EXPLANATORY STATEMENT

Issued by the authority of the
Minister for Employment and Workplace Relations

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 Commonwealth employees.

Section 5 defines who is an “employee” for the purposes of the Act. Under paragraph 5(6)(a) 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 of the Commonwealth, a Commonwealth authority or licensed corporation or under a requirement made by or under a law of the Commonwealth, are taken to be employed by the Commonwealth or that authority or corporation for the purposes of the Act.

This declaration seeks to provide workers’ compensation coverage for persons who are members of the Wild Fire Assessment Team travelling to Indonesia to assist in the response to the major forest fires burning in Indonesia. The Wild Fire Assessment Team is deployed at the direction of the Attorney General and will be led by an officer from Emergency Management Australia. Members of the Team will include personnel from Queensland Emergency Services, Queensland National Parks, AusAid and the Australian Defence Force.

Coverage would apply to acts performed by this Team in connection with responding to the major forest fires burning in Indonesia pursuant to arrangements made between the Attorney General and Emergency Management Australia and the Indonesian Government. Activities would include logistical and administrative support as well as liaising with various agencies.

It is appropriate that the Team have workers’ compensation coverage for activities undertaken to assist in the response to the forest fires as the operation is at the direction of the Attorney General and for the benefit of the Commonwealth.

Accordingly the declaration by the Minister for Employment and Workplace Relations under the Act will ensure that it applies to such persons when they perform relevant acts.

An exemption from the preparation of a Regulation Impact Statement was granted by the Office of Regulation Review. Consultation was undertaken with the States and Territories in relation to the provision of personnel to the Team. Wider public comment was not sought in relation to the declaration for coverage under the Act as it is a matter of urgency that assistance be provided in response to the forest fires in Indonesia and that workers’ compensation arrangements are in place when the Team leaves for Jakarta on 17 August 2005.

This declaration will take effect on 17 August 2005.