

# Your duty to take reasonable care not to make a misrepresentation

## About your duty

When you apply for life insurance as a member of Sunsuper, the insurer may conduct a process called underwriting. It's how the insurer decides whether it will cover you, and if so on what terms and at what cost. If your application is underwritten, you will be asked questions which the insurer needs to know the answers to. These will be about your personal circumstances and may include questions about your health and medical history, occupation, income, lifestyle, pastimes, and current and past insurance. The information you provide in response to the questions is vital to the insurer's decision.

## The duty to take reasonable care

When applying for insurance which is to be underwritten, you have a legal duty to take reasonable care not to make a misrepresentation before your application is accepted by the insurer. A misrepresentation is a false answer, an answer that is only partially true, or an answer which does not fairly reflect the truth. This duty also applies when extending or making changes to existing insurance, and reinstating insurance.

## If you do not meet your duty

If you do not meet your legal duty, this can have serious impacts on your insurance. Your cover could be avoided (treated as if it never existed), or its terms may be changed. This may also result in a claim being declined or a benefit being reduced. Please note that there may be circumstances where the insurer later investigates whether the information you provided was true. For example, the insurer may do this when a claim is made.

## Guidance for answering questions

When answering questions as part of an application for insurance cover, you should:

- Think carefully about each question before you answer. If you are unsure of the meaning of any question, please ask us or the insurer before you respond.
- Answer every question.
- Answer truthfully, accurately and completely. If you are unsure about whether you should include information or not, you should include it.
- Review your application carefully before it is submitted. If someone else helped prepare your application (for example, your adviser), you should check every answer (and if necessary, make any corrections) before the application is submitted.
- You must not assume that Sunsuper or the insurer will contact your doctor for any medical information.

## Changes before your cover starts

Before your application is accepted, the insurer may ask about any changes that mean you would now answer the questions differently. As any changes might require further assessment or investigation, it could save time if you let us or the insurer know about any changes when they happen.

## If you need help

It's important that you understand this information and the questions that you are asked. Ask us or the insurer for help if you have difficulty understanding the process of applying for insurance or answering our or the insurer's questions. If you're having difficulty due to a disability, understanding English or for any other reason, we are here to help and can provide additional support for anyone who might need it.

## What can the insurer do if the duty is not met?

If you do not take reasonable care not to make a misrepresentation, there are different remedies that may be available to the insurer. These are set out in the *Insurance Contracts Act 1984* (Cth). These are intended to put the insurer in the position they would have been in if the duty had been met.

For example, the insurer may:

- avoid the cover (treat it as if it never existed);
- vary the amount of the cover; or
- vary the terms of the cover.

Whether the insurer can exercise one of these remedies depends on a number of factors, including:

- whether you took reasonable care not to make a misrepresentation (this depends on all of the relevant circumstances);
- what the insurer would have done if the duty had been met - for example, whether they would have offered cover, and if so, on what terms;
- whether the misrepresentation was fraudulent; and
- in some cases, how long it has been since the cover started.

Before the insurer exercises any of these remedies, they will explain their reasons, how to respond and provide further information, including what you can do if you disagree.

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# Transfer of insurance cover



☎ 13 11 84 ↗ sunsuper.com.au

👉 **It's simple, you can apply to transfer cover anytime.**

Use this form to apply to transfer your current insurance cover from an existing superannuation fund ("previous fund") or an individual insurance policy ("previous policy") to Sunsuper.

## Important

You should not cancel your existing cover until you have received confirmation from Sunsuper that your transfer request has been accepted by Sunsuper. Please complete all mandatory sections. \*DENOTES MANDATORY FIELD.

Please provide us with as much information as possible. Please tick box where appropriate. Use **BLOCK** letters and dark ink when completing this form and ensure it is signed and dated. **If you are under 18 please contact us before completing this form.**

## Member number

if already a member

### 1 Personal details

Title	First name*	Middle name
<input type="text"/>	<input type="text"/>	<input type="text"/>
Last name*	Date of birth (DD/MM/YYYY)*	Gender*
<input type="text"/>	<input type="text"/>	<input type="text"/> M <input type="text"/> F
Street address/PO Box*		
<input type="text"/>		
Suburb/Town*	State*	Postcode*
<input type="text"/>	<input type="text"/>	<input type="text"/>
Home phone number	Daytime phone number*	
<input type="text"/>	<input type="text"/>	
Personal email address	Mobile phone number*	
<input type="text"/>	<input type="text"/>	

**Note:** Unless you have elected to receive printed information, Sunsuper will confirm this change electronically if we can. We'll email or SMS you if you have information to view in *Member Online*. If you would prefer information is posted to you in the future, change your preferences in *Member Online*, the Sunsuper app, or by contacting us.

