Claims Procedures

The following claims procedures will assist you when making a claim, ensuring that all claims are quickly and adequately managed. Contact details for the LGIS claims team can be found on the contacts sheet provided to you in your members manual.

For any assistance or information regarding claims, please contact your relevant claims team member.
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General procedures - all classes

Advise the LGIS claims team immediately after an event occurs or a potential situation arises that could result in a claim. Where a claim form is provided we will assist you with the completion of the document.

Complete the form, ensuring that all relevant questions are answered, and attach all relevant documentation to support the claim.

Specifically in regards to the claims which relate to Workers Compensation and Third Party claims (e.g. Motor Vehicle, Public Liability and Personal Accident policies):

- Do not incur any expenses by litigation or agreement, or admit liability verbally or in writing, otherwise you may prejudice your claim.
- Any Summons, Writ or other legal demands must immediately be directed to the LGIS claims team with a covering letter.
- Acceptance of liability will be provided by either the Scheme or your Insurer.

You must notify the police if a crime has been committed. Apart from assisting the police, be mindful of making statements to people who may not be acting in your best interest.

We suggest that you appoint one person within your organisation to manage each claim and to provide a central point of coordination.
LGIS Liability (public liability and professional indemnity) claims

To enable LGIS to act on your behalf upon receiving notification of an incident where a member of public has suffered an injury, financial loss or property damage which they claim you are responsible for, we require the following from the third party:

A written (letter / fax / email) request addressed to you (referred to as a ‘letter of demand’) that includes:

1. Details of the circumstances of the incident.
2. Time and date of the incident.
3. The address or location of the incident.
4. A specific request asking you to compensate or reimburse them for any loss suffered.

Please note:

1. The third party should not be encouraged to submit a letter of demand if they have not already indicated that they wish to be compensated in some way. If you are notified of an incident and the person does not indicate that they want to be compensated, you may wish to submit a ‘report only’ claim - this is denoted on the front page of the Public Liability claim form.
2. We recommend that you do not ask the third party to supply quotes or invoices, as some claimants assume they will automatically be reimbursed. In the event that LGIS Liability decides to settle a claim, we will request quotes / invoices prior to settlement negotiations.
3. No ‘forms’ of any kind (e.g. Incident Report Form etc.) can be used in place of a ‘letter of demand’.

What we require from you:

1. Completed Public Liability claims form which can be found on the LGIS website (pages 1, 2) and signed (page 4).
2. Page 3 of the Public Liability claim form to be completed and signed by the relevant overseer / engineer / supervisor.
3. The third party’s original letter of demand (or a copy).

The following information if available should be provided:

- A report describing all relevant details of the incident from your perspective.
- Photographs of the incident site / alleged hazard, preferably before any hazards are repaired.
- Copies of any relevant documentation related to the incident.
LGIS Property claims

For property claims, where practicable you are able to authorise your own repairs and LGIS Property will reimburse the cost as per the Property Protection Wording.

All claims to be notified as soon as ‘reasonably practicable’.

To enable a claim to be made, the following is required:

1. Complete the LGIS Property claim form, which can be found on the LGIS website.
2. Photographs of all damages.
3. A written estimate of repair costs.

Upon receipt of the above, the LGIS claims team will advise whether an assessor is to be appointed to assist in overseeing the repairs. Otherwise, you will be instructed by the LGIS claims team to proceed with the repairs / replacement once costs are verified as being in line with the basis of settlement section of the Protection Wording.

Invoices are to be forwarded to the LGIS claims team for reimbursement once completions of repairs / replacement has been done.

Workers Compensation claims

All claims must be submitted directly to LGIS WorkCare within the statutory timeframe. Claims forms can be found on the LGIS website.
Bushfire claims

LGIS bushfire injury claims

In the event that a volunteer is injured; priority should be given to seeking medical treatment. Once the volunteer or his representatives are able, they should lodge an insurance claim which should be forwarded to the LGIS claims team for processing.

The LGIS claims team will require:

1. Completed LGIS bushfire claim form.
3. Bushfire declaration, to be completed by the bushfire control officer or other member of the bushfire brigade under whose direction the injured person was fighting the bushfire at the time of the accident.

(The above forms can be obtained from the LGIS website).

Please note that in respect of claims for loss of earnings:

- The volunteer will need to produce sufficient evidence of his or her actual weekly earnings (e.g. payslips, tax returns etc.). Depending upon the complexity of the documentation provided, the LGIS claims team may need to refer the documentation to an accountant or similar - with the written approval of the volunteer.

