

United States Naval Communication Station (Civilian Employees)

No. 49 of 1971

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

[Assented to 25 May 1971]

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

PART I.—PRELIMINARY.

Short title. 1. This Act may be cited as the *United States Naval Communication Station (Civilian Employees) Act 1971*.

Commencement. 2.—(1.) Parts I. and II. of this Act shall come into operation on the day on which this Act receives the Royal Assent but the amendments made by Part II. shall be deemed to have taken effect on the twenty-fourth day of June, One thousand nine hundred and sixty-eight.

(2.) Part III. of this Act shall come into operation on the date fixed under sub-section (2.) of section 2 of the *Compensation (Commonwealth Employees) Act 1971*.

Parts. 3. This Act is divided into Parts, as follows:—

Part I.—Preliminary (Sections 1–3).

Part II.—Amendments of the *United States Naval Communication Station (Civilian Employees) Act 1968* (Sections 4–8).

Part III.—Application of the *Compensation (Commonwealth Employees) Act 1971* (Sections 9–12).

PART II.—AMENDMENTS OF THE UNITED STATES NAVAL
COMMUNICATION STATION (CIVILIAN EMPLOYEES) ACT 1968.

4.—(1.) The *United States Naval Communication Station (Civilian Employees) Act 1968** is in this Part referred to as the Principal Act. Citation.

(2.) The Principal Act, as amended by this Part, may be cited as the *United States Naval Communication Station (Civilian Employees) Act 1968–1971*.

5. The title of the Principal Act is amended by omitting the word “at” and inserting in its stead the words “employed in connexion with”. Title.

6. Section 3 of the Principal Act is amended by adding at the end thereof the following sub-section:— Interpretation.

“(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.”

7. Section 4 of the Principal Act is amended by omitting the words “in Australia”. Persons to whom Act applies.

8. The Schedule to the Principal Act is amended by omitting the words— Schedule.

“ Section 4A	..		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.’”
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and inserting in their stead the words—

“ Section 4A	..		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, whether employed within or outside the territorial limits of Australia.’”
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PART III.—APPLICATION OF THE COMPENSATION (COMMONWEALTH
EMPLOYEES) ACT 1971.

9.—(1.) In this Part—

“the Compensation (Commonwealth Employees) Act” means the *Compensation (Commonwealth Employees) Act 1971*; Interpretation.

* Act No. 54, 1968.

“ 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 Part, 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.

Persons
to whom this
Part applies.

10. This Part 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 organization registered pursuant to the *Conciliation and Arbitration Act 1904–1970* or any trade union or other body registered under the *Industrial Arbitration Act, 1912–1968*, of the State of Western Australia, or that Act as amended and in force for the time being.

Application of
Compensation
(Commonwealth
Employees) Act
to persons
to whom this
Part applies.

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

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

Liability of
Commonwealth
independently of
Compensation
(Commonwealth
Employees) Act.

12.—(1.) Where—

- (a) personal injury is caused to a person to whom this Part applies, or property used by a person to whom this Part applies is lost, destroyed or damaged, or a person to whom this Part applies contracts a disease or suffers an aggravation, acceleration or recurrence of a disease;
- (b) section 27, 28 or 29 of the Compensation (Commonwealth Employees) 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, loss, destruction, damage, disease or aggravation, acceleration or recurrence of the disease; and

- (c) if the person to whom this Part 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 as a result of the injury or disease, another person, would have been entitled, independently of the Compensation (Commonwealth Employees) Act, to recover from the Commonwealth damages in respect of his injury, disease or death, or in respect of the loss or destruction of, or damage to, property used by him, as the case may be,

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

(2.) Where, in respect of an injury or disease, or an aggravation, acceleration or recurrence of a disease, suffered by a person, in respect of the death of a person or in respect of loss or destruction of, or damage to, property used by a person, that person or another person is, under the last preceding sub-section, 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.

(3.) This section, in its application to a person to whom this Part applies, shall not be construed as affecting the operation of section 99 or 100 of the Compensation (Commonwealth Employees) Act in the application of that Act, by virtue of the last preceding section, to and in relation to that person.

THE SCHEDULE

Section 11.

MODIFICATIONS OF COMPENSATION (COMMONWEALTH EMPLOYEES) ACT

Provision modified	Modification
Section 5 (1.)	At the end of the definition of "outworker", insert "or of the Government of the United States of America".
Section 7	After sub-section (6.), insert the following sub-section:— " (6A.) This Act applies to and in relation to a person to whom Part III. of the <i>United States Naval Communication Station (Civilian Employees) Act 1971</i> applies."
Section 8 (1.) to (5.)	After "the Commonwealth" (wherever occurring), insert "or the Government of the United States of America".
Section 25	After "by the Commonwealth" (wherever occurring), insert "or the Government of the United States of America".
Section 27 (1.)	After "by the Commonwealth", insert "or the Government of the United States of America".
Section 28 (1.)	After "by the Commonwealth", insert "or the Government of the United States of America".
Section 29	After "by the Commonwealth" (wherever occurring), insert "or the Government of the United States of America".
Section 30	After "the Commonwealth" (wherever occurring), insert "or the Government of the United States of America".
Section 31 (1.) and (2.)	After "the Commonwealth", insert "or the Government of the United States of America".
Section 32	After "the Commonwealth" (wherever occurring), insert "or the Government of the United States of America".
Section 33 (1.)	After "the Commonwealth" (wherever occurring), insert "or the Government of the United States of America".
Section 34 (1.), (2.) and (3.)	After "the Commonwealth" (wherever occurring), insert "or the Government of the United States of America".
Section 36 (2.) and (3.)	After "the Commonwealth", insert "or the Government of the United States of America".
Section 45 (7.) (b)	After "the Commonwealth", insert "or by the Government of the United States of America".
Section 46 (3.) (b)	After "the Commonwealth", insert "or by the Government of the United States of America".
Section 52 (1.) and (3.)	After "the Commonwealth" (wherever occurring), insert "or the Government of the United States of America".
Section 52 (4.)	After "by the Commonwealth", insert "or the Government of the United States of America".
Section 52 (4.) (d)	After "of the Commonwealth", insert "or by the Government of the United States of America".
Section 53	At the end of the section, add the following sub-section:— " (5.) A notice referred to in any of the last four preceding sub-sections, being a notice in relation to a person to whom Part III. of the <i>United States Naval Communication Station (Civilian Employees) Act 1971</i> applies, shall be deemed to have been served on the Commonwealth if— (a) it was sent 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) it was delivered to the above-mentioned Civil Commissioner; or (c) it was delivered to the person in charge of the work on which the employee was engaged at the time of the injury, loss or damage or at the time when the employee became aware of the contraction of the disease or of the commencement of the aggravation or acceleration of the disease or of the recurrence of the disease."

THE SCHEDULE—continued

Provision modified	Modification
Section 54	At the end of the section, add the following sub-section:— “(7.) A claim referred to in any of the preceding sub-sections of this section, being a claim in relation to a person to whom Part III. of the <i>United States Naval Communication Station (Civilian Employees) Act 1971</i> applies, shall be deemed to have been served on the Commissioner if it was sent or delivered in the manner provided, in relation to notices, in paragraph (a), paragraph (b) or paragraph (c) of sub-section (5.) of the last preceding section to the person referred to in that paragraph.”
Section 57 (2.) ..	After “the Commonwealth,” insert “the Government of the United States of America,”.
Section 103 (1.) ..	(a) After “means a determination,” insert “industrial agreement,”. (b) After 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 to whom Part III. of the <i>United States Naval Communication Station (Civilian Employees) Act 1971</i> applies;”.