EXPLANATORY STATEMENT

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

*Occupational Health and Safety (Commonwealth Employment) Act 1991*

**Definition of “employee” — subsection 9(5)**

The *Occupational Health and Safety (Commonwealth Employment) Act 1991* (the Act) provides occupational health and safety coverage for Commonwealth employees.

Section 9 defines who is an “employee” for the purposes of the Act. Under subparagraph 9(5)(a)(ii) of that definition, the Minister can declare that persons, being persons who engage in activities or perform acts at the request or direction, or for the benefit of a Commonwealth authority are taken to be employed by that Commonwealth authority for the purposes of the Act.

This legislative instrument seeks to provide occupational health and safety coverage for persons who assist in the operation of the Australian Institute of Marine Science (AIMS) in various voluntary capacities. The classes of persons to whom the declaration applies include volunteers who conduct tours of the AIMS facility in Townsville; Adjunct Appointees; Collaborators; visiting academics; visiting students, for example work experience, job placement, undergraduate and postgraduate students; and Associates, including retired ex-staff members of AIMS.

Coverage would apply to acts performed by such persons in connection with marine science research projects, field trips, science support and assisting in the operation of AIMS.

It is appropriate that AIMS volunteers assisting in the operation of the Institute be covered by the Act. 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.

The declaration was requested by the Chief Executive Officer of AIMS and consultation was undertaken with AIMS 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 Regulation Review.

This instrument is a legislative instrument for the purposes of the *Legislative Instruments Act 2003* by virtue of being a disallowable instrument under subsection 9(6) of the *Occupational Health and Safety (Commonwealth Employment) Act 1991*.

This declaration will take effect from the date it is registered on the Federal Register of Legislative Instruments.