- In the event that the volunteer does not agree with the LGIS claims teams decision concerning the claim, the matter can be referred to an independent arbitrator under the Commercial Arbitration Act 1985 (WA).

Bushfire motor vehicle and plant claims

Motor vehicle and plant damage

Loss of, or damage to any vehicle should be reported immediately to the LGIS claims team.

To enable a claim to be made, the following is required:

1. Completed motor vehicle claim form and one repair quote.
2. Bushfire declaration – to be completed by the bushfire control officer or other member of the bushfire brigade under whose direction the injured person was fighting the bushfire at the time of the accident.

The above forms can be obtained from the LGIS claims team. The claimant should provide the completed forms to you. They will be forwarded direct to the Insurer as per the normal motor vehicle claims procedure.

Third party liability

If any advice is received from a third party intending to take legal action against you personally or your brigade; then please notify the LGIS claims team immediately for instruction.

Please note: admissions of Liability and/or comments should never be given.
Major airport owners & operators liability claims

Please note: There is no claim form for claims under this policy.

In the case of any accident or occurrence likely to give rise to a claim under this policy or upon receipt of notice of any claim or of any other subsequent proceedings; you must notify the LGIS claims team via email to generalclaims@lgiswa.com.au with full particulars as soon as possible. This includes every letter, claim, writ, or summons.

The LGIS claims team will notify the applicable Insurers of the claim and provide you with an acknowledgement inclusive of any further advice or instruction.

Please note: No liability shall be admitted and no admission, arrangement, offer, promise or payment shall be made by you without the written consent of the Insurer.

Contract works claims

Please note: There is no claim form for claims under this policy.

Upon receiving notice of any claim or event giving rise or likely to give rise to a claim under this policy notify the LGIS claims team as soon as reasonably practicable via email to generalclaims@lgiswa.com.au with full particulars.

You must take all reasonable steps to mitigate the amount of the claim. You may immediately proceed with repairs to or replacement of damaged property without prejudice to the liability of the Insurer to indemnify you, provided notice and full particulars of the repairs or replacement are given to the Insurer as soon as reasonably practicable and any damaged parts are kept or photographic evidence obtained for inspection on behalf of the Insurer.

Please note: No liability shall be admitted and no admission, arrangement, offer, promise or payment shall be made by the Council without the written consent of the Insurer.

Please be advised that the insurer has the option to take control at its own expense the defence or settlement of any claim in your name.
Corporate travel and personal accident claims

In the event that a volunteer, including councillors, sustains an injury whilst carrying out duties on behalf of the local government or loss or damage occurs in relation to travel (as per the policy wording), please observe the following procedures:

Corporate travel
If there is any loss or damage which may result in a claim under this policy, you must notify the LGIS claims team as soon as practicable and complete the employee business travel claim form, returning it to the LGIS claims team via email to generalclaims@lgiswa.com.au along with all available supporting documents without delay.

For overseas advice and assistance for emergency medical, crisis management and temporary security measures please contact Chubb response 24/7:
Reverse charge ph: +61 2 9929 2216
Fax: +61 2 9929 2217
Email: assist@medicalassistance.com.au

Personal accident
On receiving verbal notice of an injury from a volunteer that is:
► likely to result in loss of other income or;
► likely to result in the volunteer incurring non-Medicare medical expenses (e.g. physio)
Provide the volunteer / councillor with the personal accident claim form and:
1. Highlight to the claimant the sections they must complete as well as the section to be completed by the treating medical practitioner.
2. When the claim form is returned, check that all sections are completed correctly.

Please note: It is very important to check whether the claimant has other applicable insurance. The claim form makes special reference to this under F. General Particulars.

3. The completed form and supporting documentation (e.g. payslips, tax invoices for non-Medicare medical expenses) should then be returned to the LGIS claims team via email to generalclaims@lgiswa.com.au

Please note: You will be advised promptly of the claim determination. If the claim is “declined”, you will be advised by the LGIS claims team in writing of the reasons.

To continue to receive payment of weekly benefits, the claimant must provide medical certificates supporting ongoing incapacity. Certificates and other relevant documents are to be forwarded to the LGIS claims team at generalclaims@lgiswa.com.au.

Your insurer will reimburse into the nominated account as indicated on the claim form directly on a monthly in arrears basis using electronic funds transfer.
Employee Income protection claims

It is the employee’s right to choose whether to claim any sick leave entitlements or to lodge a claim under their employers’ income protection policy.