### 2 Details of your occupation

<b>2A</b>	Are you currently working? If 'No', go to Section 2B	<input type="text"/> YES <input type="text"/> NO	Your occupation	<input type="text"/>	Degree/Trade qualified	<input type="text"/> YES <input type="text"/> NO	
	Industry (e.g. Mining, Manufacturing, Construction, Agriculture, Retail)		Name of your employer	<input type="text"/>	Your annual income	<input type="text"/> \$	
	List the principal duties of your occupation, and the percentage of time at work spent doing each (e.g. office work 20%, site inspection 80%)						
	1	<input type="text"/> %	2	<input type="text"/> %	3	<input type="text"/> %	
	List the primary locations of your occupation, and the percentage of time at each location (e.g. office 20%, home 30%, suburban driving 50%)						
	1	<input type="text"/> %	2	<input type="text"/> %	3	<input type="text"/> %	
<b>2B</b>	What is your employment status?	Permanent full time <input type="text"/>	Permanent part time <input type="text"/>	Self employed <input type="text"/>	Casual <sup>1</sup> <input type="text"/>	Contractor <sup>1</sup> <input type="text"/>	Unemployed <input type="text"/>
	If unemployed - specify your duties (e.g. student, home duties, or retired)	<input type="text"/>					
<b>2C</b>	Hours that you work a week (on average):	Under 15 hours <sup>2</sup> <input type="text"/>	15 hours to 60 hours <input type="text"/>	Greater than 60 hours <input type="text"/>			

Refer to Section 9 of the *Sunsuper for life Insurance guide* for the definition of 'income'.

<sup>1</sup> If you are a casual or a contractor you will only be eligible to apply for a 2-year Income Protection Benefit Period.

<sup>2</sup> If you are working less than 15 hours per week you will not be eligible to apply for Income Protection.

### 3 Previous cover details - Applying to transfer cover from a super fund or an individual policy

Previous Super fund or Life Insurance Company name	Member/Policy Number
<input type="text"/>	<input type="text"/>

#### Please provide:

- a letter or certificate of currency issued within the last 30 days from your previous super fund or Life Insurance provider detailing your current insurance cover, and
- details of any loadings, exclusions and restrictions applicable to that cover.

YES  NO I confirm that these documents show details of my existing cover, including Waiting and Benefit Periods for Income Protection cover (if applicable) and any loadings or exclusions. I confirm that my cover remains valid at the date of this application.

➔ Please continue over page

## 4 Death and/or Total & Permanent Disability cover

I want to transfer my existing level of cover, in addition to the current cover I have, to Sunsuper as follows:

Death cover \$

Total & Permanent Disability cover \$

Your transferring cover will be fixed cover (your cover stays the same and your premiums will generally increase on each birthday).

I want to transfer a lower amount of my existing level of cover, in addition to the current cover I have, to Sunsuper as follows:

Death cover \$

Total & Permanent Disability cover \$

**Note:** Transferred cover is provided as Tailored cover. When Tailored Death and Total & Permanent Disability cover is approved, any existing Death and Total & Permanent Disability cover / premium you have may change based on your occupational classification. Once you reach age 61, your Tailored Total & Permanent Disability cover reduces annually by 10% of your insured benefit at age 60, until your 67th birthday when cover ceases. Your premiums are adjusted accordingly.

I understand that any transferred Death and Total & Permanent Disability cover will be subject to the terms and conditions of the Sunsuper insurance policy (including definition of Total and Permanent Disablement), and subject to a maximum dollar value of \$1,000,000 for Death cover and \$1,000,000 for Total & Permanent Disability cover. Transferred cover is in addition to any existing cover.

## 5 Income Protection cover

Income Protection cover \$

monthly benefit

Benefit Period

Waiting Period  days

I do NOT want to have my Income Protection cover indexed on 1 July each year

**Note:** Transferred cover is provided as Tailored cover. When Tailored Income Protection cover is approved, any existing Income Protection cover / premium you have may change based on your occupational classification.

