

## EXPLANATORY STATEMENT

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

*Safety, Rehabilitation and Compensation Act 1988*

### **Definition of “Employee” — subsection 5(6)**

The *Safety, Rehabilitation and Compensation Act 1988* (the Act) provides workers’ compensation coverage for employees of the Commonwealth, Commonwealth authorities and licensed corporations.

Section 5 defines who is an “employee” for the purposes of the Act. Under subparagraph 5(6)(a)(i) of that definition, the Minister can declare that persons, being persons who engage in activities or perform acts at the request or direction, for the benefit, or under a requirement made by or under a law, of the Commonwealth, are taken to be employed by the Commonwealth for the purposes of the Act.

This legislative instrument seeks to provide workers’ compensation coverage for approximately 500 volunteer persons who will assist in the preparation and running of activities associated with the Commonwealth Heads of Government Meeting (CHOGM) 2011 in Perth, under the supervision of the CHOGM 2011 Taskforce.

Coverage would apply to duties performed by such persons in connection with event preparations, providing transport and general assistance rendered to CHOGM 2011 delegates.

It is appropriate that persons assisting the CHOGM 2011 Taskforce in a voluntary capacity be covered by the Act, as they will provide services at the request of the Commonwealth, which confer a public benefit. Accordingly, the declaration by the Minister for Tertiary Education, Skills, Jobs and Workplace Relations under the Act will ensure that it applies to such persons when they perform relevant acts.

The declaration was requested by Senator the Hon Kate Lundy, Parliamentary Secretary to the Prime Minister. Consultation was undertaken with the CHOGM 2011 Taskforce as the affected body. Further consultation was unnecessary as no other body is affected by the declaration. An exemption from the preparation of a Regulation Impact Statement was granted by the Office of Best Practice Regulation.

This instrument is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

This declaration is expressed to commence the first day after it is added to the Federal Register of Legislative Instruments for the duration of the period up to and including 30 November 2011.