

LOST PROPERTY POLICY

DOCUMENT CONTROL

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CONTEXT

1. Section 61(a) of the *Financial Accountability Act 2009* requires QPAC to achieve reasonable value for money by ensuring its operations are carried out efficiently, effectively and economically.
2. QPAC's *Code of Conduct* requires Employees, amongst other things, to:
 - (a) maintain and encourage public confidence in the integrity of their position and QPAC as a whole;
 - (b) act in an honest, trustworthy, reasonable and lawful manner; and
 - (c) ensure that resources are not wasted, abused or used improperly or extravagantly.
3. The *Queensland Performing Arts Trust Act 1977* (QPAT Act) provides that if QPAC accepts property for exhibition or another purpose and the property is not collected within 2 years (or within 2 years of the agreed collection date), QPAC may:
 - (a) sell the property by public auction, after publishing a notice in a daily Queensland newspaper – in which case the proceeds of sale must be applied:
 - (1) in payment of the expenses incurred in storing and selling the property;
 - (2) in payment of any amount owing under a security interest; and
 - (3) the balance to be used by the trust in performing its functions;
 - (b) exchange the property for other property; or
 - (c) if it is not viable to sell or exchange the property– dispose of it in another wayafter providing the person who gave the property to QPAC with at least 1 month's written notice of its intention to do so (by publishing a notice in a Queensland daily paper if QPAC does not know the person's address).
4. The QPAT Act also provides that if any other property is found in the Centre and:
 - (a) there are reasonable grounds for suspecting the property has been abandoned;
 - (b) the property is unclaimed after 4 months,QPAC may:
 - (i) sell the property by public auction, after publishing a notice in a daily Queensland newspaper – in which case the proceeds of sale must be applied:
 - (1) in payment of the expenses incurred in storing and selling the property;
 - (2) in payment of any amount owing under a security interest; and
 - (3) the balance to be used by the trust in performing its functions;
 - (ii) if it is not viable to sell the property– dispose of it in another way;
 - (iii) if the property is in a dangerous condition or unfit for use for the purpose for which it was intended to be used – cause it to be destroyed.

5. If QPAC acts in accordance with the provisions set out in paragraphs 3 or 4 above:
 - (a) the sale or other disposal is valid against all persons; and
 - (b) compensation is not recoverable against the trust for the sale or other disposal.
6. The *Information Privacy Act 2009* requires that if QPAC is in control of an individual's Personal Information, QPAC:
 - (a) must ensure that the Personal Information is protected against loss; unauthorised access, use, modification or disclosure; or any other misuse; and
 - (b) must not disclose the Personal Information except in limited circumstances.
7. The *Human Rights Act 2019* requires QPAC to act in a way that is compatible with human rights, including the rights:
 - (a) not to be arbitrarily deprived of property; and
 - (b) not to have privacy, family, home or correspondence unlawfully or arbitrarily interfered with.

PURPOSE

8. The purpose of this Policy is to ensure that QPAC deals with Lost Property fairly, effectively and efficiently and in compliance with relevant legislation.

APPLICATION

9. This Policy applies to all Employees in relation to Lost Property.
10. QPAC may, in its absolute discretion, amend this Policy at any time.

POLICY

Lost Property

Definition

11. For the purposes of this Policy, Lost Property comprises:
 - (a) Abandoned Property: property that is found in the Centre and there are reasonable grounds for suspecting the property has been abandoned; and
 - (b) Unclaimed Property: property that has been accepted by QPAC for exhibition or for another purpose (for example, left with the cloakroom) and has not been collected within 2 years of acceptance (or 2 years of any agreed collection date).

Delivery to Stage Door

12. Lost Property must be delivered to Stage Door.

Contact owner

13. QPAC will seek to identify and contact the owner and, if possible, make arrangements for the immediate collection or return of the Lost Property.

14. If the Lost Property cannot be returned to the owner immediately, QPAC will deal with the property as set out below.

Dangerous or useless property

15. If QPAC determines that the Lost Property is in a dangerous condition or unfit for use for the purpose for which it was intended, QPAC will dispose of the property in an appropriate manner as determined by QPAC in its absolute discretion.

Storage

16. If the Lost Property is not in a dangerous condition or unfit for use for the purpose, QPAC will store the property securely, ensuring that any appropriate additional safeguards are in place for High Value Property.

Return to owner

17. QPAC will return Lost Property to the owner as set out in paragraphs 29 to 31.

Disposal of Lost Property

Timeframe – Abandoned Property

18. QPAC will dispose of Abandoned Property as set out below if the owner has not retrieved the property within 4 months.

