
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 EastLink.

If you are considering taking such proceedings, you should complete and return this form to ConnectEast's address as set out overleaf **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 ConnectEast.

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 ConnectEast, you should contact ConnectEast on 03 9955 1400.

Part A – Important information about your rights

If you suffer personal injury or property damage due to the condition of EastLink or infrastructure on EastLink, you may be entitled to compensation from ConnectEast.

ConnectEast is not liable for loss or damage arising out of all incidents on EastLink. In particular, ConnectEast is unlikely to be liable to pay compensation, in accordance with the relevant legislation such as the provisions of the Road Management Act 2004:

- for tar damage;
- for property damage in an amount less than the threshold amount. The threshold amount is **\$1,400** for the Financial Year 2017/2018. (Note: Where ConnectEast is liable to pay compensation for property damage, the payment is reduced by the threshold amount. 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 any relevant road management plan and other relevant Codes of Practice 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, ConnectEast 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 this 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 details, view our Privacy Policy at www.eastlink.com.au or contact the Privacy Officer at ConnectEast's address set out overleaf.

Where to send your Notice of Incident and Claim form

ConnectEast's address is:

ConnectEast Pty Ltd
PO Box 744
Ringwood VIC 3134

More information about the Road Management Act 2004

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

Part B – Notice of Incident**Note - this report must be received within 30 days from the date of the incident****This is a notice of incident provided in accordance with:**

1. Road Management Act 2004, section 115; and
2. Road Management (General) Regulations 2005

Office Use Only

Reference

Date received

Date of Notice**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)

Telephone

Email

***Details of the incident**

Date of Incident

Time

am/pm

Map Reference

Traffic Direction

North / South

Nearest intersection and distance

Damage to road or road infrastructure***Description of incident**

(if insufficient space, please complete on a separate page and date and attach to this form)

***Please Note: These are compulsory fields**

Part B – Notice of Incident (continued)

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 www.tac.vic.gov.au

Person 1: Full name and address

Person 2: Full name and address

Was the incident reported to the police?

Yes / No

Name of Officer:

Police Station:

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

Witness 2: Full name and address

Are you proposing to make a claim for damages against ConnectEast? Yes / No **If “Yes”, please provide details**

(if insufficient space, please complete on a separate page and date and attach to this form)

Part C – Notice of Claim

Type of damage or loss

Please indicate what damage or loss is being claimed and give a brief description

Property	<input type="text"/>	Amount in \$	<input type="text"/>
Vehicle	<input type="text"/>	Amount in \$	<input type="text"/>
Personal Injury	<input type="text"/>	Amount in \$	<input type="text"/>
Other	<input type="text"/>	Amount in \$	<input type="text"/>

Details of damage or loss

Include details on how the amount is calculated and a full description of the damage or loss

attach to this form:

- two quotations for the cost of repairs
- any evidence of medical costs incurred
- any evidence of damage or loss incurred

Please state why you believe ConnectEast is responsible

Insurance

Has an insurance claim been 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**

ConnectEast 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 ConnectEast 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 ConnectEast 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 _____

In the State of Victoria, this _____ day of _____ 20 _____

Signature of person making this declaration

[to be signed in front of an authorised witness]

Before me: _____

[Signature of authorised witness]

Full name: _____

[Print name of authorised witness]

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 www.justice.vic.gov.au

***Important: You must complete Part E – Statutory Declaration. Your signature and the signature of an authorised witness are mandatory.**