



Ex Gratia Payments

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| Policy Type: Council Policy Policy Owner: Chief Executive Officer | Policy No. CP- 011 Last Review Date: 20 April 2021 |
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Policy Objectives

An ex gratia payment may occur in circumstances where there is no actual “legal liability or legal obligation” on the City of Melville to make a payment.

Policy Scope

This policy will be used to maintain goodwill of the community for minor events that cause a sense of injustice or hardship.

Policy Statement

The City of Melville will consider making an ex gratia payment to claimants if requested in writing and only after all other reasonable avenues of recourse have been exhausted. For example:

1. A third party considers they have suffered an injustice or hardship which has, in their view, occurred as a result of services or actions provided by the City of Melville or its employees; and
2. The City considers it appropriate to make a small payment as a goodwill gesture in order to preserve good relationships with its community and/or such a payment is considered to be administratively expedient.

The City of Melville will take no action on claims for personal injury or those that may lead to a subsequent claim for personal injury which has been refused by the City’s insurers.

The City of Melville will take no action on claims for professional indemnity or those that may lead to subsequent claims for professional indemnity which have been refused by the City’s insurers.

In the case of claims for personal property damage up to \$1,000 (that arise as a result of any one occurrence) which are denied by the City’s insurer if, at the discretion of the Chief Executive Officer, the claim warrants resolution by an ex gratia payment, it shall be made on a without prejudice basis, be confidential with no admission of liability basis and payment conditional upon the signing of a deed of release by the claimant.

The City of Melville will stand by the decision of the Insurer in respect of any claims for personal property damage in excess of \$1,000 (that arise as a result of any one occurrence).



References that may be applicable to this Policy

Legislative Requirements:

Procedure, Process Maps, Work Instructions:

Other Plans, Frameworks, Documents Applicable to Policy:

Delegated Authority No:

ORIGIN/AUTHORITY

ITEM NO.

Ordinary Meeting of Council

18/08/07

C07/002

REVIEWS

Ordinary Meeting of Council

15/12/09

C09/5097

Ordinary Meeting of Council

21/02/12

C12/5214

Ordinary Meeting of Council

18/02/14

M14/5341

Ordinary Meeting of Council

8/12/15

M15/5458

Ordinary Meeting of Council

20/04/2021

M21/5827