

Important information about this form

This Notice of Incident and Claim form must be used by a person who proposes to commence court proceedings in relation to an incident arising out of the condition of a freeway or arterial road.

If you are considering taking such proceedings, you should complete and return this form to a VicRoads regional office within 30 days of the incident occurring. Addresses of VicRoads regional offices are set out below.

This form is set out in five parts:

Part A - provides important information about your rights to obtain compensation and in respect of privacy.

Part B - provides space for you to set out information about the circumstances of the incident.

Part C - provides space for you to set out details of any claim for damages you may wish to make against VicRoads.

Part D - provides important information about disclosure of information to other organisations.

Part E - is a Statutory Declaration.

If you only wish to report an incident but do not intend to make a claim for damages against VicRoads, you should contact VicRoads on **13 11 71**.

Part A - Important information about your rights

If you suffer personal injury or property damage due to the condition of a road or road infrastructure, you may be entitled to compensation from the responsible road authority. VicRoads is not liable for loss or damage arising out of all incidents on roads. In particular, VicRoads is unlikely to be liable to pay compensation:

- if the incident did not occur on an arterial road or freeway. VicRoads Register of Public Roads, located on the VicRoads website at vicroads.vic.gov.au, contains a list of the roads for which VicRoads is responsible;
- for tar damage, or for damage caused by the condition of non-road infrastructure, for example, the condition of tram tracks, electricity poles, pit lids, bus or tram shelters, or public phones, that is not the responsibility of VicRoads;
- for property damage in an amount less than the threshold amount. The threshold amount is approximately \$1000, indexed annually in accordance with the Consumer Price Index. (Note: Where VicRoads is liable to pay compensation for property damage, the payment is reduced by the threshold amount. Further, the threshold amount does not apply to damage arising from personal injury or to any claim that may involve a contractor engaged by a road authority.); or
- if it has complied with the standards established in its Road Management Plan and other relevant Codes and policies.

A court may, in any proceeding based on a claim in relation to an incident arising out of the condition of a public road or infrastructure, take a failure to give a notice of incident into account in deciding the weight to be given to evidence about the condition of the road or infrastructure at the time of the incident.

Within 14 days of receiving a Notice of Incident and Claim form, the road authority may inspect the road or infrastructure where the reported incident occurred and may prepare a Condition Report. If it does so, a copy of the Condition Report will be sent to the person who reported the incident. A copy of the report is admissible as evidence of the matters specified in the report in any legal proceedings in relation to the incident.

Privacy statement

The information disclosed by you in the Notice of Incident and Claim form may be used to investigate the incident, consider and respond to a claim (including in the course of legal proceedings), to take any necessary remedial action in respect of the road and/or road infrastructure and for the purpose of analysing accidents and planning and implementing road management and safety measures. We may disclose any information you provide to our insurers and advisers, including investigators and legal advisers, and to any other organisation we consider might have responsibility in respect of this incident. Some of the information we ask for is required to be provided under section 115 of the Road Management Act 2004. If the information is not provided we may not be able to consider your claim. You have a right of access to information we collect about you. For further information, contact the Information Privacy Co-ordinator Level 5 60 Denmark Street Kew Victoria 3101 or telephone **13 11 71**.

Where to send your Notice of Incident and Claim form:

The VicRoads region where the incident occurred will deal with your notice. The location of the VicRoads regional offices are:

Metropolitan North West

VicRoads - Metro North West
499 Ballarat Road SUNSHINE
Private Bag 4000 SUNSHINE VIC 3020

Metropolitan South East

VicRoads - Metro South East
12 Lakeside Drive BURWOOD EAST
Private Bag 4 MOUNT WAVERLEY VIC 3149

Eastern Victoria

VicRoads - Eastern Region
120 Kay Street TRARALGON
PO Box 158
TRARALGON VIC 3844

North Eastern Victoria

VicRoads - North Eastern Region
50-52 Clarke Street BENALLA
PO Box 135 BENALLA VIC 3672

Northern Victoria

VicRoads - Northern Region
53-61 Lansell Street
EAST BENDIGO VIC 3550

South Western Victoria

VicRoads - South Western Region
180 Fyans Street SOUTH GEELONG
PO Box 775 GEELONG VIC 3220

Western Victoria

VicRoads - Western Region
88 Learmonth Road
WENDOUREE VIC 3355

More information

Further information about the Road Management Act 2004, including a copy of the Act, is available on the VicRoads website at vicroads.vic.gov.au

Alternatively, phone **13 11 71** or go to the VicRoads website at vicroads.vic.gov.au and send an email via 'Contact us' on the homepage.

