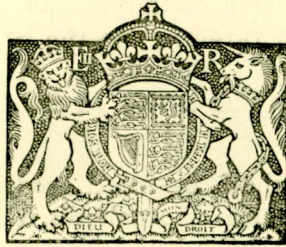


This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

H. ROBBINS,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 7 December, 1954.*

New South Wales



ANNO TERTIO

ELIZABETHÆ II REGINÆ

Act No. , 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.

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
5 the same, as follows:—

99235 108—

1.

State Transport Co-ordination (Barring of Claims and Remedies).

1. (1) This Act may be cited as the “State Transport Short title
Co-ordination (Barring of Claims and Remedies) Act, and con-
1954.” struction.

(2) (a) This Act shall be read and construed with
5 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
10 application of that provision to any facts or circum-
stances, be construed as a reference to the State Trans-
port (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.

15 (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
20 is held invalid, the remainder of this Act and the
application of such provision to other persons or
circumstances shall not be affected.

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

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

(a) which were or purported to have been collected,
received or recovered pursuant to the
35 provisions of subsection four or subsection five
of section eighteen or section thirty-seven of the
Principal Act; or

(b)

State Transport Co-ordination (Barring of Claims and Remedies).

5 (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
10 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
15 against any authority, officer or person acting or purporting to act in the execution of the Principal Act:—

Extinguish-
ment of
certain
actions.

20 (a) for the recovery of any of the 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—

25 (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

30 (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
35 under the Principal Act, or

(b)

State Transport Co-ordination (Barring of Claims and Remedies).

5 (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,

10 shall be and the same are hereby extinguished.

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
15 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
20 as aforesaid.

Certain
claims
barred.

5. The provisions of this Act shall apply to proceedings pending at the commencement of this Act as well as to proceedings brought after the commencement of this Act.

Applica-
tion of
Act.

25 6. Nothing in this Act shall affect the right, if any, of 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.

Saving.

No. , 1954.

A BILL

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.

[MR. WETHERELL;—1 *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:—

State Transport Co-ordination (Barring of Claims and Remedies).

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

(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 held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected.

(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 (e).

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—

(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)

State Transport Co-ordination (Barring of Claims and Remedies).

5 (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
10 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
15 against any authority, officer or person acting or purporting to act in the execution of the Principal Act:—

Extinguish-
ment of
certain
actions.

20 (a) for the recovery of any of the 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—

25 (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

30 (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
35 under the Principal Act, or

(b)

State Transport Co-ordination (Barring of Claims and Remedies).

5 (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,

10 shall be and the same are hereby extinguished.

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 15 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 20 as aforesaid.

Certain claims barred.

5. The provisions of this Act shall apply to proceedings pending at the commencement of this Act as well as to proceedings brought after the commencement of this Act.

Application of Act.

25 6. Nothing in this Act shall affect the right, if any, of 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.

Saving.

STATE TRANSPORT CO-ORDINATION (BARRING OF CLAIMS AND REMEDIES) BILL, 1954.

EXPLANATORY NOTE.

THE object of this Bill is to bar any action suit or proceedings which would but for the provisions of this Bill be maintainable against Her Majesty the State of New South Wales and certain other specified persons for and in respect of—

- (a) the recovery of certain sums paid or purporting to have been paid under the State Transport (Co-ordination) Act, 1931, as amended; or
- (b) any act matter or thing done or purporting to have been done under the said Act.

The Bill relates to persons who, before the commencement of its provisions, were engaged in the operation of motor vehicles in the course of or for the purposes of inter-state trade and is designed to meet certain administrative difficulties brought about by the decision of the Privy Council in *Hughes and Vale Pty. Ltd. v. the State of New South Wales* that the said Act did not apply to the operation of such vehicles.

The rights of *Hughes and Vale Pty. Ltd.* in respect of moneys paid before the commencement of the provisions of this Bill and since 7th July, 1952, are not affected.

