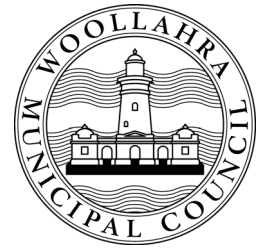


Fact Sheet No.1



Information required when lodging a Property Damage &/or Personal Injury claim against Woollahra Council

Last Updated: October 2022

If your property has been damaged, or you have suffered an injury, and you believe it was caused in some part by Council, it is important to note what Council's claims process entails, and your responsibilities to substantiate your loss. Before lodging a claim against Council, we require the following to investigate and assess your claim.

What information will I need to provide when making a claim?

In order to expedite any alleged claims against Council, we would ask that you provide a detailed description of the incident including:

- The date and time of the incident
- The exact location where the incident occurred including nearest cross street or landmark
- How Council allegedly caused the incident/or is at fault

You are also required to provide all available documents or information which support and validate your claim, including:

- Any available photographs of the damage to the property and/or the incident site.
- The names and contact details of any witnesses to the incident.
- Details of any report made to the police or event number if applicable
- Any other documents that support your claim.

If structural damage has occurred to your property, please provide:

- A structural engineers report

In addition to the above, you are required to submit documents that prove ownership of the damaged property.

If you are making a claim for a damaged motor vehicle, provide a copy of the current Registration Certificate. If you are not the registered owner /operator of the vehicle, provide a letter from the registered operator supporting the claim.

If the property is owned or registered in the name of a Company, provide a letter from a Director of the Company (or an authorised representative) supporting the claim.

What further information may I be asked to provide?

It is asked that you provide all available documents that support the amount you are claiming from Council.

If you are making a claim for damage to property or a motor vehicle, provide:

- Two written quotations itemising the works if the damage has not been repaired; or
- A copy of the tax invoice itemising the works if the damage has been repaired.

How do I provide Council with information related to my claim?

Email: records@woollahra.nsw.gov.au

Mail: General Manager
Woollahra Council
PO Box 61
Double Bay NSW 1360

Fax: (02) 9391 7044

Please note that in requesting the material referred to in earlier in this document, Council is not making any admission to liability but merely obtaining factual evidence to enable an appropriate investigation to occur.

You are only required to submit documents or information in support of your claim if it has not previously been provided.

What can I expect after I submit my claim to Council?

You should expect to receive an email acknowledging receipt of your claim or requesting further information within 10 business days.

When you have provided sufficient information in support of your claim, an investigation will be undertaken by the Council. The standard investigation time is a period of 4 to 6 weeks.

From time to time it is reasonable to expect that claims involving high levels of complexity and the need for multiple technical expert reviews may exceed this timeframe.

You may be required to provide a signed statutory declaration outlining the allegations made against Council.

In the process of considering your claim Council may appoint a suitably qualified expert to assist with its investigation. If this is required, Council will contact you to make the necessary arrangements.

Your claim may need to be referred to a contractor or another service utility such as Sydney Water, Telstra, Ausgrid etc. If your claim is referred to another organisation not associated with the Council you can expect to be advised in writing as soon as possible and provided with the relevant contact details for you to pursue directly with them.

Once we've investigated your claim we will write to tell you the outcome.

Determination by Council

When the investigation is completed you will be notified of Council's decision in writing.

Each Claim is investigated and determined based on its individual facts and circumstances. Council decision may be based on the relevant provisions of the *Civil Liability Act 2002* (NSW), specifically Sections 42 and 45 of this Act.

Other factors or legal issues may also be relevant to your claim and we will advise you of these in writing when the investigation is complete.

If:

- You dispute a decision made by Council you can request a re-investigation by providing written reasons outlining why you dispute the decision.

- 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 to the owner or authorised person of the damaged property.

Please note that Council reserves the right to recover all or any costs that have been unnecessarily or unreasonably incurred while defending claims.

The Council is a publicly funded organisation and all claims are investigated thoroughly to ensure validity.

Role of the Mayor and/or Councillors

Please note that the Mayor and/or Councillors have limited ability to assist residents or claimant in response of a Claim.

This is because the Mayor and/or Councillors:

- have no role in the determination of claims
- cannot direct Council staff regarding the acceptance or payment of a claim; and
- cannot direct any Council staff or Council regarding the way in which a claim is handled or whether an agreement is reached.

Contact Details of major Service Providers

Alternatively, Council has summarised the contact details of a number of major Service Providers in the municipality as follows:

Ausgrid

<https://www.ausgrid.com.au/Contact-Us/Make-a-claim-Step-1>

Telstra

<https://say.telstra.com.au/customer/general/forms/report-damage-to-telstra-equipment#:~:text=If%20you%20think%20damag e%20to,other%20property%20involving%20our% 20equipment>

Sydney Water

<https://www.sydneywater.com.au/water-the-environment/what-you-can-do/claim-for-damages.html>

NBN Co

https://www.nbnco.com.au/corporate-information/contact-us/contact-us-form?enquirytype=reporting_damage