

**2** Section two of the *Workers' Compensation Act 1953* is amended by adding at the end thereof the following subsections:— <sup>Repeal.</sup>

“(2) The repeal of the *Workers' Compensation Act 1948* by this section does not affect the operation of the amendment effected by section two of that Act, and the Principal Act shall, subject to any enactment hereafter passed amending or modifying it, continue to be construed as if the first-mentioned Act had not been repealed.

(3) Nothing in subsection (2) of this section limits or prejudices the operation of section sixteen of the *Acts Interpretation Act 1931*.”.

**3** Section five of the *Workers' Compensation Act 1953* is amended by inserting in paragraph (d) thereof, after the word “from”, the words “subparagraph (c) of”. <sup>Amount of compensation in case of incapacity.</sup>

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## DEVON CANNERY AGREEMENT.

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### No. 4 of 1954.

AN ACT to make provision for the closing of certain roads, the construction of a new road, and the sale of a piece of Crown land, for the purpose of effectuating the sale by the Rural Industries Board to H. J. Heinz Company Proprietary Limited of the Devon Cannery pursuant to an agreement entered into between the Board and the Company, and for matters incidental thereto. [14 April, 1954.]

**W**HEREAS the Rural Industries Board constituted under the *Rural Industries Act 1943* (in this Act referred to as “the Board”) is the owner of certain land in the municipality of Devonport in this State upon which there is a factory equipped for the canning of vegetables and containing certain plant that is the property of the Board: <sup>Preamble.</sup>

And whereas H. J. Heinz Company Proprietary Limited, a company incorporated in the State of Victoria (in this Act referred to as "the Company") is managing the factory on behalf of the Board and has, at the Company's expense, provided certain machinery, equipment, and materials for the manufacture and canning of food products:

And whereas by deed made the first day of April, 1953, between the Board of the one part and the Company of the other part (in this Act referred to as "the agreement") the Board agreed to sell and the Company agreed to buy the land, factory, and plant of the Board (in this Act referred to collectively as "the Cannery") upon the terms and conditions (as to price and otherwise) that are specified in the agreement:

And whereas in the agreement the Board undertook to enter into certain transactions and arrangements specified therein:

And whereas for the purpose of enabling the Board to fulfil that undertaking and to effectuate the sale of the Cannery pursuant to the agreement it is necessary that provision be made for the closing of certain roads, for the vesting of the closed roads in the Crown, for the granting to the Board, or to the Company if the Board so recommends, of the land comprised within the boundaries of the closed roads, for the construction of a new road, and for the sale of a piece of Crown land to A. Wander Limited, a company incorporated in this State:

Be it therefore 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.

**1** This Act may be cited as the *Devon Cannery Agreement Act* 1954.

Closing of certain roads.

**2**—(1) Notwithstanding anything in the *Roads and Jetties Act* 1935 or in any other Act, or any rule of law to the contrary, upon the making of a proclamation under section seven of the *Roads and Jetties Act* 1935 declaring that the portion of the State highway known as the Bass Highway that is described in the first schedule shall cease to be a State highway, the land comprised within the boundaries of that portion of that highway shall revert to and re-vest in Her Majesty absolutely, freed and discharged from all estates and interests therein subsisting in any person.

(2) The Governor may, by proclamation, declare that, on and from such date as may be specified in that behalf in the proclamation, the road that is described in the second schedule shall be closed, and thereupon, notwithstanding any law or rule of law to the contrary—

(a) that road shall be closed accordingly;

- (b) all easements and rights of user (whether created or inuring for the benefit of the public generally or of any particular persons or class of persons only) over, of, or in relation to that road shall, by virtue only of the operation of this subsection, be extinguished; and
- (c) the land comprised within the boundaries of that road shall, by virtue only of the operation of this subsection, revert to and re-vest in Her Majesty absolutely, freed and discharged from all estates and interests therein subsisting in any person.

