**EXPLANATORY STATEMENT**

**Select Legislative Instrument 2011 No. 94**

Issued by the authority of the Minister for Tertiary Education, Skills, Jobs and Workplace Relations

*Safety, Rehabilitation and Compensation Act 1988*

*Safety, Rehabilitation and Compensation Amendment Regulations 2011 (No. 1)*

Section 122 of the *Safety, Rehabilitation and Compensation Act 1988* (the Act) provides that the Governor-General may make regulations prescribing matters required or permitted by the Act, or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

The Act, together with the *Safety, Rehabilitation and Compensation Regulations 2002* (the Principal Regulations), establishes a statutory framework to govern federal workers compensation.

The Regulations prescribe the Australian Civilian Corps (ACC) as an entity and the Director-General of the Australian Agency for International Aid and Development (AusAID) as its principal officer.

The *Australian Civilian Corps Act 2011* (ACC Act) passed through Parliament on
22 March 2011 and creates a legal framework for the management of ACC personnel and provides for employment arrangements for these personnel. The purpose of the ACC is to enable the rapid deployment of civilian specialists into countries experiencing or emerging from conflict or disaster.

The ACC Act provides that the Director-General of AusAID, on behalf of the Commonwealth, will have all the rights, duties and powers of an employer in respect of an ACC employee. The Director-General will also have the power to engage persons as ACC employees and determine the remuneration and other employment terms and conditions of ACC employees.

Section 4 of the Act includes, as a definition of ‘entity’, a person, body, organisation or group of persons so prescribed.

The Regulations amend Schedule 4 of the Principal Regulations to prescribe the ACC as an entity and the Director-General of AusAID as its principal officer.

The Act does not impose any conditions that need to be satisfied before the power to make the Regulations may be exercised.

The amendment has been requested by the Department of Foreign Affairs and consultation has been undertaken with that department as well as with AusAID.

The Regulations are a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The Office of Best Practice Regulation advised that a Regulation Impact Statement was not required.

The Regulations commence on the day after registration on the Federal Register of Legislative Instruments.