



ANNO TRICESIMO QUINTO

# ELIZABETHAE II REGINAE

A.D. 1986

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No. 97 of 1986

An Act to amend the Country Fires Act, 1976.

[Assented to 11 December 1986]

The Parliament of South Australia enacts as follows:

1. (1) This Act may be cited as the "Country Fires Act Amendment Act, 1986". Short title.

(2) The Country Fires Act, 1976, is in this Act referred to as "the principal Act".

2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.

3. Section 27 of the principal Act is repealed and the following section is substituted: Repeal of s. 27 and substitution of new section.

27. (1) The Workers Compensation Act, 1971, applies to a volunteer fire-fighter as if service in that capacity constituted employment by the Board. Compensation.

(2) That Act applies subject to the following qualifications—

(a) the question of whether and, if so, to what extent a volunteer fire-fighter is incapacitated for work must be determined by reference to employment (including self-employment) in which the volunteer fire-fighter was otherwise engaged at the commencement of the incapacity or, if the volunteer fire-fighter was not then engaged in other employment, by reference to employment for which he or she was then reasonably fitted;

(b) subject to paragraph (c), the average weekly earnings of a volunteer fire-fighter must be determined—

(i) if the volunteer fire-fighter was self-employed, by reference to the rate of pay that the volunteer fire-fighter would have received if he or she had been doing the same work but as an employee;

or

- (ii) if the volunteer fire-fighter was not employed, by reference to the rate of pay that the volunteer fire-fighter would have received if he or she had been working in employment for which he or she was reasonably fitted,

and, if there is an award or industrial agreement applicable to that class or grade of employment, by reference to that award or agreement;

(c) where—

- (i) a volunteer fire-fighter dies;
- (ii) a claim for compensation is made by a person claiming to be a dependant of the deceased;
- (iii) the deceased and the claimant were both members of a partnership or proprietary company and the predominant work of the deceased before the date of death was in the business of that partnership or company,

then for the purpose of determining whether the claimant was a dependant of the deceased and, if so, the extent of the dependency, any income derived by the claimant from the partnership or company during the deceased's lifetime shall (to the extent that the income is attributable to the deceased's work on behalf of the partnership or company) be taken to be an allowance made by the deceased, out of the deceased's own income, for the maintenance of that person.

(3) The Board may enter into contracts of insurance in respect of its liability to pay compensation to volunteer fire-fighters.

(4) In this section—

“volunteer fire-fighter” means—

- (a) a fire control officer;
- (b) a fire party leader;
- (c) a member of a C.F.S. fire brigade;

or

- (d) a person who, at the request or with the approval of a person who is apparently in command pursuant to this Act at the scene of a fire or other emergency, assists in fire-fighting, dealing with the emergency or protecting life or property from injury or damage,

who receives no remuneration in respect of his or her service in that capacity.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. B. DUNSTAN, Governor