



United States Naval Communication Station (Civilian Employees) Act 1988

No. 71 of 1988

**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**

Contents

1 Short title.....	2
2 Commencement.....	2
3 Interpretation	2
4 Application of Compensation Act to civilian employees	3
5 Repeal.....	3
Schedule—Modifications of the Compensation Act	4



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[Assented to 15 June 1988]

The Parliament of Australia enacts:

1 Short title

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

2 Commencement

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

3 Interpretation

(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:

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

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*.

(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.

4 Application of Compensation Act to civilian employees

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

- (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.

5 Repeal

The following Acts are repealed:

United States Naval Communication Station (Civilian Employees) Act 1971

United States Naval Communication Station (Civilian Employees) Act 1972

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

Schedule—Modifications of the Compensation Act

Section 4

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*.’.

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 an officer of the Department of Defence authorised by the Secretary to that Department for the purposes of this subsection.’.

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*.’.