

EXPLANATORY STATEMENT

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

Occupational Health and Safety Act 1991

Definition of ‘Employee’ — subsection 9(5)

The *Occupational Health and Safety Act 1991* (the Act) aims to secure the health, safety and welfare at work of employees of the Commonwealth, of Commonwealth authorities and of non-Commonwealth licensees.

Section 9 of the Act defines who is an ‘employee’ for the purposes of the Act. Under subparagraph 9(5)(a)(i) of that definition, the Minister may declare that persons, being persons who engage in activities or perform acts at the request or direction, for the benefit, or by 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 include volunteers who assist in the operation of Questacon – The National Science and Technology Centre as ‘employees’ for occupational health and safety purposes.

Volunteers do not receive remuneration, other than payment of expenses incurred.

Questacon is a not-for profit organisation that is administered within the Australian Government Department of Innovation, Industry, Science and Research.

The role of the volunteer is to enhance visitors’ Questacon experience by encouraging an interest and appreciation of science and technology by guiding visitors on the correct use of exhibits to ensure maximum engagement; and communicating information about Questacon exhibits and programs to visitors.

It is appropriate that volunteers assisting in the effective operation of Questacon be included by definition in the Act as employees.

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 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.