

## 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 VicRoads within 30 days of the incident occurring.

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 Declaration.

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## 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](http://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 or equal to the threshold amount. The threshold amount is \$1640, 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.

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## 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 at [privacy@transport.vic.gov.au](mailto:privacy@transport.vic.gov.au)

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## Where to send your Notice of Incident and Claim form:

To lodge a Notice of Incident and Claim, please complete the form and return it with your supporting evidence to:

Customer Resolutions Roads  
GPO Box 2392 Melbourne, VIC  
3001 Australia

## 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](http://vicroads.vic.gov.au) Alternatively, phone **13 11 70** or go to the VicRoads website at [vicroads.vic.gov.au](http://vicroads.vic.gov.au) and send an email via 'Contact us' on the homepage.

## Part B - Notice of incident

Note - This report must be received within 30 days from the date of incident.

### This is a notice of incident provided in accordance with

1. Road Management Act 2004; and
2. Road Management (General) Regulations 2016

### Office use only

Reference number

Date received at VicRoads

D	D	M	M	Y	Y	Y	Y
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### Details of person or company reporting incident, and if applicable, proposing to make a claim\*

Surname or company name	
Given name(s) or ACN	
Home (or company) address	Postcode
Postal address (if different from above)	Postcode
Telephone number	Facsimile
Email	

### Details of the incident\*

Date	D	D	M	M	Y	Y	Y	Y	Time	am/pm	Road conditions (e.g. dry, wet etc)
Weather conditions at time of incident (e.g. raining, sunny, dark, dry, wet, etc)											
Road name				Locality (city/suburb/town)							
<b>Map Reference</b> <small>Melways (MEL), VicRoads Country Directory (VCD) or GPS Coordinates (Latitude/Longitude)</small>						<b>Traffic direction</b>					
<b>Show map number and grid reference</b> <small>(e.g. MEL 45 B7 or GPS -37.820238, 144.957554)</small>						North <input type="radio"/>		South <input type="radio"/>		Other (please specify below)	
Nearest Intersection		Distance to intersection		m/km		Direction of nearest intersection: North <input type="radio"/>		South <input type="radio"/>		East <input type="radio"/>	
						West <input type="radio"/>		West <input type="radio"/>		Other (please specify below)	

**List any road infrastructure or other infrastructure involved** (traffic light, signs, fences, poles, pit lids, etc)

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Was the road infrastructure or other infrastructure damaged as a result of this incident?\* Yes  No

Do you believe your vehicle or other property damaged was due to the condition of the road or road infrastructure or other infrastructure?

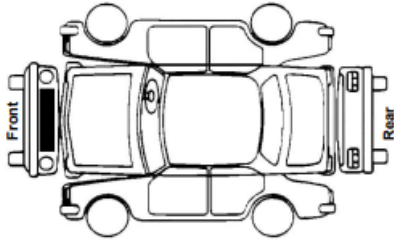
Yes  No

### Description of the incident\*


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

## Part B - Notice of Incident (continued)

Please mark on the diagram provided the areas where your vehicle sustained damage. Additionally, please list in writing which parts of the vehicle were affected.




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*(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](http://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

## 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.

### 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)*

Please note, where VicRoads is liable to pay compensation for property damage, the payment is reduced by the threshold amount.

### 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.

## 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 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 - Declaration

I (Full name)

of (Address)

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.

**By signing the declaration below I acknowledge and declare the information I have provided is true and correct to the best of my knowledge.**

Signature of person making this declaration

Date of declaration

