



United States Naval Communication Station (Civilian Employees) Act 1968

Act No. 54 of 1968 as amended

This compilation was prepared on 11 July 2008
taking into account amendments up to Act No. 73 of 2008

The text of any of those amendments not in force
on that date is appended in the Notes section

The operation of amendments that have been incorporated may be
affected by application provisions that are set out in the Notes section

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

1 Short title [see Note 1]

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

2 Commencement [see Note 1]

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

3 Interpretation

- (1) In this Act:

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*.

- (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 the Government of the United States of America.

4 Persons to whom Act applies

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 by the Government of the United States of America in or in connexion with the establishment, maintenance or operation of the Station and:

- (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 organisation within the meaning of Schedule 1B to the *Workplace Relations Act 1996* or any trade union or other body registered, or deemed to be registered, under the *Industrial Relations Act 1979* of Western Australia, or that Act as amended and in force for the time being.

5 Application of Commonwealth Employees' Compensation Act to persons to whom this Act applies

- (1) Subject to the next succeeding subsection, the Commonwealth Employees' Compensation Act applies to and in relation to a person to whom this Act applies as if he or she were an employee for the purposes of that Act.
- (2) In the application by virtue of the last preceding subsection 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 Liability of Commonwealth independently of Commonwealth Employees' Compensation Act

- (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
 - (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 she, or, in the event of his or her death, another person, would have been entitled, independently of the Commonwealth Employees' Compensation Act, to recover from the Commonwealth damages in respect of his or her injury, disease or death;

he or she 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 she 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 subsection in respect of the injury, disease or death;

he or she or that other person may, subject to the next succeeding subsection, 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 subsections, 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

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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—Modifications of Commonwealth Employees' Compensation Act

Section 5

Note:

The *Commonwealth Employees' Compensation Act 1930* was repealed by Act No. 48 of 1971 and the modifications made by this Schedule are not incorporated in this compilation.

Table of Acts

Notes to the *United States Naval Communication Station (Civilian Employees) Act 1968*

Note 1

The *United States Naval Communication Station (Civilian Employees) Act 1968* as shown in this compilation comprises Act No. 54, 1968 amended as indicated in the Tables below.

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>United States Naval Communication Station (Civilian Employees) Act 1968</i>	54, 1968	24 June 1968	24 June 1968	
<i>United States Naval Communication Station (Civilian Employees) Act 1971 (a)</i>	49, 1971	25 May 1971	Parts I and II (ss. 1–8): Royal Assent Part III (ss. 9–12): 1 Sept 1971 (see s. 2(2) and <i>Gazette</i> 1971, p. 5496)	S. 2(1)
<i>Industrial Relations (Consequential Provisions) Act 1988</i>	87, 1988	8 Nov 1988	Ss. 1 and 2: Royal Assent Remainder: 1 Mar 1989 (see s. 2(2) and <i>Gazette</i> 1989, No. S53)	—
<i>Workplace Relations and Other Legislation Amendment Act 1996</i>	60, 1996	25 Nov 1996	Schedule 19 (item 53): Royal Assent (b)	—
<i>Workplace Relations Legislation Amendment (Registration and Accountability of Organisations) (Consequential Provisions) Act 2002</i>	105, 2002	14 Nov 2002	Schedule 3 (item 64): 12 May 2003 (see s. 2 and <i>Gazette</i> 2002, No. GN49)	—
<i>Statute Law Revision Act 2008</i>	73, 2008	3 July 2008	Schedule 4 (items 496–501): 4 July 2008	—

Act Notes

- (a) The *United States Naval Communication Station (Civilian Employees) Act 1971* was repealed by section 5 of the *United States Naval Communication Station (Civilian Employees) Act 1988*.
- (b) The *United States Naval Communication Station (Civilian Employees) Act 1968* was amended by Schedule 19 (item 53) only of the *Workplace Relations and Other Legislation Amendment Act 1996*, subsection 2 (1) of which provides as follows:
 - (1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.

Table of Amendments

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Title	am. No. 49, 1971
S. 3.....	ad. No. 49, 1971
S. 4.....	am. No. 49, 1971; No. 87, 1988; No. 60, 1996; No. 105, 2002
Ss. 5, 6	am. No. 73, 2008
The Schedule	am. No. 49, 1971