



New South Wales

Workers Compensation (Bush Fire, Emergency and Rescue Services) Regulation 2017

under the

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

His 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*.

DOMINIC PERROTTET, MP
Treasurer

Explanatory note

The object of this Regulation is to remake, without any changes in substance, provisions of the *Workers Compensation (Bush Fire, Emergency and Rescue Services) Regulation 2012*, which is repealed on 1 September 2017 by section 10 (2) of the *Subordinate Legislation Act 1989*.

The new Regulation prescribes:

- (a) the persons who are emergency service workers and rescue association workers for the purposes of Part 3 of the *Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987*, and
- (b) the activities that are authorised activities in relation to emergency service workers and rescue association workers for the purposes of that Part, and
- (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 that Act, and
- (d) the activities that are associated operations or works in relation to fighting bush fires for the purposes of Part 2 of that Act.

This Regulation is made under the *Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987*, including sections 8, 23, 25 and 34 (the general regulation-making power).

This Regulation comprises or relates to matters set out in Schedule 3 to the *Subordinate Legislation Act 1989*, namely matters of a machinery nature, and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

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Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Workers Compensation (Bush Fire, Emergency and Rescue Services) Regulation 2017*.

2 Commencement

This Regulation commences on 1 September 2017 and is required to be published on the NSW legislation website.

Note. This Regulation replaces the *Workers Compensation (Bush Fire, Emergency and Rescue Services) Regulation 2012*, which is repealed on 1 September 2017 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definition

(1) In this Regulation:

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

Note. The *Interpretation Act 1987* contains definitions and other provisions that affect the interpretation and application of this Regulation.

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

Part 2 Emergency service workers

4 Additional persons prescribed as emergency service workers

For the purposes of paragraph (b) (i) of the definition of *emergency service worker* in section 23 of the Act, the following persons are prescribed for the purposes of Part 3 of the Act as being emergency service workers:

- (a) a member of an SES 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 Commissioner of the 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 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 SES 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 Rescue association workers

7 Additional persons prescribed as rescue association workers

For the purposes of paragraph (b) (i) of the definition of *rescue association worker* in section 23 of the Act, 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.

8 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,
- (c) in relation to the persons referred to in clause 7—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).

Part 4 Bush fire fighters

9 Associated operation or work—fund-raising activities

- (1) 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.
- (2) In this clause:
fire control officer has the same meaning as in the *Rural Fires Act 1997*.

Part 5 Miscellaneous

10 Saving

Any act, matter or thing that, immediately before the repeal of the *Workers Compensation (Bush Fire, Emergency and Rescue Services) Regulation 2012*, had effect under that Regulation continues to have effect under this Regulation.