



New South Wales

Workers Compensation (Bush Fire, Emergency and Rescue Services) Regulation 2023

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*.

SOPHIE COTSIS, MP
Minister for Work Health and Safety

Explanatory note

The object of this regulation is to repeal and remake, with minor amendments, the *Workers Compensation (Bush Fire, Emergency and Rescue Services) Regulation 2017*, which would otherwise be repealed on 1 September 2023 by the *Subordinate Legislation Act 1989*, section 10(2).

This regulation provides for the following—

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

This regulation comprises or relates to matters set out in the *Subordinate Legislation Act 1989*, Schedule 3, namely—

- (a) matters of a machinery nature, and
- (b) matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

Contents

	Page
Part 1 Preliminary	
1 Name of regulation	3
2 Commencement	3
3 Definition	3
Part 2 Emergency service workers	
4 Emergency service workers—authorised activities—the Act, s 23	4
5 Additional persons prescribed as emergency service workers—the Act, s 23	4
6 Emergency service workers covered outside the State—the Act, s 25	4
Part 3 Rescue association workers	
7 Rescue association workers—authorised activities—the Act, s 23	5
8 Additional persons prescribed as rescue association workers—the Act, s 23	5
Part 4 Bush fire fighters	
9 Associated operation or work—fundraising activity—the Act, s 8	6
Part 5 Miscellaneous	
10 Repeal and savings	7

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Part 1 Preliminary

1 Name of regulation

This regulation is the *Workers Compensation (Bush Fire, Emergency and Rescue Services) Regulation 2023*.

2 Commencement

This regulation commences on the day on which it is published on the NSW legislation website.

Note— This regulation repeals and replaces the *Workers Compensation (Bush Fire, Emergency and Rescue Services) Regulation 2017*, which would otherwise be repealed on 1 September 2023 by the *Subordinate Legislation Act 1989*, section 10(2).

3 Definition

In this regulation—

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

Note— The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this regulation.

Part 2 Emergency service workers

4 Emergency service workers—authorised activities—the Act, s 23

- (1) For the Act, section 23, definition of *authorised activity*, paragraph (a), the following are prescribed activities if carried out by the emergency service worker without remuneration or reward, voluntarily and without obligation—
- (a) relief assistance and other operations in relation to an emergency, carried out under the *State Emergency and Rescue Management Act 1989*,
 - (b) functions carried out under the *State Emergency Service Act 1989*, section 8,
 - (c) training and preparatory activities related to the operations or activities described in paragraphs (a) and (b),
 - (d) fundraising.
- (2) In this section—
emergency has the same meaning as in the *State Emergency and Rescue Management Act 1989*.

5 Additional persons prescribed as emergency service workers—the Act, s 23

For the Act, section 23, definition of *emergency service worker*, paragraph (b)(ii), the following persons are prescribed—

- (a) a member of an SES unit under the *State Emergency Service Act 1989*,
- (b) a person who is a member of an organisation affiliated with the State Emergency Service under the approval of the Commissioner of the Service.

6 Emergency service workers covered outside the State—the Act, s 25

For the Act, section 25, injuries sustained by emergency service workers in the following circumstances are prescribed—

- (a) while carrying out operations as members of SES units under the *State Emergency Service Act 1989*, section 23,
- (b) while carrying out rescue operations as members of accredited rescue units under the *State Emergency and Rescue Management Act 1989*, section 58.

Part 3 Rescue association workers

7 Rescue association workers—authorised activities—the Act, s 23

- (1) For the Act, section 23, definition of *authorised activity*, paragraph (b), the following activities are prescribed if carried out by the rescue association worker without remuneration or reward, voluntarily and without obligation—
- (a) for board members of the VRA Rescue NSW Limited, ACN 650 552 177—meetings and other activities related to the business of the VRA Rescue NSW Limited,
 - (b) for surf life savers—the following activities carried out under arrangements approved by Surf Life Saving New South Wales, ACN 138 025 573—
 - (i) surf life saving operations,
 - (ii) training and preparatory activities related to surf life saving operations,
 - (iii) fundraising,
 - (c) for persons referred to in this regulation, section 8—the following activities carried out under arrangements approved by the VRA Rescue NSW Limited, ACN 650 552 177—
 - (i) assistance at accidents,
 - (ii) ski patrol operations and other safety patrol operations,
 - (iii) search and rescue operations,
 - (iv) recovery of bodies,
 - (v) training and preparatory activities related to the activities described in paragraphs (i)–(iv),
 - (vi) fundraising,
 - (d) for rescue association workers for the Act, section 23, definition of *rescue association worker*—an activity the Self Insurance Corporation considers to be similar to an activity referred to in paragraph (a) or (b).
- (2) In this section—
surf life saver means a member of a surf life saving club or branch affiliated with Surf Life Saving New South Wales, ACN 138 025 573.

8 Additional persons prescribed as rescue association workers—the Act, s 23

For the Act, section 23, definition of *rescue association worker*, paragraph (b)(i), registered or accepted members of a rescue squad or another organisation affiliated with the VRA Rescue NSW Limited, ACN 650 552 177, are prescribed.

Part 4 Bush fire fighters

9 Associated operation or work—fundraising activity—the Act, s 8

- (1) For the Act, section 8(1)(c), fundraising is work of a prescribed kind if the fundraising is—
 - (a) for a rural fire brigade, and
 - (b) being carried out by an official fire fighter, and
 - (c) authorised by a fire control officer, and
 - (d) being carried out voluntarily and without remuneration or reward.
- (2) In this section—
fire control officer has the same meaning as in the *Rural Fires Act 1997*.

Part 5 Miscellaneous

10 Repeal and savings

- (1) The *Workers Compensation (Bush Fire, Emergency and Rescue Services) Regulation 2017* is repealed.
- (2) An act, matter or thing that, immediately before the repeal of the *Workers Compensation (Bush Fire, Emergency and Rescue Services) Regulation 2017*, had effect under that regulation continues to have effect under this regulation.