I understand that any transferred Income Protection cover will be subject to the terms and conditions of the Sunsuper insurance policy (including definition of Totally Disabled). A \$10,000 maximum monthly benefit limit applies (subject to 85% of your salary). Where the Waiting Period offered under my previous fund / policy is different to the available Waiting Periods under the Sunsuper Insurance policy, my Waiting Period will be rounded up to the next longest Waiting Period. Where the Benefit Period offered is different to the available Benefit Period under the Sunsuper insurance policy, my Benefit Period will be limited to the next shortest Benefit Period available.

### Important

**You should not cancel your existing cover until you have received confirmation that your transfer request has been accepted by Sunsuper.**

Your application for transfer of cover will be assessed by our insurer and we will notify you of the outcome. Our insurer may need to contact your previous fund or the insurer of your previous policy in completing its assessment of your application.

If your application to transfer existing Death and Total & Permanent Disability cover is accepted, you will be allocated additional Sunsuper Tailored cover (up to a maximum dollar value of \$1,000,000 for this transfer) to replace your Death and Total & Permanent Disability cover under your previous fund or previous policy. This transferred cover will be fixed cover unless you specify otherwise. Any existing automatic Death and Total & Permanent Disability Assist cover you have at the time your transfer application is accepted (and any existing additional Tailored cover) will continue as Tailored cover.

**IMPORTANT:** If you are accepted for transferred cover prior to the receipt of your first SG contribution, you will not be eligible for automatic cover where your first SG contribution is received more than 120 days after you joined your employer.

Premiums may vary. If your application to transfer existing underwritten Income Protection insurance is accepted, you will be allocated Tailored Income Protection cover (up to a maximum of \$10,000 monthly benefit and 85% of your salary). Any existing Income Protection cover may continue, subject to maximum limits. We will advise you of the Waiting Period available to you (30, 60, 90 or 180 days), upon acceptance of your application.

If you have applied for additional cover through Sunsuper and been declined or been eligible for a Total & Permanent Disability Assist claim, this *Transfer of insurance cover* application will not be accepted. The cost of approved transferred cover will be based on the applicable premium rates and will reflect your occupational category and any premium loadings or exclusions that may have applied to your previous cover.

## 6 Personal statement / Confirmation of requirements

**6A** Please confirm (by ticking the box below) that the statements are true and correct and you agree to abide by the requirements set out in these statements:

For transfer of cover from an existing superannuation fund or an individual retail insurance policy:

- i. The existing insurance cover under my previous fund or retail insurance policy will be cancelled, upon acceptance of this request;
- ii. I will not be transferring the cover under my previous fund or retail insurance policy to any other division of that previous fund or insurer or to any other fund (other than Sunsuper) or insurer;
- iii. I will not exercise a continuation option or subsequently reinstate cover within the previous fund or any associated fund or previous insurance policy;
- iv. I will provide supporting evidence of my current insurance cover (a letter or certificate of currency from your previous Super fund or Life Insurance provider). Please note, your supporting evidence for Income Protection cover must include the Waiting Period and Benefit Period of your current cover.

➔ Please continue over page

## 6 Personal statement / Confirmation of requirements (Continued)

### 6B Please answer yes or no to the following questions:

1. Due to illness or injury are you absent from work or restricted from carrying out all your usual duties on a full time basis for at least 30 hours per week (even if you are currently working on a part-time basis)? YES  NO
2. Have you ever been paid / lodged or are eligible to lodge any Total & Permanent Disability, Terminal Illness or Income Protection claims or received a benefit as a result of Permanent Incapacity or a Terminal Medical Condition from Sunsuper or any other superannuation fund or life insurance policy? YES  NO
3. Have you been diagnosed with an illness that reduces your life expectancy to less than 24 months from today? YES  NO
4. Within the past 12 months have you seen or have you been advised to see within the next 12 months a medical specialist? Your GP is not considered a medical specialist. YES  NO
5. Have you ever had any special conditions or restrictions (loadings or exclusions) placed on any Death, Total & Permanent Disability or Income Protection insurance? If yes, please provide all details you have received from the insurer or fund with this application. YES  NO

If you answered "Yes" to question 4 or 5 above please provide full details on an additional page.

