APPENDIX 4

s 5(6) – Persons taken to be employed by the Commonwealth

NOTICES OF DECLARATION UNDER s 5(6)

Persons taken to be employed by the Commonwealth

(as at 1 August 2004)

Notice of Declarations and Specifications – s 5(6) – 30/11/88
Notice No 1 of 1990 – Australian National Gallery, CSIRO
Notice, 1991 – ASIS
Notice No 4 of 1991 – ASIO
Notice No 5 of 1991 – Australian War Memorial
Notice No 2 of 1992 – Australian National Botanic Gardens (revoked 6/9/00), Great Barrier Reef Marine Park Authority
Notice No 6 of 1992 – DILGEA interpreters
Notice No 1 of 1993 – Australian National Maritime Museum
Notice No V1 of 1994 – Australian Nature Conservation Agency (revoked 6/9/00)
Notice No V1 of 1995 – National Museum of Australia
Notice No V2 of 1995 – AirServices Australia [revoked 27/3/98]
Notice No V3 of 1995 – Antarctic Division [revoked 8/10/97]
Notice No CA4 of 1996 – Australian Film, Television and Radio School
Notice No V1 of 1996 – Australian Maritime Safety Authority
Notice No 8 of 1997 – Old Parliament House
Notice No 13 of 1997 – Antarctic Division (revoked 6/9/00)
Notice No 1 of 1998 – Australian Protective Service
Notice No 2 of 1998 – Australian Maritime Safety Australia
Notice No 4 of 1999 – Snowy Mountains Hydro-electric Authority
Notice No 1 of 2000 – Department of the Environment and Heritage
Notice No 2 of 2000 – National Capital Authority
Notice No 6 of 2001 – CHOGM
Notice No 7 of 2001 – CHOGM
Notice No 5 of 2002 – Sydney Harbour Federation Trust
Notice No 23 of 2003 – Aboriginal and Torres Strait Islander Services Agency
Notice of Declarations and Specifications – s 5(6) – 30/11/88

*Gazette* S365, published 30 November 1988,

(as amended by Gazette No GN32, published 23 August 1989, and retrospectively validated by the *Industrial Relations Legislation Amendment Act 1991*)

3. For the purposes of subsection 5(6) of the Act-

(a) a person who is included in a class of persons referred to in the first column of the following table, being a class of persons who engage in activities at the request or direction, for the benefit, or under a requirement made by or under a law of the Commonwealth, or at the request or direction, or for the benefit, of a Commonwealth authority, is declared to be employed by the Commonwealth or by that authority, as the case may be; and

(b) the employment of the person is declared to be constituted by the performance by the person of an act included in the class of acts referred to in the second column of that table opposite to the reference to that class of persons:-

<table>
<thead>
<tr>
<th>First Column</th>
<th>Second Column</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class of persons</td>
<td>Class of acts</td>
</tr>
<tr>
<td>Members of the Air Training Corps established under section 8 of the <em>Air Force Act 1923</em></td>
<td>Acts performed in connection with the activities of the Corps</td>
</tr>
<tr>
<td>Members of the Australian Cadet Corps established under section 62 of the <em>Defence Act 1903</em></td>
<td>Acts performed in connection with the activities of the Corps</td>
</tr>
<tr>
<td>Members of the Naval Reserve Cadets established under section 38 of the <em>Naval Defence Act 1910</em></td>
<td>Acts performed in connection with the activities of the Cadets</td>
</tr>
<tr>
<td>Persons employed under an agreement or arrangement made between the Commonwealth and the Government of another country for the purposes of rendering services to the Government of that other country outside Australia</td>
<td>Acts performed under the agreement or arrangement</td>
</tr>
<tr>
<td>Persons who, without receiving any remuneration (excluding payment of expenses incurred), place their services at the disposal of the Chief Fire Control Officer appointed by the Bush Fire Council constituted under the <em>Careless Use of Fire Ordinance 1936</em> of the Australian Capital Territory for the purpose of extinguishing, or preventing the spread of, a fire or taking part in a training exercise</td>
<td>Acts performed at the direction of the Chief Fire Control Officer [REVOKED Notice No 1 of 2004; <em>Gazette</em> S 284, Sch 2; 15 Jul 04]</td>
</tr>
<tr>
<td>Persons who, under the control or direction of a Commonwealth officer assist, without receiving any remuneration (excluding payment of expenses incurred), in extinguishing or preventing the spread of, a fire at the Defence Support Centre at Woomera</td>
<td>Acts performed in connection with the extinguishing, or preventing the spread of, the fire</td>
</tr>
<tr>
<td>Persons who, under the control of direction of a Commonwealth officer, take part, without receiving any remuneration (excluding payment of expenses incurred), in search and rescue activities or training exercises carried out by the Department of Transport and Communications or the Civil Aviation Authority</td>
<td>Acts performed in connection with the carrying out of the search and rescue activities or training exercises</td>
</tr>
</tbody>
</table>
Appendix 4