STATE OF NEW YORK

IN SENATE

JANUARY 15, 1908

REPORT

OF THE

COMMISSIONERS OF THE LAND OFFICE

FOR THE YEAR 1907

ALBANY:

ANDREW S. DENNY, STATE PRINTER

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PROOF

No. , 1954.

A BILL

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.

[MR. WETHERELL;—1 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
5 the same, as follows :—

State Transport Co-ordination (Barring of Claims and Remedies).

1. (1) This Act may be cited as the "State Transport ^{Short title} Co-ordination (Barring of Claims and Remedies) Act, ^{and con-} 1954." ^{struction.}

(2) (a) This Act shall be read and construed with 5 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 10 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 at the time of such application.

15 (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 20 is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected.

(b) This subsection shall have effect notwithstanding that its operation may result in this Act 25 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 ^{valida-} relation to the operation of any public motor vehicle in ^{tion.} 30 the course of or for the purposes of inter-state trade before the commencement of this Act—

(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 35 Principal Act; or

(b)

State Transport Co-ordination (Barring of Claims and Remedies).

5 (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
10 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
15 against any authority, officer or person acting or purporting to act in the execution of the Principal Act:—

Extinguish-
ment of
certain
actions.

20 (a) for the recovery of any of the 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—

25 (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

30 (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
35 under the Principal Act, or

(b)

State Transport Co-ordination (Barring of Claims and Remedies).

5 (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,

10 shall be and the same are hereby extinguished.

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.

Certain
claims
barred.

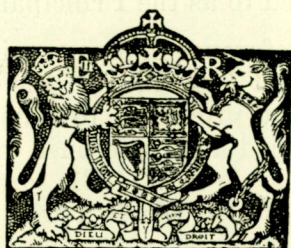
5. The provisions of this Act shall apply to proceedings pending at the commencement of this Act as well as to proceedings brought after the commencement of this Act.

Applica-
tion of
Act.

25 6. Nothing in this Act shall affect the right, if any, of 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.

Saving.

New South Wales



ANNO TERTIO

ELIZABETHÆ II REGINÆ

Act 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:—

State Transport Co-ordination (Barring of Claims and Remedies).

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 held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected.

Act No. 57,
1947.
(C'wealth.)
sec. 6 (c).

(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.

Valida-
tion.

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—

(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)

State Transport Co-ordination (Barring of Claims and Remedies).

(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 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)

State Transport Co-ordination (Barring of Claims and Remedies).

- (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.

Applica-
tion of
Act.

5. The provisions of this Act shall apply to proceedings pending at the commencement of this Act as well as to proceedings brought after the commencement of this Act.

Saving.

6. Nothing in this Act shall affect the right, if any, of 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.

By Authority:

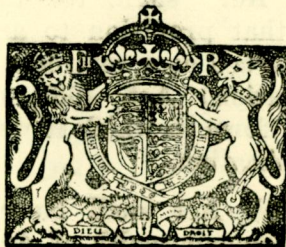
A. H. PETTIFER, Government Printer, Sydney, 1955.

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

H. ROBBINS,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 8 December, 1954.*

New South Wales



ANNO TERTIO

ELIZABETHÆ II REGINÆ

Act 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:—

1.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

G. BOOTH,
Chairman of Committees of the Legislative Assembly.

State Transport Co-ordination (Barring of Claims and Remedies).

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 held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected.

Act No. 57,
1947.
(C'wealth.)
sec. 6 (c).

(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.

Valida-
tion.

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—

(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)

State Transport Co-ordination (Barring of Claims and Remedies).

- (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 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)

State Transport Co-ordination (Barring of Claims and Remedies).

(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.

Applica-
tion of
Act.

5. The provisions of this Act shall apply to proceedings pending at the commencement of this Act as well as to proceedings brought after the commencement of this Act.

Saving.

6. Nothing in this Act shall affect the right, if any, of 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.

In the name and on behalf of Her Majesty I assent to this Act.

J. NORTHCOTT,
Governor.

*Government House,
Sydney, 16th December, 1954.*