

Information Notice

Damage to private property claim

If you are seeking compensation from Moreton Bay City 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*.

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](https://www.moretonbay.qld.gov.au/Council/Governance/Right-to-Information) (IPP) (<https://www.moretonbay.qld.gov.au/Council/Governance/Right-to-Information>).*

Completed claim forms and supporting evidence can be submitted to council@moretonbay.qld.gov.au or via the postal address noted on the claim form.

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.

Private property damage claim form

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 and location of incident

Are you the owner of the property that has been damaged: ☐ Yes
☐ No Written authority to make a claim for damages from the property owner is required and must be attached to this claim form.

Date of incident: Time of incident: ☐ AM ☐ PM

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

Conditions: ☐ Raining ☐ Wet ☐ Sunny ☐ Dry ☐ Other, please specify:

Location summary:

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

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

Summary of incident:

Reason/s why you claim Council is responsible:

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

Claim relates to: ☐ **Private property** inc. fence, driveway, infrastructure (pipes) etc - Please complete **Section 2a** of this form
☐ **Motor vehicle** inc. tyres, rims, panel damage etc - Please complete **Section 2b** of this form

Section 2a - Private property damage

Description of property damaged: ☐ Driveway ☐ Fence ☐ Pipes ☐ Other, please specify:

Summary of property damage:

Section 2b - Motor vehicle damage

Vehicle type: Make: Model: Registration Number:

Description of damage to motor vehicle: ☐ Tyre ☐ Rim ☐ Other, please specify:

Summary of damage to motor vehicle:

Was incident reported to the police: ☐ No ☐ Yes - Please provide details below and attach a copy of the police report:

Report Number: Date of report: Police Officer's name:

Section 3 - Notice of claim

Please provide details of compensation sought:

Has the damage been repaired:

☐ No - Obtain 2 quotes for repair and attach with this submission ☐ Yes - Attach copy of the paid invoice/s with this submission

Section 4 - Consent to disclose personal information

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

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 5 - 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 4 of this form.
- ☐ Police report is attached, if applicable.
- ☐ Written authority from the owner of the damaged property, if applicable.
- ☐ Incident map has been completed in Section 2 or is attached.
- ☐ Photos of the location and damage are attached.
- ☐ Repair quotes or invoices are attached.
- ☐ Declaration below is signed and dated.
- ☐ Submit completed claim form and supporting evidence to council@moretonbay.qld.gov.au.

Section 6 - Declaration of claimant

- ☐ The information contained in this Private property damage claim form is accurate to the best of my knowledge and belief.
- ☐ I have to the best of my knowledge and belief disclosed all relevant information in this submission and have not withheld any relevant information.
- ☐ The attached quotation for repairs has been prepared for the sole purpose of repairing any damage directly resulting from the incident as described in this Private property damage claim form.
- ☐ I acknowledge that Council's acceptance of a completed claim form is not an automatic acceptance of liability.

Signature:

Date:

Privacy Statement

Moreton Bay City Council is collecting your personal information for the purpose of assessing your submission of a private property damage claim. If express consent is provided within this form, in accordance with 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.