Persons rendering assistance to a designated Commonwealth officer in the performance of his or her duty at the request of that officer or in the honest and reasonable belief that the assistance was necessary for the performance by the officer of his or her duty

Acts performed in rendering the assistance

Persons receiving treatment or training provided or arranged by the Secretary to the Department of Community Services and Health under Part III of the Disability Services Act 1986

Acts performed in the course of receiving the treatment or training

Persons who, under the control or direction of a Commonwealth officer, render services, without receiving remuneration (excluding payment of expenses incurred), in an institution or for a service conducted by the Department of Veterans’ Affairs

Acts performed in connection with the rendering of the services

Persons who, under the control or direction of a Commonwealth officer, take part, without receiving any remuneration (excluding payment of expenses incurred), in the carrying out of a health survey in the Australian Capital Territory

Acts performed in connection with the carrying out of the survey

Persons who, under the control or direction of a Commonwealth officer, take part, without receiving any remuneration (excluding payment of expenses incurred), in activities relating to civil defence carried out in the Australian Capital Territory

Acts performed in connection with the carrying out of the activities

Persons, other than a Minister of State of a State, a member of the Parliament of a State or a person holding, or acting in, an office (including a judicial office) established by a law of the Commonwealth, of a State or of a Territory of the Commonwealth, who are members of a board, committee or other body or group of persons (not being a body corporate) to which they are appointed by, or on the nomination or with the approval of, the Governor-General, a Minister of State, a Commonwealth authority, an officer of the Public Service of the Commonwealth or a person holding, or acting in, an office of a Territory of the Commonwealth (other than the Northern Territory or the Territory of Norfolk Island)

Acts performed as a member of the board, committee or other body or group of persons

Persons-

(a) engaged under subsection 26(3) of the High Court of Australia Act 1979; or

(b) whose services have been made available under sub-section 26(6) of that Act,

for the purposes of the High Court

Acts performed for the purposes of the High Court

Persons employed to assist in the households of the Governor-General who are employed otherwise than on a regular basis

Acts performed in the course of that employment
Persons who, under the control and direction of a Commonwealth officer, assist, without receiving any remuneration (other than payment of expenses incurred), in the running of the National Library of Australia

A reference in the first column to a designated Commonwealth officer shall be read as a reference to-
· a member or special member of the Australian Federal Police;
· the Sheriff of the Australian Capital Territory or a person appointed under section 3 of the Sheriff Ordinance 1934 of that Territory to assist him or her in the execution of his or her duties;
· an officer of Customs within the meaning of the Customs Act 1901;
· the Marshal or a Deputy Marshal of the Family Court of Australia;
· the Sheriff or a Deputy Sheriff of the Federal Court of Australia; or
· the Marshal or a Deputy of the Marshal of the High Court or an officer appointed under section 55 of the Judiciary Act 1903 to assist the Marshal and his or her Deputies.

**Notice No 1 of 1990 – Australian National Gallery, CSIRO**

published in *Gazette* GN 34, 29 August 1990

Persons who, under the control or direction of a Commonwealth officer, assist, without receiving any remuneration (other than payment of expenses incurred), in the running of the Australian National Gallery

Persons who, under the control or direction of a Commonwealth officer, render services to the CSIRO as Honorary Fellows, Post-retirement Fellows, Post-doctoral Fellows, Volunteer Fellows, Guest Workers, postgraduate students, PhD students or vacation scholars.

