

- (b) if damages are recovered under this Part, the amount of damages recoverable otherwise than under this Part shall be reduced by the amount of the damages so recovered.

(2.) In the last preceding sub-section, "damages" does not include compensation under the *Commonwealth Employees' Compensation Act* 1930-1962 or the *Seamen's Compensation Act* 1911-1960.

(3.) Nothing in this section prevents the application of section seventeen A of the *Commonwealth Employees' Compensation Act* 1930-1962 or section ten A of the *Seamen's Compensation Act* 1911-1960 in relation to damages recovered or recoverable under this Part.

16.—(1.) Damages under this Part in respect of a death or injury are not recoverable from the Commonwealth or a Commonwealth authority by or for the benefit of a person where that person, or a person lawfully acting or entitled to act on behalf of that person—

Damages not recoverable under this Part in certain circumstances.

- (a) has failed to take any action that he could reasonably have been expected to take, if this Part had not been enacted, to recover damages in respect of the death or injury from any other person who was, or may have been, liable to pay damages in respect of the death or injury;
- (b) has, without the consent in writing of the Commonwealth or the Commonwealth authority, as the case may be, entered into a compromise, settlement or agreement whereby a person other than the Commonwealth or the Commonwealth authority has been discharged in whole or in part from liability in respect of the death or injury to which he was, or might have been, subject; or
- (c) has refused to comply with a request under the next succeeding sub-section.

(2.) The Commonwealth or a Commonwealth authority may, in writing, request a person who appears to be entitled to recover damages in respect of a death or injury to which this Part applies against a person other than the Commonwealth or the Commonwealth authority, or a person lawfully acting or entitled to act on behalf of such a person, to take or continue proceedings (whether in the Commonwealth or elsewhere) to recover those damages and, where proceedings are so taken or continued, the

proceedings