If an employee elects to claim under this policy, please follow the process outlined below:

1. **Upon receiving verbal notice of an illness or injury from an employee which is:**
   - not covered under the Workers Compensation Act;
   - likely to result in incapacity of at least 10 working days;

2. Provide the employee (or their representative) with an LGIS income protection claim form.

3. Highlight to the employee the checklist section at the top of the claim form in relation to what they must complete as well as the section to be completed by the treating medical practitioner (medical certificates must show the conditions being treated and the reason for the continuing incapacity).

4. When the claim form is returned, check that all sections are completed correctly.

   It is important to check whether the employee has other applicable insurance. The claim form makes special reference to this point and the other insurance options are listed under Section C.

5. The completed form should then be returned to the LGIS claims team via email to generalclaims@lgiswa.com.au.

You will be advised promptly of the claim determination.

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**Please note:** If the claim is accepted, the rate applicable will be 80% of the employee’s average gross weekly salary for the past 12 months (or the period of employment if this is less than 12 months).

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“Salary” means weekly pre-tax income, including commission, bonuses, overtime payments and any allowances, averaged during the period of twelve months immediately preceding the commencement of the disability or over such shorter period as they have been employed. Where the employee has elected to salary sacrifice, salary shall be deemed to mean the weekly average of the total cost of employment inclusive of items salary sacrificed.

If the claim is “declined”, you will be advised in writing of the reasons.

To continue to receive a payment of income benefits, the employee must provide medical certificates supporting ongoing incapacity (medical certificates must show the conditions being treated and the reason for the continuing incapacity). Certificates and other relevant documents are to be forwarded to the LGIS claims team to generalclaims@lgiswa.com.au.

The insurer will reimburse into the nominated account as indicated on the claim form directly on a monthly basis in arrears using electronic funds transfer.
Environmental impairment liability claims

Please note: there is no claim form for this policy.

In the event of a claim to which this policy applies, you must give written notice immediately to the LGIS at claims team via email to generalclaims@lgiswa.com.au.

If a claim is made or proceedings commence against you or an insured person you must:

1. Give notice of pollution conditions and/or effluent re-use conditions immediately.
2. Such notice shall include, at a minimum, information sufficient to identify the named insured, the insured property.
3. The names of persons with knowledge of the pollution conditions and/or effluent re-use conditions and all known and/or reasonably obtainable information regarding the time, place, cause, nature of and other circumstances of the pollution conditions and/or effluent re-use conditions.
4. You shall give notice of claim(s) immediately during the policy period or extended reporting period, if applicable. You shall provide the insurer via the LGIS claims team, information at the request of the insurer.

When a claim has been made, you shall immediately forward the following to the LGIS claims team:

1. All reasonably obtainable information with respect to the time, place and circumstances thereof, and the names and addresses of the claimant(s) and available witnesses.
2. All written communications, demands, claim forms, writs, summonses, notices, forms of process, remediation notices, remediation statements, remediation declarations or similar, instructions, notices, orders, documents or other papers filed in any court of law or similar, or by any governmental or statutory agency or body.
3. Other information in your possession or its hired experts which the Insurer reasonably deems necessary.
Journey injury claims

It is the employee’s right to choose whether to claim any sick leave entitlements or to lodge a claim under the journey injury policy.

If an employee elects to claim under the journey injury policy, follow the process outlined below:

1. On receiving verbal notice of an injury that occurred either to or from work which is:
   - not covered under the Workers Compensation Act;
   - likely to result in total incapacity

2. You are to provide the employee (or their representative) with a journey injury claim form.
   - Highlight to the employee the checklist section of the claim form in relation to what they must complete as well as the section to be completed by the treating medical practitioner (medical certificates must show the conditions being treated and the reason for the continuing incapacity).
   - When the claim form is returned, check that all sections are completed correctly.

It is very important to check whether the employee has other applicable insurance. The claim form makes special reference to this point and the other insurance options are listed under Section C.

3. The completed form should then be returned to the LGIS claims team via email to generalclaims@lgiswa.com.au.

The employer will then be advised promptly of the claim determination.

Please note: If the claim is accepted the rate applicable will be 100% of the employee’s average weekly salary for the past 12 months (or the period of employment if this is less than 12 months), up to the maximum benefits payable of $2500.00 per week plus the ‘top up’ amount if elected.

“Salary” means in the case of a salaried insured person (not otherwise covered below), the average gross weekly income earned from personal exertion before personal deductions and income tax, but excluding bonuses, commissions, overtime payments and other allowances.

The insurer will reimburse the employees account unless a written statement from the employee instructs them to pay all benefits to you.

Please note: If the claim is “declined”, the employer will be advised in writing of the reasons.

