Frequently Asked Questions

Information for employees

Who is considered an 'employee' under the SRC Act?

To be an ‘employee’ under the Safety Rehabilitation and Compensation Act 1988 (SRC Act), a person must be employed by:

- the Commonwealth or by a Commonwealth authority; or
- a licensed corporation (this includes Australian Capital Territory (ACT) Government employees).

If a person is an employee under the SRC Act, the next consideration is whether an injury arose out of, or in the course of, the employee’s employment (section 5A). The consideration for disease claims (including psychological injuries) is whether the ailment was contributed to, to a significant degree, by the employee’s employment (section 5B).

These are the first legislative considerations when determining whether a claim is compensable under the SRC Act. Each claim will be determined on a case-by-case basis, having regard to the individual circumstances of the injury/disease.

Are volunteers considered ‘employees’ under the SRC Act?

Unpaid volunteers are not normally considered ‘employees’ under the SRC Act unless they are included as part of a Notice of Declaration under section 5(6) or 5(15) of the SRC Act.

A claim relevant to a Notice of Declaration will need to be assessed in order to determine coverage.

I have to attend work in this poor air quality – will I be covered under the SRC Act if I develop a disease?

For a disease to be compensable under the SRC Act it must have been contributed to, to a significant degree, by the employee’s employment (section 5B). If an employee thinks their disease is related to poor air quality in the workplace, they can submit a claim for compensation. Each claim will be assessed on its individual merits.
If I am on leave from work and fighting bushfires, what compensation arrangement covers me?

Employees who take leave from work to help as a volunteer to support the bushfire emergency are unlikely to be covered under the SRC Act. Generally, an employee on leave undertaking activities away from the workplace will not satisfy the required legislative connection to employment.

Where a volunteer is not covered under the SRC Act, coverage may exist under another compensation scheme in the relevant State or Territory jurisdiction in which they have volunteered.

Am I covered under the SRC Act if I sustain an injury or contract a disease while directed by my employer to participate in emergency support and recovery efforts?

Employees who are directed by their employer to participate in emergency support and recovery efforts as part of their employment duties are likely to be covered under the SRC Act.

How does the bushfire emergency affect my current claim?

If an employee with an existing claim for compensation is affected by the bushfire emergency, they should speak to their Claims Manager about any change in circumstance. This includes situations where they take volunteer leave or are called up to fulfil ADF Reserve service. Each claim will be managed on a case-by-case basis depending on what arrangements the employee has in place.

How does the bushfire emergency affect my rehabilitation and return to work?

If the bushfire emergency affects an employee’s ability to meet obligations outlined in their rehabilitation program, the employee should raise their concerns with their Rehabilitation Case Manager. Where relevant, adjustments should be made to an existing program to accommodate an employee’s change in circumstances.