

Request for Compensation Form

Please select compensation being sought:

Property damage ☐ Personal injury ☐

Motor vehicle ☐ Other ☐

1. Claimant Details

Title		Full Name	
Phone Number			
Email			
Home Address			

2. Incident Type

What was the root cause of the incident:

Pothole ☐ Footpath ☐ Motor Vehicle ☐ Tree/Limb ☐
Tree roots ☐ Other ☐

3. Cause

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

Did you contact Council at the time of the incident?	Yes <input type="checkbox"/> No <input type="checkbox"/>
	If yes, please provide details:
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.

4. 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 <input type="checkbox"/> No <input type="checkbox"/>
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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 & conditions for 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

Maitland City Council

PO Box 220

Maitland NSW 2320

Request for Compensation 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. This will depend on whether the incident has been caused by the fault or negligence of Council or if Council has failed in its statutory duty.
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 ask@maitland.nsw.gov.au
 - 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. All documents you wish to be considered should be submitted with this form. It is in your interests to submit as much information as possible. These documents should include location information, photos, repair quotes, invoices, receipts, medical reports, or engineers' reports.
5. 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 that Council has acted negligently.
6. Any incomplete or unsigned form will be returned to you.
7. 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.
8. 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.
9. In the absence of photographic and comprehensive evidence or if you dispose of any damaged property before Council have had the opportunity to carry out its investigations, your claim may be prejudiced.
10. Any alleged loss that is found to have been fraudulent, falsely stated or exaggerated will be passed onto the relevant authorities for investigation and may be subject to prosecution.
11. Your claim will be acknowledged within 5 working days.
12. If your claim is accepted but you have any outstanding debt with Maitland City Council (e.g. rates), this sum will be offset against the payment of any claim.