

EXPLANATORY STATEMENT

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

Safety, Rehabilitation and Compensation Act 1988

Paragraph 6(1)(i)

Safety, Rehabilitation and Compensation (*Class of Employees Outside Australia*)
Notice 2011 (No. 1)

The *Safety, Rehabilitation and Compensation Act 1988* (the SRC Act) provides workers' compensation coverage for employees of the Commonwealth, Commonwealth authorities and licensed corporations.

Section 6 of the SRC Act states, in part:

- (1) Without limiting the circumstances in which an injury to an employee may be treated as having arisen out of, or in the course of, his or her employment, an injury shall, for the purposes of this Act, be treated as having so arisen if it was sustained:

...

- (i) While the employee was:
- (i) at the direction or request of the Commonwealth or a licensee, at a place outside Australia and the external Territories; and
 - (ii) a member of a class of employees declared by the Minister by legislative instrument to be a class to which this paragraph applies.

In this legislative instrument the Minister has declared that the Australian Civilian Corps (ACC) is a class of employees for the purposes of paragraph 6(1)(i) of the SRC Act. ACC employees are engaged under the *Australian Civilian Corps Act 2011* as Commonwealth employees to work in countries experiencing or emerging from natural disasters or conflict to assist stabilisation, recovery and development efforts. Employees of the ACC will be working in high risk environments and so it is appropriate that, for the period an ACC member is overseas, he or she is presumed to be covered by the SRC Act.

This means that so long as an employee is doing something that is reasonable (including outside normal working hours), in the circumstances of the overseas posting, he or she will be covered for compensation purposes. This presumption would still be subject to the existing exceptions around submission to abnormal risk of injury, an injury that is intentionally self-inflicted and injury arising out of serious and wilful misconduct.

Consultation was undertaken with the Australian Agency for International Development on this instrument and when the relevant amendments to the *Safety, Rehabilitation and Compensation Act 1988* were being developed.

The Office of Best Practice Regulation advised that a Regulation Impact Statement was not required for this instrument.

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.