

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 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 from 25 August 2007 to 10 September 2007 for persons who volunteer to the APEC 2007 Taskforce, part of the Department of Prime Minister and Cabinet, to assist with guiding the APEC delegates attending APEC Leaders Week functions.

It is appropriate that persons assisting the APEC 2007 Taskforce in a voluntary capacity be covered by the Act, as they provide services at the request of the Commonwealth, which confer a public benefit. 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 Hon Gary Hardgrave MP, the former Minister Assisting the Prime Minister, and consultation was undertaken with the APEC 2007 Taskforce as the affected body. Further consultation was unnecessary as no other body is affected by the declaration. An assessment was made under new guidelines issued by the Office of Best Practice Regulation, which indicated that a Regulation Impact Statement was not required for this declaration.

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

This declaration is expressed to commence on 25 August 2007 for the period up to and including 10 September 2007.