

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

[2023-483]



New South Wales

Status Information

Currency of version

Current version for 25 August 2023 to date (accessed 20 May 2024 at 18:20)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Staged repeal status**

This legislation is currently due to be automatically repealed under the [Subordinate Legislation Act 1989](#) on 1 September 2028

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 25 August 2023

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



New South Wales

Contents

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

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



New South Wales

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the *Workers Compensation (Bush Fire, Emergency and Rescue Services) Regulation 2017*, which would otherwise be repealed on 1 September 2023 by the *Subordinate Legislation Act 1989*, section 10(2).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