

## MEMORANDUM

TO: WABA MEMBERS  
FROM: STEPHEN DAVIES SC, PRESIDENT  
DATE: 30 APRIL 2019  
RE: PROFESSIONAL INDEMNITY INSURANCE AND  
RENEWAL OF PRACTISING CERTIFICATES FOR 2019-2020

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As members will be aware the *Legal Profession Regulations 2009* ("Regulations") made pursuant to the *Legal Profession Act 2008*, continue, in Regulation 96 (a) and (b) the requirement for all legal practitioners to hold professional indemnity insurance.

Regulation 97(1)(a) of the *Regulations* provides the following exemption from Regulation 96(a) or (b), relevant to members of the Association:

- "a barrister who is covered by a policy of professional indemnity insurance that –
- (i) is in a form approved by resolution of the Council of The Western Australian Bar Association (Inc.); and
  - (ii) provides cover up to a limit which, in the aggregate, is not less than that provided under a certificate of insurance under the PII arrangement for the period in respect of which exemption is claimed;

PII arrangement means an arrangement made by the Law Society under regulation 84(1)(a).

"Barrister" is defined in the *Legal Profession Act 2008* as an Australian Legal Practitioner who engages in legal practice solely as a barrister.

### Approved PII Policies

For the 2019-2020 year, Bar Council has resolved to approve professional indemnity insurance policies submitted by the following insurers/brokers:

- AAI Limited (Suncorp)
- CGU Insurance Limited (through Aon Risk Solutions Limited)
- Allianz Australia Insurance Ltd (through Marsh Pty Ltd)
- Insurance Australia Limited (through Pacific Indemnity Underwriting Solutions Pty Ltd)

Each policy has been compared against the standards to be applied by Bar Council under the *Professional Standards Act 1997* (WA), and all continue to meet the Association's standards.

Members:

- should not assume that the policy wording of any particular policy is the same as it was for the last period of insurance;
- should take particular note that not all policies automatically extend cover to work as an arbitrator or mediator. The descriptions of cover, cover extensions and exclusions vary;
- should ensure you have adequate cover for past events, given that each policy provides cover for a claim made during the policy period. The events giving rise to the claim might have occurred before the policy period began and the claim might not be covered. This is particularly relevant if facts or circumstances were known to the insured before the policy period commenced and the insurer at that time is not the same as the proposed insurer.
- should ensure that if you know of events that might give rise to a claim then those events should have been notified to the insurer at the time.

Please note it is the responsibility of each barrister to satisfy him or herself as to the content of the policies on offer, the terms and conditions, and the premium applicable to them.

#### Law Mutual Professional Indemnity Insurance

Members may also take out cover through the Law Mutual Professional Indemnity Insurance arrangements.

#### Minimum Level of Cover

The Law Society has confirmed that the minimum level of cover for the purposes of Regulation 97(1)(a)(ii) is \$2 million, for each claim inclusive of costs.

All inquiries about the policies, including premium information should be directed to the brokers/insurers. The WABA's Bar Council is unable to provide recommendations or any advice as to the merits of the policies.

Set out below are the contact particulars for each insurance provider:

- AAI Limited (Suncorp)

Michael Forster  
 Suncorp Professional Risks  
 GPO Box 3999  
 SYDNEY NSW 2001  
 Phone: 1300 308 950  
 (02) 8121 0843  
 Email: [sunprorisk@suncorp.com.au](mailto:sunprorisk@suncorp.com.au)  
[michael.forster@vero.com.au](mailto:michael.forster@vero.com.au)

- CGU Insurance Ltd (through Aon Risk Solutions Limited)

Ms Sarah Collin  
 Client Executive  
 Aon Risk Solutions  
 130 George Street  
 PARRAMATTA NSW 2124  
 Phone: (02) 8623 4250  
 Email: [sarah.collin@aon.com](mailto:sarah.collin@aon.com)

or

William Phanthana  
 Phone: (02) 8623 4198  
 Email: [william.phanthana@aon.com](mailto:william.phanthana@aon.com)

- Allianz Australia Insurance Ltd (through Marsh Pty Ltd)

Ms Wendy Mancini  
 Senior Account Executive  
 Financial & Professional Lines - FINPRO  
 Marsh Pty Ltd  
 Level 6, 225 St George's Terrace  
 PERTH WA 6000  
 Phone: (08) 9289 3828  
 Email: [wendy.mancini@marsh.com](mailto:wendy.mancini@marsh.com)

- Insurance Australia Limited (through Pacific Indemnity Underwriting Solutions Pty Ltd)

Mr Edward Rawnsley  
 Business Development Director  
 Pacific Indemnity Underwriting Solutions Pty Ltd  
 GPO Box 7  
 BRISBANE QLD 4001  
 Phone: 0432 356 554  
 Email: [edward.rawnsley@pacificindemnity.com.au](mailto:edward.rawnsley@pacificindemnity.com.au)

#### Renewal of Practising Certificates

Under rule 5 of the *Legal Profession Rules 2009* the standard renewal period is from 1 May to 31 May.

- Applications for PC renewal MUST be lodged by 31 May.
- An application received after 31 May will be 'late', may be rejected, and is subject to a late fee.
- An application received after 30 June must be rejected unless caused by reasons beyond the control of the applicant.

#### Notification Requirements

In order to ensure there is no delay in the issue of practising certificates, the insurers/brokers have been requested, upon providing professional indemnity insurance cover to a WABA member, to notify the following by email:

- (i) the barrister concerned;
- (ii) WABA (Debbie Cole) ([ExecutiveOfficer@wabar.asn.au](mailto:ExecutiveOfficer@wabar.asn.au));
- (iii) Legal Practice Board ([general@lpbwa.com](mailto:general@lpbwa.com))

To facilitate this process it is essential that you include your email address in your application for insurance.

### Summary

Recapping the above, it is the responsibility of each member to:

1. Satisfy him or herself as to the content of the policies on offer, the terms and conditions, and the premium applicable to them;
2. Ensure that their application and payment for professional indemnity insurance is submitted as soon as possible, in order to allow adequate time for the insurer to notify the barrister, the WABA and the Legal Practice Board;
3. Submit their application and payment for renewal of their practising certificate to the Legal Practice Board by 31 May 2019.