

Volunteer Fire and Ground Search and Rescue Services Act

CHAPTER 13 OF THE ACTS OF 2002

as amended by

2002, c. 40; 2010, c. 28; 2024, c. 6, s. 12



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CHAPTER 13 OF THE ACTS OF 2002
amended 2002, c. 40; 2010, c. 28; 2024, c. 6, s. 12

**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**

title amended 2010, c. 28, s. 1.

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Short title

1 This Act may be cited as the *Volunteer Fire and Ground Search and Rescue Services Act*. 2002, c. 13, s. 1; 2010, c. 28, s. 2.

Purpose

2 The purpose of this Act is to recognize the contribution made by volunteer firefighters and volunteer fire departments to their communities. 2002, c. 13, s. 2.

Interpretation

3 In this Act,

(a) “damage” includes both physical and non-physical losses and both economic and non-economic losses;

(b) “economic loss” means any pecuniary loss resulting from damage, including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs and loss of business or employment opportunities;

(ba) *repealed 2024, c. 6, s. 12.*

(c) “non-economic losses” means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium, other than loss of domestic service, injury to reputation and all other non-pecuniary losses of any kind or nature;

(d) “volunteer firefighter” means an individual performing services for a volunteer fire department who does not receive in respect of those services

(i) compensation, other than reasonable reimbursement or allowance for expenses actually incurred, or

(ii) money or any other thing of value in lieu of compensation in excess of five hundred dollars per year or such other amount as prescribed by the regulations; and

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

(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*. 2002, c. 13, s. 3; 2010, c. 28, s. 3; 2024, c. 6, s. 12.

Volunteer Fire Service Recognition Day

4 The Governor in Council shall, in every year, designate a day in October as Volunteer Fire Service Recognition Day. 2002, c. 13, s. 4.

Payment upon accidental death

5 (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 and Treasury Board 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.

(2) The payment pursuant to subsection (1) is in addition to any other payment to which the surviving spouse, domestic partner or estate is entitled. 2002, c. 13, s. 5; 2010, c. 28, s. 4; O.I.C. 2013-348.

Department property exempt from seizure

6 (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.

(3) Nothing in subsection (1) affects the liability of a municipality or the enforcement of a judgment against a municipality. 2002, c. 13, s. 6; 2010, c. 28, s. 5.

Application of Volunteer Protection Act

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. 2010, c. 28, s. 6.

Regulations

- 8 (1) The Governor in Council may make regulations
 - (a) setting the maximum amount for the purpose of sub-clause 3(d)(ii);
 - (b) defining any word or expression used in this Act and not defined in this Act;
 - (ba) further defining “volunteer firefighter”, “volunteer ground search and rescue organization” or “volunteer ground search and rescue worker”;
 - (c) respecting any matter or thing that the Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*. 2002, c. 13, s. 8; 2002, c. 40, s. 1; 2010, c. 28, s. 7.

Application of Sections 5 and 6

9 (1) Section 5 applies with respect to any death occurring on or after the coming into force of this Act.

4 volunteer fire and ground search and rescue services 2002, c. 13

(2) Section 6 applies to any claim for damage caused by an act or omission of a volunteer firefighter where that claim is filed on or after the coming into force of this Act. 2002, c. 13, s. 9.

Volunteer ground search and rescue worker

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. 2010, c. 28, s. 8.

Proclamation

10 This Act comes into force on such day as the Governor in Council orders and declares by proclamation. 2002, c. 13, s. 10.

Proclaimed - December 20, 2002
In force - January 1, 2003
