



PROCEDURE FOR CLAIMING FOR TREE DAMAGED PROPERTY AND APPLYING FOR REIMBURSEMENT

Where damage to private property occurs as a result of a falling Government tree or a branch falling from a Government tree and the incident was not readily foreseeable, it is considered to be an accident or an 'act of God'. An 'act of God' means an extraordinary occurrence or a circumstance that could not have been readily foreseen and which could not have been guarded against. An example is where damage occurs to private property during strong winds as a result of a tree being blown over or damaged by the intensity of the wind and the tree is considered to be sound and healthy. In these cases the ACT Government will not accept responsibility for the damage and the owner of the damaged property will be advised that they are responsible for the cost of repairs and to make a claim against their insurance company for the property damage, if they are insured.

If a falling tree branch or tree has caused damage to a vehicle, fence, wall, roof or some other private building structure and the claimant believes that they can demonstrate that the ACT Government has been negligent in its maintenance of the offending tree, the following procedure should be followed.

PROCEDURE

1. The claimant should contact Parks, Conservation and Lands on 132281 as soon as possible after the incident has occurred so that a site inspection can be carried out and photographs taken. This site inspection will be carried out by an arborist independent of the tree maintenance crew responsible for removing the fallen tree or tree part.
2. All aspects of the incident will be considered by the inspecting officer including; the health and condition of the tree, the prevailing weather conditions, tree maintenance history, evidence demonstrating that the ACT Government has been negligent in its tree management responsibilities and the extent and type of damage sustained.
3. If, after considering all available information, the inspecting officer considers that the incident was unforeseeable or that the ACT Government was not negligent in its tree management responsibilities, the claimant will be advised that the ACT Government will not accept responsibility for the damage and that the claimant should contact his/her insurance company.
4. If the claimant is advised that the ACT Government will accept responsibility for all or part of the damage, the claimant will need to obtain three (3) written quotations for repairs to the damage as agreed by the inspecting officer. The claimant must then submit the quotations to the inspecting officer who will review the quotations and inform the claimant of the acceptable quotation. The claimant should then arrange for the work to be carried out and for the bill to be paid.

File reference:

The ACT Government will take no responsibility for arranging for quotations nor for the repairs to be carried out.

5. The claimant must then submit a written claim for reimbursement of costs incurred in repairing the damage to:

The Director
Parks, Conservation and Lands
PO Box 158
CANBERRA ACT 2601

6. The claimant should include as much detail as possible in their claim for reimbursement including; the date and time of the incident, dates and times they met the inspecting officer, copies of the three quotations, a copy of the paid account and any other relevant information such as photographs or written reports on the incident.
7. Parks, Conservation and Lands will obtain a report from the inspecting officer and arrange for reimbursement of costs if reimbursement is recommended.
8. Parks, Conservation and Lands will then send an indemnity form to the claimant which will need to be signed and returned before payment will be made.
9. The claim may be sent to the ACT Government Solicitor's office for determination. Parks, Conservation and Lands will not necessarily accept responsibility for 100% of any claim for reimbursement.