

# Department of **Education**

Learners first, connected and inspired



## Legal Liability Insurance



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# Legal Liability Insurance

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DoE's insurable risks are covered by the Tasmanian Risk Management Fund (TRMF).

## Description of cover

Liability cover (public/general liability) is provided for personal injury or property damage (including economic loss) to third parties caused by negligent actions of DoE and/or DoE representatives acting within the course of their employment/engagement.

The cover includes damage caused by the activities of persons working on behalf of DoE e.g. volunteers and work experience students. 'Negligence' may include:

- incorrect advice given to a third party (professional negligence);
- damage arising from anything manufactured, serviced, altered or prepared by DoE (product liability);
- injury resulting from incorrect or insufficient labelling or instruction on products; or
- discrimination arising from an employer/employee relationship.

## Notes:

- Refer to [Motor Vehicle Insurance](#) for information on third party property damage claims arising from the use of motor vehicles.
- The Legal Liability cover does not cover work undertaken under a capital works contract. Contractors working for DoE must maintain their own public liability and professional indemnity insurance. Policies provided by DOTAF and DIER in conjunction with the TRMF Fund Administrator (Marsh Pty Ltd) should be used – refer to: [Contractors and Public Liability](#).
- Liability cover is not provided for third party personal injury claims arising from the use of a registered motor vehicle. This cover is provided by the Motor Accidents Insurance Board (MAIB).
- Claimants (including home educated students) may be required to bear the first \$1,500 of the excess payable by DoE.

## Scope of cover

Liability cover is provided for:

- DoE and its employees (if determined eligible by the Inter-Agency Committee on Actions Against Public Servants);
- volunteers under the direct control of DoE (i.e. if appointed by DoE and can be dismissed) providing there is a high level of DoE supervision - Please refer to [TRMF's Volunteer Guidelines](#) for further information on the management of volunteers.
- School Associations (incorporated and non-incorporated) and their members (note the cover does not extend to employees of School Associations);
- Parents & Friends Groups subject to the following conditions:
  - they are under the direct control of the school/college;
  - a high level of DoE supervision is provided (including undertaking a risk assessment of tasks undertaken); and the group/individual is appointed directly by the school (and can be dismissed);
- UTAS employees undertaking public duties or functions assigned by the State, or work on behalf of the State specified in a conjoint appointment agreement;

- Government school/college students (including students at Academy and Polytechnic) involved in workplace learning activities including:
  - school-initiated workplace learning programs (provided that students are placed with a DoE approved business in Tasmania or interstate); or
  - DoE approved Special and Alternative Learning Programs;
  - home-educated students registered with the Tasmanian Home Education Advisory Council (THEAC) when participating in VET learning activities, provided the student is placed with a DoE approved business in Tasmania or interstate, and the business complies with relevant DoE guidelines: [Workplace Learning Guidelines](#).

**Cover may not be provided where claimants:**

- act outside the scope of activities authorised by DoE, or contrary to its instructions;
- are affected by alcohol or non-prescription drugs; or
- are involved in a motor vehicle accident.

**Notes**

- Legislation establishing Boards and Commissions usually includes a provision ensuring that Board and Commission members are immune from personal liability claims.
- Third-party liability cover is not provided for students participating in regular school activities (including excursions, school camps, after hours school sport etc.) other than vocational education and special and alternative learning programs.
- Industry apprentices and UTAS students on work experience with DoE are not covered. Students should be asked prior to commencement of the engagement to provide DoE with evidence that they are covered by UTAS' insurance policy.

**Related Documents**

The following documents are available from [www.education.tas.gov.au](http://www.education.tas.gov.au) (Search for the Doc ID)

- Motor Vehicle Insurance (Doc ID: TASED-4-0000)
- Contractors and Public Liability (Doc ID: TASED-4-0000)
- Workplace Learning Guidelines (Doc ID: TASED-4-1544)

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