(3) An estate or interest that is discharged by virtue of any of the foregoing provisions of this section shall (except in the case of an estate or interest of the Board or of the Transport Commission) be deemed to be converted into a claim for compensation.

(4) Without prejudice to the generality of the provisions of subsections (1) and (2) of this section, a proclamation under this section has effect to extinguish all rights of ownership of, or otherwise in relation to, the soil under a road to which the proclamation relates and to vest all those rights in Her Majesty absolutely.

**3**—(1) The Governor may, in the name and on behalf of Her Majesty, by deed of grant, convey and alienate to the Board, or, if the Board so recommends, to the Company, for an estate in fee simple in possession all or any of the land comprised within the boundaries of a road that is re-vested in Her Majesty pursuant to section two.

Power of the Governor to grant certain land to the Board or the Company.

(2) A deed of grant under this section shall be in the form prescribed under, and shall be subject to the same reservations and conditions as deeds of grant under, the *Crown Lands Act 1935*.

**4** Upon being requested by the Board so to do, the Director of Public Works may, at the expense in all things of the Board, cause a road to be constructed over the piece of land that is described in the third schedule.

Construction of new road.

**5** The Commissioner of Crown Lands may sell to A. Wander Limited, a company incorporated in this State (in this section referred to as "the purchaser") the piece of Crown land that is described in the fourth schedule for such price as may be agreed upon between the Commissioner and the purchaser, and upon payment by the purchaser to the Commissioner of the price so agreed upon, together with a grant fee of one pound, the Governor may, in the name and on behalf of Her Majesty by deed of grant under and in accordance with the provisions of the *Crown Lands Act 1935* convey and alienate that land to the purchaser for an estate in fee simple in possession.

Sale of certain Crown land.

Compensa-  
tion.

Cf. 7 Geo. VI.  
No. 51, s. 5.

**6**—(1) A person who claims to have suffered any injury or damage by reason of the—

(a) closure of a road; or

(b) extinguishment of an easement or a right of user over, of, or in relation to a road that is closed,

under or by virtue of this Act, may, within six months after the commencement of this Act, make a claim for compensation in respect thereof.

(2) A claim for compensation under this Act shall be served on the Board.

(3) No person is entitled to compensation under this Act unless he makes a claim for compensation within the time specified in subsection (1) of this section.

(4) Subject to the foregoing provisions of this section, a claim for compensation under this Act shall be made and determined in accordance with the provisions of the *Public Authorities' Land Acquisition Act 1949* (as modified by subsection (5) of this section) as if the claim were made in respect of an estate or interest acquired under that Act.

(5) The provisions of the *Public Authorities' Land Acquisition Act 1949* have effect, in their application to claims for compensation under this Act, as if—

(a) the Board were the council within the meaning of that Act;

(b) paragraph (d) of section twenty-five of that Act were omitted; and

(c) sections twenty-six and twenty-nine of that Act were repealed.

(6) The amount that is payable to a person by way of compensation under this Act shall be paid to that person by the Board.

Powers of  
Board to carry  
out agreement,  
&c.

**7** Notwithstanding anything in the *Rural Industries Act 1943*, the Board shall be deemed to have, and always to have had, power to enter into the agreement, and to do all such acts and things, and expend (out of the moneys at the disposal of the Board under that Act) all such sums of money as may be required to be expended, for carrying out or giving effect to the agreement on the part of the Board and for carrying out or giving effect to the provisions of this Act.

## THE FIRST SCHEDULE.

(Section 2(1).)

### TOWNS OF SOUTH DEVONPORT AND MAIDSTONE.

1a. Or. 5 1/10p.

