



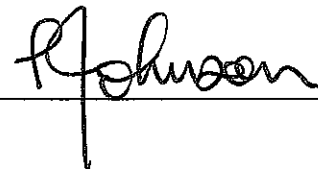


## Queensland Fire and Emergency Services (QFES) Transition Approval for Recommendation Closure



Rec. No.	Recommendation
M80	That the State Government recognises the legal status of rural fire brigades as per Crown Law advice and addressed by recommendations from this Review.
<b>Status</b>	
This recommendation has been accepted and enacted.	
<b>Evidence (attach evidence as required)</b>	
<p>This issue relates to financial reporting concerns originally raised by the Auditor General and subsequently recommended by the Public Accounts and Public Works Committee (PAPWC) Report.</p> <p>The PAPWC report (Attachment A) recommended a comprehensive legal review in order to clarify the legal position of Rural Fire Brigades (RFBs) and their members.</p> <p>The advice received from Crown Law in November 2011 (Attachment B) states <i>"The group of persons registered as a Brigade is not incorporated as a corporation. No separate legal entity is created. The group of persons would be an unincorporated association. An unincorporated association has no legal status"</i>.</p> <p>Rural Fire Brigade Manual (RFBM) Business Rule D1.3 – Legal Matters (Attachment C) describes the legal status of brigades which is consistent with the Crown Law advice. The legal status of brigades is clearly stated in the RFBM as not constituting an incorporated body and is not a legal entity and therefore cannot be sued or enter into legally binding agreements in its own name. This is consistent with the Crown Law advice.</p> <p>A further example of how this principle is applied is detailed in RFBM Business Rule D5.1.1 – Fire Stations – Acquiring Land (Attachment D) affirming a RFB Brigade is unable to hold land in its own name. The same position is reflected across all relevant Business Rules in the RFBM.</p>	
<b>Statement of Benefit</b>	
<b>How has the implementation of the recommendation benefited the workforce and/or community?</b>	
<p><b>This Recommendation is supported by the Keelty/PACSR Report</b> and is current procedure within the Queensland Fire and Emergency Services (QFES).</p> <p>The Legal and Conduct Unit advise that as of 22 October 2013, there are no changes to the position outlined in the advice received from Crown Law in November 2011. The position is still supported by the QFES.</p>	
<b>Other Considerations</b>	
Reviewed by the Malone Review Working Group  Supported/ Not Supported	Mr Ted Malone MP (Chair of the Malone Review Working Group)/Mr Jack Dempsey, Minister, Police, Fire and Emergency Services  Signature:  Date: 21/11/13

I endorse/ approve the formal closure of the above mentioned recommendation and confirm that all requirements have been met.

<b>QFES Transition Coordinator:</b>	Ian Mitchell Assistant Commissioner, QFES Transition	Signature: 	Date: 19/11/13
<b>Chair, QFEST Steering Committee:</b>	Commissioner Lee Johnson, QFES	Signature: 	Date: 19/11/13
<b>Chair, DPC Steering Committee:</b>	Mr Jon Grayson, Director-General, DPC	Signature: _____	Date: / /13