

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

## About your duty

When you apply for life insurance as a member of Australian Retirement Trust, 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 Australian Retirement Trust 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.

# Former CBA Group Super Plan

## Transfer of Cover From CBA Employee Income Protection Policy (EIP)



13 11 84 | art.com.au  
Reply Paid 2924 Brisbane Qld 4001

### Transfer CBA EIP cover within 90 days of leaving employment with CBA Group

**Important:** Use this form to apply to transfer your current insurance cover from the CBA Employee Income Protection policy (CBA EIP) ("previous fund/policy") to Australian Retirement Trust within 90 days of leaving employment with the CBA Group.

#### Important

Before completing this form please ensure you read and understand your Duty to Take Reasonable Care Not to Make a Misrepresentation located at [art.com.au/duty](http://art.com.au/duty) Please complete all mandatory sections. \*DENOTES MANDATORY FIELD.

Please provide us with as much information as possible. Please tick boxes where appropriate. Use **BLOCK** letters and black or blue ink when completing this form and ensure it is signed and dated. **If you are under 18 years of age please contact us before completing this form.**

To access information about your plan online, visit [art.com.au/cbasp](http://art.com.au/cbasp)

**Member number**  
if already a member

**Office use only**

530444

## 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*	Home phone number	Daytime phone number*
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Personal email address			Mobile phone number*	
<input type="text"/>			<input type="text"/>	

**Note:** Where we can we'll provide your documents, including statements and notices of changes to your account, electronically. We'll email or SMS you when information is ready to view in [Member Online](#). If you would prefer information is posted to you, change your preferences in [Member Online](#), the [Australian Retirement Trust app](#), or by contacting us.

## 2 Details of your occupation

<b>2A</b>	<b>Are you at work?</b>	<b>Your occupation</b>	<b>Degree/trade qualification</b>			
<input type="text"/> YES <input type="text"/> NO	<small>Note: This means you must be performing your normal paid duties for your employer.</small>	<input type="text"/>	<input type="text"/> YES <input type="text"/> NO			
<b>Industry</b> (e.g. mining, manufacturing, construction, agriculture, retail)	<b>Name of your employer</b>	<b>Your annual salary</b>	<small>Refer to your Super Savings – Corporate Insurance Guide Former CBA Group Super Plan for the definition of 'salary'.</small>			
<input type="text"/>	<input type="text"/>	<input type="text"/> \$				
<b>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%)</b>						
<input type="text"/> 1 <input type="text"/> %	<input type="text"/> 2 <input type="text"/> %	<input type="text"/> 3 <input type="text"/> %				
<b>List the primary locations of your occupation and the percentage of time at each location (e.g. office 20%, home 30%, suburban driving 50%)</b>						
<input type="text"/> 1 <input type="text"/> %	<input type="text"/> 2 <input type="text"/> %	<input type="text"/> 3 <input type="text"/> %				
<b>2B</b>	<b>Employment status:</b>	Permanent full time <input type="text"/>	Permanent part time <input type="text"/>	Casual <input type="text"/>	Contractor <input type="text"/>	What is the duration of your contract? <input type="text"/> months
<b>2C</b>	<b>Hours that you work a week (on average):</b>	<input type="text"/> hours				

➔ Please continue over page

### 3 Previous cover details

Date left employment with CBA Group (DD/MM/YYYY)

CBA Group Payroll Number

### 4 Cover details

Amount of CBA EIP cover  
you want to transfer:

 per month

**Note:** This must be equal to or less than your CBA EIP cover.

I understand that:

- Any transferred Income Protection cover will be subject to the terms and conditions of the Australian Retirement Trust insurance policy (including definitions of 'totally disabled' and 'partially disabled').
- A \$20,000 maximum monthly benefit limit applies (subject to 75% of my 'salary'). The maximum transfer amount is inclusive of any existing cover.
- Upon acceptance by the insurer, my Income Protection cover will be provided as the lesser of 75% of 'salary', the nominated insured amount, the maximum monthly benefit limit and the level of cover provided under my CBA EIP account, with a 'benefit period' of 2 years and 'waiting period' of 90 days.
- If my existing Income Protection cover in the Former CBA Group Super Plan has a different 'waiting period' and/or 'benefit period', any transferred cover effectively cancels and replaces my existing cover.

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.

The cost of approved transferred cover will be based on the applicable premium rates applying under the relevant membership division of Australian Retirement Trust and will reflect your occupation category and any premium loadings or exclusions that may have applied to your previous cover.

### 5 Personal statement / Confirmation of requirements

**5A** Do you have any existing Income Protection cover in the Former CBA Group Super Plan (i.e. before the transfer of your CBA EIP cover)?

NO continue to section 5B

YES please read the below dot points carefully and tick both boxes to confirm your acknowledgement, before proceeding to section 5B

By continuing my request to transfer CBA EIP, I understand and acknowledge that:

- My existing Income Protection cover in the Former CBA Group Super Plan will effectively be cancelled and replaced by the transferred cover.
- The full amount of my cover after the transfer will be subject to a 90-day 'waiting period' and a 2-year 'benefit period' which may be different from or less than the options that apply to my existing cover.
- The options of my existing cover, such as waiting period and/or benefit payment period, cannot be reinstated, if different, once CBA EIP is transferred. If I want to increase my 'waiting period' and/or 'benefit period' at any time in the future, it will be subject to the insurer's standard application and assessment process, which may require me to provide additional medical evidence and may be accepted or declined by the insurer.