To continue to receive a payment of income benefits, the employee must provide medical certificates supporting ongoing incapacity (medical certificates must show the conditions being treated and the reason for the continuing incapacity). Certificates and other relevant documents are to be forwarded to the LGIS claims team via email to generalclaims@lgiswa.com.au.
Management Liability

To assist you to better understand your risk associated with this policy LGIS has negotiated for you to receive free confidential legal support services for up to two hours (in total) with Jarman McKenna in connection with any matter relating to councillors and officer liability, statutory liability and employment practices liability.

In the event that you have followed the advice provided as detailed above and have engaged with the law firm to defend the matter, you will receive a 20% reduction in your deductible.

Confidential Help Line Number: 08 9492 2295 or 0402 101 028

Councillors’ and officers’ liability claims

Please note: there is no claim form for claims under this policy.

If a claim is triggered, whereby a councillor or officer of the shire has been alleged of committing a wrongful act, you must:

1. Send the LGIS claims team copies of any documents in connection with the claim as soon as possible, i.e.: email trails between parties involved, including all correspondence from legal advisors.

2. Send to the LGIS claims team a chronology of events (in your own words) relating to the matter giving rise to the claim.

3. Advise the LGIS claims team if you have already engaged in or sought legal advice.

If you become aware of any circumstances that you believe may be a claim or an investigation which may lead to a claim occurring in the foreseeable future, please notify LGIS of the matter as it occurs. Should subsequent action be brought against you, the insurer will treat the claim as it had occurred at the earlier notification date.

There may be instances where a solicitor will need to be engaged to act on your behalf, however before you appoint your own solicitor, please make contact with LGIS as there may be an opportunity for your insurer to assist with the appointment of the most appropriate solicitor for the claim.

Definitions:

a) Claim means

i) Any written demand or,

ii) Any civil or arbitral proceeding or,

iii) Any criminal prosecution or,

iv) Any formal administrative or regulatory proceeding made against you alleging a wrongful Act. It does not include an investigation.

b) Defence costs means reasonable legal and other professional fees, costs and expenses incurred by you with the prior consent of your Insurer, which will not to be unreasonably withheld or delayed, and are necessary to defend or appeal a claim. Defence costs do not include wages, salaries or other remuneration incurred by you. Any information regarding panel rates for defence costs please contact the LGIS claims team.
Defence:
The insurer shall not be liable to indemnify you for legal costs unless you have obtained written consent to engage the appropriate representative to provide the legal services. The consent may only be required if your insurer is satisfied that these are grounds to defend.

Settlement:
No settlement agreement or offer of settlement shall be entered into unless you have engaged with your insurer and have received their prior approval.

Statutory liability claims
The cover provided operates on a “claims made and notified” basis and the insurer is only liable for claims that result from written notice of originating legal proceedings first received by you. You must immediately notify the LGIS claims team via email to generalclaims@lgiswa.com.au during the policy period.

If a claim is triggered whereby you have been alleged of committing a wrongful act, you must:
1. Send to the LGIS claims team copies of any documents in connection with the claim as soon as possible, i.e.: email trails between parties involved, including all correspondence from legal advisors.
2. Send to the LGIS claims form a chronology of events (in your own words) relating to the matter giving rise to the claim.
3. Any advice or documentation to assist in defending the allegation against you (shire/council).

Claim means any:
- Any written demand; or
- Any civil, statutory or arbitral proceeding or,
- Any criminal prosecution or,
- Any formal administrative or regulatory proceeding made against you alleging a wrongful act and results in you being liable to pay a statutory penalty.

Notification of claims:
You, as a condition of the policy must give immediate notice in writing during the policy period of:
1. Any Claim made or proceedings commenced against you; and
2. Any circumstances which you become aware of and which may give rise to a claim under this policy, irrespective of whether the claim is likely to exceed your deductible.

Please note: You must not, except at your own expense, make a payment, assume any obligation, or incur any costs without the Insurer’s prior written consent.
Employment Practices Liability

A claim is triggered when there is an allegation of violation of employment laws, or any other employment related obligation. You must:

1. Send the LGIS claims team copies of any documents in connection with the claim as soon as possible, i.e.: email trails between parties involved, including all correspondence from legal advisors.
2. Send the LGIS claims team a chronology of events (in your own words) relating to the matter giving rise to the claim.
3. Provide a copy of the employee’s employment contract including salary including any other benefits they receive.
4. Advise the LGIS claims team if you and/or the employee have already engaged in or sought legal advise.

Definition of employment related wrongful Acts include:

- Sexual or other unlawful harassment (including bullying)
- Unlawful discrimination
- Denial of natural justice
- Defamation
- Invasion of privacy
- Unlawful termination of employment
- False or misleading advertising or representation involving terms or conditions of employment
- Failure to provide or adhere to adequate employment policies or procedures
- Violation of any federal, state or local statute or regulation governing employment practices; or
- Breach of employment contract.

