

gregated value of the estate, after deducting all debts but without any other deduction—” and substituting therefor, in each case, the words “Where the aggregated value of the estate, after making the allowances required to be made by subsection (1) of section 5A, subsection (1) of section 7, and subsection (1) of section 7A but without any other allowance or deduction—”; and

(b) by omitting the scale set forth in paragraph 4 thereof and substituting therefor the following scale:—

“Where the aggregated value of the estate, after making the allowances required to be made by subsection (1) of section 5A, subsection (1) of section 7, and subsection (1) of section 7A but without any other allowance or deduction—	Amount of duty.
Does not exceed £7,500 .....	No duty is payable
Exceeds £7,500 but does not exceed £12,500 .....	15 per cent of the excess over £7,500
Exceeds £12,500 but does not exceed £15,000 .....	£750 plus 10 per cent of the excess over £12,500
Exceeds £15,000 but does not exceed £25,000 .....	£1,000 plus 12½ per cent of the excess over £15,000
Exceeds £25,000 but does not exceed £35,000 .....	£2,250 plus 18 per cent of the excess over £25,000
Exceeds £35,000 but does not exceed £50,000 .....	£4,050 plus 25½ per cent of the excess over £35,000
Exceeds £50,000 but does not exceed £75,000 .....	£7,875 plus 32½ per cent of the excess over £50,000
Exceeds £75,000 but does not exceed £100,000 .....	£16,000 plus 40 per cent of the excess over £75,000
Exceeds £100,000 .....	26 per cent of the total value of the estate.”

## WORKERS' COMPENSATION.

No. 63 of 1962.

AN ACT to amend the *Workers' Compensation Act 1927*. [11 December 1962.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title  
and citation.

**1**—(1) This Act may be cited as the *Workers' Compensation Act 1962*.

(2) The *Workers' Compensation Act 1927*, as subsequently amended, is in this Act referred to as the Principal Act.

Payment of  
compensation  
moneys to  
Public  
Trustee.

**2** Section twenty-seven of the Principal Act is amended by omitting from subsection (1) the words "section four of the" and substituting therefor the words "rule 4 or rule 5 of the first".

Rules  
relating to  
calculation of  
compensation.

**3** The first schedule to the Principal Act is amended—

(a) by omitting sub-rule (1) of rule 2 and substituting therefor the following sub-rules:—

"(1) Subject to this rule, where total or partial incapacity for work results from any injury sustained by the worker the compensation payable under this Act shall, in addition to any lump sum that may be payable under rule 4 or rule 5 in respect of that injury, be a weekly payment during the incapacity calculated in accordance with this rule.

"(1A) The making of a lump sum payment under rule 4 or rule 5 in respect of an injury sustained by a worker disentitles him to any weekly payments (not being non-deductible payments within the meaning of sub-rule (1C) of this rule) in respect of so much of any period of total incapacity caused solely by the injury that occurs after the making of that lump sum payment, except in so far as those weekly payments would, if the worker had not been so disentitled, have exceeded the amount of that lump sum payment.

"(1B) Where a period of total incapacity due to illness resulting from an injury is additional to any other period of total incapacity resulting from the injury, the period of total incapacity due to that illness shall, for the purposes of sub-rule (1A) of this rule, be deemed not to be a period of total incapacity caused solely by the injury.

"(1C) For the purposes of sub-rule (1A) of this rule 'non-deductible payments' means, in relation to a lump sum payment to which a worker becomes entitled in respect of an injury, those weekly payments to which he is entitled under this rule in respect of the period specified in the third column of the table contained in clause 1 of sub-rule (2) of rule 4 in respect of that injury.

