

VOLUNTEER PROTECTION

Looking after local government's bushfire brigade volunteers

Information sheet

Local governments in Western Australia who have bushfire brigades are required to obtain and keep current protection coverage for volunteer firefighters (VFF) under the *Bush Fires Act 1954 (WA) (BFA)* and the *Fire and Emergency Services Act 1998 (FES)* Part 6B.

Another related Act is the *Workers' Compensation and Injury Management Act 1981 (WA)*. LGIS will arrange the required protection on behalf of local government as per below protections:

- Personal injury (VFF personal injury)
- Motor vehicle and plant damage
- Personal property
- Third party liability

This **protection applies when a volunteer firefighter is carrying out "normal brigade activities"** which are defined in the *Bush Fires Act 1954 (WA)* as:

- a. the prevention, control or extinguishment of bushfires;
- b. any act or operation at or about the scene of a bushfire, or in connection with a bushfire, which is necessary for, directed towards, or incidental to, the control or suppression of the fire or the prevention of spread of the fire, or in any other way necessarily associated with the fire including travelling and support services such as meals and communication systems;
- c. any bushfire prevention activity including the burning, ploughing or clearing of fire-breaks or any other operation, including but without being limited to, the inspection of fire-breaks or other works and the survey of areas for the purpose of detecting fire or ascertaining the need for precautions against the outbreak of fire, but not including the activities of an owner or occupier providing a fire-break or

- d. fire prevention works on his own property in order to comply with a notice given under section 33 (1), 34(2) or 35(1) or a local law made under section 33 (5a);
- d. demonstrations, exercises, fundraising, promotions, public education, competitions or a training process for volunteers;
- e. examination, preparation, maintenance, adjustment or repair of any vehicle, equipment, building or thing used or intended to be used by a bushfire brigade for the purpose of fighting fires or for carrying out fire prevention operations including activities associated with administration of a bushfire brigade;
- f. travelling in aircraft for the purposes of inspection of fire-breaks, fire hazards and bushfires;
- g. erection, removal or maintenance of radio masts used for fire related purposes;
- h. attending an incident where the skills of a volunteer firefighter or the operation of firefighting equipment may reduce or remove a perceived threat to life or property;
- i. attending an incident subsequently found to be a false alarm.

"Volunteer firefighter" means a bushfire control officer, a person who is a registered member of a bushfire brigade established under this Act or a person working under the direction of that officer or member.

Bushfire volunteers personal injury

Protection for personal injury to a VFF whilst undertaking normal brigade activities applies as if the volunteer were a worker and suffered that injury under the *Workers' Compensation and Injury Management Act (WA) 1981* (as amended).

The protection can be briefly summarized as follows:

a. Death

Benefit as per the WorkCover WA Prescribed Amounts Schedule

b. Medical and additional expenses

Benefit as per the WorkCover WA Prescribed Amounts Schedule

c. Weekly benefits

- If the volunteer is a self-employed or unemployed person, the actual weekly earnings received by the volunteer; or
- In any other case, the volunteer's weekly earnings calculated in accordance with the *Workers' Compensation and Injury Management Act 1981 (as amended)*.
- The volunteer will need to produce sufficient evidence of his or her actual weekly earnings (e.g. pays slips, tax returns etc.). (Depending upon the complexity of the documentation provided, LGIS may need to refer the documentation to an accountant or similar – with the written approval of the volunteer).
- In the event that the volunteer does not agree with the decision concerning the claim, the matter can be referred to an independent arbitrator under the *Commercial Arbitration Act 1985 (WA)*.

Claims procedure

In the event that a volunteer is injured, priority should be given to seeking medical treatment. Once the volunteer is able, they should lodge a claim through the local government who will then forward it to LGIS for processing.

LGIS will require:

- Completed **LGIS Bushfire claim form**
- **Attending physician statement** plus any medical certificates, accounts / invoices involving your treatment; and
- **Bushfire declaration** – to be completed by the bushfire control officer or other member of the bushfire brigade under whose direction the Injured person was fighting the bushfire at the time of the accident.

