

## Notice of Injury, Loss or Damage

Only complete this form if you are the person claiming personal injury or you are the owner of the motor vehicle or property.

Please note that this Notice has been provided for the claimants' information only and does not form part of the claim.

### Making a claim

If you wish to make a claim, there are two options:

**1. Make a claim against your own insurance policy – for a Property or Motor Vehicle Claim**

Your insurer may consider seeking compensation against Noosa Council. Please note that this option may result in an initial upfront payment to your insurer for the applicable excess. In general, insurance companies will pursue Council for reimbursement where they consider Council to be liable. In such cases, the excess amount may be waived. You should discuss this with your insurer prior to lodging a claim with Council.

**2. Make a claim directly to Noosa Council – for Personal Injury, Property or a Motor Vehicle Claim**

If you are seeking compensation directly from Noosa Council for injury, loss or damage arising from an incident, please complete the Claim Form and provide supporting documentation and images as required. We will investigate the circumstances surrounding the incident to determine Council's legal liability for the claim.

Completion of a Claim Form is not a substitute for the following:

- 'Notice of a claim' as required under the *Personal Injuries Proceedings Act 2002*(QLD); or,
- 'Claim' or 'Statement of Claim' as required under the *Uniform Civil Procedures Rules 1999*(QLD).

### Assessing a claim

Council is required to follow due process when assessing any claim for compensation to ensure all claimants are treated equitably. Timeframes can vary due to factors outside of Council's control, including delays in obtaining information and the complexity of the claim. Acceptance of a completed Claim form is not an automatic acceptance of liability.

Noosa Council is not liable for any injury, loss or damage you have suffered unless you can prove Council has acted negligently or is in breach of the law.

The fact that an incident has occurred on Council owned or managed land does not automatically mean Council is liable or will provide you with compensation.

Your claim will be assessed in accordance with legislative requirements including, but not limited to:

- Civil Liability Act 2003
- Transport Operations (Road Use Management) Act 1995
- Transport Infrastructure Act 1994
- Noosa Shire Council Local laws

- Council's policies and procedures
- Insurance policies and procedures

Where relevant, Council will rely on protections provided in the Civil Liability Act to defend a claim.

Where your claim is related to a Council contractor, you will be advised to contact the contractor directly.

Establishing negligence can be time consuming and often difficult. If you hold an insurance policy that provides cover for this type of loss, such as motor vehicle or domestic insurance, you may find it quicker and easier to lodge a claim with your insurer. Any compensation paid by Council comes from Council's general account - that is, ratepayer funds.

## Privacy

Noosa Council is committed to protecting your privacy and personal information. Personal information is information or an opinion about an identified individual, or an individual who is reasonably identifiable. Information is identifiable if the relevant person can be identified. Examples might include your name, email or phone number.

In recognising the importance of protecting your personal information, Council takes all reasonable steps to comply with Australian Privacy Principles, statutory requirements and Council's Privacy policy.

To enable Council to perform its function(s), Council may collect and hold personal information, which includes but is not limited to: names, addresses, telephone numbers, credit card details and email addresses.

By providing Council with your personal information, you consent to Council storing, using and disclosing your personal information to enable Council to perform its functions.

If you choose not to provide the information it may affect our ability to respond and deliver services.

Information will be stored in Council's electronic database and will only be available to authorised Council Officers, contractors and agents and will be kept, stored and secured in accordance with legislative requirements.

Your information can be checked for accuracy by calling Council on (07) 5329 6500 or attending at Council's Administration Office at 9 Pelican Street, Tewantin QLD 4565.