"(1D) Where a worker is entitled to compensation under rule 5 in respect of an injury by virtue of its being an injury that, as to the major part thereof, consists of an injury specified in the table set forth in sub-rule (1) of

rule 4, or by virtue of its being, to any lesser degree, an injury so specified, the injury in respect of which the worker is so entitled to that compensation shall, for the purposes of sub-rule (1C) of this rule, be treated as the injury so specified.”;

- (b) by omitting from sub-rule (2) of that rule the words “The said weekly payment” and substituting therefor the words “A weekly payment required to be calculated in accordance with this rule”;
- (c) by omitting from sub-rule (1) of rule 4 the words “the compensation payable under this Act, where total or partial incapacity results from the injury, shall, subject to sub-rule (2) of this rule, be” and substituting therefor the words “compensation shall be payable under this Act of an amount that, subject to this rule, is equal to”;
- (d) by inserting after sub-rule (2) of that rule the following sub-rule:—
 

“(2AA) Where a period of total incapacity due to illness resulting from an injury is additional to any other period of total incapacity resulting from the injury, the period of total incapacity due to that illness shall, for the purposes of this rule, be deemed not to be a period of total incapacity caused solely by the injury.”;
- (e) by inserting in sub-rule (2A) of that rule, after the word “payable”, the words “under this rule”;
- (f) by inserting in sub-rule (3) of that rule, after the word “sight”, the words “or hearing”;
- (g) by omitting sub-rules (2) and (3) of rule 5.

**4—(1)** Subject to this section, the amendments made by this Act in the Principal Act shall be deemed to have been made on the first day of July 1959, and references in this section to a liability subsisting by virtue of this section shall be construed as references to any liability to make payments by way of compensation that arises by virtue of those amendments being deemed to have been so made and would not have arisen if those amendments had been deemed to have been made on the commencement of this Act.

*Application of Act to injuries sustained before commencement.*

(2) Any liability subsisting by virtue of this section so subsists notwithstanding any order, judgment, determination, or other decision made by a court or a judge in any proceedings commenced before the commencement of this Act, and any such order, judgment, determination, or other decision does not prevent or prejudice the taking of any proceedings after the commencement of this Act with respect to that liability or the enforcement thereof or with respect to any right or remedy arising in respect thereof.

(3) Without prejudice to the provisions of subsection (2) of this section, where, before the commencement of this Act, any award or determination has been made under the

Principal Act in respect of any liability to pay compensation under that Act that award or determination may be varied by the parties on which it is binding or by a judge, upon application of either or any of them, if he considers it just and reasonable so to do, having regard to the provisions of this Act.

(4) Where proceedings for the recovery of compensation under the Principal Act are not maintainable unless a claim for that compensation is made or those proceedings are commenced within a period specified by or under any enactment that enactment has effect in relation to any liability subsisting by virtue of this section as if the period so specified were a period of length equivalent in length to the length of the period so specified and commencing on the commencement of this Act.

(5) References in this section to the commencement of this Act shall be construed as references to the date on which the Governor gives his assent to this Act.

Adaptation of amendments to the reprint of the Principal Act.

**5**—(1) On and after the date of the reprinting of the Principal Act this Act is to have effect as if from paragraph (a) of section three of this Act the symbol “1” were omitted and the symbol “(a)” were substituted therefor, and, on and after that date, the Principal Act, as amended by this Act, shall be construed accordingly.

(2) The Principal Act and this Act are, by force of this subsection, amended to such extent as may be necessary to give effect to the foregoing provisions of this section.

(3) Subject to this section, the provisions of this Act remain in full force and effect as if this section had not been enacted.

(4) In this section “date of reprinting of the Principal Act” means the date of the giving of the certificate printed pursuant to section six of the *Reprint of Statutes Act 1954* in the volume of reprinted Acts published pursuant to that Act in which the reprint of the Principal Act is included.

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## LAWRENCE VALE LANDSLIP.

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No. 64 of 1962.

AN ACT to amend the *Lawrence Vale Landslip Act 1961*. [11 December 1962.]

**B**E it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

**1**—(1) This Act may be cited as the *Lawrence Vale Landslip Act 1962*.

(2) The *Lawrence Vale Landslip Act 1961* is in this Act referred to as the Principal Act.

Short title, citation, and commencement.