



BILL NO. 41

Government Bill

*2nd Session, 61st General Assembly
Nova Scotia
59 Elizabeth II, 2010*

An Act to Amend Chapter 13 of the Acts of 2002, the Volunteer Fire Services Act

CHAPTER 28
ACTS OF 2010

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
MAY 11, 2010**

The Honourable Marilyn More
Minister of Volunteerism

*Halifax, Nova Scotia
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**An Act to Amend Chapter 13
of the Acts of 2002,
the Volunteer Fire Services Act**

Be it enacted by the Governor and Assembly as follows:

1 The title of Chapter 13 of the Acts of 2002 is changed from “An Act to Recognize Volunteer Firefighters and to Protect Volunteer Fire Departments” to “An Act to Recognize Volunteer Firefighters and Volunteer Ground Search and Rescue Workers and to Protect Volunteer Fire Departments and Volunteer Ground Search and Rescue Organizations”.

2 Section 1 of Chapter 13 is amended by adding “and Ground Search and Rescue” immediately after “Fire” in the first line.

3 Section 3 of Chapter 13 is amended by

(a) adding immediately after clause (b) the following clause:

(ba) “Emergency Management Office” means the Emergency Management Office established pursuant to the *Public Service Act*;

(b) striking out the period at the end of clause (d) and substituting a semicolon; and

(c) adding immediately after clause (d) the following clauses:

(e) “volunteer ground search and rescue organization” means a volunteer ground search and rescue organization recognized by the Emergency Management Office;

(f) “volunteer ground search and rescue worker” means a volunteer ground search and rescue worker as defined by clause 38A(1)(e) of the *Income Tax Act*.

4 Subsection 5(1) of Chapter 13 is repealed and the following subsection substituted:

(1) Upon the accidental death of

(a) a volunteer firefighter directly as a result of the firefighter’s responsibilities, in the volunteer fire department of which the firefighter is a member; or

(b) a volunteer ground search and rescue worker directly as a result of the volunteer ground search and rescue worker’s responsibilities, in the ground search and rescue organization of which the ground search and rescue worker is a member,

while responding to an emergency, the Minister of Finance shall pay to the surviving spouse or domestic partner of the firefighter or volunteer ground search and rescue worker, or where there is no surviving spouse or domestic partner, the estate of the

firefighter or volunteer ground search and rescue worker, the sum of one hundred thousand dollars.

5 Subsections 6(1) and (2) of Chapter 13 are repealed and the following subsections substituted:

(1) Notwithstanding any enactment, no real property, vehicle, apparatus, equipment, money or other asset of a volunteer fire department or volunteer ground search and rescue organization is subject to seizure because of the liability of the department or volunteer ground search and rescue organization for damage caused by an act or omission of a volunteer firefighter or volunteer ground search and rescue worker on behalf of the department or organization if the firefighter or volunteer ground search and rescue worker was acting within the scope of his or her responsibilities in the department or organization at the time of the act or omission.

(2) Subsection (1) does not apply if

(a) the damage was caused by willful, reckless or criminal misconduct or gross negligence by the firefighter or volunteer ground search and rescue worker;

(b) the damage was caused by the firefighter or volunteer ground search and rescue worker while operating a motor vehicle, vessel, aircraft or other vehicle for which the owner is required by law to maintain insurance;

(c) the act or omission that caused the damage constitutes an offence;
or

(d) the firefighter or volunteer ground search and rescue worker was unlawfully using or impaired by alcohol or drugs at the time of the act or omission that caused the damage.

6 Section 7 of Chapter 13 is repealed and the following Section substituted:

7 Notwithstanding clause 2(h) of the *Volunteer Protection Act*, a volunteer firefighter or a volunteer ground search and rescue worker is a volunteer within the meaning of that Act.

7 Clause 8(1)(ba) of Chapter 13 is repealed and the following clause substituted:

(ba) further defining “volunteer firefighter”, “volunteer ground search and rescue organization” or “volunteer ground search and rescue worker”;

8 Chapter 13 is further amended by adding immediately after Section 9 the following Section:

9A (1) Notwithstanding Section 9, Section 5 applies with respect to the death of a volunteer ground search and rescue worker only after the coming into force of this Section.

(2) Section 6 applies to any claim for damage caused by an act or omission of a volunteer ground search and rescue worker where that claim is filed on or after the coming into force of this Section.