The above forms can be obtained from your local government or on the LGIS website ([LGIS – Claim Form - lgiswa.com.au](https://www.lgiswa.com.au))

Motor vehicle and plant damage

Protection is provided for loss or damage to:

- all appliances, equipment and apparatus of a bushfire brigade; and
- any privately owned vehicle, appliance, equipment or apparatus.

Protection is for the market value or the reasonable cost of repair, whichever is the lesser, of any such vehicle, lost or damaged that is used under the direction of a bushfire control officer or a member of a bushfire brigade for the purposes of the *Bush Fires Act 1954*. Such loss or damage occasioned in the course of normal brigade activities, as defined in the *Bush Fires Act 1954*.

There is no excess payable.

Claims procedure

Loss of, or damage to any vehicle should be reported immediately to the relevant local government officer so that a claim can be lodged with LGIS.

LGIS will require:

- **Completed motor vehicle claim form**, with photographs of the damage and at least one quote for repairs; and
- **Bushfire declaration** – to be completed by the bushfire control officer or other member of the bushfire brigade under whose direction the injured person was fighting the bushfire at the time of the accident.

The above forms can be obtained from your local government officer or LGIS website ([LGIS – Claim Form - lgiswa.com.au](https://www.lgiswa.com.au)). Once the form is completed, return the form back to the local government and they will forward direct to the insurer as per normal motor vehicle claims procedures.

Personal property damage

Protection is provided for loss or damage to any privately owned property including prescription glasses.

Protection is for the reasonable cost of repairs or replacement, whichever is the lesser and applies when a volunteer firefighter is undertaking “normal brigade activities” as defined in the *Bush Fires Act 1954*.

There is no excess payable.

Claims procedure

Loss of, or damage to personal property should be reported immediately to the local government officer so that a claim can be lodged with LGIS.

LGIS will require:

- Completed property claim form and a quote for the repair. If not repairable, the repairer’s report would be required to confirm that the damaged item is not repairable. Please provide a quote for replacement of the item; and
- Bushfire declaration – to be completed by the bushfire control officer of the bushfire brigade under whose direction the person was fighting the bushfire at the time of the accident.
- Proof of ownership of the lost or damaged item (ie manual/photos/copy of original invoice)
- Photographs of all damages
- A written estimate of repair or replacement costs

The above forms can be obtained from the local government officer or LGIS website ([LGIS – Claim Form - lgiswa.com.au](https://www.lgiswa.com.au)). Once completed, return back to the local government and they will forward to LGIS as per normal Property claims procedures.

In any event, local government Public Liability cover through LGIS includes protection for volunteer firefighters and registered bushfire brigades carrying out their duties in accordance with the *Bush Fires Act 1954*.

Third Party Liability

On occasion, injury and/or damage could be incurred by third parties when volunteer firefighters are carrying out their normal brigade activities. In such situation, threats and lawsuit could occur and you may be threatened with legal action claiming compensation for damages.

According to the *Fire and Emergency Services Act 1998 (Section 37)*, provides a protection from any liability that a volunteer firefighter may incur in the purported performance of a function under the *Emergency Services Act 1998*, including carrying out ‘normal brigade activities (within the meaning of the *Bush Fires Act 1954*)’ provided they have carried out their duties, in good faith.

The Fire and Emergency Services Act 1988 does not limit the right of recovery for damages in respect of the death of or bodily injury to any person directly caused by, or by the driving of, a motor vehicle.

Claim procedure

If any claim is received from a third party intending to take legal action or is seeking compensation against you or your brigade, then please notify local government officer immediately and they will seek instructions from LGIS.

Admissions of liability and/ or comments should never be given

Further Queries

For more information, please contact LGIS on:

Level 3, 170 Railway Parade
West Leederville WA 6007

Ph: **08 9483 8888**
Email: admin@lgiswa.com.au
Website: [lgiswa.com.au](https://www.lgiswa.com.au)