

# Limitation of Liability Scheme – Discretionary Higher Cap Application Form



Clauses 4.1 and 4.2 of the Queensland Law Society Limitation of Liability Scheme (the Scheme) provide that:

4.1 Queensland Law Society has discretionary authority, on application by a Participating Member, to specify in relation to the Participating Member, a higher maximum amount of liability (monetary ceiling) than would otherwise apply under the Scheme in relation to him or her either in all cases or any specified case or class of case.

4.2 If, in the exercise of its discretion under clause 4.1, Queensland Law Society has specified a higher maximum amount of liability (monetary ceiling) than would otherwise apply under the Scheme in relation to a Participating Member, the maximum amount of liability (monetary ceiling) in relation to that Participating Member is that higher maximum amount.

## Section A: Applicant details

Applicant (*law practice name*)

Business address

Suburb

State

Postcode

## Section B: Application

I/the law practice make/s application for a higher maximum amount of liability than that required under the Scheme.

*Please complete Section C and Section D or E*

## Section C: All cases

*If this application is sought to apply in all cases please tick the appropriate box.*

Yes  No, if no please complete Section D or E

## Section D: Class of case

*If this application is for a class of case, please provide details here or by annexure.*

Class of case

Transaction type

Effective date

From \_\_\_\_\_ to \_\_\_\_\_

## Section E: Specific case

*If this application is for a specific case, please provide details here or by annexure.*

Specific case

Transaction type

Effective date

From \_\_\_\_\_ to \_\_\_\_\_

## Section F: Limitation amount

*Queensland Law Society is requested to specify the following higher amount of liability pursuant to clauses 4.1 and 4.2 of the Scheme.*

Higher maximum amount of liability sought \$ \_\_\_\_\_ million

My/our current limitation amount under the Scheme \$ \_\_\_\_\_ million

Please complete and return this form to –

Queensland Law Society, GPO Box 1785, Brisbane Qld 4001 | p 1300 367 757  
f 07 3220 0616 | capscheme@qls.com.au | For more information visit qls.com.au | ABN 33 423 389 441

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<b>Section G: Declare and sign</b>
<p>I/the law practice</p> <p>1. Provide the required documents and statements in relation to top-up insurance (See 'requirements of members' in <i>Limitation of Liability Scheme: Guidance for members</i>.)</p> <p>Members who are either in Class 2 of the Scheme, or who apply to Queensland Law Society for approval of a higher monetary ceiling under Queensland Law Society's discretionary authority, must either:</p> <p>(a) submit a copy of the standard policy under which they are insured; or</p> <p>(b) submit broker's advice as to the compliance of any insurance policy with the Society's standards.</p> <p>Where costs-inclusive cover is obtained, sign a statement to the effect that either:</p> <p>(c) coverage has been obtained sufficiently above the relevant liability cap under the Scheme so as to ensure sufficient funds to cover defence costs; or</p> <p>(d) the Scheme member has the capacity to fund any additional defence costs from available assets.</p> <p>2. Undertake to notify Queensland Law Society of any subsequent change in the circumstances referred to in this application that are relevant to Queensland Law Society's exercise of its discretionary authority, including any relevant changes in insurance arrangements.</p> <p>3. Agree that any reasonable period of notice may be given to me/the law practice by Queensland Law Society of a change to the higher maximum amount of liability where Queensland Law Society, in its absolute discretion, determines that the period of notice is reasonable in the circumstances, including where I/the law practice cease/s to have the benefit of insurance of an appropriate standard and level.</p>
<p>Signed (<i>must be a solicitor and member</i>)</p>   
<p>Name</p>   
<p>Law practice name</p>   
<p>Date</p>   

<b>Privacy</b>
<p>Queensland Law Society ('the Society') is authorised to collect your personal information under the <i>Professional Standards Act 2004</i> (Qld) for the purpose of carrying out the Society's statutory obligations and duties.</p> <p>In addition, the Society intends to use the personal information you have provided in this form for a number of other purposes including:</p> <ul style="list-style-type: none"> <li>• updating and maintaining details relating to your practice of law, including publishing any of the business details in any of the Society's publications;</li> <li>• providing the business details to members of the Public through the Society's website search functions.</li> </ul> <p>The information may be provided to various third parties such as the Professional Standards Council and Lexon Insurance Pte Ltd.</p> <p>In accordance with the <i>Electronic Transactions (Queensland) Act 2001</i>, the Society may provide notices, to you by electronic communication. By completing this application, your consent to this form of contact is taken to be given.</p> <p>The Society may also use third parties to administer and deliver services and communications to practitioners by email or mail. Some third party suppliers or their products and services are located overseas. Business details and personal information you choose to provide on this application may be transferred to an overseas recipient and stored overseas to administer such services and communications to you. By completing this application, you agree to this transfer and Australian Privacy Principle 8.1 will not apply to this disclosure.</p> <p>If you do not wish your details to be used for any one or more of the above purposes, you should advise Records and Member Services of the Society, GPO Box 1785, Brisbane Qld 4001 in writing.</p> <p>Further details about the Society's Privacy Statement, Plan and Code of Practice and the collection of personal information may be found on the Society's website, <a href="http://qls.com.au">qls.com.au</a>.</p> <p>Certain information from this form appears on our website <a href="http://qls.com.au">qls.com.au</a>.</p>