



# Workers Compensation (Bush Fire, Emergency and Rescue Services) Regulation 2002

under the

Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987*.

JOHN DELLA BOSCA, M.L.C.,  
Special Minister of State

## Explanatory note

The object of this Regulation is to provide for the following matters:

- (a) persons who are emergency service workers and rescue association workers,
- (b) activities that are authorised activities in relation to emergency service workers and rescue association workers,
- (c) the circumstances in which emergency service workers injured outside New South Wales (but within the Commonwealth of Australia) are covered by workers compensation provisions under the *Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987*,
- (d) activities that are associated operations or works in relation to fighting bushfires.

This Regulation replaces the *Workers Compensation (Bush Fire, Emergency and Rescue Services) Regulation 1995*, which is repealed on 1 September 2002 under section 10 (2) of the *Subordinate Legislation Act 1989*.

## 2002 No 650

Workers Compensation (Bush Fire, Emergency and Rescue Services) Regulation 2002

Explanatory Note

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This Regulation is substantially the same as the repealed Regulation. This Regulation differs from the repealed Regulation in that:

- (a) the definition of *authorised activities* for certain rescue association workers has been expanded to include activities relating to assistance at accidents, ski patrols and other safety patrols and recovery of bodies, and
- (b) the application of certain provisions of the *Workplace Injury Management and Workers Compensation Act 1998* recently inserted in that Act is modified.

The Regulation is made under the *Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987*, including sections 8, 15, 23, 25, 29 and 32 (1A), and section 34 (the general regulation making power).

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## 2002 No 650

Clause 1                      Workers Compensation (Bush Fire, Emergency and Rescue Services)  
Regulation 2002

Part 1                        Preliminary

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# Workers Compensation (Bush Fire, Emergency and Rescue Services) Regulation 2002

## Part 1 Preliminary

### 1 Name of Regulation

This Regulation is the *Workers Compensation (Bush Fire, Emergency and Rescue Services) Regulation 2002*.

### 2 Commencement

This Regulation commences on 1 September 2002.

**Note.** The *Workers Compensation (Bush Fire, Emergency and Rescue Services) Regulation 1995* is repealed on 1 September 2002 under section 10 (2) of the *Subordinate Legislation Act 1989*.

### 3 Definitions and notes

(1) In this Regulation:

***fire control officer*** has the same meaning as in the *Rural Fires Act 1997*.

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

(2) Notes in the text of this Regulation do not form part of this Regulation.

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## Part 2 Emergency service and rescue association workers

### 4 Additional persons prescribed as emergency service workers

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

- (a) a member of an S.E.S unit under the *State Emergency Service Act 1989*,
- (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.

### 5 Emergency service workers—authorised activities

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.

### 6 Additional persons prescribed as rescue association workers

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.

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Clause 7                      Workers Compensation (Bush Fire, Emergency and Rescue Services)  
Regulation 2002

Part 2                        Emergency service and rescue association workers

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### 7    Rescue association workers—authorised activities

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—assistance at accidents, ski patrol operations and other safety patrol operations, search and rescue operations, recovery of bodies, 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).

### 8    Emergency service workers covered outside the State

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*.

## **9 Notice of injury and making of claims**

For the purposes of section 29 (2) of the Act, the requirements of Division 1 of Part 3 of Chapter 7 of the 1998 Act do not apply to the giving of notice of injury or damage to property or the making of claims for compensation under Part 3 of the Act.

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Clause 10                      Workers Compensation (Bush Fire, Emergency and Rescue Services)  
Regulation 2002

Part 3                          Bush fire fighters

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### **Part 3 Bush fire fighters**

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

For the purposes of section 8 (1) (c) of the Act, fund-raising for a rural 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.

#### **11 Notice of injury and making of claims**

For the purposes of section 15 (2) of the Act, the requirements of Division 1 of Part 3 of Chapter 7 of the 1998 Act do not apply to the giving of notice of injury or damage to property or the making of claims for compensation under Part 2 of the Act.



## **Part 4 Miscellaneous**

### **12 Application of provisions relating to medical examinations and disputes**

For the purposes of section 32 (1A) of the Act, Division 7 of Part 2 of Chapter 4 of the 1998 Act is modified by omitting section 118A.

### **13 Saving**

Any act, matter or thing that, immediately before the repeal of the *Workers Compensation (Bush Fire, Emergency and Rescue Services) Regulation 1995*, had effect under that Regulation is taken to have effect under this Regulation.