

Public Sector Industrial and Employee Relations

Level 4 75 William Street Brisbane QLD 4000 Title Compensation and Liability
Telephone 32252346 Facsimile 32295943 Date 16 July 2001 Circular No. 5/01
Compensation and liability for loss or damage to private property

Compensation to employees for loss or damage to personal property

On 17 May 1996, the Director-General of the Department of Training and Industrial Relations (as it then was) wrote to departments advising that the Administrative Instruction 1 I 22: *Compensation for Loss or Damage to Private Property or Personal Effects*, issued in September 1983, no longer applied. This circular reiterates that advice.

The matter of compensation to public service employees who have suffered loss or damage to their own property rests with departments. However when considering a claim the following points provide a guide.

- ❖ An employee suffering loss or damage to private property is not automatically entitled to compensation.
- ❖ Any claim for compensation is a claim in common law and accordingly it must first be determined if the person has a legal right to compensation.
- ❖ There may be cases where a department considers payment of compensation is justified on the basis of fairness even if no legal right exists. Before conceding to such claims departments should consider whether they are likely to establish a precedent. For reasons of equity there may be demands that any future claims similar in nature be treated similarly.

There may be an advantage is obtaining legal advice before making a final decision.

Liability and Indemnification

Issues about liability and indemnification for the actions of public service employees and other persons is the responsibility of the Department of Justice and Attorney General. That department is presently drafting a policy on this.

Further Enquiries

Please ensure when distributing this information within your agency that you nominate your own contact officer to respond to enquiries from staff within your agency.



JIM McGOWAN
General Manager

The Division of Public Sector Industrial and Employee Relations provides policy advice and consultancy and training services to Queensland Government departments and agencies. It is part of the Department of Industrial Relations.

- ❖ Enquiries about this circular should be directed to Geoff Kenney of Public Sector Industrial and Employee Relations on telephone 07 32252354.
- ❖ General enquiries about public sector industrial and employee relations matters should be directed to telephone 07 32252342.
- ❖ Written enquiries should be addressed to:
The General Manager
Public Sector Industrial and Employee Relations
Department of Industrial Relations
GPO Box 69
BRISBANE Q 4001

Copies of all current circulars issued by Public Sector Industrial and Employee Relations are available from the department's web site at www.dir.qld.gov.au/psier/index.htm

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