**Notice, 1991 – ASIS**

published in *Gazette* GN 10, 13 March 1991

Persons who, under the control or direction of an Officer of the Australian Secret Intelligence Service, render assistance in activities relating to Australia’s national interest

**Notice No 4 of 1991 – ASIO**

published in *Gazette* GN 30, 7 August 1991

Persons who, at the request or direction of an officer of the Australian Security Intelligence Organisation, render assistance in activities relating to Australia’s national interest.
Notice No 5 of 1991 – Australian War Memorial
published in Gazette GN 49, 18 December 1991
Persons who, under the control or direction of a Commonwealth officer, assist, without receiving any remuneration (other than payment of expenses incurred), in the running of the Australian War Memorial
Acts performed in connection with the rendering of the assistance

published in Gazette GN 21, 27 May 1992
[the Declaration in relation to the Australian National Botanic Gardens was revoked and substituted on 6 September 2000 by Notice No 1 of 2000]
Persons who, under the control or direction of a Commonwealth officer, assist, without receiving any remuneration (other than payment of expenses incurred), in the running of the Australian National Botanic Gardens
Acts performed in connection with the rendering of the assistance
Persons who, under the control or direction of a Commonwealth officer, assist, without receiving any remuneration (other than payment of expenses incurred), in the running of the Great Barrier Reef Marine Park Authority
Acts performed in connection with the rendering of the assistance

Notice No 6 of 1992 – DILGEA Interpreters
published in Gazette GN 51, 23 December 1992
Persons who, at the request of the Commonwealth, provide interpreting services to the Department of Immigration, Local Government and Ethnic Affairs
Acts performed in the provision of those services

Notice No 1 of 1993 – Australian National Maritime Museum
published in Gazette GN 29, 28 July 1993
Persons who, under the control or direction of a Commonwealth officer, assist, without receiving any remuneration (other than payment of expenses incurred), in the running of the Australian National Maritime Museum
Acts performed in connection with the rendering of the assistance
Notice No V1 of 1994 – Australian Nature Conservation Agency


Revoked and substituted on 6 September 2000 by Notice No 1 of 2000

Persons who, under the control or direction of a Commonwealth officer, assist, without receiving any remuneration (other than payment of expenses incurred) in the running of the Australian Nature Conservation Agency

Acts performed in connection with the rendering of the assistance

Notice No V1 of 1995 – National Museum of Australia

_Gazette_ GN 9, 8 March 1995

Persons who, under the control or direction of a Commonwealth officer, assist, without receiving any remuneration (other than payment of expenses incurred) in the running of the National Museum of Australia

Acts performed in connection with the rendering of the assistance

Notice No V2 of 1995 – AirServices Australia [revoked 27/3/98 by No 2 of 1998]

_Gazette_ GN 31, 9 August 1995

Persons who without receiving any remuneration (excluding payments of expenses incurred) place their services at the disposal of AirServices Australia (in relation to search and rescue services or training exercises provided by AirServices Australia).

Acts performed in connection with search and rescue or training exercises provided by AirServices Australia.

Notice No V3 of 1995 – Antarctic Division [revoked 8/10/97 by Notice No 13 of 1997]

_Gazette_ S394, 16 October 1995

Persons who, under the control or direction of a Commonwealth officer, assist, without receiving any remuneration (other than payment of expenses incurred) in the running of scientific projects conducted by the Antarctic Division of the Department of the Environment, Sports and Territories

Acts performed in connection with the rendering of the assistance

Notice No CA4 of 1996 – Australian Film, Television and Radio School

_Gazette_ S533, 31 December 1996

Persons who without receiving any remuneration (excluding payments of expenses incurred) place their services at the disposal of Australian Film, Television and Radio School as artists in residence and workers on student productions.

Acts performed in connection with work as an artists in residence and workers on student productions for Australian Film, Television and Radio School.
Appendix 4

Notice No V1 of 1996 – Australian Maritime Safety Authority

_Gazette_ GN 4, 29 January 1997

Persons who without receiving any remuneration (excluding payments of expenses incurred) place their services at the disposal of Australian Maritime Safety Authority (in relation to lighthouse keeping on Maatsuyker Island).

Acts performed in connection with lighthouse keeping on Maatsuyker Island for Australian Maritime Safety Authority.

Notice No 8 of 1997 – Old Parliament House

_Gazette_ S514, 9 December 1997

Persons who, under the control or direction of a Commonwealth officer, assist, without receiving any remuneration (other than payment of expenses incurred), in the running of Old Parliament House.

Acts performed in connection with the rendering of the assistance.

