

In-house claims service from the experts

Zurich Councillors and Officers Liability Claims Reporting Guidelines

At Zurich, we want you to receive a world class claims service. Zurich's experienced Financial Lines claims specialists will ensure you receive a personal, prompt and transparent claims service from the date you notify your claim. We are committed to making your claims experience as simple and straightforward as possible.



At Zurich, we understand that not all claims are the same and you can't always fit all the relevant information you need to tell us into a form. This document is meant as a guide to inform you of the type of information that Zurich may need to assess your claim. Please read this guide in connection with your Policy. Nothing in this guide alters the terms of your Policy.

We encourage you to provide as much relevant information to us as possible. The more information you provide, the less likely it is that we will need to request further information from you. In the event that we do need to request further information from you, or the information that you provide is incomplete, this may delay the time that it takes us to provide you with our decision on indemnity. All notifications are treated with strict confidentiality.

Policy details

You will need to provide:

1. the name of the insured Council,
2. the Policy number, and
3. the Policy period.

What type of claim are you reporting?

Are you reporting:

- an employment practices claim against the Council? **Refer to Section 1**
- a claim against the Council involving defamation? **Refer to Section 2**
- a claim against a councillor, officer or employee? **Refer to Section 3**
- an investigation involving a councillor, officer or employee? **Refer to Section 4**
- an investigation involving the Council? **Refer to Section 5**
- a prosecution involving the Council, a councillor, officer or an employee? **Refer to Section 6**
- Are you notifying us of facts that might give rise to a claim? **Refer to Section 7.**

Have you appointed lawyers?

1. Employment practices claims

If you are notifying Zurich of an employment practices claim against the Council, Zurich will appoint a lawyer to act on your behalf. The lawyer appointed by Zurich will provide advice only in respect to the defence of your claim. The lawyer will not be able to provide indemnity advice to you or to Zurich.

Once you notify Zurich of an employment practices claim against the Council, we will provide you with the details of our appointed lawyer. The lawyer will make contact with you in order to take your instructions in relation to the defence of the employment practices claim.

2. Other claims

For any other matter covered by the Policy, you have the option to appoint your preferred lawyer. However, you will need Zurich's consent to the appointment. Of course, if you would prefer to use a Zurich panel lawyer, we can provide you with access to a number of leading law firms at very competitive rates. Please let us know of your preference when notifying the matter and we will provide an immediate recommendation from our dedicated panel.

Should you choose to appoint your own lawyer, we will require the following documents before we can provide our consent:

1. the name of the firm,
2. the name of the lawyer with primary conduct,
3. the CV of the lawyer with primary conduct,
4. the proposed charge rates of any lawyers in the firm that will work on your matter, and
5. confirmation from the firm that there is no foreseeable conflict in their acting for Council or an *insured person*.

You must obtain our consent before you retain your own lawyers. Failure to do so could prejudice your claim.

Defence and settlement of your claim

You should not admit liability or settle your claim without first seeking Zurich's consent. Zurich and any appointed lawyer will work with you to develop a strategy for the management of the defence of your claim and, if appropriate, the claim's early resolution.

Section 1 – Employment practices claims

The Policy provides cover for *financial loss* in respect of an *employment practices claim* brought against the Council. An *employment practices claim* will include: a written demand for damages or non-monetary relief, civil proceedings, formal arbitration or mediation proceedings issued by an employee of the Council in respect of alleged wrongful dismissal, wrongful termination of employment, violation of employment discrimination laws and employment related misrepresentation. One of the most common forms of an employment practices claim is an unfair dismissal claim.

If you have received an *employment practices claim*, please provide us with the following information:

1. the name of the employee bringing the claim against the Council,
2. the date the employee first made allegations or threats regarding their employment dispute,
3. any correspondence issued to or received from the employee concerning their employment dispute, including but not limited to:
 - a. a warning letter,
 - b. termination letter,
 - c. written demand, or
 - d. a solicitor's letter.
4. the employee's contract of employment and any subsequent amendment to the contract,
5. details of any award or enterprise bargaining agreement relevant to the employee's employment, and
6. any complaint or legal proceedings received by the Council.

Section 2 – Defamation claims

The Policy provides cover for financial loss in respect of any claim brought against the Council or a councillor or officer alleging defamation. A claim will include: a writ, summons, application, cross claim, counter claim and any written demand. Note that the Policy will only respond to cover unintentional defamation.

If you have received a claim for defamation, please provide us with the following information:

1. a summary of the events that gave rise to the alleged defamation,
2. a copy of the alleged defamatory material (for example, a newspaper article, email etc),
3. any communication to or from the alleged victim of the defamation, and
4. any legal proceedings issued or demand made alleging defamation.

Section 3 – Claim against an *insured person*

The Policy provides cover for *financial loss* in respect of a *claim* made against an *insured person* for a *wrongful act*. *Claim* includes: a written demand for monetary or non-monetary damages, civil proceedings, criminal proceedings, arbitration of mediation proceedings and a formal administrative or regulatory proceedings.

