

LIABILITY CLAIM FORM

Important information about this form

1. This claim form should only be used if you intend making a claim against Council. The provision and receipt of this form is not an admission of liability.
2. This form should **not** be used if:
 - you are not making a claim and only wish to report an incident, request repairs to Council property, ie roads or footpaths, or make a complaint. In those circumstances you should contact the Customer Service Team on 9217 2170 for further information.
 - you have been involved in a motor vehicle collision involving a Council vehicle. For further information contact Fleet Management on 9401 0515.
 - you have been involved in a motor vehicle collision involving a garbage or recycling truck. Those vehicles are not owned by Council. For further information contact the Customer Service Team on 9217 2170.
 - the incident occurred on a freeway or arterial road, eg. the Metropolitan Ring Road, Hume Freeway, Plenty Road, Epping Road, High Street or Childs Road. VicRoads are responsible for these roads. For confirmation, please check Council's Road Register, which is available on the City of Whittlesea website or by contacting the Customer Service Team on 9217 2170. VicRoads can be contacted on 131 170.
 - your incident involved a pit lid or similar infrastructure owned by a utility, eg Telstra, Optus, NBN or Yarra Valley Water. Incidents and claims must be reported directly to the utility. Refer to the utility's website for further information.
3. All documents you wish to be considered should be submitted with your Claim Form. It is in your interests to submit as much information as possible. These documents could include photos, repair quotes, invoices, receipts, medical reports or engineers reports, depending on what you are claiming.
4. All claims will be considered on their individual circumstances.

Claim Information

Council is not liable for loss or damage unless it has acted negligently or in breach of some other aspect of the law. It is the claimant's responsibility to show that Council has acted negligently.

If you suffer personal injury or property damage due to Council's negligence you may be entitled to compensation. Please note your claim is against Council and not an insurance company.

There will be circumstances where your loss or damage will be covered by your own insurance, eg car / buildings / contents. A claim on your insurance policy is likely to be resolved more quickly than a claim against Council because you will not need to establish negligence. Your insurance may also provide benefits such as "new for old" which may not form part of your claim against Council.

Please note it is very unlikely Council will be liable to pay compensation in the following circumstances:

- you are not able to establish the cause of the damage
- the damage was caused by or resulting from a weather event
- when Council has complied with its Road Management Plan which sets out the standards by which it maintains its roads and footpaths (see the City of Whittlesea website for further information)
- incidents on roads and footpaths which are not on Council's Road Register, eg arterial roads and private access roads (see the City of Whittlesea website for more information)

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- motor vehicle damage which is less the threshold amount set down by section 110 of the Road Management Act 2004 (\$1,580.00 as at 1/7/2023)
- damage caused by tree roots when Council was not previously aware of the problem
- damage caused by a contractor acting on behalf of Council, eg roadworks, parks maintenance. Such claims will be referred to the relevant contractor to respond directly
- incidents relating to the condition of pit lids or other infrastructure belonging to utility companies, eg Telstra, Optus, NBN, water, power and gas companies. Refer to the relevant utility's website for information on how to make a claim.

Privacy Statement

The personal information provided by you in this form is required for the purpose of considering your claim, taking remedial action and to contact you if required. The information may be disclosed to Council's insurer and advisors, including lawyers, assessors and investigators, and to any other organisations we consider might have some responsibility for the incident. Your information will be protected in accordance with the principles in the Privacy and Data Protection Act 2014 and Council's Information Privacy Policy. You may access your personal information by contacting Council on 9217 2170 and your personal information will be disposed of in accordance with the Public Records Act 1973.

Where to send your Claim Form

Email your completed Claim Form and associated documents to:
claims@whittlesea.vic.gov.au

or mail to:

City of Whittlesea
Locked Bag 1,
Bundoora, MDC 3083

Council Offices

25 Ferres Boulevard
South Morang VIC 3752

Locked Bag 1
Bundoora, MDC 3083

ABN 72 431 091 058

Tel 03 9217 2170

Fax 03 9217 2111

TTY 133 677 (ask for 9217 2170)

Email info@whittlesea.vic.gov.au
www.whittlesea.vic.gov.au

Free Telephone Interpreter Service

العربية	9679 9871	ਪੰਜਾਬੀ	9679 9879
Ελληνικά	9679 9873	தமிழ்	9679 9879
हिंदी	9679 9879	Türkçe	9679 9877
Italiano	9679 9874	Tiếng Việt	9679 9878
Македонски	9679 9875	Other	9679 9879
简体中文	9679 9857		

CLAIM FORM

Please only complete the parts of the form relevant to your claim. If you need extra space please use page 4 or attach additional pages.

PERSON MAKING THE CLAIM

Name:

Address:

Postcode

Phone:

Email:

PARTICULARS OF INCIDENT

Date of Incident / / Time am / pm

Location (eg street address):

Describe what happened

Be as specific as you can, for example, include the direction you were travelling, whether the ground was wet, dry, rough or otherwise, how you fell, what you were doing at the time, how the damage occurred etc.

Photos of the incident location should be provided. Please mark with an X on at least one of the photos where the incident occurred.

If there were any witnesses to the incident please provide the following information for each of them.

Name, address, phone number(s), relationship to you (if any) and age if under 18 years old.

CLAIM FORM

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PARTICULARS OF CLAIM

Type of claim

- Personal injury Property damage Motor vehicle damage Financial loss
- Other

Please state why you believe Council has been negligent

Personal injury (if applicable),

Describe the injury, treatment received, diagnosis and any future treatment.

Property Damage (if applicable),

Describe in detail the property damaged, eg if a motor vehicle the make model and rego.

Other damage or loss (if applicable),

Describe the damage or loss.

CLAIM FORM

The amount of your claim

Please provide a breakdown of what you are claiming. Receipts must be provided for all costs already incurred.

Description of cost / loss	Amount	Proof (Y/N)
	\$	
	\$	
	\$	
Total	\$	

Additional Information

Do you have any insurance covering the injury, damage or loss
Eg motor vehicle, private health, home building/contents insurance Yes No

Have you made a claim Yes No

If not, do you intend making a claim Yes No

Name of Insurer

Claim Number:

Has your claim been settled by your insurer Yes No

If yes, please provide details of the settlement and/or ongoing benefits you received

Have you made or intend making a claim against any other
party in relation to this incident Yes No

If yes, please provide details

DECLARATION

I declare the information in this form is true and correct and I have not withheld any relevant information.

(Signature)

Date / /

CLAIM FORM

Please use this page if you need to provide further information.

ADDITIONAL INFORMATION