

### TERMS AND CONDITIONS

You must read the below terms and conditions before completing the Request for Compensation Form.

1. This form should only be used if you intend making a claim for compensation against Council. However, making a claim does not automatically entitle you to compensation for loss or injury – it will depend on whether Council has any legal responsibility for the damages sustained.
2. The provision and receipt of this form is **not** an admission of liability.
3. This form should **not** be used if:
  - You only wish to report an incident; you are requesting repairs to Council property (i.e. roads, footpaths) or you are making a complaint. In those circumstances, you should contact the Customer Experience Team on 02 4934 9700 or email [info@maitland.nsw.gov.au](mailto:info@maitland.nsw.gov.au) for further information.
  - Your incident involved a pit lid or similar infrastructure owned by a utility company (e.g. Telstra, Optus, NBN, Water, gas, power authority etc.). Refer to the utility's website for further information.
4. Council will investigate the circumstances surrounding the incident to establish whether or not Council has any legal liability and all claims will be considered on their individual circumstances. 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 provide evidence in support of the claim. Evidence may include photographs and reports etc. that Council has acted negligently.
5. It is your responsibility to put an estimated value on any property loss and we require receipts or invoices and/or two repair/replacement quotes, along with confirmation of the age of the damaged item/s.
6. It is your duty to take reasonable steps to reduce the value/extent of any loss and to ensure as far as possible that your property is not damaged further and in the case of motor vehicles, that your vehicle is safe to drive.
7. Your loss or damage may be covered by your own insurance e.g. car, buildings, contents. A claim on your insurance policy is likely to be resolved more quickly than a claim against Council because you will probably not need to establish negligence. Your insurer may also provide better benefits and settlement terms such as 'new for old'.
8. Your claim will be acknowledged within five working days and the investigation may take four to eight weeks, depending on the type of claim.

### COMPENSATION REQUEST

Please select compensation being sought:  Property damage  Personal injury  Motor vehicle  Other

#### 1. CONTACT DETAILS

Title:		Full name:	
Phone number:			
Email:			
Home address:			

## 2. INCIDENT DETAILS

Date of incident:

Time of incident:

What was the cause of the incident:

Pothole

Footpath

Motor vehicle

Tree/Limb

Tree roots

Other:

Please provide details of the incident and why you believe Council is liable:

Did you contact Council at the time of the incident?

Yes

No

If yes, please provide details:

What were the weather conditions like at the time of the incident? (Dry, windy, raining, sunny etc)

What was the address (exact location) of the incident?

Please provide details of the exact location with supporting photographs. Mark the area in question. Provide the nearest cross street, and any landmarks to pinpoint the exact location of the incident.

Please provide a sketch showing the location or provide a snippet from google maps.

### 3. COMPENSATION SOUGHT

Please provide details of the compensation you are seeking: (e.g. receipts or invoices for medical expenses, wage records showing details of earnings and sick leave taken, or in the of property/motor vehicle damage, quotes/invoices for repair)

Amount: \$ \_\_\_\_\_ Have you attached proof of loss? Eg 2 quotes/invoices  Yes  No

### 4. WITNESS

Witness statements from family and friends are not accepted.

Did anyone witness the incident? *If yes, please provide their details below and attach any statements*  Yes  No

Name: \_\_\_\_\_ Phone number: \_\_\_\_\_  
Email: \_\_\_\_\_

### 5. EVIDENCE OF LIABILITY

In order to succeed in your request for compensation, you will be required to establish that Council caused the alleged loss and/or damage through some form of negligence. In any public liability claim, the burden of providing the proof of negligence rests with you as the person seeking compensation.

Please explain any evidence you are supplying (e.g. photographs, reports etc.)

Is the evidence referenced attached to this document?  Yes  No

### 6. PHOTOGRAPHS

One of the most effective ways to avoid confusion about the circumstances surrounding your claim is through the use of photographs. Without this information, Council is unable to be sure it is investigating the correct issues. You are required to provide photographs to support your claim.

Your photographs need to show the following:

- The area of property that has sustained damage
- A clear marking on the photograph showing where the incident occurred
- If appropriate, a photograph of what has caused the damage
- Include a variety of shots and angles to clearly show the situation





## DISCLAIMER

Completion and acceptance of this form **does not represent an admission of liability** on the part of Council. Your request will be subject to investigation and findings assessed on their own merits.

## PRIVACY

Maitland City Council is committed to protecting your privacy. We take reasonable steps to comply with relevant legislation and Council Policy. Council will use this information to process and investigate your claim. Council will ensure:

- That information is used for a lawful purpose and is kept for no longer than required
- That the information will be disposed of securely and in accordance with the State Records Act 1998 (NSW)
- That the information is protected against loss, unauthorised access, use, modification or disclosure and against all other misuse
- If it is necessary to release the information to a person in connection with the provision of a service of Council, everything reasonable is done to prevent unauthorised use or disclosure of the information and the owner of the information is consulted and informed of any such release in accordance with the abovementioned Acts.

## DECLARATION

I certify that:

- I have read, understood and accept the terms of this form, in making a claim against Maitland City Council.
- I have not made a duplicate claim against my own insurance policy.
- I declare that the information I have supplied is true and correct.

.....  
Full Name

.....  
Signature

.....  
Date

## CHECKLIST

- Read the terms on page 1 of the Request for Compensation Form
- Read the information regarding Request for Compensation on Council's website
- Attached any relevant receipts, invoices, quotes, photographs or additional information
- Read the declaration and signed the form

### PLEASE RETURN THIS FORM TO:

[insurance@maitland.nsw.gov.au](mailto:insurance@maitland.nsw.gov.au)

### OR

Maitland City Council  
PO Box 220  
Maitland NSW 2320



