

What I Need to Know

- Section 129(1) of the *Fire and Rescue Service Act 1990* states:

No matter or thing done or omitted to be done by any person pursuant to this Act or bona fide and without negligence for the purposes of this Act subjects that person to any liability.
- This means that a volunteer cannot be held liable for undertaking any action permitted by the *Act*. Should a court or other authority find that liability has to be accepted, then QFRS will accept that liability.
- This section of the *Act* does not prevent court action being taken against a volunteer. When this occurs, QFRS or its insurers will provide legal representation. The volunteer will not bear any cost in having the action defended or in the event that the court finds in favour of the claimant.
- To enjoy the protection afforded by s129, a volunteer must have performed the action *bona fide* (in good faith, for a valid reason) and *without negligence*.
- Any volunteer who is shown to be under the influence of alcohol or drugs while carrying out the work of the organisation would lose the protection of Section 129 (1) of the *Act* and would therefore not be covered for any resulting liability and for the purposes of workers compensation.

How I do it

- For further information regarding protection from liability, speak to your Area Director.

Reference Materials

- Area Reference Manual – Business Rule: D4.2.4 Manage Legal Matters
- Area Reference Manual – Business Rule: D3.7 Manage Brigade Appliances, Equipment and Private Property Insurance
- Rural Fire Brigade Manual – Business Rule: D7.18 Public Liability Insurance