

EXPLANATORY STATEMENT

Issued by the authority of the Minister for Employment

Safety, Rehabilitation and Compensation Act 1988
Subsection 5(6)

Safety, Rehabilitation and Compensation (Definition of *Employee* – G20 Volunteers) Notice 2014

The *Safety, Rehabilitation and Compensation Act 1988* ('the Act') establishes the Commonwealth workers' compensation and rehabilitation scheme for employees of the Commonwealth, Commonwealth authorities and licensed corporations.

Section 5 defines 'employee' for the purposes of the Act. Under subsection 5(6) 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, 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.

In this notice, the Minister has declared that volunteers of the 2014 Group of Twenty Leaders' Summit in Brisbane ('G20 Leaders' Summit 2014') are taken to be employed by the Commonwealth for the purposes of the Act when they assist in the running of the G20 Leaders' Summit 2014. This has the effect that the Act will apply to these volunteers.

The G20 Leaders' Summit 2014 will be held in Brisbane, Queensland on 15 and 16 November 2014. There are approximately 700 volunteers who will assist in the preparation and running of activities associated with the G20 Leaders' Summit 2014 under the direction of the Department of the Prime Minister and Cabinet's G20 Taskforce.

The volunteers will when, under the direction of the Department of the Prime Minister and Cabinet, performing acts in connection with event preparations, facilitating the movement of G20 delegates or providing general assistance or service rendered to the delegates, media and guests of the G20 Leaders' Summit 2014 from the date this notice commences until the 21 November 2014 (inclusive) be covered by this Act in the same way as a Commonwealth employee.

It is appropriate that volunteers assisting the Department of the Prime Minister and Cabinet be covered by the Act when they perform the acts described in the notice, as the acts will confer a public benefit.

This notice was made in consultation with the Department of the Prime Minister and Cabinet.

The Office of Best Practice Regulation was consulted regarding this declaration and indicated that a Regulation Impact Statement was not required for this declaration (OBPR ID 17550).

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

The instrument will take effect from the day after it is registered on the Federal Register of Legislative Instruments.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

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This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

The *Safety, Rehabilitation and Compensation Act 1988* ('the Act') establishes the Commonwealth workers' compensation and rehabilitation scheme for employees of the Commonwealth, Commonwealth authorities and licensed corporations.

The Act provides that persons may be declared by the Minister to be employees of the Commonwealth, a Commonwealth authority or a licensed corporation for the purposes of the Act. This has the effect that the specified persons will be covered by the Act.

In this notice, volunteers of the 2014 Group of Twenty Leaders' Summit in Brisbane ('G20 Leaders' Summit 2014') are declared to be employees for the purposes of the Act when they perform prescribed acts under the direction or request of the Department of the Prime Minister and Cabinet's G20 Taskforce.

Human rights implications

Article 9 of the *International Covenant on Economic, Social and Cultural Rights* provides for the right of everyone to social security, including social insurance. General Comment 19 by the Committee on Economic, Social and Cultural Rights elaborates on Article 9, stating that 'States parties should ... ensure the protection of workers who are injured in the course of employment or other productive work'.¹

The Act provides support for employees who have been injured at work by way of weekly compensation payments, payment of medical expenses, permanent impairment benefits as well as other benefits. This declaration positively engages the right to social security by extending the coverage of the Act (and therefore access to workers' compensation) to volunteers at the G20 Leaders' Summit 2014 who would not be otherwise covered by the Act.

Conclusion

The Legislative Instrument is compatible with human rights because it advances the protection of human rights by extending coverage of the Act, and therefore workers' compensation coverage, to volunteers at the G20 Leaders' Summit 2014 who would not otherwise be covered by the Act.

Senator the Hon. Eric Abetz

Minister for Employment

¹ Committee on Economic, Social and Cultural Rights, *General Comment 19: The Right to Social Security (art. 9)*, U.N. Doc E/C.12/GC/19 (2008), [17].