

## RELEVANT LEGISLATION

There is a broad range of both state and commonwealth legislation that impacts the management, function, and funding of rural fire brigades.

### Fire and Emergency Services Act 1990

The Fire and Emergency Services Act 1990 (Division 3) outlines the establishment, rules, functions, powers, and property of a rural fire brigade. It also specifies the powers of an Authorised Officer. While volunteers of the Rural Fire Service (RFS) are not authorised officers, under Fire and Emergency Services Act 1990 First Officers can exercise the powers of an authorised officer in specific circumstances.

Section 152B of the Fire and Emergency Services Act 1990 also specifies the use of unregistered vehicles (all RFS appliances) on roads, outlined below:

- (1) This section applies if-
  - (a) An unregistered vehicle (the vehicle) is being used on a road by a rural fire brigade or an emergency services (ES) unit-
    - (i) For carrying persons or equipment for the purposes of preventing, controlling or extinguishing a fire; or
    - (ii) For the purpose of training relating to fire fighting or fire preventing; or
    - (iii) For another purpose authorised in writing by the commissioner; and
  - (b) The vehicle is clearly identified as a vehicle of a rural fire brigade or ES unit; and  
Example for paragraph (b)-  
a vehicle carrying a sign with the words 'emergency service unit vehicle'
  - (c) An insurance policy of the kind mentioned in the Motor Accident Insurance Act 1994, section 23(1) is in force for the vehicle.
- (2) The provisions of the Transport Operations (Road Use Management) Act 1995 that prohibit the use on a road of an unregistered vehicle, unless the use is authorised by a permit under that Act, do not apply in relation to the vehicle.

### Financial Accountability Act 2009

The Financial Accountability Act 2009 imposes obligations on accountable officers and statutory bodies. Under section 65(1), the chief executive of a government department is the accountable officer of the department.

Rural fire brigades are unincorporated entities, and for financial purposes, are not part of Queensland Fire and Emergency Services (QFES).

### Disaster Management Act 2003

The Disaster Management Act 2003 and the Queensland State Disaster Management Plan provides the authority to promote wildfire hazard mitigation planning.

The Queensland State Disaster Management Plan stipulates that QFES has primary management responsibility for ensuring the preparation of Wildfire Mitigation and Readiness Plans.

### Local Government Act 2009

The Local Government Act 2009 permits a local government to make and levy the following rates or charges:

- a special rate or charge
- carry forward unexpended funds from a special rate or charge
- a separate rate or charge, and
- contribute amounts raised to rural fire brigades operating in its local government area.

The Rural Fire Levy is collected as a rate or charge under the Local Government Act 2009, so the final decision on any aspect of a levy remains with each local government. This includes whether a levy should be imposed, the amount to be levied, the distribution of income, and changes to brigade financial dealings or bookkeeping.

For further information, refer to Rural Fire Brigade Manual (RFBM) Procedure D3.2 - Rural Fire Levy. As outlined in the Brigade Management Rules section 28 (b), all money received by brigades is either state money (public money), council money or brigade money and must be accounted for, with transactions transparent and



recorded for audit purposes.

## Work Health and Safety Act 2011

Work Health and Safety (WHS) in QFES is governed by the Work Health and Safety Act 2011 (WHS Act), the Work Health and Safety Regulation 2011, and associated Codes of Practice. The main object of the WHS Act is to provide for a balanced and nationally consistent framework to secure the health and safety of workers and workplaces.

The WHS Act stipulates specific WHS obligations and duties for all workers in Queensland. RFS volunteers are deemed as “workers” under section 7, 1(h). As such, volunteers have a duty of reasonable care. A volunteer can demonstrate reasonable care by ensuring their own health and safety by ensuring their acts or omissions do not affect the health and safety of others, by attending training and complying with any reasonable instruction, policy or rule that applies to WHS.

QFES has a duty under the WHS Act to do what is reasonably practicable to ensure the health and safety of all workers. QFES fulfils this duty by providing support, equipment (including personal protective equipment), training and operational policies, and procedures to rural fire brigades and volunteers.

## Work Health and Safety Regulation 2011

### Workers’ Compensation

RFS has a contract of insurance with WorkCover Queensland to provide workers’ compensation coverage for its volunteers (refer section 15 of the Workers’ Compensation and Rehabilitation Act 2003). Volunteers may submit an application for worker’s compensation in the event of an injury sustained during bona fide brigade activities. Further information is available in RFBM procedure D1.9 - Bona Fide Brigade Activities.

### Workers’ Compensation and Rehabilitation and Other Legislation Amendment Bill 2015

This legislation introduced provisions that deem certain latent onset diseases developed by firefighters to be work-related, for the purposes of claiming workers’ compensation benefits. The legislation applies to firefighters diagnosed on or after 15 July 2015 with a deemed disease and also outlines the years’ of service a firefighter must have served in Queensland to qualify for their condition to be considered under these provisions. For further information, refer to RFBM Procedure C2.1 - Work

Health and Safety and Workers’ Compensation.

## Civil Liability Act 2003 and Civil Liability Regulation 2003

Under section 27 (1) of the Civil Liability Act 2003 and schedule 2 of the Civil Liability Regulation 2014, civil liability does not attach 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 the assistance is given while performing duties to enhance public safety in an emergency and without reckless disregard for safety.