If you answered Yes to Questions 1, 2 or 3 you are **not eligible** to transfer your existing cover to Sunsuper. If you wish to increase your current cover, please go to [sunsuper.com.au/insuranceforms](http://sunsuper.com.au/insuranceforms) and complete the *Tailored insurance* application.

## 7 Authorisation and declaration Sign this application form and return to Sunsuper:

### I acknowledge that:

- i. if I do not fully complete, sign and date this application, or do not attach any additional information requested, I will not be eligible to transfer my existing cover to Sunsuper,
- ii. if the insurer accepts my application, the existing amount of insurance cover as at the effective transfer date under my previous fund or previous policy will be replaced by an equivalent allocation (or such lower amount as I have specified) of additional voluntary insurance cover (up to a maximum amount of \$1,000,000 for Death and Total & Permanent Disability and a maximum of \$10,000 monthly benefit) under my Sunsuper account. This cover will be in addition to any existing insurance cover I may hold through Sunsuper. Maximum cover limits will apply,
- iii. my replacement cover will not commence in Sunsuper until the later of:
  - a. the date the insurer accepts my application, and
  - b. the date of cancellation of my existing insurance cover under the previous fund or previous policy,
- iv. Sunsuper and its insurer may undertake appropriate enquiry and investigation to verify the answers I have provided (including contacting my previous fund or life insurance company to obtain additional details of my current insurance cover),
- v. Sunsuper and its insurer may investigate whether any premium loadings, restrictions and exclusions may have applied in the previous fund/previous policy,
- vi. I agree to provide Sunsuper and its insurer with access to any health and/or financial evidence I have provided to the previous fund and their insurer or retail insurer in an application for the cover. Any non-disclosure to the previous fund or its insurer may be acted upon by Sunsuper and/or its insurer,


- vii. Should it become apparent to Sunsuper or its insurer that I have not undertaken the requirements that I have agreed to in Section 6A above, then any insurance benefit that may be payable to me, my dependants or my estate from Sunsuper may be reduced by the insurance amount paid or payable from my previous fund, another division of the previous fund, another fund, my previous policy or any policy issued under any continuation option that I exercised, as a consequence of my failure to abide by these requirements. This reduction in benefit will, however, be limited to the extent that my benefit from Sunsuper is no less than I would have been eligible to receive under the terms of the policy between Sunsuper and its insurer had I not made this application for transfer of cover,
- viii. I hereby declare that the information contained in this *Transfer of insurance cover* form application (whether written by hand or not) is true and correct and that no information material to this application for transfer has been withheld,
- ix. If the insurer accepts my application, the terms and conditions as outlined in Sunsuper's insurance policy document will apply, and the terms and conditions of my former policy/fund and/or former insurer will not apply,
- x. I acknowledge and have read my *Duty to take reasonable care not to make a misrepresentation* at [sunsuper.com.au/dutyofdisclosure](http://sunsuper.com.au/dutyofdisclosure) and understand its contents and what is meant by my duty to disclose. I also understand that my duty to disclose continues after I have completed this application for transfer until the insurer has accepted the risk.

### Privacy

By completing this form you consent to the collection, use and disclosure of any personal information, including information that may be of a sensitive nature we or AIA Australia may collect about you and exchange with third parties located in Australia and overseas, in the manner outlined in our and AIA Australia's respective privacy policies as updated from time to time. Policies are available by visiting [sunsuper.com.au/privacy](http://sunsuper.com.au/privacy) and [aia.com.au](http://aia.com.au). These policies are consistent with the requirements of the *Privacy Act 1988*.

The information I have given in this application and any separate statements I have given with it are true. I have disclosed everything about me and my health that Sunsuper and its insurer need to know when deciding whether to accept my application for transfer of cover. I will notify Sunsuper of any changes to my health before my cover transfer application has been assessed.

I have read and understood my *Duty to take reasonable care not to make a misrepresentation* and accept the above acknowledgements.

 I authorise my previous fund or the insurer of my previous policy to provide Sunsuper and/or its insurer with any information about my current insurance cover. For this authority, a photocopy of this Declaration is as valid as the original.

Member to sign here\*



Full name (print in BLOCK letters)\*

Date (DD/MM/YYYY)\*

 Please return the form and supporting documentation via [sunsuper.com.au/contactus](http://sunsuper.com.au/contactus) OR Reply Paid 2924 Brisbane Qld 4001