



# **United States Naval Communication Station (Civilian Employees) Act 1968**

**Act No. 54 of 1968 as amended**

This compilation was prepared on 16 July 2009  
taking into account amendments up to Act No. 54 of 2009

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

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- (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 registered under, or association recognised by, the *Fair Work (Registered Organisations) Act 2009* 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 Government of the United States of America in or in connexion

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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.



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## The Schedule—Modifications of Commonwealth Employees' Compensation Act

Section 5

Provision Modified	Modification
Section 4(1.)	<p>(a) After paragraph (c) of the definition of “employee”, insert the following paragraph:—</p> <p style="padding-left: 40px;">“(ca) A person to whom the <i>United States Naval Communication (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:—</p> <p style="padding-left: 40px;">“(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, whether employed within or outside 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”.

Provision Modified	Modification
Section 16(3.)	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.”.
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.) <i>(b)(ii)</i> , after “which the employee receives from the Commonwealth”, insert “or the Government of the United States of America”.

**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	—
<i>Fair Work (State Referral and Consequential and Other Amendments) Act 2009</i>	54, 2009	25 June 2009	Schedule 8 (item 154): (c)	—

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

**Act Notes**

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- (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.
- (c) Subsection 2(1) (item 30) of the *Fair Work (State Referral and Consequential and Other Amendments) Act 2009* provides as follows:
- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

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<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
30. Schedule 8, items 140 to 161	Immediately after the commencement of Part 2-4 of the <i>Fair Work Act 2009</i> .	1 July 2009 (see F2009L02563)

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**Table of Amendments**

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

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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; No. 54, 2009
Ss. 5, 6 .....	am. No. 73, 2008
The Schedule .....	am. No. 49, 1971