

1995—No. 543

**WORKERS COMPENSATION (BUSH FIRE, EMERGENCY  
AND RESCUE SERVICES) ACT 1987—REGULATION**

(Workers Compensation (Bush Fire, Emergency and Rescue Services) Regulation  
1995)

NEW SOUTH WALES



*[Published in Gazette No. 105 of 1 September 1995]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987, has been pleased to make the Regulation set forth hereunder.

JEFFREY SHAW, Q.C., M.L.C.,  
Minister for Industrial Relations.

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**PART 1—PRELIMINARY**

**Citation**

1. This Regulation may be cited as the Workers Compensation (Bush Fire, Emergency and Rescue Services) Regulation 1995.

**Commencement**

2. This Regulation commences on 1 September 1995.

**Definitions**

3. In this Regulation:

“**fire control officer**” has the same meaning as in the Bush Fires Act 1949;

“**the Act**” means the Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987.

**PART 2—EMERGENCY SERVICE AND RESCUE  
ASSOCIATION WORKERS**

**Additional persons prescribed as emergency service workers**

4. The following persons are prescribed for the purposes of Part 3 of the Act as being emergency service workers:

- (a) duly enrolled members of auxiliaries formed in accordance with the State Emergency Service Regulation 1991;
- (b) persons who are genuine members of organisations affiliated with the State Emergency Service under the approval of the Director-General of the State Emergency Service.

**Emergency service workers—authorised activities**

5. For the purposes of paragraph (a) of the definition of “authorised activity” in section 23 of the Act, the following are authorised activities in relation to emergency service workers if they are duly authorised under the State Emergency Service Act 1989 or the State Emergency and Rescue Management Act 1989, or the regulations under those Acts, and are carried out without remuneration or reward, voluntarily and without obligation:

- (a) relief assistance and other operations in relation to any emergency as defined in section 4 of the State Emergency and Rescue Management Act 1989;
- (b) activities carried out under section 8 of the State Emergency Service Act 1989;
- (c) training and preparatory activities genuinely related to those operations or activities;
- (d) fund-raising.

**Additional persons prescribed as rescue association workers**

6. Duly registered or accepted members of a rescue squad or other organisation affiliated with the New South Wales Volunteer Rescue Association are prescribed for the purposes of Part 3 of the Act as being rescue association workers.

**Rescue association workers—authorised activities**

7. For the purposes of paragraph (b) of the definition of “authorised activity” in section 23 of the Act, the following are authorised activities in relation to rescue association workers if they are carried out without remuneration or reward, voluntarily and without obligation:

- (a) in relation to executive members of the New South Wales Volunteer Rescue Association—meetings and other activities genuinely related to the business of that Association;
- (b) in relation to surf life savers—surf life—saving operations, training and preparatory activities genuinely related to those operations and fund-raising, being activities duly authorised under arrangements approved by Surf Life Saving New South Wales Incorporated;
- (c) in relation to the persons referred to in clause 6—search and rescue operations, training and preparatory activities genuinely related to those operations and fund-raising, being activities duly authorised under arrangements approved by the New South Wales Volunteer Rescue Association;
- (d) in relation to persons deemed to be rescue association workers as referred to in paragraph (c) of the definition of “rescue association worker” in section 23 of the Act—any activity which, in the opinion of the Authority, is or is similar to an activity referred to in paragraph (a) or (b).

#### **Emergency service workers covered outside the State**

**8.** Pursuant to section 25 of the Act, Part 3 of the Act applies to and in respect of injury sustained within the Commonwealth and its Territories but outside New South Wales by emergency service workers:

- (a) while carrying out operations as members of S.E.S. units pursuant to arrangements under section 23 (Arrangements for inter-state co-operation in emergencies) of the State Emergency Service Act 1989; or
- (b) while carrying out operations as members of accredited rescue units under arrangements made under section 58 (Arrangements for inter-State co-operation in rescue) of the State Emergency and Rescue Management Act 1989.

### **PART 3—BUSH FIRE FIGHTERS**

#### **Associated operation or work—fund-raising activities**

**9.** For the purposes of section 8 (1) (c) of the Act, fund-raising for a bush fire brigade by an official fire fighter that is authorised by a fire control officer is an associated operation or work if that fund-raising is carried out voluntarily and without remuneration or reward.

**PART 4—MISCELLANEOUS****Repeal of 1987 Regulation**

**10. (1)** The Workers Compensation (Bush Fire, Emergency and Rescue Services) Regulation 1987 is repealed.

**(2)** Any act, matter or thing that, immediately before the repeal of the repealed Regulation, had effect under that Regulation is taken to have effect under this Regulation.

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**PART 4—BUSH FIRE FIGHTERS**

9. Associated operation or work—fund-raising activities

**PART 4—MISCELLANEOUS**

10. Repeal of 1987 Regulation
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**EXPLANATORY NOTE**

The object of this Regulation is to repeal and remake, generally with minor changes only, the provisions of the Workers Compensation (Bush Fire, Emergency and Rescue Services) Regulation 1987 made under the Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987. A significant new provision is clause 8, which provides for the circumstances in which emergency service workers will be covered outside the State.

The new Regulation deals with the following matters:

- (a) prescribing additional persons as emergency service workers;
- (b) prescribing the activities which are to be authorised activities for emergency service workers (for compensation entitlement purposes);
- (c) prescribing additional persons as rescue association workers;
- (d) prescribing the activities which are to be authorised activities for rescue association workers (for compensation entitlement purposes);
- (e) prescribing fund-raising for a bush fire brigade as an activity that is associated with bush fire fighting (for compensation entitlement purposes).

This Regulation is made under the Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987, including section 34 (the general regulation making power) and the various sections mentioned in the regulation.

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.

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