

1987-88

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Presented and read a first time, 27 April 1988

(Minister for Social Security)

A BILL

FOR

An Act relating to the rehabilitation of certain civilian employees employed in connection with the United States Naval Communication Station in Australia and to workers' compensation for those employees, and for related purposes

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

Short title

5 **1.** This Act may be cited as the *United States Naval Communication Station (Civilian Employees) Act 1988*.

Commencement

2. This Act commences at the commencement of Part X of the Compensation Act.

Interpretation

3. (1) In this Act:

“civilian employee” means a person (other than a member of the naval, military or air forces of the United States of America) who is employed by the Government of the United States of America in or in connection with the establishment, maintenance or operation of the Station and: 5

(a) is not a citizen, or a national, of the United States of America; or

(b) is a citizen, or a national, of the United States of America but is employed by the Government of the United States of America in accordance with, or by reference to, terms and conditions of employment agreed between that Government and: 10

(i) an organisation registered under a law of the Commonwealth relating to conciliation and arbitration; or 15

(ii) an organisation registered under the Industrial Relations Act 1979 of the State of Western Australia, as amended and in force from time to time; 20

“Compensation Act” means the *Commonwealth Employees’ Rehabilitation and Compensation Act 1988*;

“Station” means the United States Naval Communication Station in Australia referred to in the *United States Naval Communication Station Agreement Act 1963*. 25

(2) For the purposes of this Act, a person who is employed by an instrumentality of the Government of the United States of America shall be deemed to be employed by that Government.

Application of Compensation Act to civilian employees

4. (1) The Compensation Act applies in relation to a civilian employee, subject to the modifications set out in the Schedule, as if: 30

(a) a civilian employee were an employee employed by an exempt authority within the meaning of that Act; and

(b) the relevant authority in relation to the civilian employee were the Commission for the Safety, Rehabilitation and Compensation of Commonwealth Employees established by that Act. 35

(2) For the purposes of the application of Part X of the Compensation Act in relation to a civilian employee, the civilian employee shall be taken to have been an employee within the meaning of the *Compensation (Commonwealth Government Employees) Act 1971* immediately before the commencement of Part X of the Compensation Act. 40

Repeal

5. The following Acts are repealed:

*United States Naval Communication Station (Civilian Employees) Act
1971*

5 *United States Naval Communication Station (Civilian Employees) Act
1972*

*United States Naval Communication Station (Civilian Employees)
Amendment Act 1976.*

SCHEDULE

Section 4

MODIFICATIONS OF THE COMPENSATION ACT

Section 5:

After subsection (7) insert the following subsection:

“(7A) This Act applies in relation to a person who is a civilian employee within the meaning of the *United States Naval Communication Station (Civilian Employees) Act 1988*.”.

Subparagraph 6 (1) (b) (v):

After “Commonwealth” (wherever occurring) insert “or the Government of the United States of America”.

Subparagraph 6 (1) (b) (vii):

After “Commonwealth” insert “or the Government of the United States of America”.

Subsections 7 (1), (2), (3) and (7):

After “Commonwealth” (wherever occurring) insert “or the Government of the United States of America”.

Subsections 8 (3), (4), (5), (6) and (9):

After “Commonwealth” (wherever occurring) insert “or the Government of the United States of America”.

Subsections 9 (1), (2) and (3):

After “Commonwealth” (wherever occurring) insert “or the Government of the United States of America”.

Paragraph 15 (1) (a):

After “Commonwealth” (wherever occurring) insert “or the Government of the United States of America”.

Subsections 33 (1) and (2):

After “Commonwealth” (wherever occurring) insert “or the Government of the United States of America”.

Subsection 50 (6):

(a) After “means an” insert “industrial agreement,”.

(b) Before paragraph (a) insert the following paragraph:

“(aa) an industrial agreement relating to the terms and conditions of employment by the Government of the United States of America of persons who are civilian employees within the meaning of the *United States Naval Communication Station (Civilian Employees) Act 1988*.”.

SCHEDULE—continued

Subsection 52 (4):

Omit the subsection, substitute the following subsection:

“(4) Where a claim is given to the Commission, the Commission shall cause a copy of the claim to be given to the Civil Commissioner appointed under Article 6 of the Agreement dated 9 May 1963 between the Government of the Commonwealth of Australia and the Government of the United States of America, a copy of which is set out in the Schedule to the *United States Naval Communication Station Agreement Act 1963*.”.

Section 57:

After subsection (1) insert the following subsection:

“(1A) The Commission shall, on request by the Government of the United States of America, give to that Government any document held by the Commission relating to a claim under this Act by a person who is a civilian employee within the meaning of the *United States Naval Communication Station (Civilian Employees) Act 1988*.”.