

# Compensation for loss of or damage to private property and personal effects of employees and for damage to visitor's vehicles

**Policy Number:** I4 (QH-POL-116)

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**Purpose:** To outline the procedures to be adopted in regard to claims for compensation for loss of, or damage to, private property and personal effects of employees whilst engaged in the performance of official duty.

**Application:** This policy applies to all fixed term temporary and permanent employees of Queensland Health.

This policy does not apply to employees of Queensland Ambulance Service. Instead, Queensland Ambulance Service employees are to refer to their local policy/procedure.

**Delegation:** The 'delegate' is as listed in the relevant Department of Health Human Resource (HR) Delegations Manual, or Hospital and Health Services Human Resource (HR) Delegations Manual, as amended from time to time.

## Legislative or other authority:

- Queensland Public Health Sector Certified Agreement (No. 10) 2019

## Related policy or documents:

- Uniform for Administrative Staff HR Policy C35 (QH-POL-247)
- Individual employee grievances HR Policy E12 (QH-POL-140)
- Uniforms for Administrative Staff Circular ER 17/07
- Queensland Health Financial Management Practices Manual

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## 1 Private property and personal effects

References in this policy to private property and personal effects do not include money. Compensation for money will not be allowed under any circumstances.

## 2 Liability

All employees are to be advised in writing that liability will not be accepted by the State Government or Queensland Health for:

- damages sustained to private motor vehicles while being driven or parked on Queensland Health property  
or
- loss or damage, including loss or damage by fire or theft, to private property or personal effects which are used or stored in premises or accommodation owned or used by Queensland Health.

## 3 Insurance

Employees of the Government (including all Queensland Health employees) are responsible for arranging cover and paying the premium in respect to insurance on private property or personal effects to cover loss or damage in circumstances outlined in section 2 of this policy.

## 4 Loss of, or damage to private property

When loss of, or damage to private property occurs to an employee's clothing or personal effects as a consequence of performing their duties and is not due to the employee's reckless actions, Queensland Health management are to consider compensation. For additional provisions on clothing soiled during the course of duty refer to:

- Uniforms for Administrative Staff HR Policy C35 (QH-POL-247)
- Uniforms for Administrative Staff Circular ER 17/07.

When an employee's clothing or personal effects are damaged in the course of performing their duties and a claim made for compensation is not accepted by the delegate, the employee may lodge a complaint in accordance with the Individual employee grievances HR Policy E12 (QH-POL-140).

## 5 Estimated value for loss or repair

Employees are to be notified that compensation in such circumstances will only be for an estimated value for loss or repair at the time and not the replacement value of such item. Employees are to be warned against wearing valuables to work.

## 6 Liability for visitors' vehicles

Any person visiting a Queensland Health facility is to be informed that liability will not be accepted for damages sustained to private motor vehicles while being driven or parked on Queensland Health property. In the opinion of the State Government, this might best be achieved through the erection of an appropriately worded notice prominently displayed in any area in question.

The following example illustrates the type of wording to be used:

This is ..... Hospital and Health Service/Department of Health property.

Every person whether an invitee, employee or otherwise, who brings or authorises the bringing of a vehicle onto this property does so on the condition that neither the ..... Hospital and Health Service/Department of Health, its servants or agents are liable for any loss or damage to the vehicle or any part or accessory or anything left in or about the vehicle whether arising out of a negligent act, breach of duty, default and/or omission on the part of the ..... Hospital and Health Service/Department of Health, its lessees, tenants, servants or agents or by any other person being upon or using this property (and whether standing in legal relationship to the ..... Hospital and Health Service/Department of Health or not) howsoever such loss or damage may be occasioned.

It is to be noted that the ordinary common law duty of Queensland Health as an occupier of land will not be totally absolved through the erection of a notice.

## 7 Claim for compensation

The following guidelines are to be followed in considering any employee claims for loss of, or damage to, private property or personal effects (refer to section 2, for when liability will not be accepted).

An employee may be paid such amount as considered fair and reasonable when the loss of, or damage to, private property or personal effects:

- has been caused by a fault or defect in materials or equipment belonging to the Crown of which the officer had no previous knowledge
- has resulted from an act or omission by another person either employed by or in the custody of the Crown (including Hospital and Health Services (HHSs)/Department of Health)
- has occurred in the course of endeavouring to protect lives or Government property.

Any amount determined for loss or repair is not to exceed the estimated value of the article at the time and not the replacement value of such item. To determine the value of the article due consideration is to be given to the age and condition at the time of loss or damage.

In assessing any amount to be allowed, any compensation received or which may be received from any person, organisation, corporation or other body is to be taken into consideration. These could include refunds from a medical benefits association, damages arising out of personal action, settlements made in respect of damages and insurance claims.

No compensation for loss or damage is to be allowed:

- unless Queensland Health is satisfied that the employee:
  - took all reasonable precautions to avoid loss or damage
  - could not have reasonably been expected to have insured the property against loss or damage.
- whilst the property is:
  - stored in premises owned or occupied by the Crown (including HHSs/Department of Health) including houses, hostels, camps, etc
  - contained in temporary accommodation during an employee's absence from headquarters on official duty
  - being transported while employees are travelling on Government or HHS/Department of Health business except when an essential part of luggage is necessary in the performance of official duty.

- for privately owned equipment such as cameras, binoculars, calculators, etc, unless there were special circumstances necessitating the use of such equipment at the particular time.

### 7.1 Procedure to claim

All employees are to be informed of the above conditions and when a claim is made for compensation the following information must be furnished by the employees:

- details of the circumstances of the incident and the extent of damage sustained.
- statements from any witnesses
- the date of purchase and the purchase price supported by receipts when available for items lost or damaged and an estimate of value at the time of the incident
- a receipt or quotation for the cost of effecting repairs to items damaged
- why the personal effects were not insured at the time of the incident.

Applications and supporting documentation must be submitted through the employee's supervisor to the relevant financial delegate.

### History:

June 2022	<ul style="list-style-type: none"> <li>• Policy:           <ul style="list-style-type: none"> <li>– formatted as part of the HR Policy review</li> <li>– amended to update references and naming conventions</li> <li>– removal of section 6, Loss or damage by fire</li> <li>– inclusion of the reference to Individual employee grievances HR Policy E12.</li> </ul> </li> </ul>
June 2009	<ul style="list-style-type: none"> <li>• Protected IRM 3.8-1 reformatted as part of the HR policy consolidation project in accordance with EB7.</li> </ul>
December 2007	<ul style="list-style-type: none"> <li>• IRM 3.8-1 Compensation for Loss of or Damage to Private Property and Personal Effects of Employees and for Damage to Visitor's Vehicles amended.</li> </ul>
February 2001	<ul style="list-style-type: none"> <li>• IRM 3.8-1 Compensation for Loss of or Damage to Private Property and Personal Effects of Employees and for Damage to Visitor's Vehicles</li> </ul>
Previous	<ul style="list-style-type: none"> <li>• IRM 3.8-1 Compensation for Loss of or Damage to Private Property and Personal Effects of Employees and for Damage to Visitor's Vehicles</li> </ul>