

## **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* – CSIRO Volunteers) Notice 2014

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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 licenced corporations.

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

In this notice, the Minister has declared that particular volunteers of the Commonwealth Scientific and Industrial Research Organisation ('CSIRO') are taken to be employed by CSIRO for the purposes of the Act when they perform acts in connection with the rendering assistance to CSIRO. This has the effect that the Act will apply to these volunteers.

Assistance provided to CSIRO by volunteers includes, but may not be limited to, managing education areas, providing programs to the public, staffing visitor centres and providing technical services in maintaining collections.

This declaration applies to volunteers of CSIRO who provide assistance at:

- the Visitor Centre (Canberra Space Centre) at the Canberra Deep Space Communication Complex;
- Visitor Centres within the Australia Telescope National Facility;
- the CSIRO Discovery Centre;
- the Australian National Herbarium;
- the Australian National Insect Collection;
- the Australian National Wildlife Collection;
- the Australian National Fish Collection;
- the Australian Tree Seed Centre; and
- the National Soil Archive.

This declaration was requested by CSIRO and was made in consultation with it.

The Office of Best Practice Regulation was consulted regarding this declaration and indicated that a Regulation Impact Statement was not required for this declaration (ID 16332).

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*

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

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 licenced 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, particular volunteers of the Commonwealth Scientific and Industrial Research Organisation ('CSIRO') are declared to be employees for the purposes of the Act.

#### **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 the 'States parties should ... ensure the protection of workers who are injured in the course of employment or other productive work'.<sup>1</sup>

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 CSIRO volunteers 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 CSIRO volunteers who would not otherwise be covered by the Act.

**Senator the Hon. Eric Abetz**

Minister for Employment

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<sup>1</sup> 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].