Notice No 13 of 1997 – Antarctic Division

_Gazette_ GN 40, 8 October 1997

Revoked and substituted on 6 September 2000 by Notice No 1 of 2000

Persons who, under the control or direction of a Commonwealth officer, assist, without receiving any remuneration (other than payment of expenses incurred), in the running of the Antarctic Program and scientific projects conducted by the Antarctic Division of the Department of the Environment, Sport and Territories.

Acts performed in connection with the rendering of the assistance.

Paragraph (a) of this Notice revoked the declaration made by Notice No V3 of 1995. The substantive difference in the new Notice was the inclusion of “Antarctic Program” along with “scientific programs”.

Notice No 1 of 1998 – Australian Protective Service

_Gazette_ GN 36, 9 September 1998

Declared by the Minister for Justice on 28 August 1998

Persons who, under the control or direction of a Commonwealth officer, take part, without receiving any remuneration (excluding payment of expenses incurred), in recruit training exercise for the Australian Protective Service.

Acts performed in connection with the carrying out of the recruit training exercises.
**Notice No 2 of 1998 – Australian Maritime Safety Australia**

*Gazette* S137, 27 March 1998

Persons who without receiving any remuneration (excluding payments of expenses incurred) place their services at the disposal of the Australian Maritime Safety Australia [AMSA] (in relation to search and rescue services or training exercises provided by AMSA)

Acts performed in connection with search and rescue or training exercises provided by AMSA

Paragraph A of this Notice revoked “a previous declaration made on 24 July 1995 (commenced on 9 August 1995) – Notice No 2 of 1995.” (AirServices Australia)

**Notice No 4 of 1999 – Snowy Mountains Hydro-electric Authority**

*Gazette* S 210, 25 May 1999

I PETER KEASTON REITH, Minister for Employment, Workplace Relations and Small Business, under subsection 5(6) of the Safety, Rehabilitation and Compensation Act 1988 declare that person who:

(i) under the control or direction of an officer of the Snowy Mountains Hydro-electric Authority (the Authority) and without receiving remuneration (with the exception of expenses); and

(ii) provide fire fighting, search and rescue and first aid services, attend environmental incidents and take part in training exercises for the authority are taken to be employed by the Authority in respect of the acts specified at paragraph (ii).

**Notice No 1 of 2000 – Department of the Environment and Heritage**

*Gazette* GN 35, 6 September 2000, p 2438:

Persons who, under the control or direction of a Commonwealth officer, or the Director of National Parks, assist in the running of the Department of the Environment and Heritage (excluding the Bureau of Meteorology) or assist the Director of National Parks, without receiving any remuneration (other than payment of expenses incurred).

Acts performed in the rendering of assistance.

**Notice No 2 of 2000 – National Capital Authority**

Dated 12 September 2000, published in *Gazette* GN 39, 4 October 2000, p 2729:

Persons who, without receiving any remuneration (other than payment of expenses incurred), assist the National Capital Authority in fostering an awareness of Canberra as the National Capital.

Acts performed in connection with the rendering of the assistance.
Appendix 4

Notice No 6 of 2001 – CHOGM
Dated 13 September 2001, published in Gazette S 373, 14 September 2001:

Persons who, under the control or direction of a Commonwealth employee, assist in the administration of the Commonwealth Heads of Government Meeting 2001, without receiving any remuneration (other than payment of expenses incurred).

Acts performed in connection with the rendering of the assistance.

Notice No 7 of 2001 – CHOGM

Persons who, under the control or direction of a Commonwealth employee, assist in the administration of the Commonwealth Heads of Government Meeting 2002, without receiving any remuneration (other than payment of expenses incurred).

Acts performed in connection with the rendering of the assistance.

Notice No 5 of 2002 – Sydney Harbour Federation Trust
Dated 16 December 2002, published in Gazette GN 2, p 223, 15 January 2003:

Persons who, under the control or direction of a Commonwealth employee, assist the Sydney Harbour Federation Trust with bush regeneration and restoration or conservation works and by conducting guided tours of the Trust sites, without receiving any remuneration (other than payment of expenses incurred).

Acts performed in connection with the rendering of the assistance.

Notice No 23 of 2003 – Aboriginal and Torres Strait Islander Services Agency

A person who is appointed to the office of Director of Evaluation and Audit under section 77 of the Aboriginal and Torres Strait Islander Commission Act 1989, when undertaking functions, performing duties, and providing assistance in relation to the Aboriginal and Torres Strait Islander Services Agency on an honorary basis.

Acts performed in connection with performing such duties, undertaking such functions, and rendering such assistance..