

**Contact Details:**

Postal Address: PO Box 177, Macksville NSW 2447
Telephone: (02) 6568 2555

Office Location:

44 Princess Street, Macksville NSW 2447

Website:

www.nambucca.nsw.gov.au

Email:

council@nambucca.nsw.gov.au

Updated: 05/21 Our Ref: 25345/2021

CLAIM FOR COMPENSATION FORM

You must read and acknowledge these terms before completing the Claim for Compensation

- 1 This form should only be used if you intend making a claim for compensation against Council. *Please note:* making a claim does not automatically entitle you to compensation for loss or injury.
- 2 The provision and receipt of this form is not an admission of liability.
- 3 This form should not be used if:
 - You only wish to report an incident; you are requesting repairs to Council property (i.e. roads, footpaths) or you are making a complaint. In those circumstances, you should contact the Business Services Unit on (02) 6568 2555 for further information.
 - Your incident involved a pit lid or similar infrastructure owned by a utility (e.g. Telstra, Optus, NBN, gas, power authority etc.). Please refer your claim directly to the utility provider.
- 4 All documents you wish to be considered should be submitted with this form. It is in your interest to submit as much information as possible. These documents could include photos, repair quotes, invoices, receipts, medical reports or engineers' reports depending on the incident.
- 5 Council will make enquiries about the circumstances surrounding the incident to establish whether or not Council has any legal liability. All claims will be considered on an individual basis. Council is not liable for loss or damage unless it has acted negligently or in breach of some other aspect of the law. It is your responsibility to provide evidence that Council has acted negligently.
- 6 It is your responsibility to put an estimated value on any property loss and we require original receipts or invoices and/or two repair/replacement estimates, along with confirmation of the age of the damaged item/s.
- 7 It is your duty to take reasonable steps to reduce the value/extent of any loss and to ensure as far as possible that your property is not damaged further.
- 8 In the absence of comprehensive evidence or if you dispose of any damaged property before Council have had the opportunity to carry out its enquiries, your claim will not be considered.
- 9 Any alleged loss that is found to have been fraudulent, falsely stated or exaggerated will be passed onto the relevant authorities for investigation and may be subject to prosecution.
- 10 Under most circumstances, your loss or damage will be covered by your own insurance e.g. car, buildings, contents. A claim on your insurance policy is likely to be resolved more quickly than a claim against Council because you will not need to establish negligence. Your insurance may also provide better benefits and settlement terms such as "new for old" whereas Council's liability is legally limited to the value of loss immediately prior to the incident.
- 11 Your claim will be acknowledged within 7 working days.
- 12 Each claim is determined based on its individual facts and circumstances.
- 13 Council's decision may be based on the relevant provisions of the Civil Liability Act 2002, specifically sections 42 and 45 of that Act.
- 14 If Council is prepared to accept your claim, we will send you a Deed of Release which needs to be signed in the presence of a witness and returned to Council, following which payment will be arranged.

Acknowledgement of Terms

- I acknowledge I have read and understand the terms as outlined above.

DETAILS OF THE APPLICANT

Title: _____
Given Name/s: _____
Surname: _____
Postal Address: _____
Telephone: _____
Mobile: _____
Email: _____

DETAILS OF THE INCIDENT

Type of Compensation Sought (Please tick):

- Property Damage
- Motor Vehicle
- Personal Injury
- Other

Date of the incident: _____

Time of the incident: _____

Please provide full details of the incident and why you believe Council is liable:

LOCATION OF THE INCIDENT

Address: _____

Suburb: _____

Please provide details of the exact location of the incident:

Please **attach** photos of the location.

COMPENSATION SOUGHT

Please provide details of the compensation you are seeking:

Total amount: \$_____

Please attach proof of loss (ie. quotes, invoices).

INSURANCE DETAILS

Note: If you have claimed under your insurance, you cannot also claim from Council. If the insurer considers Council to be liable for this incident, the insurer can attempt to recover the cost of the claim from Council on your behalf.

Have you claimed against your insurance: **Yes** **No**

If you answered yes, please provide the following details:

Insurance Provider: _____

Claim / Policy Number: _____

Contact Name: _____

Contact Phone Number: _____

EVIDENCE

In order to succeed in your request for compensation, you will be required to establish that Council caused the alleged loss and/or damage through some form of negligence. In any public liability claim, the burden of providing proof of negligence rests with you as the person seeking compensation, Council cannot assist you with this.

One of the most effective ways to avoid confusion about your claim is through the use of photographs. Without this information, Council cannot be sure it is making enquiries about the correct issues. Council recommends that photographs show the following:

- The area of property/vehicle that has sustained damage
- A clear marking on the photo showing an area where a trip and fall occurred
- Clear photographs of roots and trees if you are making a tree root claim

Please attach photographs in support of your claim.