Timeframe – Unclaimed Property

19. QPAC will dispose of Unclaimed Property as set out below if:
- (a) the owner has not retrieved the property within 2 years after:
 - (i) acceptance of the property by QPAC; or
 - (ii) in the case QPAC agreed to hold the item for a period of time, the end of that time period; and
 - (b) QPAC has provided the owner with 1 month's written notice of its intention to sell, exchange or otherwise dispose of the property.

Low Value Property

20. Subject to paragraph 24, QPAC will donate Low Value Property to a charitable organisation that has the resources and facilities to realise maximum value or use from the property items, at minimal cost and inconvenience to QPAC.
21. If the charitable organisation refuses to take the Low Value Property, QPAC will dispose of the property in an appropriate matter as determined by QPAC in its absolute discretion.

High Value Property

22. Subject to paragraph 24, QPAC will arrange for High Value Property to be sold at public auction.

Unclaimed Property

23. Subject to paragraph 24 and despite paragraphs 20 to 22, QPAC may, in its absolute discretion, decide to exchange Unclaimed Property for other property.

Personal Devices

24. QPAC will arrange for Personal Devices to be sold or disposed of to an organisation that has the resources and facilities, and undertakes, to remove all Personal Information from the device.
25. For the avoidance of doubt, QPAC may sell Personal Devices other than by way of public auction, in order to ensure protection of any Personal Information contained on the device.

Proceeds of sale

26. QPAC will apply any proceeds of sale of Lost Property:
 - (a) in payment of the expenses incurred in storing and selling the property;
 - (b) in payment of any amount owing under a security interest; and
 - (c) the balance to be used by QPAC in performing its functions.

No claim by Employees

27. No Employee has any claim with respect to Lost Property (unless the Employee is the rightful owner of the property).
28. In dealing with Lost Property, Employees must comply with the Code of Conduct.

Return of Lost Property

Reports of Lost Property

29. Reports of Lost Property may be directed to QPAC's Stage Door on +61 7 3840 7500 or at stagedoor@qpac.com.au.

Return of Lost Property

30. QPAC will return Lost Property to its owner (at the owner's cost if any costs are incurred) when a valid claim is made by:
 - (a) the person claiming ownership sufficiently identifying the property; and
 - (b) providing photographic identification

to QPAC's satisfaction, as determined by QPAC in its absolute discretion.

Collection of Lost Property

31. Lost Property may be collected from Stage Door from Monday to Saturday between the hours of 9:00am and 8:00pm, or otherwise as agreed between QPAC and the property owner.

PUBLICATION

32. This Policy must be published on QPAC's external website.

ENQUIRIES

33. If you have any enquiries regarding this Policy, please contact QPAC's Patron Services Customer Relations Officer via +61 7 3840 7444 or qpac.reception@qpac.com.au.

REVIEW

34. This Policy must be reviewed at least every 3 years.

DEFINITIONS

Term	Definition
Abandoned Property	Property that is found in the Centre and there are reasonable grounds for suspecting the property has been abandoned.
Centre	Queensland Performing Arts Centre
Employees	All QPAC employees, including permanent, fixed term, casual, full-time, part-time, variable part-time and flexible part-time employees, labour hire staff (employed via a third-party labour hire agency), interns, work experience students and volunteers.
High Value Property	Property with a value over \$1,000.00, as determined by QPAC in its absolute discretion.
Lost Property	Abandoned Property or Unclaimed Property.
Low Value Property	Property with a value up to or including \$1,000.00, as determined by QPAC in its absolute discretion.
Personal Device	A mobile phone, laptop, USB storage drive, other removable storage device, MP3 music player, watch or any other device that contains, or may reasonably be considered to contain, Personal Information.
Personal Information	Information or an opinion, including information or an opinion forming part of a database, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion. (s12 <i>Information Privacy Act 2009</i>)
QPAC	Queensland Performing Arts Trust
QPAT Act	<i>Queensland Performing Arts Trust Act 1977</i> (Qld)
Unclaimed Property	Property that has been accepted by QPAC for exhibition or for another purpose (for example, left with the cloakroom) and has not been collected within 2 years of acceptance (or 2 years of any agreed collection date).

REFERENCES

<i>Human Rights Act 2019</i>
<i>Information Privacy Act 2009</i>
<i>Queensland Performing Arts Trust Act 1977</i>
<i>QPAC's Code of Conduct</i>
<i>QPAC's Lost Property Procedure</i>