

United States Naval Communication Station (Civilian Employees)

No. 54 of 1968

An Act to provide Rights in respect of the Injury, Disease
or Death of certain Civilian Employees at the United
States Naval Communication Station in Australia.

[Assented to 24 June 1968]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and
the House of Representatives of the Commonwealth of Australia,
as follows:—

Short title.

1. This Act may be cited as the *United States Naval Communication
Station (Civilian Employees) Act 1968*.

2. This Act shall come into operation on the day on which it receives the Royal Assent. Commencement.

3. In this Act—

Definitions.

“ the Commonwealth Employees’ Compensation Act ” means the *Commonwealth Employees’ Compensation Act 1930–1967*;

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

4. This Act applies to a person (other than a member of the naval, military or air forces of the United States of America) who is employed in Australia by the Government of the United States of America in or in connexion with the establishment, maintenance or operation of the Station and— Persons to whom this Act applies.

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

(b) is a citizen, or is 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 upon between the Government of the United States of America and any organization registered pursuant to the *Conciliation and Arbitration Act 1904–1968* or any trade union or other body registered under the *Industrial Arbitration Act, 1912–1966*, of the State of Western Australia, or that Act as amended and in force for the time being.

5.—(1.) Subject to the next succeeding sub-section, the Commonwealth Employees’ Compensation Act applies to and in relation to a person to whom this Act applies as if he were an employee for the purposes of that Act. Application of Commonwealth Employees’ Compensation Act to persons to whom this Act applies.

(2.) In the application by virtue of the last preceding sub-section of the Commonwealth Employees’ Compensation Act to and in relation to a person to whom this Act applies, that Act has effect as if it were modified in the manner set out in the Schedule to this Act.

6.—(1.) Where—

(a) after the commencement of this Act, personal injury by accident is caused to a person to whom this Act applies, or a person to whom this Act applies is suffering from a disease, or the death of a person to whom this Act applies is caused by a disease;

(b) section 9 or 10 of the Commonwealth Employees’ Compensation Act, in its application to and in relation to that person by virtue of the last preceding section, applies, subject to that Act, in relation to the injury, disease or death; and

Liability of Commonwealth independently of Commonwealth Employees’ Compensation Act.

- (c) if the person to whom this Act applies, and all other persons (including members of the naval, military or air forces of the United States of America) employed by the Government of the United States of America in or in connexion with the establishment, maintenance or operation of the Station, had, at all relevant times, been employed by the Commonwealth instead of by the Government of the United States of America, he, or, in the event of his death, another person, would have been entitled, independently of the Commonwealth Employees' Compensation Act, to recover from the Commonwealth damages in respect of his injury, disease or death,

he or that other person may, subject to this section, recover like damages from the Commonwealth.

(2.) Where—

- (a) on or after the twenty-ninth day of August, One thousand nine hundred and sixty-six, and before the commencement of this Act, personal injury by accident was caused to a person, or a person was suffering from a disease, or the death of a person was caused by a disease; and
- (b) he or another person would, if this Act had come into operation on that date and the reference in the definition of “ the Commonwealth Employees' Compensation Act ” in section three of this Act to the *Commonwealth Employees' Compensation Act 1930–1967* had been a reference to the *Commonwealth Employees' Compensation Act 1930–1964*, have been entitled to recover damages from the Commonwealth under the last preceding sub-section in respect of the injury, disease or death,

he or that other person may, subject to the next succeeding sub-section, recover those damages from the Commonwealth.

(3.) Where, in respect of the injury, disease or death of a person, that person or another person is, under either of the last two preceding sub-sections, entitled to recover damages from the Commonwealth, the Commonwealth has, in respect of any claim for those damages, in any suit brought to recover those damages and in respect of any damages paid by it in consequence of such a claim or suit, the same rights (including any right to recover the whole or a part of the damages from another person) as if the first-mentioned person, and all other persons (including members of the naval, military or air forces of the United States of America) employed by the Government of the United States of America in or in connexion with the establishment, maintenance or operation of the Station, had at all relevant times been employed by the Commonwealth instead of by the Government of the United States of America.

(4.) This section, in its application to a person to whom this Act applies, shall not be construed as affecting the operation of section 17A of the Commonwealth Employees' Compensation Act in the application of that Act, by virtue of the last preceding section, to and in relation to that person.

THE SCHEDULE

Section 5.

MODIFICATIONS OF COMMONWEALTH EMPLOYEES' COMPENSATION ACT

Provision modified	Modification
Section 4 (1.) ..	<p>(a) After paragraph (c) of the definition of "employee", insert the following paragraph:— " (ca) a person to whom the <i>United States Naval Communication Station (Civilian Employees) Act 1968</i> applies;";</p> <p>(b) At the end of the definition of "outworker", insert "or of the Government of the United States of America".</p>
Section 4 (2.) ..	After "Commonwealth" (wherever occurring), insert "or the Government of the United States of America".
Section 4A ..	<p>After sub-section (1.), insert the following sub-section:— " (1A.) This Act applies to and in relation to an employee of the kind referred to in paragraph (ca) of the definition of 'employee' in sub-section (1.) of section four of this Act who is employed within the territorial limits of Australia."</p>
Section 9 (1.) ..	After "Commonwealth" (first occurring), insert "or the Government of the United States of America".
Section 9 (2.) ..	After "Commonwealth" (wherever occurring), insert "or the Government of the United States of America".
Section 9A (1.) (a) ..	After "Commonwealth", insert "or the Government of the United States of America".
Section 10 (1.) ..	After "Commonwealth" (first occurring), insert "or the Government of the United States of America".
Section 10 (2.) ..	After "Commonwealth", insert "or the Government of the United States of America".
Section 16 (1.) ..	After "Commonwealth" (first occurring), insert "or the Government of the United States of America".
Section 16 (3.) ..	<p>Omit the sub-section, insert the following sub-section:— " (3.) The notice may be served— (a) by sending it by post in a registered letter properly addressed to the Civil Commissioner appointed under Article 6 of the Agreement dated the ninth day of May, One thousand nine hundred and sixty-three, 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 <i>United States Naval Communication Station Agreement Act 1963</i>; (b) by delivering it to the above-mentioned Civil Commissioner; or (c) by delivering it to the person in charge of the work on which the employee was engaged at the time of the accident."</p>

THE SCHEDULE—*continued*

Provision modified	Modification
Section 16 (4.) ..	Omit paragraph (d), insert the following paragraph:— “(d) a notice shall be deemed to have been duly served in accordance with the last preceding sub-section if it was sent by post in a registered letter properly addressed to the Civil Commissioner referred to in that sub-section or was delivered to him.”.
Section 17A (1.) ..	After “ Commonwealth ” (first occurring), insert “ or the Government of the United States of America ”.
Section 17A (3.) ..	Before the word “ appear ”, insert “, by virtue of section 6 of the <i>United States Naval Communication Station (Civilian Employees) Act 1968</i> ,”.
Section 18 (4.) ..	After “ Commonwealth ”, insert “ or the Government of the United States of America ”.
First Schedule ..	In paragraph (1A.) (b) (ii), after “ which the employee receives from the Commonwealth ”, insert “ or the Government of the United States of America ”.