Arthur J. Gallagher with access to your personal information?

If the information required is not provided, Arthur J. Gallagher or any third party suppliers may not be able to provide the services you require.

How we may disclose your personal information

Disclosure of your personal information to third parties in Australia

We may seek the services of relevant third party suppliers (e.g. insurers, agents, loss adjusters, risk managers, investment managers, external administrators, mail-houses etc.) to carry out specialised activities. Some of these third parties are appointed by Arthur J. Gallagher to perform specific tasks on a case-by-case basis; others provide insurance and financial services to you as recommended by us.

Where your personal information is provided to these third parties to enable them to perform their agreed activities, they are required to abide by the APPs and use the personal information provided for the sole purpose of supplying their specific services.



Disclosure of your personal information to third parties overseas

On some occasions we may also need to disclose your personal information to overseas third parties, including some insurers, underwriting agencies and insurance brokers. In particular this may include related parties such as subsidiaries of our ultimate parent company, Arthur J. Gallagher & Co., in the United States of America, United Kingdom, New Zealand, Singapore or India to assist in providing our services to you.

Prior to disclosing your personal information to other overseas recipients we will confirm the location of the overseas third party to you and seek your specific consent. We will also take reasonable steps to ensure the overseas third party uses the personal information for the purpose intended and does not breach the APPs.

Disclosure of your personal information required by law

We may also be required by law to disclose your personal information, such as when we are required to comply with a subpoena, warrant or other legal process.

Security of your personal information

Arthur J. Gallagher will take steps as are reasonable in the circumstances to protect any personal information that we hold from misuse, interference and loss, and to protect it from unauthorised access, modification and disclosure.

Arthur J. Gallagher's premises throughout Australia maintain physical security over paper files, electronic data stores and other records. We also maintain computer and network security, such as user identifiers and passwords to control access to computer systems where personal information is stored.

Your rights regarding your personal information

Contacting us about access and correction of your personal information

We will take reasonable steps to ensure the accuracy and completeness of your personal information and to ensure that it is up to date whenever we collect, use or disclose it.

Please contact your local Arthur J. Gallagher office if you:

- would like to access or revise your personal information
- believe that the information we currently have on record is incorrect or incomplete.

Direct marketing and your privacy

We regularly distribute to our clients general information and newsletters regarding Arthur J. Gallagher's products and services. If we believe it may be of interest to you we may, from time to time, supply you with specific information regarding some of our products and services.

We will always provide a simple 'opt-out' option with this kind of correspondence. Alternatively, you may update your preferences by contacting your local Arthur J. Gallagher office.



Privacy Complaints

If you believe that we have not protected your personal information as required under the APPs, and you wish to make a formal complaint about a possible breach, you are able to contact our Risk and Compliance Department on 1800 068 000. You may also email full details of your complaint to privacy@ajg.com.au. Your complaint will be managed via Arthur J. Gallagher's Internal Privacy Complaint Procedure. This Procedure assures you of a timely and accurate response to your complaint.

Any unresolved complaints should be referred to the Privacy Commissioner. For further information on Privacy please visit the Australian Government Office of the Australian Information Commissioner Website at <http://www.oaic.gov.au>.

Changes to our Privacy Statement

We may change our Privacy Statement from time to time. The current version is available on our website located at www.ajg.com.au or you may request that Arthur J. Gallagher provide you with a copy by post, email or other form. We do not charge for this service.