

Information Notice

Personal injury claim

If you are seeking compensation from Moreton Bay Regional Council (Council) for personal injury which you believe is a direct result of Council's negligence, you may wish to complete and submit a claim form for Council's consideration. Council's *Personal injury claim form* is to be used in circumstances where you have sustained a personal injury on a Council asset or land on which the asset is located.

As the owner of an asset or the land on which an asset is located, Council is not automatically liable for a claim. There are circumstances where Council may not be liable, such as damage to private property or personal injury which are as a direct result of a storm or weather event (including rain and/or wind events) or other events outside the control of Council.

Council is unable to provide legal advice in relation to claims for damages, so it is recommended you seek independent legal advice in relation to your claim.

It is your responsibility to provide sufficient evidence to substantiate your claim, including evidence that Council has been negligent and has breached a duty to take precautions against a risk of harm (and is therefore liable) under the *Civil Liability Act 2003*.

The completed *Personal injury claim form* provides Council with information to assess your claim. Providing this information to Council does not commence legal proceedings and is not a substitute for:

- A 'Notice of a claim' under the *Personal Injuries Proceeding Act 2002*; or
- Documents commencing legal proceedings in a Court or Tribunal (e.g., filing a 'Claim' or 'Statement of Claim' in a Court under the Uniform Civil Procedure Rules 1999).

Please refer to the **attached** claim form for an outline of what information and/or evidence is required to assess your claim. Please note that Council is unable to assess a claim without the necessary information and/or evidence.

Please note: *Photographs of injuries, medical reports, quotes, invoices and receipts for any item noted in 'Notice of claim' section of this form must be attached to substantiate your claim. Information and documents you provide will be treated as confidential and will only be used for the purpose of assessing your claim. Council will deal with your personal information in accordance with its [Information Privacy Plan \(IPP\)](https://www.moretonbay.qld.gov.au/Council/Governance/Right-to-Information) (<https://www.moretonbay.qld.gov.au/Council/Governance/Right-to-Information>).*

Should Council make a written request for further information or documents in relation to your claim, a response is required within 30 days. If the requested information / documents are not received within this timeframe, your claim will be closed, and no further action will be taken by Council. Should you wish to have your claim considered after this time, a new claim will need to be lodged with the requested supporting information attached.

Council may not be the responsible entity in relation to your claim. If, after reviewing your claim, Council identifies that your claim relates to a Council contractor, we will refer your claim to the contractor. By submitting a completed claim form, you consent to the disclosure of your personal information and any other details provided on your claim form, including any other information that is obtained by Council in respect of your claim, to Council's contractors. Council will advise you if this needs to occur and will provide you with the contractor's contact details.

Please note that by providing you with the contractor's contact details, this is not an indication by Council that the contractor has any liability to you.

If your claim relates to another entity, such as Unitywater, Energex, Queensland Transport and Main Roads, etc, we will advise you in writing to contact them directly as Council is not able to assess a claim where Council is not the responsible entity.

Postal Address
PO Box 159
Caboolture QLD 4510

Asset Maintenance Department
Ph: 07 3205 0555

Internet
www.moretonbay.qld.gov.au
mbrc@moretonbay.qld.gov.au

ABN: 92 967 232 136

Section 1 - Claimant details

First name: Surname:

Company name (if applicable): ABN (if applicable):

Postal address:

Mobile phone: Home phone: Email:

Section 2 - Details of injured person

Is the person noted in Section 1 the injured person: Yes, proceed to Section 3 No, provide the injured person's details below:

Relationship to injured person:

First name: Surname:

Postal address:

Mobile phone: Home phone: Email:

Is the injured person under 18 years of age: No, proceed to Section 3 Yes, Date of birth:

Section 3 - Details and location of incident

Date of incident: Time of incident: AM PM

Was Council contacted at the time of the incident: No Yes, provide name:

Weather conditions: Raining Wet Sunny Dry Other, please specify:

Location summary:

Please include relevant details such as park name, landmarks, street/road name, suburb, nearest intersecting street/road name, etc.

Please show the exact location of the incident by attaching a map or sketch below:

Section 3 - Details and location of incident, continued.

Summary of incident:

Reason/s why you claim Council is responsible:

Has the hazard been reported to Council: No Yes, provide Request Number:

Section 4 - Personal injury

Did the injured person receive medical attention: Yes No

Summary of personal injury / treatment:

Section 5 - Notice of claim

Please provide details of compensation sought:

Section 6 - Consent to disclose personal information

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If your claim relates to another entity, such as Unitywater, Energex, Queensland Transport and Main Roads, etc, we will advise you in writing to contact them directly as Council is not able to assess a claim where Council is not the responsible entity.

- I give express consent to the disclosure of the details contained on this form, including my personal information, to Council's contractors if Council determines they are the responsible entity in relation to my claim.

Section 7 - Checklist for submission

- Form is fully completed, including incident map completed in Section 2 or is attached.
- Consent to disclose my personal information has been completed in Section 6 of this form.
- Photos of injuries sustained and/or substantiating medical report/s are attached.
- Photos of the location and cause of the injuries are attached.
- Invoices and receipts are attached.
- Declaration below is signed and dated.

Section 8 - Declaration of claimant

- The information contained in this Personal injury claim form is accurate to the best of my knowledge.
- I have to the best of my knowledge disclosed all relevant information in this claim and have not withheld any relevant information.
- The claim for compensation is in relation to a personal injury sustained on the date and time noted in Section 3 of this form and is not as a result of a previous or existing injury.
- I acknowledge that Council's acceptance of a completed claim form is not an automatic acceptance of liability.

Signature:

Date:

Privacy Statement

Moreton Bay Regional Council is collecting your personal information for the purpose of assessing your submission of a personal injury claim. If express consent is provided within this form, in accordance with Information Privacy Principle 11(1)(b), Council may disclose the details of this claim, including your personal information to its contractors if Council determines they are the responsible entity for this claim. Council will use your personal information to update Council's customer information records and may contact you about other functions and services of Council.