

8 Legal Status of Brigades

Recommendation 80: That the State Government recognises the legal status of rural fire brigades as per Crown Law advice and addressed by recommendations from this Review.

There has been for many years a question mark over the legal status of Rural Fire Brigades and their members and how this would impact the responsibility and accountability of Rural Fire Brigades and the Queensland Fire and Rescue Service in the deployment of Brigades and the assets held by Brigades.

The Public Accounts and Public Works Committee's Report No 11 on the Management of Rural Fire Services in Queensland previously recognised this issue when it made the following recommendation.

"That the Minister for Police, Corrective Services and Emergency Services undertake a comprehensive legal review in order to clarify the legal position of Rural Fire Brigades (RFBs) and their members."

The State Government of the day supported this recommendation and in its response wrote, *"The Government notes the concern of both the Auditor-General and the PAPWC that the lack of clarity in the current arrangements and legislation creates difficulty for both DCS and rural fire volunteers."*

In response, DCS will seek advice to clarify the legal position of RFBs and their members. The advice will facilitate the establishment of clearer legislative lines of responsibility and accountability of RFBs and QFRS in relation to the deployment of RFBs and assets under RFB custody.

The legal position will be key advice informing the proposed review of the structure and funding of the rural fire arrangements in Queensland."

A summary of the legal advice can be found at Attachment 2.

I must emphasise that this advice was provided to confirm the legal status of brigades under the *Fire and Rescue Service Act 1990* and about the application of the *Financial Accountability Act 2009* to brigades.

Please take into account the context of the advice when considering it.

The legal status of Rural Fire Brigades as advised by Crown Law needs to be formally recognised by the Department of Community Safety.