Part B - Notice of Incident (continued)

Was your vehicle or other property damaged due to the condition of the road or road infrastructure or other infrastructure? Yes No
If "Yes", please provide the following information: Description of damage to property (includes motor vehicles)

(if insufficient space, please complete on a separate page, signed and dated and attached to this form)

Please sketch the incident scene using X to mark your vehicle (if motor vehicle damage claim) and Y1, Y2 etc, to mark other vehicles. To the best of your ability, please include street names, line markings, traffic signals, relevant infrastructure within the road reserve, and direction vehicle(s) travelling.

(if insufficient space, please complete on a separate page, signed and dated and attached to this form)

Other information

Was anyone injured by the incident? Yes No **If "Yes", please provide the following details.**

Note: If the injured person who may make a claim has not yet contacted the TAC they should immediately contact the TAC by telephoning **1300 654 329** or at **tac.vic.gov.au**

Person 1: Full name and address	
	Postcode:
Person 2: Full name and address	
	Postcode:

Was the incident reported to the police? Yes No **If "Yes", please provide the following details.**

Name:	Station:	Date reported:
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Attach to this form a copy of any police reports

Were there any witnesses to the incident? Yes No **If "Yes", please provide the following details.**

Witness 1: Full name and address	
	Postcode:
Witness 2: Full name and address	
	Postcode:

Are you proposing to make a claim for damages against VicRoads? Yes No **If "Yes", please complete Part C - 'Notice of Claim'.**

Part C - Notice of claim

Type of damage or loss

Please indicate what damage or loss is being claimed - vehicle or other property damage, personal injury or some other form of damage or loss.

Please state why you believe VicRoads is responsible.

Property damage

Describe the property damaged including, if a motor vehicle, the make and model of the motor vehicle.

The amount of the claim: \$

Detail how the amount is calculated

(attach to this form two quotations for the cost of repairs)

Personal injury

Describe the personal injury

The amount of the claim: \$

Detail how the amount is calculated

(attach to this form any evidence of medical costs incurred)

Other damage or loss

Describe the damage or loss

The amount of the claim: \$

Detail how the amount is calculated

(attach to this form any evidence of damage or loss incurred)

Other information

Insurance

Was an insurance claim made? Yes No **If "Yes", please provide the name and address of the insurer and the insurance policy number.**

Do you intend to make an insurance claim? Yes No **If "Yes", please provide the name and address of the insurer and the insurance policy number.**

Part D - Disclosure of information

Important notice

VicRoads may not be the organisation responsible for the road or the infrastructure or the incident. We may need to send details of your claim (including any personal or commercially sensitive information we obtain in relation to the claim) to another organisation so that it can:

- investigate the incident;
- consider any claim for compensation, including any legal proceedings against them;
- enable remedial action to be taken (if necessary) in relation to the road and/or infrastructure; and
- gather information for the analysis of the causes of accidents and the planning and implementation of road management or safety measures.

By signing the Statutory Declaration below you consent to disclosure of this Notice of Incident and Claim form and any other information that is obtained by VicRoads in respect of the claim to any person or organisation we consider may be responsible for this incident.

Part E - Statutory declaration

I (Full name)
of (Address)

do solemnly and sincerely declare that:

1. All the information contained in this Notice of Incident and Claim form is accurate to the best of my knowledge and belief.
2. I have to the best of my knowledge and belief disclosed all relevant information to VicRoads and have not withheld any relevant information.
3. Any attached quotation for repairs has been prepared for the sole purpose of repairing any damage directly resulting from the incident as described in this Notice of Incident and Claim form.

I acknowledge that this declaration is true and correct and I make it in the belief that a person making a false declaration is liable to the penalties of perjury.

Declared at	Signature of person making this declaration
in the State of Victoria, on	
<i>(to be signed in front of an authorised witness)</i>	
Before me (Full name)	Signature
<i>(Print name of authorised witness)</i>	<i>(Signature of authorised witness)</i>
Address	
Occupation	

The authorised witness must print or stamp his or her name, address, and title under section 109 of the Evidence Act 1958.

For a list of who can witness statutory declarations, go to justice.vic.gov.au.

