

Fact Sheet

Options for claiming for damage or loss



WAVERLEY
COUNCIL

If you believe you have Public Liability claim against Council, you have 2 lodgement options

Option A

Make a claim against your own insurance policy

For your Motor Vehicle damage, or your Property damage

Your Insurer may consider seeking recovery against Council. In general, insurance companies will pursue Council for reimbursement on your behalf where they consider Council to be liable. In such cases, you may not be responsible to pay your excess, or may not lose your no-claim bonus, if that claim is successful against Council - you should discuss this with your insurer prior to lodging a claim as this is dependent on your policy and your insurer.

Option B

Make a claim directly to Council

For your Personal Injury, your Property, or your Motor Vehicle damage

If you are seeking compensation directly from Council for injury, loss or damage arising from an incident you will need to submit a letter of demand (or email) detailing why Council is responsible along with proof of loss. For example, if you are submitting a Motor Vehicle or Property claim 2 quotes for the repairs will need to be provided.

Council will investigate the circumstances surrounding the incident or matter to establish whether or not the Council has any legal liability.

Completion and acceptance of this documentation does not represent an admission of liability or a waiver of its rights on the part of Council. Your claim will be subject to investigation and the findings assessed on its merits.

We will endeavour to respond to claims as quickly as possible. However, the processing of claims is dependent on the supply of all relevant information and the claim type and therefore assessment of your claim may take some time to complete.

If you choose to make a claim directly to Council (Option B), the following information outlines what you'll need to provide and how your claim will be assessed.



Need help with a claim?

Contact Council on (02) 9083 8000 or email claims@waverley.nsw.gov.au

Option B

Lodging Your Claim With Council

In any public liability claim, the burden of providing proof of negligence rests with you as the person seeking compensation. Council cannot assist you in this. You may find the following information useful in preparing your claim.

1. Evidence

For a claim to be accepted for assessment by Council there must be sufficient evidence that indicates Council's liability. The evidence needs to reasonably prove that:

- The incident occurred as described
- Damage was sustained as a result of the incident
- Council is responsible for the incident and/or the damage or loss

We will need the following information and evidence from you to undertake the claim assessment:

- A detailed description of what occurred and where this occurred
- When it occurred (the date of the incident)
- Photos showing the damage and of the broader area the incident took place
- Any video footage of the incident
- Witness statements from persons who witnessed the incident
- 2 quotes for work covering the repairs
- Any other information you would like to provide that you believe supports your claim

2. Photos

One of the most effective ways to avoid confusion about the circumstances surrounding your claim is the use of photographs. Council uses photographs to be sure that it is investigating the correct issues. You are requested to provide a variety of shots and angles to clearly show the situation that supports your claim. Please ensure that you only take photographs if it is safe to do so. Your photographs need to show the following (where applicable):

- The area of property that has sustained damage
- A clearly marked area where the incident occurred or the matter is located, as relevant
- Perspective from at least 2 directions
- An indication of size/height etc. of the subject matter. You can use whatever relative objects you have that help provide that indication (e.g. coins, notes, ruler, shoe, mobile phone, etc.). Poor quality subject matter, or insufficient photos, will not assist your claim.

3. Process

Once your claim is submitted with the evidence you will be sent an acknowledgement. Your claim may be referred to Council's Claims Management Agent, JLT Australia for their management. In conjunction with JLT Australia, Council will factually investigate the circumstances surrounding the incident.

To ensure transparency and consistency we thoroughly and individually investigate each claim before any determination is made regarding Council's negligence and/or liability. You will be advised by JLT Australia of this claim determination in writing.

4. Liability

Before Council is obliged to pay compensation for any injury, loss or damage suffered, it must be established that this injury, loss or damage was caused as a result of Council's negligence. This is usually undertaken by determining:

- Did Council have a duty of care
- Did Council breach that duty of care

There is also specific legislation that provides for when Council may not be liable, and this can be dependent on the type of claim.

Council reserves its right to recover all or any costs that have been unnecessarily or unreasonably incurred by the Council in successfully defending insurance claims made against the Council.



APPLICATION FOR Public Liability claim form

OFFICE USE ONLY

Reference No.

About this form

Use this form to submit a claim for loss, damage or injury you believe has occurred due to Council's actions or public infrastructure.

Applicant details

Full Name:

Address:

Postal address (if applicable) :

Phone contact:

Email:

Nominated contact details

Will someone else be acting on your behalf? If yes, please complete the below

Full Name:

Relationship:

Phone contact:

Email:

I authorise the above nominated contact to act on my behalf in relation to this claim only.

Signature:

Date:

Postal address

PO Box 9, Bondi Junction NSW 1355
ABN 12 502 583 608

Waverley Council Service Centres

Bondi Junction Customer Service Centre, 55 Spring St, Bondi Junction NSW 2022
Bondi Pavilion Customer Service, Queen Elizabeth Drive, Bondi Beach NSW 2026

W waverley.nsw.gov.au

E info@waverley.nsw.gov.au
T (02) 9083 8000

You can contact us through the **National Relay Service**
if you are deaf or have a hearing or speech impairment.

Translating and Interpreting Service (TIS)
131 450

TTT/Voice Calls
133 677

Speak & Listen
1300 555 727

Nature of claim

(select applicable)

Property	Motor Vehicle	Injury
Other (description):		
Date of incident/injury :		Time:
Location:		
Cross street or landmark (if applicable):		

Have you reported this to council?

If yes, please provide the report/merit number:

Description of loss/damages

Reason why Council is liable for the loss/damages:

Cost you have incurred directly related to this incident/injury?

Please include invoices/receipts/quote with this claim form, including images of loss/evidence or supporting documents.

Amount/estimate: \$

Have you lodged a claim with your insurance company?

If yes, please provided details

Claim number:		Insurance company:	
Contact name:		Contact number/email	

Disclaimer

We will investigate to determine if Waverley Council is liable for any wrongdoing, or if it breach its duty of care and our Insurers may also be in contact with you for further information.

Kindly note that there is no automatic right to compensation.

When we determine our legal liability to pay a claim, we consider relevant case law and legislation including the Civil Liability Act 2002 in our assessment.

Declaration

I declare the above information is true and correct in every detail.

Signature:

Date:

Privacy Statement:

Waverley Council is collecting and holding your personal information for the purpose of processing your request or application. The intended recipients of your personal information are relevant Council officers only. We will not disclose your personal information to anybody else unless you have given consent, or we are authorised or required to do so by law. If you do not provide your personal information, we may be unable to process your request or application. To access or correct your personal information, please contact info@waverley.nsw.gov.au or call 9083 8000. For further details on how Council manages your personal information, please refer to the Privacy Management Plan on our website: waverley.nsw.gov.au/privacy

OFFICE USE ONLY

Receipt No

Date

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