**COUNTRY FIRES ACT AMENDMENT BILL 1983**

**Legislative Council, 4 May 1983, pages 1126-7**

Second reading

**The Hon. FRANK BLEVINS (Minister of Agriculture)** obtained leave and introduced a Bill for an Act to amend the Country Fires Act, 1976-1980. Read a first time.

The Hon. FRANK BLEVINS: I move: That this Bill be now read a second time.

It is designed to correct a problem which has occurred in the application of section 27 of the Country Fires Act, 1976­ 1980, concerning the payment of compensation to registered C.F.S. volunteers injured whilst attending fires or other duties undertaken by the C.F.S.

Specifically, section 27 (2) provides that persons so injured may as ‘employees’ of the C.F.S. Board be paid a ‘prescribed wage’ in accordance with the Workers Compensation Act. However, the ‘prescribed wage’ has never been set by regulation and therefore the absence of a basis upon which to fix a rate of compensation poses extreme difficulties of a legal and administrative nature. This measure, expressed to have retrospective operation from 13 September 1979 (the date on which section 27 of the Act came into operation), has been prepared in order to rectify the difficulties which have arisen. In relation to compensation for injuries sustained during the bushfires on 16 February 1983, the insurers of the C.F.S. Board, the State Government Insurance Commission, agreed to establish a provisional rate of compensation which was tied to average weekly earnings in South Australia (as determined by the Australian Bureau of Statistics), but these arrangements must be now clarified.

The intention of the Bill is to fix parameters for compensation to injured C.F.S. personnel based on the Commonwealth Statistician’s determination of average adult weekly earnings without overtime. In practice, that compensation rate will be expressed as a percentage of such average weekly earnings and determined or adjusted from time to time by regulation under the Act. All indications are that this should be 100 per cent of those earnings (presently $314.50 p.w.). In relation to claims under this section before the recent bushfires, the average weekly earnings applicable at the time of the particular case would be used as the basis in these instances. There is sufficient flexibility under the proposal to take account of unemployed persons who might be members of a C.F.S. brigade. I seek leave to have the explanation of clauses inserted in Hansard without my reading it. Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides for the commencement of the measure, which is expressed to be 13 September 1979. Clause 3 strikes out subsection (2) of section 27 of the principal Act and substitutes new subsections. The Workers Compensation Act, 1971-1982, is to apply to a person to which the section applies as if the person was in the employ of the board, at a prescribed rate of earnings. In the application of that Act, the presumptive employment under this section is to be regarded as sole employment, but the degree of any incapacity is to be determined by reference to the person’s normal employment. These provisions clarify possible areas of confusion. A regulation which prescribes a rate of earnings under this section may be given retrospective operation. The rate of earnings is to be a percentage of average weekly earnings.

The Hon. H.P.K. DUNN secured the adjournment of the debate.