

STATE TRANSPORT CO-ORDINATION (BARRING OF CLAIMS AND REMEDIES) ACT.

Act No. 45, 1954.

Elizabeth II, No. 45, 1954. An Act to bar certain claims and causes of action arising out of certain acts, matters or things done or purporting to have been done under the State Transport (Co-ordination) Act, 1931, as amended by subsequent Acts; to validate certain matters; and for purposes connected therewith. [Assented to, 16th December, 1954.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

**Short title
and con-
struction.**

1. (1) This Act may be cited as the "State Transport Co-ordination (Barring of Claims and Remedies) Act, 1954."

(2) (a) This Act shall be read and construed with the State Transport (Co-ordination) Act, 1931, as amended by subsequent Acts, which Act as so amended is in this Act referred to as the Principal Act.

(b) A reference in any provision of this Act to "the Principal Act" shall, for the purposes of the application of that provision to any facts or circumstances, be construed as a reference to the State Transport (Co-ordination) Act, 1931, or to that Act as amended, in the form in which it was in force as at the time of such application.

(3) (a) This Act shall be read and construed subject to the Commonwealth of Australia Constitution Act, and so as not to exceed the legislative power of the State to the intent that where any provision of this Act or the application thereof to any person or circumstance is

is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected. **No. 45, 1954.**

(b) This subsection shall have effect notwithstanding that its operation may result in this Act having an effect different, or apparently different, in substance from the effect of the provisions contained in this Act in the form in which this Act was enacted. **Act No. 57, 1947. (C'wealth.) sec. 6 (c).**

2. All sums collected, received or recovered in relation to the operation of any public motor vehicle in the course of or for the purposes of inter-state trade before the commencement of this Act— **Valida- tion.**

- (a) which were or purported to have been collected, received or recovered pursuant to the provisions of subsection four or subsection five of section eighteen or section thirty-seven of the Principal Act; or
- (b) which were or purported to have been collected, received or recovered on, or pursuant to any condition imposed on, the issue of a license under the Principal Act or of a permit under the Principal Act or of any document purporting to be a license or a permit under the Principal Act,

and which have been dealt with under or in accordance with section twenty-six of the Principal Act for any of the purposes therein mentioned shall be deemed to have been lawfully so dealt with.

3. Any and every cause of action, claim and demand whatsoever by any person whomsoever against Her Majesty or the State of New South Wales or any Minister or the Superintendent of Motor Transport or against any authority, officer or person acting or purporting to act in the execution of the Principal Act:— **Extinguish- ment of certain actions.**

- (a) for the recovery of any of the sums collected, received or recovered in relation to the operation

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operation of any public motor vehicle in the course of or for the purposes of inter-state trade before the commencement of this Act—

- (i) which were or purported to have been collected, received or recovered pursuant to the provisions of subsection four or subsection five of section eighteen or section thirty-seven of the Principal Act; or
- (ii) which were or purported to have been collected, received or recovered on, or pursuant to any condition imposed on, the issue of a license under the Principal Act or of a permit under the Principal Act or of any document purporting to be a license or a permit under the Principal Act, or
- (b) for or in respect of any act, matter or thing done or purporting to have been done before the commencement of this Act by any Minister or the Superintendent of Motor Transport or any authority, officer or person acting or purporting to act in the execution of the Principal Act in relation to the operation of any public motor vehicle in the course of or for the purposes of inter-state trade,

shall be and the same are hereby extinguished.

Certain
claims
barred.

4. No action, suit, claim or demand whatsoever shall lie or be brought or made or allowed or continued by or on behalf of any person whomsoever against Her Majesty or the State of New South Wales or any Minister or the Superintendent of Motor Transport or against any authority, officer or person for the recovery of any of the sums referred to in paragraph (a) of section three of this Act or for or in respect of any act, matter or thing done or purporting to have been done as aforesaid.

5.

5. The provisions of this Act shall apply to **No. 45, 1954.**
proceedings pending at the commencement of this Act ^{Applica-}
as well as to proceedings brought after the commence- ^{tion of}
ment of this Act. ^{Act.}

6. Nothing in this Act shall affect the right, if any, of **Saving.**
Hughes and Vale Pty. Limited to recover any of the
sums referred to in paragraph (a) of section three of
this Act paid by it after the seventh day of July, one
thousand nine hundred and fifty-two.