DISCLAIMER

Completion and acceptance of this form **does not represent an admission of liability** on the part of Council. All incidents/claims will be considered on a Without Prejudice basis. While Council sympathises with anyone suffering injury or sustaining loss, the acceptance of a completed claim form by Council in no way infers negligence on the part of Council or binds Council to provide compensation.

PRIVACY AND PERSONAL INFORMATION PROTECTION STATEMENT

To view the privacy and personal information protection statement please refer to the document located at the end of this form.

Privacy Acknowledgement

I acknowledge the privacy and personal information notice as outlined above.

APPLICANT'S DECLARATION

I certify that the information given in this form is truthful, accurate and complete. No information likely to affect this claim has been withheld.

I understand that if this claim is found to be fraudulent, or deceptive to gain money or other items of value, Council may refer the matter to the NSW Police for prosecution under the *Crimes Act 1900 and Crimes Amendment (Fraud, Identity and Forgery Offences) Act 2009*.

I understand that this claim may be refused if information is untrue, inaccurate or concealed.

I acknowledge that I/we have read, understood and accepted the terms of this form, the Privacy and Personal Information Protection Notice above and consent to the collection, storage, use and disclosure of personal and sensitive information of all persons affected by this claim, with their approval.

I acknowledge that if I do not agree to the collection of this personal and sensitive information then Nambucca Valley Council will be unable to process my claim.

Applicant Acknowledgement

I acknowledge the Applicant Declaration as outlined above

NAMBUCCA VALLEY COUNCIL DISCLAIMER AND INTERNET PRIVACY STATEMENT

Disclaimer

Nambucca Valley Council has used reasonable endeavours to ensure that material (defined as all data available from Council websites, e.g. webpage content, contact details, maps, photos or images, graphs or charts, weather or news data, information obtained from online services, etc.) contained on this webpage (and all other websites under Council control) was correct and up-to-date at the time the page was created or last modified.

However, Nambucca Valley Council gives no warranty and accepts no responsibility for the accuracy or the completeness of the material; no reliance should be made by any user on the material, but instead the user should check for confirmation with the originating or authorising business unit, department or other body; and Nambucca Valley Council reserves the right at any time to make changes as it deems appropriate.

Nambucca Valley Council provides external links as a service to users of its website. In providing an external link the Nambucca Valley Council does not accept responsibility for or endorse the content or condition of any linked site.

Privacy Statement

This Privacy Statement applies to all the publicly accessible pages on the Nambucca Valley Council website.

Users of the Nambucca Valley Council site are entitled to expect that any information as a result of that use will be treated within the terms of the NSW Government's privacy responsibilities and obligations. Our privacy practices are regulated by the *NSW Privacy and Personal Information Protection Act 1998*.

What information do we collect?

When you look at the pages on the Nambucca Valley Council site, our computers automatically record information that identifies, for each page accessed: The IP (Internet Protocol) address of the machine which has accessed it; your top-level domain name (for example .com, .gov, .au, .uk etc.); the address of your server; the date and time of your visit to the site; the pages accessed and documents downloaded; the previous site visited; and the type of browser and operating system you have used.

How do we use the information collected?

The information collected during each visit is aggregated with similar logged information and published in reports in order for Nambucca Valley Council to identify patterns of usage of the site. This will assist us in improving the site and the services offered on it.

Nambucca Valley Council will not disclose or publish information that identifies individual machines, or potentially identifies sub-groupings of addresses, without consent or otherwise in accordance with the *NSW Privacy and Personal Information Protection Act 1998*.

What exceptions are there to this rule?

Nambucca Valley Council will collect, use and disclose more extensive information than stated above in the following circumstances:

- Unauthorised attempts to access files which are not published Nambucca Valley Council pages.
- Unauthorised tampering or interference with files published on the Nambucca Valley Council site.
- Unauthorised attempts to index the contents of the Nambucca Valley Council site by other sites.
- Attempts to intercept messages of other users of the Nambucca Valley Council site.

- Communications which are defamatory, abusive, vilify individuals or groups, or which give rise to a suspicion that an offence is being committed.
- Attempts to otherwise compromise the security of the web server, breach the laws of the State of New South Wales or Commonwealth of Australia, or interfere with the use of the Nambucca Valley Council site by other users.

Nambucca Valley Council reserves the right to make disclosures to relevant authorities where the use of the Nambucca Valley Council site raises a suspicion that an offence is being, or has been, committed. In the event of an investigation, Nambucca Valley Council will provide access to data to any law enforcement agency that may exercise a warrant to inspect our logs.

Conclusion

Nambucca Valley Council is confident that if users bear in mind the matters described above, then this site, and the online discussion forums and chat sessions which take place on the site, will provide both a fantastic information source as well as a unique opportunity for you to share your views on relevant topics. We trust that you will enjoy using the site as much as we look forward to hearing your views and opinions.

If you have any questions in relation to the site or would like more information about Nambucca Valley Council please feel free to contact us.

Nambucca Valley Council does not have any responsibility for the privacy policies or practices of third party sites linked to Nambucca Valley Council's site.