

**From:** Justin Choveaux <[gm@rfbaq.org](mailto:gm@rfbaq.org)>

**Sent:** Thursday, March 27, 2025 11:24 AM

**To:** Attorney General <[attorney.general@ministerial.qld.gov.au](mailto:attorney.general@ministerial.qld.gov.au)>; FDR <[FDR@ministerial.qld.gov.au](mailto:FDR@ministerial.qld.gov.au)>

**Cc:** Jessica Stark <[projects@rfbaq.org](mailto:projects@rfbaq.org)>

**Subject:** request to investigate whether the actions of the Queensland Fire Department in dissolving 1,400 unincorporated associations without consultation and taking ownership of all equipment owned by the persons who constitute those unincorporated associations

Dear Minister Leahy and Attorney General Frecklington,

I am writing to you with a request to investigate whether the actions of the Queensland Fire Department in dissolving 1,400 unincorporated associations without consultation and taking ownership of all equipment owned by the persons who constitute those unincorporated associations is legally supported.

A Rural Fire Brigade is 2 separate entities. There is the unincorporated association that was formed by a group of people who came together for a purpose. That purpose was to be able to defend their community through submitting an application to become a registered Rural Fire Brigade. The unincorporated association predates the existence of the registered Rural Fire Brigade, and this group of people moderate the membership of the association and these persons own property.

In 2018 the RFBAQ and QFES went and saw brigade leaders across Queensland in relation to their legal status, and the overwhelming answer from the top to the bottom of Queensland was that *brigades were comfortable with their legal status and wanted a simple legal structure that allowed them to function effectively. Brigades wanted to keep their unincorporated status.* (fact sheet named *The Legal Status of Rural Fire Brigades Project Summary* attached)

This was the last engagement that the fire service undertook with the unincorporated associations regarding their status. The legislative changes of last year that were rammed through without consultation with the 1,400 unincorporated associations resulted in the QFD stating that these 1,400 unincorporated associations now have been dissolved.

I believe that these actions of the QFD last year are also in contravention of the Queensland Human Rights Act 2019 section 24:

**24 Property rights**

- (1) *All persons have the right to own property alone or in association with others.*
- (2) *A person must not be arbitrarily deprived of the person's property.*

I have attached the Crown Law advice of November 2011 which states –

*'equipment provided or subsidised by the Director-General remains the property of the state and may be repossessed. Section 84 does not apply to all of the equipment of a rural fire brigade. Accordingly, if the group*

*of persons comprising the brigade purchases equipment from funds that they have raised themselves, that equipment would not be property of the state under section 84. It would remain the property of the group of persons and would be held by them in accordance with the rules of the brigade. The brigade could deal with that property as it decides, provided that it is not inconsistent with the brigade rules.*

The QFD asserts that now all this equipment that was owned by the members of the unincorporated associations and was funded by Local Government funding, donated community money, or given to the brigade by the RFBAQ is owned by the state. This was not the agreed contract as entered into by Local Government or donors.

The QFD also asserts that as the 1,400 unincorporated associations are no more; that brigade bank accounts cannot have funds deposited into them and that the brigade bank accounts are now the responsibility of the signatories and not the brigade as the association has been dissolved. (email called *RFSQ/RFBAQ meeting - meeting with treasury* attached)

I have not sent this request to the QFD, as previously when I have written to them and they have taken advice I get this response - *it is not appropriate for me to provide legal advice on the powers of the Commissioner, nor can I share any privileged QFES legal advice.* The attached email thread if read from the bottom up gives a very good insight into why I am directly writing to you. (email called - *RFSQ putting brigades into administration* attached)

The QFD/QFES/QFRS have historically been unable to distinguish between the brigade and unincorporated association and the rights of the members of these unincorporated associations as it does not fit into their world view. When challenged previously they clam up and ram through change.

If you require and further information, please do not hesitate to contact me.

Regards

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16th September



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