

**Invitation to First Officer or delegated representative**  
to attend the  
**Rural Fire Service**  
**Legal Status of Brigades Discussion Forum**  
**[location]**

The *Fire and Emergency Services Act 1990* provides delegated powers to Rural Fire Brigades (RFBs) for the purpose of conducting their operations. However, the legal status of RFBs is far more complex and it has been decided that now is the right time to conduct considered analysis to enable improved knowledge of all aspects moving forward.

In November 2011, Crown Law advice was sought regarding RFBs and the status and application of the Financial Accountability Act 2009 to brigades. That advice stated:

*The Crown established the position that the status of a Rural Fire Brigade was an unincorporated association. It was merely a group of persons with a mutual agreement or understanding to be a part of an association on the terms set out in the rules for the Brigade.*

The Queensland Fire and Emergency Services wishes to gain a better understanding the impact the current legal status has on brigades, to allow us to develop solutions and strategies that will support a modern rural fire service into the future.

While the current status (un-incorporated associations) offers many advantages to brigades, there are also potential opportunities for improvement which will ensure we are a modern and proactive service into the future.

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

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

However, brigade members have the benefit of the following statutory provisions:

- They may be covered by workers compensation insurance.
- Under s 27 (1) of the *Civil Liability Act 2003* and s 4 of schedule 1 of the *Civil Liability Act 2003*, civil liability does not attach to a Brigade...

To gain a better understanding of the impact of the current brigade legal status (both the advantages and disadvantages), the RFS in conjunction with the RFBAQ will be talking to brigades across the state, looking to generate a conversation and feedback on the issue.

The project is not a decision making body. The purpose of the project is to gather information to make recommendations to QFES.

You are invited to attend a discussion forum to gain a better understanding the impact the current legal status has on brigades, and how we can support brigades more effectively into the future:

Date:

Location:

Time:

RSVP:

Please be aware the forum will focus specifically on the legal status of brigades and issues that fall outside of the scope of the discussion will be noted but not discussed during the event.