I declare that the following statements are true and correct:

- i. I will not be transferring my CBA EIP cover to any other division of the previous fund or insurer or to any other fund (other than Australian Retirement Trust) or insurer;
- ii. I will not exercise a continuation option on the previous insurance policy.

[➔ Please continue over page](#)

## 5 Personal statement / Confirmation of requirements

### 5B Please answer yes or no to the following questions:

1. Are you aged less than 65 years? YES  NO

2. Have you ceased employment with CBA Group? YES  NO

3. Are you a member of the Former CBA Group Super Plan? YES  NO

If you answered **No** to questions 1, 2 or 3 you are **not eligible** to transfer your CBA EIP cover to Australian Retirement Trust.  
If you wish to increase your current cover, please go to [art.com.au/cbasp](http://art.com.au/cbasp) to complete the Change of Insurance Cover form.

4. As a result of injury, illness or impairment, are any of the following statements true?

a) You are unable to work 35 hours per week, even if you are not currently working on a full-time basis. YES  NO

b) You have had your duties or workplace modified in the last 2 years and you are yet to resume your pre-modified duties or arrangements. YES  NO

c) You are working in a role or occupation that has been designed or chosen to suit your medical needs. YES  NO

5. Have you received or are eligible to receive a payment, or have you lodged or are going to lodge a claim, for a terminal illness or disability benefit with a super fund, insurance company or any state or federal government body, such as workers' compensation, social security, veterans' affairs, or motor accident scheme? YES  NO

6. Have you ever had an insurance application for Death, Total and Permanent Disability (TPD) or Income Protection (also known as salary continuance) cover declined, deferred or accepted with a loading, exclusion or special terms? YES  NO

If you answered **Yes** to Questions 4, 5 or 6 you are **not eligible** to transfer your CBA EIP cover to Australian Retirement Trust.  
If you wish to increase your current cover, please go to [art.com.au/cbasp](http://art.com.au/cbasp) to complete the Change of Insurance Cover form.

## 6

### Authorisation and declaration

Sign this application form and return to Australian Retirement Trust:

#### I acknowledge that:


- 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 CBA EIP cover to Australian Retirement Trust.
- If the insurer accepts my application, the existing amount of insurance cover as at the effective transfer date under my previous fund will be replaced by an equivalent allocation (or such lower amount as I have specified) of Tailored Income Protection cover (up to a maximum of \$20,000 monthly benefit (inclusive of existing cover)) under my Australian Retirement Trust account. This cover will be in addition to any existing insurance cover I may hold through Australian Retirement Trust. Maximum cover limits will apply.
- My replacement cover will not commence in Australian Retirement Trust until the later of:
  - the date the insurer accepts my application, and
  - the date of cancellation of my existing insurance cover under the previous fund or previous policy.
- Australian Retirement Trust 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).
- Australian Retirement Trust and its insurer may investigate whether any premium loadings, restrictions and exclusions may have applied in the previous fund/previous policy.
- I agree to provide Australian Retirement Trust 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 Australian Retirement Trust and/or its insurer.

- Should it become apparent to Australian Retirement Trust or its insurer that I have not undertaken the requirements that I have agreed to in section 5A above, then any insurance benefit that may be payable to me, my dependants or my estate from Australian Retirement Trust 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 Australian Retirement Trust is no less than I would have been eligible to receive under the terms of the policy between Australian Retirement Trust and its insurer had I not made this application for transfer of cover.
- I hereby declare that the information contained in this form (whether written by hand or not) is true and correct and that no information material to this application for transfer has been withheld.
- If the insurer accepts my application, the terms and conditions as outlined in Australian Retirement Trust's insurance policy document will apply, and the terms and conditions of my former policy/fund and/or former insurer will not apply.
- I acknowledge and have read my Duty to Take Reasonable Care Not to Make a Misrepresentation and understand its contents and what is meant by my Duty to Take Reasonable Care Not to Make a Misrepresentation.

#### Your privacy - Personal information collection notice

We are collecting your personal information to set up and/or to administer your superannuation account. We may also disclose this information to third parties such as our Insurer, medical and health professionals, if we need to, if you have given consent to the disclosure, or if we are required to by law. If you want to know more about our privacy policy, including how we collect, hold, use and disclose personal information, or how individuals can access or correct their information, visit [art.com.au/privacy](http://art.com.au/privacy) or call us to request a copy. A copy of the nominated insurer's privacy policy can be obtained by visiting their website directly. The nominated insurer's details can be found in your Super Savings - Corporate Insurance Guide Former CBA Group Super Plan.

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 Australian Retirement Trust and its insurer need to know when deciding whether to accept my application for transfer of cover. I will notify Australian Retirement Trust 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 Australian Retirement Trust 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)\*

We are committed to respecting your privacy and take protecting the privacy of personal information seriously. Our Privacy Policy sets out how we do this including how we collect, hold and disclose personal information. For a copy of the Privacy Policy, please visit [art.com.au/privacy](http://art.com.au/privacy) or call **13 11 84**.

Australian Retirement Trust Pty Ltd ABN 88 010 720 840 AFSL No. 228975 Trustee of Australian Retirement Trust ABN 60 905 115 063

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