Commencing at a point on the Bass Highway distant 249 feet 8½ inches south-westerly from the south angle of 3 4/10p. being acquired for Public Road and bounded on the north-east by 66 feet south-easterly along the Bass Highway aforesaid on the south-east by 384 feet 0¾ inches south-westerly in several bearings along portion of Lot 294 purchased by Charles Stammers Button again on the north-east by 24 feet 6 inches south-easterly again along portion of that land on the south by 55 feet

10½ inches westerly along 1r. 2 2/10p. as described in the second schedule again on the south-east and again on the south by 399 feet 4¼ inches south-westerly and westerly in several bearings again along 1r. 2 2/10p. aforesaid and along portion of Lot 6183 purchased by S. Kelcey on the north-west by 324 feet 4½ inches north-easterly in three bearings along the Bass Highway aforesaid and thence again on the north-west by 524 feet 11¼ inches north-easterly in several bearings again along portion of Lot 294 aforesaid to the point of commencement as the same is shown on survey plan Number 362 filed and registered in the office of the Surveyor-General and Secretary for Lands at Hobart.

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## THE SECOND SCHEDULE.

(Section 2(2).)

### TOWN OF SOUTH DEVONPORT.

1r. 2 2/10p.

Commencing at the south-west angle of 2r. 0 4/10p. as described in the third schedule and bounded on the east by 25 feet southerly along a road 50 feet wide on the south by 588 feet 5 inches westerly along part of Lot 6183 purchased by S. Kelcey on the north-west by 89 feet 9 inches north-easterly along 1a. 0r. 5 1/10p. as described in the first schedule on the north by 389 feet 0½ inches easterly again along 1a. 0r. 5 1/10p. aforesaid and along portion of Lot 294 purchased by Charles Stammers Button on the south-west by 6 feet 0¼ inches north-westerly again along portion of Lot 294 aforesaid and thence again on the north by 115 feet 8 inches easterly again along portion of Lot 294 aforesaid to the point of commencement as the same is shown on survey plan Number 362 filed and registered in the office of the Surveyor-General and Secretary for Lands at Hobart.

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## THE THIRD SCHEDULE.

(Section 4.)

### TOWN OF SOUTH DEVONPORT.

2r. 0 4/10p.

Commencing at the east angle of 1a. 0r. 5 1/10p. as described in the first schedule and bounded on the north-west by 61 feet north-easterly along the Bass Highway on the north-east by 347 feet 7 inches south-easterly along portion of Lot 294 purchased by Charles Stammers Button to a road on the south by 141 feet 1½ inches westerly along that road on the west by 72 feet 9¼ inches northerly again along portion of Lot 294 aforesaid and thence on the south-west by 201 feet 10½ inches north-westerly again along portion of that land to the point of commencement as the same is shown on survey plan Number 362 filed and registered in the office of the Surveyor-General and Secretary for Lands at Hobart.

## THE FOURTH SCHEDULE.

(Section 5.)

TOWN OF MAIDSTONE.

13 4/10p.

Commencing at the north-west angle of Lot 29626 purchased by A. Wander Limited and bounded on the north-west by 138 feet 3½ inches north-easterly along part of Lot 6183 purchased by S. Kelcey on the north-east by 27 feet 9 inches south-easterly again along part of that land on the south-east by 121 feet 2 inches south-westerly along the Crown Reservation on the River Mersey and thence on the south by 32 feet 4 inches westerly along Lot 29626 aforesaid to the point of commencement as the same is shown on survey diagram Volume 224 Folio 31 filed and registered in the office of the Surveyor-General and Secretary for Lands at Hobart.

## TRAFFIC.

No. 5 of 1954.

AN ACT to amend the *Traffic Act 1953*.

[14 April, 1954.]

**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.      **1** This Act may be cited as the *Traffic Act 1954*.

Vehicle deemed to be a public vehicle in certain cases.      **2**—(1) Section seven of the *Traffic Act 1953* is amended by omitting therefrom the words "Principal Act" and substituting therefor the words "*Transport Act 1938*".

(2) This section shall be deemed to have commenced on the date of commencement of the *Traffic Act 1953*.