With respect to a natural person who was, now is or becomes an employee, including prospective employees.

Conduct Exclusion means:

Any deliberately dishonest or deliberately fraudulent act or omission by the Insured.

Defence:

The insurer will not be liable to indemnify you for legal costs unless you have obtained written consent to engage the appropriate representation to provide the legal services. The consent may only be required if your insurer is satisfied that there are grounds to defend.

Settlement:

No settlement agreement or offer of settlement shall be entered into unless you have engaged with your insurer and have received their prior approval.

If a claims is made or proceeding are commenced against you, you must:
Motor vehicle & plant claims

Motor vehicle claims can arise from:

- Damage to a vehicle
- Damage to third party’s vehicle
- Damage to a third party’s property

How to make a claim

General motor vehicle claim damage

1. Driver of the vehicle reports to supervisor.
2. Driver to complete a claim form ensuring that all fields are completed.
3a. Vehicle is to be taken to your preferred repairer to obtain a quotation for repairs and photos taken where possible. OR
3b. If there is no damage to the vehicle but damages have been caused to a third party’s vehicle or property, proceed to step 4.
4. You have two options to lodge the claim, see below:
   a) Online: Through the LGIS website www.lgiswa.com.au, from there you will be directed to your insurer Zurich’s website to lodge the claim online. You will be required to complete an online claim form (utilising your completed claim form) then attach photos and one repair quote and send via the website. OR
   b) Email or Fax: Send the completed claim form with photos and one repair quote direct to Zurich by: Email: motorclaims.wa@zurich.com.au Fax: 1800 823 070 or 08 9321 3606

Damage to third party vehicles / property

1. With regards to lodgement of the claim, please follow the procedures outlined above.
2. If a third party makes contact with you:
   a) Advise the third party to lodge a claim through their own insurer who will liaise with your insurer. OR
   b) If the third party is uninsured, or chooses not to lodge a claim through their own insurer, advise them to obtain the following:
      1. two quotations for repairs to their vehicle/property
      2. detailed photos of the damages
      3. a cover letter that describes the accident and outlines the reasons that they feel you are responsible for the damages that have occurred.
3. Once received the documents must be sent to Zurich by:
   Email: motorclaims.wa@zurich.com.au Fax: 1800 823 070 or 08 9321 3606
Zurich Insurance will contact either the third party insurer or the third party and handle all communications from that point onwards.

Please note: At no time should any individual employed by you accept or admit liability regardless of the circumstance. Determining liability is solely the duty of the insurer Zurich Insurance Australia.
Marine cargo claims

If there is any loss or damage which may result in a claim under this policy, you must notify the LGIS claims team as soon as practicable by completing the applicable claim form available on the LGIS website and return to the LGIS claims team via email to generalclaims@lgiswa.com.au along with all available supporting documents without delay, including (if they are relevant) a copy of:

1. Shipping invoice, shipping specifications, weight notes and packing list (if any);
2. Bill of lading, air waybill or other contract of carriage (both sides);
3. Claim made against the carriers or other bailees and any reply received from them;
4. Any other communication received from the carriers or other bailees;
5. Receipt given to vessel’s agent or other bailees;
6. Landing account and weight notes at destination; and
7. Quotation for repairs/replacement.

Please note: You must claim immediately on the carriers, port authorities or other bailees for any missing packages; or give notice in writing to the carriers or other bailees as soon as practicable if the loss or damage was not apparent at the time of taking delivery.

Marine hull commercial claims

If there is any loss or damage which may result in a claim under this policy, you must notify the LGIS claims team as soon as practicable.

Complete the applicable claim form available on the LGIS website and return via email to generalclaims@lgiswa.com.au along with all available supporting documents, including:

1. Quotation for repair/replacement and photographs of damage,
2. Accident/incident report/statutory notice,
3. Witness statements,
Salary continuance claims

In the event that an insured person, as specified on the policy schedule, suffers a sickness or injury that will possibly result in a claim under this policy, you will need to provide the insured person with a personal accident / sickness claim form available on the LGIS website for completion.

1. The completed form should then be returned to the LGIS claims team via email at generalclaims@lgiswa.com.au.

Please note: You will be advised promptly of the claim determination.

If the claim is accepted the rate applicable is based on the amount nominated on the policy schedule and is processed monthly in arrears.

If the claim is “declined”, you will be advised by the LGIS claims team in writing of the reasons.