

## PART 3 - ALLOWANCES

### *By-law 22 - Loss or Damage to Clothing or Personal Effects*

#### ENTITLEMENT

- 22 (1) An employee may be reimbursed the cost of clothing or personal effects that are lost or damaged if the loss or damage -
- (a) results from an act or omission of another employee arising in the course of that other employee's employment with the Territory;
  - (b) is caused by a fault or defect in goods, building or property belonging to or occupied by the Territory;
  - (c) occurs while the employee is protecting, or attempting to protect, property of the Territory; or
  - (d) is caused by or occurs in circumstances which in the opinion of the Chief Executive Officer can reasonably be considered to be incidental to the employment of the employee,
- provided that the loss or damage is attributable to the service of the employee, the employee took reasonable precautions to avoid the loss or damage and the employee cannot reasonably be expected to take legal action to recover the amount of the loss or damage from a person who may be liable to pay compensation for that loss or damage.
22. (2) The Chief Executive Officer shall not approve reimbursement for the loss or damage to clothing or personal effects in the following circumstances -
- (a) the clothing or personal effects were left on Government premises, including in official vehicles and the loss or damage did not arise in circumstances specified in clause (1);
  - (b) the property in relation to which the claim is made (eg calculators, drafting instruments, radios, photographic equipment, etc) is used and owned by the employee for the convenience of the employee whether or not the loss or damage arises in the course of the employee's employment, except where the employing Agency has specifically requested the employee to use that personal equipment;
  - (c) the loss or damage occurs in the course of a journey to or from the employee's place of employment;

Issued 7 October 1998

- (d) the loss or damage is caused by fire, flood, theft or some other usually insurable risk, but not arising in circumstances specified in clause (1);
- (e) the loss or damage is due to or substantially due to the negligence or carelessness of the employee, provided that reimbursement of the amount of the loss or damage can be reduced, depending upon the degree of contribution of the negligence;
- (f) the loss is a loss or theft of cash belonging to the employee or to any association of employees such as tea clubs or collections for employees;
- (g) the employee is entitled to recover or has recovered the amount of the loss or damage sustained from a person liable for such loss or damage or under a contract of insurance.

#### APPLICATION PROCEDURE

22. (3) An application for reimbursement under this By-law shall be made in the manner approved by the Chief Executive Officer who in assessing the application shall consider -
- (a) the costs of replacing the clothing or personal effects in question, less any amounts considered relevant in respect of depreciation, residual value and the negligence of the employee;
  - (b) whether or not the costs of replacement can be avoided by the repair of the clothing or personal effects in question, up to the equivalent replacement costs under paragraph (a).

#### *By-law 23 - Higher Duties*

#### INTERPRETATION

23. (1) For the purpose of this By-law -
- “higher duties” is defined as temporary performance of the duties of a designation which has a higher attainable maximum: salary than the substantive designation occupied;
- “higher duties allowance” means the difference in salary between the incremental point of the salary range applicable to the substantive designation and the minimum incremental point of the salary range applicable to the higher duty designation or the applicable incremental point determined in accordance with clauses (2) to (5);