## Contact Us

If you have any queries about our Claim Notice and Form, please contact us at:

Governance Branch Noosa Shire Council  
PO Box 141  
TEWANTIN QLD 4565  
Email: [governance@noosa.qld.gov.au](mailto:governance@noosa.qld.gov.au)  
Ph: (07) 5329 6500

## Claim Form

- Provision of this claim form is not an admission of liability on our part.
- All questions must be fully answered in clear print or typed.
- Please continue on a separate sheet if necessary.
- The driver of the vehicle at the time of the incident must complete and sign this form. If the driver is not the owner of the vehicle, the owner must sign the declaration section of the 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. TYPE OF CLAIM

- Vehicle
- Other damage / loss
- Both vehicle and other damage / loss

### 2. PERSONAL DETAILS

Title:                      Surname:                      First Name(s):                      Postcode:

Address:                      Telephone:                      Email:                      Preferred method of contacting you (email / phone / post):

Do you want a third person to act on your behalf?     Yes                       No

If yes, please advise details of the third person acting on your behalf:

Relationship to third party:

Title:                      Surname:                      First Name(s):                      Postcode:

Address:                      Telephone:                      Email:                     

### 3. INCIDENT DETAILS

Date of incident:

Time of incident:

Details of incident / what happened?

Place where the incident occurred (street and town/suburb):

What is the exact location of the incident, including the nearest intersection? Where possible, provide a google map image of the incident location (as attachment):

What were the weather conditions at the time of the incident?

Do you regularly use the area where the incident occurred?  Yes  No

If "yes", how frequently?

Did you contact Council at the time of the incident?  Yes  No

If "yes", please provide the following:

- Council Officer's Name:
- Customer Reference Number:
- Provide details (include date and reference number if known). Attach copies of any documentation you have from your previous contact. Use a separate sheet if required:

#### 4. WITNESS/ES DETAILS

**Note:** A witness may be required to give evidence should the claim progress to Court.

As the claimant, providing witness details includes ensuring that witnesses consent to Council or its representative contacting them, where required.

Did anyone witness the incident?  Yes  No

##### Witness 1

Title: Surname:

First Name(s):

Address:

Postcode:

Telephone:

Email:

##### Witness 2

Title: Surname:

First Name(s):

Address:

Postcode:

Telephone:

Email:

## 5. CLAIM DETAILS

What damages and/or injuries have been sustained?

If an injury occurred, was medical assistance required?  Yes  No

If "yes", please provide details of doctors, medical centre and/or hospital attended:

What is the estimated cost of the claim?

Please attach 2 tax invoices or quotes to support your claim.

Have you claimed this incident against your own insurance?  Yes  No

Why do you believe Council is liable for the damages and/or injuries (continue on final page if needed)?

## 6. SUPPORTING EVIDENCE

All claimants must provide supporting evidence. Not providing all the requested information will cause a delay in determining your claim. The evidence required will depend on the nature of the claim and could include, but not limited to:

1. 2 x quotations and/or paid tax invoice;
2. Photographs from difference angles of the damage, injury and incident location;
3. A statement from any witness to the incident;
4. A structural or engineering report;
5. Documents from your medical professional/specialist related to all injuries;
6. Any other information to support your claim.

Have you reviewed the information above and uploaded/attached all relevant details in support of your claim?  Yes  No

**ADDITIONAL NOTES**

## 7. DECLARATION

I / We acknowledge that the completion of this Claim Form is not a substitute for :

- “Note of a claim” as required under the Personal Injuries Proceedings Act 2002; or
- “Claim” or “Statement of Claim” as required under the Uniform Civil Procedure Rules 1999

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

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

I/We acknowledge that I/we have read and understood the Information Privacy Act 2009 information referred to in this document 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/We acknowledge that Council’s acceptance of a completed Claim form is not an automatic acceptance of liability.

I/We declare that any attached quotation/invoices relates to the sole purpose of the incident as described in the Claim form.

Name:

Signature:

Date:

Complete claim forms can be returned by:

**Email:** [governance@noosa.qld.gov.au](mailto:governance@noosa.qld.gov.au) ; or

**Post:** Governance Branch, Noosa Shire Council, PO Box 141, TEWANTIN QLD 4565 or

**In Person:** Council Customer Service Centre, 9 Pelican Street, TEWANTIN QLD 4565