

Important Information Regarding Claims Against Cairns Regional Council

Please note that Cairns Regional Council (Council) is not automatically liable for a claim because it owns an asset or is responsible for the land on which an asset is located (e.g. potholes, trees). Similarly, Council is not liable for damage resulting directly from weather events (including rain or wind) or other circumstances beyond its control.

If you wish for Council to consider your claim, it is your responsibility to provide sufficient evidence to support it. This includes information that may demonstrate Council has breached its duty to take reasonable precautions against a foreseeable risk of harm, as outlined in section 9 of the *Civil Liability Act 2003*. Failure to provide sufficient supporting evidence may cause a delay in Council processing the claim.

To establish a finding regarding liability, an investigation will be conducted which will take into account various factors, which include, but are not limited to:

- Specific circumstances around the injury, loss and/or damage;
- Support evidence provided by the claimant;
- Relevant searches of records held by Council;
- Consultation with Council's operational teams; and
- Legislation and relevant policies, guidelines and procedures.

Council will assess, investigate and action most claims internally through its Governance Unit; however, in certain circumstances, such as personal injury liability claims or more complex, high value property damage claims, Council may be required to refer these to its insurer.

Please be aware that this notice does not constitute legal advice, and Council does not provide legal advice. Submitting a Claim Form allows Council to assess the information you provide, but it does not initiate legal proceedings.

If Council's review of your submission indicates that the matter may involve a contractor or third party, you will be advised to contact them directly. Council does not accept liability for losses arising from the actions of contractors or other external parties. Further to this, providing contact details for another party does not imply that Council considers that party is liable.

All properly completed Claim Forms are reviewed, but acceptance of a Claim Form does not mean Council accepts or acknowledges any liability for the matter raised.

Further Assistance

Where necessary, a Council Officer may help you by providing information on how to make a complaint, including how it should be documented. The aim is to help clarify your issue and the outcome(s) you seek.

If you need language assistance, please call the National Translating and Interpreting Service (NTIS) on 131 450. Advise the NTIS of your preferred language and ask to speak with Cairns Regional Council Customer Service on 1300 69 22 47.

If you need assistance because of a hearing or speech impairment, please contact the National Relay Service on 133 677. If you can speak and hear but sometimes people have trouble understanding you, the number to call at the Relay Service is 1300 555 727.

Liability Claim Form

Notice of Injury, Loss or Damage

Purpose of Form: The information disclosed by you in this Claim Form will be used to assess, process and investigate the incident, consider and respond to a claim (including in the course of legal proceedings), to take any necessary remedial action in respect of the incident and for the purpose of risk management activities. We may disclose any information you provide to Council's insurers and advisers, including investigators and legal advisers

1. Personal Details	
First Name/s:	Surname:
Address:	
Contact details	Email:
	Phone:
Would you like to be contacted via email: Yes No	
Do you want a Third Party to act on your behalf? Yes No	
If Yes, please provide third party details below:	
First Name/s:	Surname:
Address:	
Contact details	Email:
	Phone:
Are you the person affected by the liability insurance claim? Yes No	
If not, what is the name of the person affected?	
Written/verbal authority from the person affected is attached Yes No	
2. Occurrence	
Type of Incident: <i>Property Damage</i> <i>Personal Injury</i>	
Date:	Time:
Have you reported this matter previously? Yes No Reference Number:	
If so, what was the reference number:	
Details of incident. (Specific location, address, site where incident occurred, vehicle registration and details.)	
What is the cause of the incident?	

Details of whether you spoke to a Council officer at the time of the alleged incident. If so, include the details and if possible, the officers name or a Statutory Declaration from an independent third-party party witness to the incident.

Set out the reasons why you believe Council was negligent and liable your loss - as provided for by the *Civil Liability Act 2003* (Qld).

Estimate of Loss / Claim \$

Supporting Evidence

2x Repair Quotations and/or paid tax invoice. <i>Claims for Property Damage will only be considered when two quotes are submitted. Please ensure that the quotations are in the name of the person lodging the claim with Council.</i>	<input type="checkbox"/>
Personal Injury form 1. https://www.justice.qld.gov.au/_data/assets/pdf_file/0003/26724/Personal_injury_form_1.pdf	<input type="checkbox"/>
Photos of the location of the incident and/or damage sustained.	<input type="checkbox"/>
Further information to support your claim	<input type="checkbox"/>

Declaration

By providing information relating to a request for Compensation claim you are confirming that all information is to the best of your knowledge, true and correct and if found not to be, Council reserves the right to refuse or deny a claim.

Signature

Name

Date

Submit this completed form with all attachments via email to Claims@cairns.qld.gov.au or in person at 119-145 Spence Street, Portsmith, Cairns, QLD, 4870.