

# Procedure for Making a Claim Against the Council for an Alleged Loss



## Claimant's Procedure for Making a Claim

For Council to consider a claim by a third party for an alleged loss, the claimant is required to do the following.

1. Put the claim in writing. The letter / email should include as much detail as possible about the incident, such as:
  - Date / Time
  - Circumstances
  - Conditions (eg. weather, traffic, other)
  - Exact location of the incident. If due to a road failure, please include number of kms from nearest landmark (eg. property number, bridge or cross street etc)
  - Name of road and locality
  - Direction of travel
  - Photographic evidence of the hazard the claimant believes caused the loss
  - Photos of the item allegedly damaged
  - Witness details and/or statements
2. At least two quotes for repairs to the damaged item.
3. An explanation why the claimant believes Council is responsible for the alleged damage.

The information relating to the claim should be forwarded with a covering letter or email to:

Post: Legal Officer  
Queanbeyan-Palerang Regional Council  
PO Box 90 Queanbeyan NSW 2620

E-mail: [Council@qprc.nsw.gov.au](mailto:Council@qprc.nsw.gov.au)

## Council's Procedure for Determining a Claim

Council will investigate the claim and gather information relating to the circumstances of the incident, the extent of the hazard, any factors that contributed to the formation of the hazard and the evidence presented by the claimant. A determination will then be made by the Council whether it will reimburse the claimant.

If a claim relates to a site or project managed by a Council contractor, the claim may be referred to the Contractor for consideration / determination.

In making a determination, Council's main consideration will be whether it has in any way contributed to the incident or has been negligent in carrying out its functions as the authority responsible for the infrastructure. This includes whether Council had prior knowledge of the hazard that contributed to the damage and if so, whether it responded appropriately and within the scope of any maintenance and quality standards that apply. Council will also consider whether it believes it has reasonably carried out its functions in line with the resources available to it.

If Council believes it has not been negligent, it reserves its right to deny the claim in line with the provisions of the Civil Liability Act 2002.

Where Council accepts a claim, Council will only reimburse for the loss once a copy of a **paid** invoice for the repair or replacement is provided to Council.

Determination of claims made relating to the roads listed below are made in consultation with Roads & Maritime Services (RMS) and within the bounds of standard conditions of settlement imposed by that authority.

- Council works under contracts with RMS for State roads include the Kings Highway, Braidwood/Goulburn Road and Sutton Road.