The *claim* must be made against an *insured person* (which includes: an employee, a councillor or officer of the Council) for any *wrongful act* allegedly committed in their insured capacity. Zurich will pay the *financial loss* direct to the Council where it provides an indemnity to the *insured person* or direct to the *insured person* if they are not indemnified by the Council.

Note that the Council is presumed to have indemnified all *insured persons* unless the Council is either insolvent or prohibited at law from so doing.

If you have received a *claim*, please provide us with the following information:

1. the name of the *insured person*,
2. the position of the *insured person* (employee, councillor etc),
3. confirmation as to whether the Council has indemnified the *insured person*. If it has not, please advise why it has not,
4. the date on which the dispute first came to the attention of the *insured person*,
5. a chronology of events and/or a brief summary of the dispute,
6. any document/s received by the *insured person* which would amount to a *claim* (written demand, legal proceedings etc), and
7. any other communication/s or documentation/s (including correspondence, emails etc) which relates or refers to the dispute which is the subject of your notification.

Section 4 – Investigation involving an *insured person*

The Policy provides cover for *investigation costs* incurred by any *councillor or officer* in respect of any *investigation*. We will only pay *investigation costs* if the *councillor or officer* is legally required to attend the *investigation*. The *investigation* must be conducted by an *official body* with respect to the affairs of the Council or the conduct of an *insured person*.

If a *councillor or officer* is required to attend an *investigation*, please provide us with the following information:

1. a summary of the events that gave rise to the *investigation*,
2. a copy of any document that refers or relates to the *investigation* received by the Council or the *councillor or officer* (including correspondence, legal documents, notices etc), and
3. the document received by the *councillor or officer* which advises of their required attendance at the *investigation*.

Section 5 – An investigation involving the Council

The Policy provides cover for *representation costs* incurred by the Council in respect of any *investigation*. We will only pay *representation costs* if the Council is legally required to send someone to attend the *investigation*. The *investigation* must be conducted by an *official body* with respect to the affairs of the Council or the conduct of an *insured person*.

If Council is required to send someone to attend an *investigation*, please provide us with the following information:

1. a summary of the events that gave rise to the *investigation*,
2. a copy of any document that refers or relates to the *investigation* received by the Council or the *councillor or officer* (including correspondence, legal documents, notices etc), and
3. the document received by the Council, which advises of their required attendance at the *investigation*.

Section 6 – A prosecution involving an *insured person* or the Council

The Policy provides coverage to *insured persons* and the Council for *loss* arising from a Statutory Liability *claim*, which is referred to as a *wrongful breach claim* in the Policy. If an *insured person* or the Council is prosecuted for an alleged breach of statute, the Policy will respond to provide coverage, subject to the Policy terms, conditions and exclusions. If notifying Zurich of such a prosecution, please provide us with the following:

1. a summary of the events that gave rise to the prosecution, including a chronology of the breach and any investigation,
2. a copy of the document which has been received from the *official body* which gives notice of the prosecution (eg: the writ, summons, prosecution notice, etc.),
3. if an *insured person* is involved, confirmation as to whether or not the Council has indemnified them with respect to the prosecution, and
4. a complete copy of the brief if and when it is served on the *insured person* or the Council.

Section 7 – Notification of facts

You are entitled to notify us of any occurrence or fact which might give rise to a claim against the Council or an *insured person*. If a claim arises from those facts, you will be entitled to cover under the Policy year in which the matter was notified, subject to the Policy terms and conditions. We recommend that all matters which could lead to a potential claim under the Policy be notified to us as soon as Council or the *insured person* becomes aware of them.

In order to notify Zurich of an occurrence or fact, please provide the following information:

1. on whose behalf are you providing the notification? Is it on behalf of the Council or an *insured person*?
2. describe the fact or occurrence that you believe may later give rise to a claim,
3. when did the notifying party first become aware of the fact or occurrence?
4. if a claim arises from the fact or occurrence, who do you believe might bring the claim?
5. are you able to assess the potential loss or damage should a claim arise from the fact or occurrence?

A solid foundation

Zurich Insurance Group is an insurance-based financial services provider with a global network. Founded in 1872, the company's headquarters are in Zurich, Switzerland. Zurich employs approximately 60,000 people serving customers in more than 170 countries. It is the second largest insurer of global corporate business.

In excess of 2,000 global programmes are handled for large corporate customers, encompassing over 17,500 local policies issued by our extensive global network.

Contact details

Zurich has a dedicated claims team to handle your claim. To lodge your claim, you can use email or mail.

Email address

fl.claims@zurich.com.au

Mail address

The Claims Manager

Financial Lines Claims

PO Box 677

North Sydney NSW 2059

Please attention all correspondence to The Claims Manager Financial Lines.

If you wish to call us to discuss a potential claim, please feel free to call us on our National Inquiry Line and ask to speak to a Financial Lines Claims Specialist:

132 687

You can find additional information on our website:

www.zurich.com.au/finlinesclaims

Disclaimer

The information and guidelines contained in this Guide are not intended to replace or amend anything that is contained in the Policy. If you are in doubt about what you should notify us of or how you should notify us, you should contact Zurich, your broker or solicitor. If you have any questions, please feel free to contact us.