



# POTHOLE DAMAGE

## Claims Explained

**Roads Authorities, including Councils, cannot be held liable for everything that happens on their roads. It is extremely rare for Councils to be liable to pay for damage caused as a result of colliding with a pothole.**

*The following information will assist in understanding the reasons why claims will usually not be paid:*

- The main obligation is on the road user to drive/ride to the conditions and keep a look out.
- Potholes are generally caused by a combination of weather and heavy traffic.
- Council has immunity under legislation for claims arising in circumstances where Council had no actual knowledge of the pothole or lacked the resources to repair the pothole quickly and/or permanently.
- Potholes cannot be permanently repaired when they are wet as the road base needs to be completely dry.
- Negligence needs to be established in order for a claim to succeed.
- The onus of establishing negligence rests with the person making the claim.
- The onus of proving the cost is also upon the claimant.

Parkes Shire Council is responsible for in excess of 2,000km of sealed and gravel roads across the Shire and is continually assessing damaged areas and prioritising repair work. Significant rain has an immediate impact on roads and we ask drivers to slow down, be mindful of the conditions and drive accordingly.

Council conducts regular inspections of its road network and we ask residents to inform us of any roads that may have been damaged by contacting Council:

- by phone 6861 2333,
- by email [council@parkes.nsw.gov.au](mailto:council@parkes.nsw.gov.au)
- by using our online Customer Request Form available on the Council website [www.parkes.nsw.gov.au](http://www.parkes.nsw.gov.au).
- By downloading the Snap Send Solve app onto your Android or iOS device available through the itunes or google play store.

Should you wish to make a claim against Council, please put your request in writing along with 2 quotes for the repair of the damage to [council@parkes.nsw.gov.au](mailto:council@parkes.nsw.gov.au) or Parkes Shire Council, 2 Cecile Street Parkes NSW 2870.

**While Council will do its best to ensure roadways are serviceable, it is not always possible particularly during periods of adverse weather.**