

LEGAL STATUS OF BRIGADES

Overview

In late November 2011 a review was undertaken to clarify the legal status and financial accountability requirements of rural fire brigades. The outcome is still applicable today.

The significant points to note include:

- A rural fire brigade is an unincorporated association (unless it is or becomes incorporated under the Incorporated Associations Act 1981).
- Rural fire brigades are not part of Queensland Fire and Emergency Services (QFES). Brigades gain their powers of operations through authorisation of the Commissioner.
- Members of brigades are not fire service officers under Section 8A and 25 of the Fire and Emergency Services Act 1990.
- The Financial Accountability Act 2009 imposes obligations on an accountable officer and statutory bodies. A brigade does not have an accountable officer and is not a statutory body so the obligations of the Financial Accountability Act 2009 do not apply to rural fire brigades.

The main consequences of being an unincorporated association are as follows:

- Entry into contracts – A brigade is not a legal entity so it cannot be a party to a contract.
- Ownership of Property (this includes land, stations, water rights and easements) – a brigade cannot buy or own property in the brigade's name because it is not a legal entity, however QFES is able to acquire or lease land on which a fire station is located, on behalf of a brigade.
- Legal Proceedings – a brigade is not a separate

legal entity so it cannot sue or be sued.

Brigade members have the benefit of the following statutory provisions:

- Brigade members may be covered by workers compensation insurance.
- Under section 27 (1) of the Civil Liability Act 2003 and schedule 2 of the Civil Liability Regulation 2014, civil liability does not apply to a brigade in relation to an act done or omitted in the course of rendering first aid or other aid or assistance to a person in distress, provided certain conditions are met.

Rural fire brigades gain their powers of operations through authorisation of the QFES Commissioner. This relationship provides brigades with coverage under the Fire and Emergency Services Act 1990 and ensures a consistent approach whilst empowering the volunteer brigade with the necessary compensation and insurance assistance.



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